2018 Annual Security and Fire Safety Report

Lancaster, PA, USA Campus & Bath, England Campus
Statistics for Lancaster, PA, USA Campus, Bath, England Campus & Millport Conservancy
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The Office of Compliance and Risk Management and the Fire Safety Coordinator will be responsible for the training and education of all incoming students and active staff of the college in their required safety programs. The College has implemented and is expanding the SafeColleges training platform.
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Separate Campuses

All policy statements contained in this report apply to all Campuses unless otherwise indicated.

Prologue

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

Annual Disclosure of Crime Statistics

Each year the Department of Public Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report is located on the web at fandm.edu/public-safety/compliance/reports. This report is prepared in cooperation with the local law enforcement agencies surrounding our main Campus and sites abroad, the Office of College House Administration, Department of Athletics, and many others. Each entity provides updated information on their educational efforts and programs to comply with the Act. Campus crime, arrest and referral statistics include those reported to the Franklin & Marshall Department of Public Safety, designated “Campus Security Authorities” (including but not limited to Public Safety Officers, Deans, House Advisors, Judicial Staff, Advisors to students/student organizations, Athletic Coaches), and local law enforcement agencies. These statistics may also include crimes that have occurred in private residences or businesses but is not required by law. Counseling Services staff informs their clients of the procedures to report crime to the Department of Public Safety on a voluntary or confidential basis, if they feel it is in the best interest of the client.

Daily Logs chronicling all calls for service and crimes received or reported to the Department of Public Safety are maintained. This Log includes the Department of Public Safety’s response and disposition of the incident(s). Additionally, the Log contains the call or report number of the incident, and location of the incident. The Department’s Investigator may conduct investigations and follow-up reports on all incidents or cases when necessary. All statistics about crimes occurring on campus and crime logs are maintained on computer and are available upon request.
Each year, enrolled students and staff are notified via email how to access the Annual Safety & Fire report on the website. Copies of the report may also be obtained at the Department of Public Safety in Marshall-Buchanan Hall on the Franklin and Marshall College campus in Lancaster, PA.

Description of the College

Franklin & Marshall’s Campus is in a residential neighborhood one mile west of downtown Lancaster. It is an ‘open’ campus with no walls or fences. In the fall of 2017, Franklin & Marshall enrolled approximately 2400 undergraduate students, and employed 249 full-time and 43 part-time faculty and 710 full and part-time professional staff. The College encourages students and employees to be responsible for their own security and for the security of others.

Department of Public Safety Authority and Jurisdiction

The Franklin & Marshall College Department of Public Safety is an Accredited Law Enforcement Agency; one of 116 police departments of approximately the 1,200 Departments in the Commonwealth of Pennsylvania and one of only 6 Campus Police Departments in higher education. The Department consists of an Associate Vice President, Supervisors, Security Officers and sworn Police Officers who derive their police powers from Pennsylvania Statute Title 22, section 501. The Department also employs Dispatchers who receive calls and inform the Officers. Calls are also dispatched by the Lancaster-Wide Communications Network (911). All Police Officers have attended Act 120 Police Academy training and are required to attend and complete Pennsylvania State requirements for Act 235, Lethal Weapons Training.

The Department of Public Safety has complete authority to apprehend and arrest anyone involved in illegal acts within their jurisdiction, which includes the entire main campus, areas immediately adjacent to the campus, and all other properties owned and/or operated by Franklin & Marshall College. This includes Buchanan Avenue to Manheim Pike; Race Avenue to Mulberry Street; West Walnut Street, Baker Campus, and the Grundy Observatory.

The Department of Public Safety supports the educational goals of the College by providing 24-hour quality police, safety, and security services to the College community. Officers have the authority to enforce state and local laws and College policies. Campus Police are committed to the improvement of the quality of life for students, faculty, staff and visitors by providing a safe campus environment conducive to learning by protecting persons and property, enforcing the Commonwealth of Pennsylvania laws, local laws, College policies, preventing crime, and apprehending offenders both on and off Campus.

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

Public Safety also serves a variety of other functions, including conducting routine patrols of Campus buildings to evaluate and monitor security related matters, responding to all medical emergencies, alarm calls, administering Campus parking policies, and providing information to College guests. The office, open 24 hours a day, 365 days a year, is located in Marshall/Buchanan Hall, 613 Old Main Dr. (717) 358-3939. For additional information, please visit the Public Safety website at https://www.fandm.edu/public-safety.

Relationship with Local Authorities

The Department of Public Safety has an excellent working relationship with local police and fire departments, as well as the City Housing Authority. The Department of Public Safety has a written Memorandum of Understanding with the Lancaster Bureau of Police to include the investigation of criminal incidents. Major offenses such as murder, sexual assault, aggravated assault, robbery, and auto theft are reported to the local police and joint investigative efforts are initiated. The prosecution of all criminal offenses, both felony and misdemeanor, are conducted at either the District Judge’s office, or the County Court House. Department of Public Safety personnel work closely with local, state, and federal police agencies to include Lancaster Bureau of Police, Manheim Township Police, and the Pennsylvania State Police. The Department also cooperates with federal, state and local agencies and immediately notifies local police of any reportable offense. The Department of Public Safety is part of the Lancaster County-Wide Communications system and may receive or send calls directly. The Department also has direct radio communication with the Lancaster Bureau of Police on the County radio network.

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

Lancaster City Alliance, formerly the James Street, Investment District, has also discovered that its bike squad deters crime and promotes a sense of security among Lancaster City residents. The Lancaster City Alliance force took to the streets of Lancaster in mid-June of 2003, patrolling the one-square mile area between Lancaster General Hospital and the College. The Lancaster City Alliance patrol area is bound by Race Avenue on the west, the train tracks and Amtrak station on the north, Lime Street on the east, and Chestnut Street and the Downtown Investment District on the south.
How to Report a Crime, Suspicious Activity, or Emergency

Community members, students, faculty, professional staff, and their guests should accurately and promptly report any crime, unusual or suspicious activity or incidents, emergency, or potential safety hazard that occurs on or around college property to the Department of Public Safety, 24 hours a day at 717-358-3939. This includes crimes when the victim of a crime elects to, or is unable to, make such a report. Reports may be made by telephone, in person, or in writing.

Persons may report crimes or hazards anonymously by calling 717-358-4302, by the LiveSafe app, or on the Public Safety website at fandm.edu/public-safety. Incidents occurring outside of Public Safety’s jurisdiction (properties not owned or controlled by the College) should be reported to the local police by dialing 911.

During an On Campus emergency, persons have the option of calling 911 or Public Safety at 717-358-3939 first. Public Safety has direct contact with both 911 and the Lancaster Bureau of Police through phone and radio, and may get through to 911 and receive a quicker response than would a non-police caller. If an alleged crime is reported to a College official, other than a member of the Department of Public Safety, the alleged incident must then be reported to the Department of Public Safety immediately.

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

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

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

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

See page 71 of this document for a list of important telephone numbers. The Department of Public Safety’s phone number 717-358-3939 is clearly marked on Campus phones in public areas and is prominently listed in the College telephone directory.
Criminal Activity Off Campus

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

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

Staying Safe

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

Self-defense Awareness & Familiarity Exchange (S.A.F.E.)

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

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

Bicycle Registration

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

Training for Intervention ProcedureS (T.I.P.S.)®

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

Closed Circuit Television (CCTV)

The College is committed to enhancing best practices of public and private policing with state of the art technology. A component of our security plan is using closed circuit television (CCTV). The College currently has over 130 CCTV cameras on and around campus.

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<td>2</td>
<td>Race Avenue at Chi Phi fraternity</td>
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<tr>
<td>3</td>
<td>Parking lot behind Ware College House</td>
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<tr>
<td>4</td>
<td>Race Avenue, entrance to Weis Lot</td>
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<tr>
<td>5</td>
<td>Race Avenue &amp; Harrisburg Pike</td>
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<tr>
<td>Camera #</td>
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<tr>
<td>6</td>
<td>West Frederick Street &amp; Lancaster Avenue</td>
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<td>7-8</td>
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Emergency Preparedness

Franklin & Marshall’s Department of Public Safety is responsible for the College’s emergency response and evacuation procedures. The Department of Public Safety’s Emergency Preparedness home page is at fandm.edu/prepare. We have designed these pages to inform the College Community about emergency preparedness – what to do in advance of a major emergency. We strongly encourage you to become familiar with the information contained in this website.

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

Procedures for Evacuations

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

Emergency Coordinators have been assigned to College facilities and will assist First Responders in the execution of emergency plans. Emergency Coordinators are volunteers and will be responsible for accountability of faculty, staff, students and guests of the College.
GENERAL POPULATION EVACUATION:

- To be prepared for an emergency, at all times you should:
- Recognize the sound of the evacuation fire alarm.
- Know several ways out of the building.
- Know the predetermined meeting location for your group.
- Know your Emergency Coordinator.

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

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

EVACUATION OF PERSONS WITH DISABILITIES:
The following information provides basic guidelines for assisting persons with physical disabilities during an emergency evacuation.

Ground Floor: Persons with physical disabilities should go to the nearest ‘area of refuge’ on their floor.

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

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

Mobility Impaired - Since elevators should not be used for evacuation during an emergency, persons with mobility impairments need assistance evacuating. Individuals who can walk may be able to evacuate themselves. Walk with the person to provide assistance if necessary.

Evacuating individuals who are not able to walk is much more complicated. If there is no immediate danger, take the individual to the nearest “area of refuge” on their floor. Whenever possible, someone should remain with the person while another individual exits the building and notifies emergency personnel of the mobility impaired person’s exact location “area of refuge.” Only in situations of extreme and immediate danger should you try to evacuate a wheelchair user...
yourself. The person with the disability is the best authority on how he/she should be moved. Ask before you move someone. While it is best to let professional emergency personnel conduct the evacuation, a person with a mobility impairment can be carried by two people who have interlocked their arms to form a ‘chair’ or by carrying the person in a sturdy office chair. During working hours Emergency Coordinators will direct and assist in the evacuation needs of your building.

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

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

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

Fire Evacuation Procedure
Upon activation of the fire alarm, persons shall immediately proceed to the nearest exit and evacuate the building reporting to their Building Emergency Coordinator for accountability. Persons unable to evacuate on their own may proceed to the ‘Area of Refuge’ located throughout campus buildings to await assistance. Evacuating persons should ask persons needing assistance if they can help them to the nearest “Area of Refuge.” You should assist them as requested and notify Franklin & Marshall College Public Safety, local Police, Fire, EMS, or Building Emergency Coordinator where that person is. Be as specific as possible about location so further assistance can be provided. Public Safety can be notified by called 717-358-3939 or you can call 911 and notify Lancaster County Control. This will give authorities the opportunity to go to the “Area of Refuge” and remove the person or persons from the building to a safety.

Franklin & Marshall College has installed a siren that will be sounded when there is a Campus emergency. We recommend that you stay indoors or get to a safe location until you receive instructions from an Emergency Responder via text messaging, email, website or information line. Franklin & Marshall College’s Emergency Alert is an instant, mass notification system powered by RAVE Mobile Safety. The Franklin & Marshall College Emergency Alert System is our effort to better disseminate emergency information via email and text, and is aimed at increasing safety on campus. To register:
• Go to the RAVE sign up page and press Register Now.
• Add the email address or cell phone where you would like to receive notifications.
• If you signed up for text messages, you will be sent to a web page where you must enter the validation code that you receive via text message.
• If you signed up for email alerts, you will be emailed a link to activate the email address.

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

Emergency Telephones & Safety App

Currently there are 76 emergency telephones located across the Franklin & Marshall Campus and adjacent properties. Callers do not have to dial these phones; they are directly connected to the Department of Public Safety. The location of the caller is determined by Public Safety when the phone call begins. Exterior residence hall phones can be used to reach both the Department of Public Safety and residents of the residence hall by dialing their extension. Public Safety conducts inspections of the Campus emergency phone system to ensure it remains in good working condition.

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

• **Report Tips:** Use text picture, video, and audio to send information directly to Franklin & Marshall College Public Safety in real-time about any safety incidents or concerns. You can even use live chat.
• **Emergency Options:** Call or message 911 or Franklin & Marshall College Public Safety in an emergency using location tracking for a faster response time.
• **StaySafe:** Get from place to place safely by using SafeWalk to invite your contacts to “virtually escort” you, allowing them to follow your location on a map as they chat with you. You can request to virtually escort others as well.
• **Receive Alerts:** Receive important safety notifications and emergency alerts from Franklin & Marshall College Public Safety.
• **Resources:** Access important safety information such as emergency procedures, health & wellness resources, sexual assault resources, and more.

Steps to Download LiveSafe:

• Search for and download LiveSafe from iTunes or Google Play app stores. Be sure to enable location services and push notifications when prompted.
• Register with your mobile phone number or tap “use email” to sign up with your email instead.
• Follow the verification instructions (either via text if registering with your phone number or via email if using your email account). Once verified, fill out your profile and create a password. Tap “next.”
• Franklin & Marshall’s logo should appear at the top of the list. If not, search for the Franklin & Marshall College logo.

Timely Warning Notification - Campus Alert

In the event a crime is reported or a situation arises, within the Franklin & Marshall College Clery Geography, that, in the judgment of the Decision Team and in consultation with responsible authorities when time permits, constitutes a serious or continuing threat, a campus wide Timely Warning Notice will be issued. Franklin & Marshall College has chosen to send Timely Warning Notifications under the heading “Campus Alert”.

Franklin & Marshall College takes its duty seriously to inform students and the Campus Community of threatening situations – and how they can best protect themselves from harm. As a result, information related to crime and other potentially threatening situations is provided in an accurate and timely fashion. The College will release information in a timely manner which can be used by students and other College Community members to reduce their chances of becoming victims. Confidential information, such as the name or other identifying information of the victim(s) and other necessary parties, will be withheld from the warnings. These notices will be issued as a “Campus Alert”.

A “Campus Alert” is specifically related to compliance with the federal Clery Act, which requires colleges and universities to notify students and employees whenever a Clery Act crime is reported that poses a serious or continuing threat to the Franklin & Marshall College Community —so that Campus Community members can protect themselves from harm. The Clery Act defines certain specific crimes that require a timely warning notice to be issued when crimes are reported to officials with significant responsibility for student and Campus activities, Campus safety, or the local police AND the reported crime(s) are believed to have occurred on Campus, in or on non-Campus buildings or property, or on public property immediately adjacent and accessible to the Campus or serious acts of threats to Campus-owned or personal property.

Campus Alerts are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

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

• Major incidents of Arson

• Other Clery crimes as determined necessary by the Decision Team

The Clery Act does not define what ‘timely’ is or what information should be included. However, the warning should be issued as soon as the pertinent information is available because the purpose of a Campus Alert is to alert the Campus Community of continuing threats especially concerning safety, thereby enabling community members to protect themselves. The issuance of a Campus Alert must be decided on a case-by-case basis in light of all of the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the Campus Community and the possible risk of compromising law enforcement efforts. Generally, the Alert will specify the type of reported crime, the time and location at which the reported crime occurred, and specific advice to the Campus Community regarding steps to take to avoid becoming a victim. Confidential information, such as the name or other identifying information of the victim(s) and other necessary parties will be withheld from the warnings.

The decision to issue a Campus Alert is made in coordination and consultation by **at least two persons from the Decision Team.** In an extreme emergency, the notification process will be implemented at the sole discretion of the College’s Vice President of Finance and Administration and Chief of Staff and Secretary of the College. The Decision Team consists of: Vice President of Finance & Administration, Associate Vice President of Public Safety, Vice President for Communications, Vice President and Dean of Student Affairs, Chief of Staff and Secretary of the College, and General Counsel. Note: The decision to issue a Campus Alert shall include a specific designation of the College office or person to be responsible for overseeing the dissemination of the warning. Documentation of Timely Warnings is maintained by DPS. Campus Alerts are typically written and distributed by the Associate Vice President of Public Safety or designee.

This information may be disseminated to Campus Community members via a variety of mechanisms or mediums. Franklin & Marshall College will use one or more of the following means depending on the nature of the incident: RAVE Alert System, electronic mail messages, text messaging to cell phones of those enrolled in the service, public announcements, public address system, postings and digital signage, Department of Public Safety website, or other methods deemed necessary that may be used in the information dissemination process. Note: The responsibility of disseminating Campus Timely Warnings rests solely with the institution.

**Campus Alert/Emergency Notification**
Franklin & Marshall College uses the RAVE Alert System as its primary emergency notification system to notify students and employees immediately upon the confirmation that there is a “significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.” The notification to the Campus Community may contain only the information that is reasonably necessary to promote the safety of the Campus Community as dictated by the situation. Confidential information, such as the name or other identifying information of the victim(s) will be withheld from the warnings. A Campus Alert/ Emergency Notification will be released as soon as reasonably necessary and—without delay, taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless notification will, in the professional judgment of responsible authorities, will compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency. After the initial notification, follow-up information must be disseminated to the community via the mediums stated. A Campus Alert/ Emergency Notification can be related to criminal activity that is not subject to the Campus Alert standard required by the Clery Act, but is not necessarily related to criminal activity. Examples of situations that may constitute the College’s decision to issue a Campus Alert/ Emergency Notification include situations where serious injuries or major disruptions may have occurred and include but are not limited to: building collapse, train derailment, fire, weather-related events, power outages, water emergencies and serious acts or threats to campus property.

The decision to initiate the notification system to disseminate a Campus Alert/ Emergency Notification and the content of the notification is made in coordination and consultation by at least two persons from the Decision Team. In an extreme emergency, the notification process will be implemented at the sole discretion of the College’s Vice President of Finance and Administration and the Chief of Staff and Secretary of the College. The Decision Team consists of: Vice President of Finance & Administration, Associate Vice President of Public Safety, Vice President for Communications, Vice President and Dean of Student Affairs, Vice President for Strategic Initiatives and Chief of Staff and Secretary of the College, and General Counsel. Campus Alert/ Emergency Notifications are typically written and distributed by the Associate Vice President for Public Safety or designee.

Campus Alert/ Emergency Notification messages will be issued to RAVE subscribers upon confirmation of a significant emergency, dangerous situation, incident or crime, impacting the Campus Community and/or the surrounding area. Upon confirmation of an emergency situation that requires an immediate response, the Department of Public Safety will communicate and/or convene without delay to implement the notification process. The Public Safety staff, in conjunction with Campus administrators, local first responders, and/or the National Weather Center, is responsible for confirming an emergency. This information may be disseminated to Campus Community members via a variety of mechanisms or mediums. Franklin & Marshall College will use one or more of the following means: RAVE Alert System, electronic mail messages, text messaging to cell phones of those enrolled in the service, Department of Public Safety website, public announcements, public address system, postings and digital signage and other methods deemed necessary that may be used in the information dissemination process. If all of these means fail, and the College deems it appropriate, in person communication may be used to communicate an emergency.
The content of the message will vary depending on the situation. At a minimum, the messages will describe the emergency, provide basic instructions to the community and will direct them to where they can receive additional information. Follow-up information will follow.

If the Decision Team determines that notification of audiences other than RAVE subscribers is necessary and appropriate, Franklin & Marshall College’s procedure for disseminating emergency information to the larger community will include making pertinent information available on the College website, as well as use of its emergency hotline 888-436-2412 and Public Safety Dispatch 717-358-3939. In addition, the College will provide emergency information to area broadcast media as appropriate. In some instances, the Decision Team may notify a segment of the community if the emergency is limited to the affected segment.

Franklin & Marshall College tests its Emergency Notification System quarterly and publicizes its Emergency Notification System procedure in conjunction with at least one test per calendar year. Documentation related to testing of the Emergency Notification System is maintained by DPS.

Members of the Franklin & Marshall community are encouraged to report an incident or help with the identification of those responsible for criminal activities. You can contact the Department of Public Safety by calling extension 3939 from Campus or 717-358-3939 from an Off-Campus location. You can also forward information to Public Safety anonymously using a web-based form. The form is available at: http://goo.gl/forms/7x8QXR93my.

**Missing Student Policy**

In the event that a student is reported as missing, Franklin & Marshall College’s Department of Public Safety follows specific steps, described below, to investigate that student’s location.

Franklin & Marshall College strongly recommends all students to register confidential contact information. The first contact would be used in the event a student, over the age of 18, is determined missing for a period not longer than 24 hours. The second contact would be used in the event a student, over the age of 18, is determined missing for a period of more than 24 hours.

Students residing in campus housing will be informed annually that each student has the option to identify a person designated as a confidential missing person contact to be notified by the College no later than 24 hours after the time the student is determined to be missing by the designated College officials authorized to make that determination specifically, the Department of Public Safety and/or the local law enforcement agency in which the student went missing.

A student is determined to be missing when the Department of Public Safety has verified that reported information is credible and circumstances warrant declaring the person missing. Should
Public Safety investigate and determine that a residential student is missing, contact will then be made to the missing person contact, if contact information has been provided, within twenty-four (24) hours of the determination that the student is missing by the Department of Public Safety.

If the student is under the age of 18 and is not an emancipated individual, the Department of Public Safety will notify the student’s parent of guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, the Department of Public Safety will inform the Local PD (or the local law enforcement with jurisdiction) that the student is missing within 24 hours.

To register a contact, start at the Franklin & Marshall College homepage at fandm.edu and click on “Inside Franklin & Marshall College.” Enter your username and password. Click on “My Info” then “My Housing Self Service”, then choose “Applications”, then “Missing Person Contact Application.” Enter emergency contact names and numbers in the appropriate spaces. This person(s) will be contacted if you are reported missing. This information will be kept confidential and will be accessible only to authorized Campus and law enforcement officials in furtherance of a missing person investigation. If a student is under the age of 18 and is not emancipated, the College will also notify the student’s parent or legal guardian within the 24-hour period after it is determined that the student is missing.

The Department of Public Safety thoroughly investigates students reported as missing whether they live or reside on or off campus. Any missing student report must be referred immediately to the Department of Public Safety. The Department of Public Safety will notify local law enforcement and a report will be entered into NCIC immediately upon determination that a student is missing. To report a missing person, dial 3939 from a campus telephone or use one of the more than 70 blue light emergency telephones on campus and in the surrounding neighborhood. Please dial 717-358-3939 from off-campus or cell phones. A report can also be filed by coming to the Department of Public Safety, located in Marshall/Buchanan Hall, 613 Old Main Drive, which is staffed with professional personnel at all times. Additionally, you can request assistance from a Security Officer or uniformed Police Officer on patrol, or dial 9-1-1 for Lancaster Bureau of Police or Manheim Township Police.

Access to Facilities

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

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

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

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

Visitors seeking access to a building for a special event are granted access only by an individual host, a sponsoring department, the Department of Public Safety, or through the College reservation system. Service providers (i.e., maintenance personnel, locksmiths, etc.) visiting the campus are required to report to Facilities and Operations, where their identity is independently verified prior to being issued an ID badge. Students and employees must carry College photo identification cards at all times and must show identification cards to College officials and Public Safety officers upon request. Please see The Campus Access Policy for addition information about access to and security of the Campus. (https://www.fandm.edu/conferences-events/campus-access-policy)

The Residential System

Franklin & Marshall College has organized its residential properties into College Houses, Theme Houses, and approved off-campus housing. College Houses are led by faculty members (House Deans). The Deans oversee a staff of undergraduate House Advisers (HAs). The Faculty House Deans maintain offices in the buildings while the House Advisers (HAs) live in the residence halls. Theme houses are staffed by student House Managers who live in the building. Student Community Advisers that live in certain off campus, apartment style buildings are also chosen to help foster a sense of community and become a point of contact in the larger housing buildings.

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

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

**Types of Housing Available** – The student body lives in housing on campus, themed housing, College Row, College Hill, James Street Properties, Greek housing or College-approved private landlord properties. Approximately 2,326 students may be housed in the college’s portfolio of housing. Apartments are available on and off Campus, but most rooms are doubles, singles and suites. All residential hall rooms are single-sex. However, entire floors, halls, some suites and some apartments are co-ed. Gender neutral housing requests are handled on a case by case basis. Each College House does offer limited substance-free housing, if desired, by the students living in the house. Approximately 749 students (juniors and seniors) are housed with partners in off-campus apartment housing.

**Housing Assignments** – First-year students reside in the College Houses on campus, while sophomores live either in their College House, Residence Hall Annex, or in themed housing. Juniors and Seniors may select from available spaces in the College Houses, Theme Houses, College Row, College Hill or the James Street Properties. Students who request a room change within College-owned housing must meet with their House Dean or the Director of Housing, for approval. Students who request approval for a special exception to the residential policy to live in off-campus housing must live in college-approved private landlord properties.

**Security Features** – All residential buildings are locked 24 hours a day. Exterior on-campus residence hall doors are controlled by a proximity access system. Students carry a key fob, which allows them access to the building where they reside. The access system also has an electronic alert, which warns when a door has been propped open. Public Safety officers patrol the residence hall areas to detect and to close any propped doors or open windows. The propping open of residence hall exit doors is against College policy and may result in disciplinary action for students found to be responsible. Windows may be locked from the inside and individual rooms are locked by single-cylinder, institutional-grade dead bolts that lock automatically when closed. Students living in on-campus College housing have a key fob to the residence hall and a randomly numbered key to their individual room. Students who lock themselves out of their room may, after they have properly identified themselves, arrange for a Security Officer to unlock their door for a fee. If a room key or residence hall entrance key fob is lost and there is a possibility that the key will be recovered and used in an improper manner, that lock will be changed. Periodically, all exterior residence hall door locks are changed. Each room has a peephole on the door. Also, all ground floor rooms and all first floor accessible windows have security screens.

Students are permitted to have short-term overnight guests. When entering a residence hall, guests are required to be accompanied by the resident. Students are responsible for making the College’s rules and regulations known to their guests and must accept responsibility for their guests’ conduct during their visit. A Public Safety Officer will take appropriate action, if needed and will interview any unauthorized person found in a residence hall.
Students may remain on campus over a long break with prior permission from the Director of Housing. All residential buildings are locked and patrolled during low-occupancy periods. During summer sessions, enrolled students are housed separately from conference groups in off-campus theme houses. Only a small number of authorized College administrators and staff have access to the residential buildings.

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

**Maintenance of Buildings and Grounds**

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

**Fire Safety**

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

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

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

Firecrackers are a violation of the Lancaster City Fire Code, Pennsylvania law, as well as College regulations. Persons involved in possessing, supplying, or exploding firecrackers or setting fires are subject to expulsion from the College. Additionally, chemicals and flammable liquids and gasses (including paint, varnish, etc.) shall neither be stored nor used in the residence halls. For the purpose of this policy, the following definition shall apply:

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

**Prohibited/Dangerous Substances**

It shall be a violation of the College policy for any student, faculty member, employee, or visitor to possess any ‘Prohibited/Dangerous Substance’ or introduce any such item into the College Community.

For the purpose of this policy, the following definitions shall apply:

**Prohibited/Dangerous Substances:** include but are not limited to: explosives of any type; compounds (moldable putty or powder), liquid solvents, gasses, components of any type; caps, wiring, timers, remote devices, or other explosives. Devices; as defined for this policy, as being any mechanism which could be detonated to cause an explosion resulting in death, injury or property damage.

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

**Introduce:** to bring onto College property or to assist anyone in bringing onto College property.

Students found in possession of any of the aforementioned items on Campus or in any College building, will be found in violation of the student conduct code and will be disciplined up to expulsion by the College.
Criminal Records Checks

Franklin & Marshall College conducts a federal and state criminal background check, at the College’s expense, for all newly hired members of the professional staff and College volunteers. All temporary, part-time, full-time, and unpaid (volunteer) professional staff appointments are contingent upon satisfactory completion of a criminal records check. Such checks are conducted immediately upon hire and before the new staff member/volunteer may begin working on campus.

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

Sex Offender Registration

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

Information can be obtained by calling the State Police Megan’s Law unit at 866-771-3170. This information, as well as who has to register, and the sexually violent predator list, is also available online at www.pameganslaw.state.pa.us. In addition, similar information for the Lancaster area (including Franklin & Marshall College) can be obtained by contacting the Lancaster City Police Department at 717-735-3357.

Drug, Alcohol Policies and Education Programs

The College expects students, faculty, and employees to comply with all federal, state, and local laws and with College policies regarding the possession, use and sale of alcohol and controlled substances. The College expressly prohibits the presence of controlled substances on any part of Campus, any College owned or operated property, or at any College-sponsored activity.

Additionally, no individual under the age of 21 may possess, on campus, any College owned or operated property, or at any College-sponsored activity, for consumption or other purpose, any alcoholic beverage, nor may any individual supply an individual who is under the age of 21 with any alcoholic beverage while on Campus, any College owned or operated property, or any College-sponsored activity. For further details, students and employees may refer to the General Drug and Alcohol Policy in the College Life Manual. Employees may also refer to the Alcohol & Other Drug Policy online under Human Resources Policies.
The Department of Public Safety has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

**Drug Free Schools and Communities Act**

Franklin & Marshall publishes information regarding the College’s educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and College policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for students and employees. Drug and alcohol education programs are available to students and employees. Throughout each academic year, programs and lectures on substance abuse are offered to the entire College Community. These courses educate students about the harmful effects of alcohol, raises retention rates, and acts as a prevention tool for future alcohol-related violations. Students may receive personalized feedback and access to self-referral tools.

Franklin and Marshall College also requires parties where alcohol is served, to be registered if twenty (20) or more students are invited. This form must be submitted to the Office of the Dean of the College. Party and alcohol hosts must remain sober and are held responsible for rules and guest behavior.

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

The College provides a variety of primary prevention and awareness programs for incoming students and new employees. During orientation, students are informed of services offered by the Franklin & Marshall Department of Public Safety. Presentations outline ways to maintain personal safety and residence hall security. Students are told about crime on campus and in surrounding neighborhoods. A common theme of all security awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

Crime prevention programs, emergency preparedness programs, and sexual assault prevention programs are offered on a continual basis through the College’s ongoing prevention and awareness campaigns for students and employees. Throughout the academic year the Department of Public Safety, in cooperation with other College organizations and departments, present crime prevention awareness sessions on sexual assault (rape and acquaintance rape), programs to prevent domestic violence, dating violence, stalking, drug/alcohol abuse, theft and vandalism. Educational sessions are also provided on personal safety, residence hall security and bystander intervention, which encourage accurate and prompt reporting of all crimes to the Department of Public Safety and the appropriate law enforcement agency when the victim of a crime elects to or is unable (physically/mentally) to make such a report. The Title IX Coordinator trains all campus tour guides on Franklin & Marshall College policy and procedures. The College held over 40 crime prevention and security awareness programs during the 2017-2018 academic year.
Courses such as CPR, First Aid, Self-defense Awareness & Familiarization Exchange (S.A.F.E.), and Work Place Violence Training are periodically offered to students and employees. For a current list of programs available through the Department of Public Safety or to request a program, please visit our website at https://www.fandm.edu/public-safety

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

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

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

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

- A continuum of the White House initiative, “It’s On Us” campaign. “It’s On Us” is an initiative to raise awareness and to help put an end to sexual assault on college campuses. “It’s On Us” asks everyone – men and women across America – to make a personal commitment to step off the sidelines and be part of the solution to campus sexual assault. Take action on your campus by signing the pledge. Visit ItsOnUs.org and Franklin & Marshall College’s own Facebook page to learn more.

- Speak About It: A national theater company presents an all-campus program. This is a performance-based presentation about consent, boundaries and healthy relationships. Speak About It is the wisdom of an array of mistakes, misfortunes, successes, and perspectives; a compilation of true stories that captures what healthy sex can and should look like, and how to spark dialogues about it. It specifically addresses issues including consent, sexual assault, and bystander intervention.

- Take Back the Night: Annual spring event sponsored by Franklin & Marshall College club SAVE (Sexual Assault/Violence Ed), raises awareness of issues surrounding sexual assault.
• Franklin & Marshall College DipCon (Diplomatic Congress) hosted two weeks of consent programming including:
  • Bystander intervention speaker from the YWCA.
  • Tabling regarding ‘consent information’ in the SCC Atrium by student “Consent & Inclusive Sex Committee.” Students were presented with donuts for answering questions regarding consent.
  • Sex-Ed Trivia Wheel program in the SCC Atrium by Planned Parenthood.
  • A mock trial on sexual misconduct by the Bystander Intervention Committee.
  • ‘Safe Sex, Not Straight Sex’ by the student run Vagina Warriors.
  • Consent Cupcakes by the Bystander Intervention Committee.
  • Sex for Everyone event, co-sponsored by Planned Parenthood and the Franklin & Marshall College Women’s Center.
  • Presentation of research on Risk of Sexual Assault at Franklin & Marshall College Fraternities to Committee on Sexual Misconduct by Cecilia Plaza ’17.

• Bathroom stall signs and stickers: Stall signs address awareness issues each semester, and stickers on all bathroom mirrors identify resources, including specifying those that are confidential.

• Reinforcement Programming: Multiple programs and discussions throughout the year led by College employees and by outside experts raise awareness of prevention, the College’s response to assaults, how to report, bystander intervention and resources available to victims. Comprehensive information is available on the College website 'Sexual Misconduct Awareness & Information.'

Safe and Positive Options for Bystander Intervention

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

The College also teaches:
  • Bystander intervention as a critical component of sexual misconduct education. All House Advisors (HAs) are specifically counseled in bystander intervention.
  • A comprehensive approach that takes advantage of integrating multimedia, peer instruction, in-depth interactive discussion and cognitive education based in the performing arts, including:
    • A 30-minute online video on “Lasting Choices” that all incoming first year students will view before arriving on campus in August.
- This program establishes a firm foundation and awareness of these issues before students are managing the wealth of information they’ll digest during orientation.
  - Speak About It: A Performance about consent and sexual misconduct
  - Crew Meeting: Speak About It Debrief
  - Diversity & Inclusion

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

This information is based on recommendations from https://www.rainn.org/.

**Risk Reduction**

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

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

- Take Back the Night: Annual spring event sponsored by Franklin & Marshall College club SAVE (Sexual Assault/Violence Ed), raises awareness of issues surrounding sexual assault.
- Franklin & Marshall College DipCon (Diplomatic Congress) hosted two weeks of consent programming including:
  - Bystander intervention speaker from the YWCA.
  - Tabling regarding ‘consent information’ in the SCC Atrium by student “Consent & Inclusive Sex Committee.” Students were presented with donuts for answering questions regarding consent.
  - Sex-Ed Trivia Wheel program in the SCC Atrium by Planned Parenthood.
  - A mock trial on sexual misconduct by the Bystander Intervention Committee.
  - ‘Safe Sex, Not Straight Sex’ by the student run Vagina Warriors.
  - Consent Cupcakes by the Bystander Intervention Committee.
  - Sex for Everyone event, co-sponsored by Planned Parenthood and the Franklin & Marshall College Women’s Center.
• Presentation of research on Risk of Sexual Assault at Franklin & Marshall College Fraternities to Committee on Sexual Misconduct by Cecilia Plaza ’17.

• Bathroom stall signs and stickers: Stall signs address awareness issues each semester, and stickers on all bathroom mirrors identify resources, including specifying those that are confidential.

• Reinforcement Programming: Multiple programs and discussions throughout the year led by College employees and by outside experts raise awareness of prevention, the College’s response to assaults, how to report, bystander intervention and resources available to students. Comprehensive information is available on the College website ‘Sexual Misconduct Awareness & Information.’

• Sexual Misconduct Committee trained by Dr. Michael Penn and external experts

• Panelists from the Sexual Misconduct Committee held a discussion on sexual misconduct policies.

• The new Culture of Sex on Campus discussion was led by Lisa Wade


• Sexual Assault in the Workplace: What Can We Do? A panel discussion held on January 22, 2018

• Consent and Sex Education Campaign held on February 5-9, 2018

• Students from Women’s/Gender Studies conducted recent courses on sexuality to include: European Sexualities, Contemporary Queer Poetry, The Body, and Constructing Sexualities.

• Common Hour Presentation - It’s a Transgeneration: Issues in Transgender Medicine by Rachel Levine, M.D.

• Author, Filmmaker, scholar and Activist Jackson Katz presented Common Hour titled: More Than a Few Good Men: American Manhood and Violence Against Women

• Bathrooms – Where Do We Stand (or Sit)? Bathroom use for transgender individuals presented by Benjamin L. Jerner, Esquire

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

**Increasing on-campus safety**

• **Know your resources.** Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the Student Wellness Center, Department of Public Safety, and a local sexual assault service provider. Notice where emergency phones are located on campus and program the Franklin & Marshall College Public Safety phone number into your cell phone for easy access.

• **Stay alert.** When you’re moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking the Department of Public Safety for an escort. If you’re alone, only use headphones in one ear to stay aware of your surroundings.
• **Be careful about posting your location.** Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.

• **Make others earn your trust.** A college environment can foster a false sense of security. They may feel like fast friends, but give people time earn your trust before relying on them.

• **Think about Plan B.** Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can’t use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?

• **Be secure.** Lock your door and windows when you are asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.

### Safety in social settings

• **Make a plan.** If you’re going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don’t leave someone stranded in an unfamiliar or unsafe situation.

• **Protect your drink.** Don’t leave your drink unattended, and watch out for your friends’ drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It’s not always possible to know if something has been added to someone’s drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.

• **Know your limits.** Keep track of how many drinks you’ve had, and be aware of your friends’ behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.

• **It’s okay to lie.** If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it’s okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.

• **Be a good friend.** Trust your instincts. If you notice something that doesn’t feel right, it probably isn’t. Learn more about how to keep your friends safe in social settings.

In an effort to encourage dialogue across all spectrums, Franklin & Marshall College sponsored International Women’s Week March 5-8 2018. This program featured several lectures. Amy Gansell, Asst Professor of Art and Design at St. John’s University, led her topic – Fashioning the Royal Women of Ancient Iraq: Then and Now - discussed how we can use the evidence of jewelry, dress, and appearance to understand female power and identity in the Neo-Assyrian era. Giovannia Faleschini Lerner, Assistant Professor and Chair of Italian, Co-Chair of Language Studies and Eiman...
Zein-Elabdin, Professor and Chair of Economics, led a discussion titled Women on the Move. They spoke about how their different approaches to exploring women in migration shed light on their shared research experiences and the shared experiences of women in migration. Jasbir Puar, Professor of Women’s Gender Studies at Rutgers University, led a discussion titled Slow Life: Gender, Sexuality and Bio politics in Palestine examined the production of mobility obstacles and restrictions in Palestine, highlighting the gendered dimensions of the logistics of border crossings and movement in the West Bank.

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

Clery defines Domestic Violence as a felony or misdemeanor crime of violence committed— • By a current or former spouse or intimate partner of the victim; • By a person with whom the victim shares a child in common; • By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; • By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; • By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

Clery defines Stalking as engaging in a course of conduct directed at a specific person that would cause a reasonable person to— • Fear for the person’s safety or the safety of others; or • Suffer substantial emotional distress. For the purposes of this definition— • Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. • Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. • Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

The definition of “Acts of Domestic Violence” is found in The Pennsylvania Protection From Abuse Act No. 206, approved December 39, 3990, 23 PA C.S. § 6303 et seq. It defines “abuse” as the occurrence of one or more of the following acts between family or household members, sexual or intimate partners or person who share biological parenthood. Domestic abuse includes:
• Attempting to cause or intentionally, knowingly or recklessly causing serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon. • Bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault indecent assault or incest. • Placing another person in reasonable fear of imminent bodily injury (threats of physical violence) • False imprisonment.

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

Pennsylvania does not specifically define “consent.” However, a person commits a felony of the first degree when the person engages in sexual intercourse with a complainsnt: (1) By forcible compulsion; (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring; (4) Where the person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; or (5) Who suffers from a mental disability which renders the complainant incapable of consent. 18 Pa. C.S.A. § 3121. “Forcible compulsion” is defined as “compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person’s death, whether the death occurred before, during or after sexual intercourse.” 18 Pa. C.S.A. § 3101.

The following definitions are taken from the College’s Sexual Misconduct policy:
Consent: must be freely, willingly and enthusiastically given. Consent has an expiration date; consent to one sexual activity does not imply consent to another or more sexual activity. Prior sexual activity with a partner does not imply future consent. Consent must be given with each sexual act. Silence without activity demonstrating permission cannot be construed as consent. An individual cannot be understood to consent to sex unless that individual has the capacity to understand the behavior.

Domestic Violence: Domestic Violence includes asserted violent misdemeanor and felony offenses committed by the student’s current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Dating Violence: Dating violence means violence by a person who has been in a romantic or intimate relationship with the student. Whether there was such a relationship will be gauged by its length,
type and frequency of interaction.

Stalking: Stalking is a form of sexual harassment. Stalking refers to a course of conduct directed at a specific person that would cause a reasonable person to fear for their or other’s safety or to suffer substantial emotional distress. (Electronic stalking via phone, text, email or other web-based means is considered to be stalking.)

**Voluntary Confidential Reporting Procedures**

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

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

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

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

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

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

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

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

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

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

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

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

Retaliation against an individual who has, in good faith filed a complaint, is strictly prohibited and will not be tolerated. Retaliation is any action that adversely affects the academic, employment, or other institutional status of a student or employee of the College, in addition to an applicant for admission or employment and a visitor. Examples of retaliation include, but are not limited to:
denial of promotion, non-selective/refusal to hire, denial of job benefits, demotion; suspension, discharge, threats, reprimands, negative evaluations, harassment, or other adverse treatment that is likely to deter reasonable people from pursuing their rights.

Pastoral and Professional Counselors

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

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

Professional Counselor - An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community, and who is functioning within the scope of his or her license or certification.

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

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

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

Get to a safe place immediately; call 911 to reach the police or 717-358-3939 to reach Franklin & Marshall College Department of Public Safety if you feel unsafe. Once you are safe, contact someone who can help you: The Franklin & Marshall College Sexual Assault Response Line at 717-560-7311, Department of Public Safety at 717-358-3939, or the Police at 911.

Franklin & Marshall College Sexual Assault Response Line will help you think through your options regarding medical attention, counseling support and reporting options. This call is confidential, it neither constitutes notice to the College or Police, nor obligates you to take any further action. The Franklin & Marshall College Sexual Assault Response Line is a confidential service staffed by the College’s Student Wellness Center and the Sexual Assault Response Team, all of which have the ability to offer confidentiality.

When you call this line, you will speak with an off-campus answering service and be connected to the on-call professional. This person will listen and support you and will explain your options for receiving medical attention, counseling support and reporting the assault. You are in control of
deciding what is best for you to do.

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

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

Other steps

- Get medical attention as soon as possible. You may have hidden injuries and should explore options regarding pregnancy and the possibility of sexually transmitted diseases. Consider going to Lancaster General Hospital at 555 North Duke Street, Lancaster, PA 17602 for a forensic exam. Take a change of clothing with you, as your clothing may be kept as evidence. Lancaster General Hospital is the only local hospital where the SAFE exam, with specially trained nurses, is done. If you go to another hospital they will very likely transport you via ambulance to LGH. For instructions on what to do before going to the hospital please see this guide, “Steps to Take if You Have Been Assaulted” (www.fandm.edu/sexual-assault-awareness/what-to-do-if-you-have-been-sexually-assaulted). It is important that you not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if you do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. You are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or police.

- Write down everything that you remember about the event(s), with as much detail as possible. This step can help both with your own healing process and in any legal or disciplinary action you might decide to take.

- Seek counseling or other sources of support. Talking with a trained mental health professional may help in coping with the aftermath of a sexual assault. Family and friends may also be a source of comfort and support. It is most important that you are comfortable with and trust the individuals in whom you choose to confide. Franklin & Marshall’s Counseling Services is available free of charge to meet with students. Hours are Monday–Friday 8:30 until noon and again from 1- 4:30 p.m. There are also walk-in hours daily between 3 and 4 p.m. You can also call for an appointment at 717-544-9051.

- Franklin & Marshall College Health Services can provide free emergency contraception and sexually transmitted infection evaluation and treatment for students who do not require or choose not to have a forensic examination. Hours of service are Monday –Friday 8:30 a.m.–
Sexual Misconduct/Discrimination/Harassment Policy

This policy is applicable when at least one of the parties is a Franklin & Marshall College student. The policy applicable to non-student employees is on the College’s Human Resources website anti-harassment policy.

Sexual misconduct is prohibited by the rules of Franklin & Marshall College and violates the laws of the Commonwealth of Pennsylvania. A student found responsible for violation of the Franklin & Marshall College student code of conduct is subject to disciplinary action by the College. An offender may also be prosecuted in criminal court, may be sued for money damages in civil court, and may risk other serious personal and professional consequences. The College may proceed with its process concerning sexual misconduct before, during, or after any criminal or civil court proceedings involving the same event.

According to the federal statute Title IX of the Educational Amendments of 1972, the sexual harassment of students, including sexual violence, domestic violence, dating violence or stalking, may also interfere with students’ right to receive an education free from discrimination. Discrimination is understood to occur when the conduct is sufficiently serious that it interferes with or limits a student’s ability to participate in or benefit from the school’s program.

The College takes steps to ensure that the campus community is not subject to a hostile environment and to respond promptly and appropriately to allegations of harassment on the basis of sex or gender identity, including dating violence, domestic violence, sexual assault, sexual exploitation, stalking and sexual harassment. The College promptly investigates incidents of harassment on the basis of sex or gender identity, takes appropriate action (including disciplinary action) against students found to have violated this policy, and provides remedies as appropriate to reporting students and the campus community. The College takes immediate action to end a hostile environment if one has been created, prevent its recurrence, and remedy the effects of any hostile environment on affected members of the campus community.

The internal reporting procedure is to be followed so harassment can be dealt with promptly by the College. Employees also have the right to file a complaint of unlawful harassment with the Pennsylvania Human Relations Commission and the federal Equal Employment Opportunity Commission. Complaints filed with the PA Human Relations Commission must be filed within 180 days of the last instance of unlawful harassment. Employees who file a charge with the Equal Employment Opportunity Commission must do so within 300 days of the last incident of unlawful harassment. Employees and students may also file complaints with the Office of Civil Rights of the U.S. Department of Education, 400 Maryland Avenue S.W., Washington DC 20202 - 1100.

All College employees, including student employees, are mandated reporters of sexual misconduct and discrimination. Mandated reporters must ensure that any sexual misconduct or discrimination
that they become aware of is reported to the College’s Title IX Coordinator, Kate Snider, at 717-358-7178 or kate.snider@fandm.edu. (See Section V of this policy below for more information on Mandated Reporters.) Reports may also be made to the College’s Department of Public Safety at 717-358-3939. This policy applies to all sexual misconduct, discrimination, or harassment regardless of the gender, gender identity or sexual orientation of the reporting student or responding student. See below for a list of confidential reporting sources.

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

**Consent to Sexual Activity**
Consent must be freely, willingly and enthusiastically given. Consent has an expiration date; consent to one sexual activity does not imply consent to another or more sexual activity. Prior sexual activity with a partner does not imply future consent. Consent must be given with each sexual act. Silence without activity demonstrating permission cannot be construed as consent. An individual cannot be understood to consent to sex unless that individual has the capacity to understand the behavior (See below for an explanation of “Capacity”).

**Coercion**
Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear that they do not want sex, want it to stop, or do not wish to go past a certain point of sexual interaction, continued pressure beyond that point is coercive. That pressure can be subtle and/or relentless. More obvious forms of coercion include: intimidating, shaming, harassing and embarrassing the reporting student. Examples could include: threatening the reporting student with exposure, threatening to spread rumors about the reporting student, or threatening to exclude the reporting student socially.

There is a difference between seduction and coercion. Coerced sexual activity violates this policy just as physically forced sex does. Coercion happens when someone unreasonably pressures someone else for sex. Seduction occurs when there is clear and welcome willingness to be coaxed.

**Force**
The use of a weapon of any type is force. Force can exist without the use of a weapon. Use of disparate weight and size to detain a student is force. Physically restraining a student is force.

**Capacity**
Under-aged persons – those under the age of 18 – are not considered legally capable of giving consent. Under this policy, “No” always means “No,” and “Yes” may not always mean “Yes.” Someone who engages in sexual activity with someone whom they know to be – or should know to be – mentally or physically incapacitated because of alcohol or other drug use has committed sexual misconduct. This prohibition also applies when an individual is incapacitated because of mental disability, sleep, involuntary physical restraint or from the influence of incapacitating drugs such as “date rape” drugs or alcohol. Possession, use and/or distribution of any of these substances (including Rohypnol, Ketamine, GHB and others having similar effect) is prohibited, and administering any of these drugs to another or administering alcohol for the purpose of incapacitation is a violation of this policy.

Evidence of incapacity includes, but is not limited to, slurred speech, bloodshot eyes, alcohol on the breath, poor equilibrium, vomiting, unusual behavior, unconsciousness, awareness of the observer that the person has ingested an excessive amount of alcohol or drugs or the knowledge of a witness that the person is incapacitated as a result of any of the above.

**Non-consensual Sexual Contact**
The College holds students responsible for behavior that violates the College Code of Conduct, a potentially higher standard than the criminal standard. Behavior that is not criminal may, nonetheless, be a violation of the College Code of Conduct. Examples are listed below under the definition of Sexual Harassment.

**Sexual Harassment**
Sexual harassment is unwelcome sex or gender-based verbal, nonverbal or physical conduct that has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or that creates a humiliating, degrading, intimidating, hostile, or offensive working, educational, or living environment. Sexually offensive language and activities in the College’s public spaces constitute harassment where such conduct is sufficiently serious to create a hostile environment. Stalking (as defined in this policy) either electronically or in person constitutes sexual harassment where stalking is based on sex or gender.

Examples of sexual harassment may include: (1) “Catcalling,” e.g., making public, gendered and/or sexual remarks about a person within others’ hearing with or without the intended recipient’s consent. Students are responsible for public conduct that may offend or intimidate bystanders; (2) Publicly ranking a person’s sexual or physical attributes without their consent. These behaviors attempt to reduce the value of the person being rated to a one-dimensional stereotype that is antithetical to an atmosphere of inclusiveness. This behavior is inherently disrespectful to all those of the gender being ranked regardless of the response of any single student; and (3) Intruding in private spaces such as shower stalls and locker rooms.

Other types of harassment include comments, questioning, innuendos or jokes of a sexual nature. Derogatory comments referencing gender or sex, unwelcome sexual advances, propositions, threats, requests or demands for sexual favors all constitute sexual harassment. Displaying, posting, advertising or distributing offensive, indecent or abusive material of a sexual nature; leering or making obscene gestures; constitutes sexual harassment. Quid pro quo sexual harassment exists
when submission to or rejection of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature results in adverse educational or employment action, or the threat of such adverse action, or when submission is made a condition of educational or employment advancement.

Respect for all members of the campus community is expected at Franklin & Marshall College. Although sexually offensive depictions may also be seen as sexual harassment, the College does not consider visual and/or aural demonstrations, depictions or conduct to be sexual harassment when there is a legitimate pedagogical context, such as material having an appropriate connection to course subject matter.

**Sexual assault**

Sexual assault is a form of sexual harassment and is sexual contact or sexual intercourse that is not consensual: non-consensual sexual contact is any intentional touching of the intimate parts of another person or other sexual touching, against the person’s will or without consent. Intimate parts include genitalia, groin, breast, and buttocks, whether or not covered by clothing. Non-consensual sexual contact includes attempted non-consensual sexual intercourse. Non-consensual sexual intercourse is any act of sexual penetration (anal or vaginal), however slight, with any body part or object by a person upon another person, without consent; or oral penetration with a sex organ without consent. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion.

**Sexual Exploitation**

Sexual Exploitation is a form of sexual harassment. Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostitution, non-consensual video or audio-taping of sexual or other private activity, exceeding the boundaries of consent (e.g., permitting others to secretly observe consensual sexual activity, videotaping of a person using a bathroom), engaging in voyeurism, or engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of such infection.

**Stalking**

Stalking is a form of sexual harassment. Stalking refers to a course of conduct directed at a specific person that would cause a reasonable person to fear for their or other's safety or to suffer substantial emotional distress. (Electronic stalking via phone, text, email or other web-based means is considered to be stalking.)

**Domestic Violence**

Domestic Violence includes asserted violent misdemeanor and felony offenses committed by the student’s current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
Dating Violence
Dating violence means violence by a person who has been in a romantic or intimate relationship with the student. Whether there was such a relationship will be gauged by its length, type and frequency of interaction.

How to File a Report and How to Receive Information on Options

Students are strongly encouraged to make a report of sexual assault / sexual misconduct to the Title IX Coordinator, where they are, in turn, informed of their options, which include filing a complaint with the College Police or support as other options are considered, which include declining to file a report. A student has multiple options when considering what to do regarding sexual misconduct. The student may: (1) file a report with the College; (2) file a criminal complaint with the Police; or (3) make a confidential report that does not constitute notice to the College and speak confidentially with one of the designated confidential sources below to decide next steps. Each is described in detail below. Reports to the College and Police may be filed concurrently. The College can conduct its own investigation even if a criminal investigation occurs.

In all instances, the process will be conducted in a manner that is consistent with the College’s policy and that is transparent to the reporting student and the responding student.

In certain instances, the student may request, without filing a formal report, that the Title IX Coordinator meet with the responding student to inform the him/her that they have been informally reported for sexual misconduct. This does not constitute a formal report to the College and will not proceed to an investigation, hearing or sanction. The purpose of this meeting is to allow the responding student to respond to the report and, when appropriate, to educate the responding student regarding the alleged actions and their impact on the reporter as well as on the College community. This is not a mediation. The reporter is not included in this meeting. The Title IX Coordinator will determine if this option is appropriate.

Franklin & Marshall College will provide written notification to the student about options for, and available assistance in, changing academic living, transportation, and working situations. The College will make such accommodations if you request them and if they are reasonably available, regardless of whether the student chooses to report the crime to Franklin & Marshall College Public Safety or local law enforcement. Franklin & Marshall College will provide written notification to students and employees about existing counseling, mental health and other services available both within the College and in the Community. Regardless of whether a student elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off Campus, the College will assist students of sexual assault, domestic violence, dating violence, and stalking and will provide each student with a written explanation of their rights and options.

Such written information will include:

- The procedures to follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the College will protect the confidentiality of necessary parties;
• a statement that the College will provide written notification to students and employees about services within the institution and in the community;
• a statement regarding the College’s provisions about options for, available assistance in, and how to request accommodations and protective measures; and an explanation of the procedures for institutional disciplinary action;

To request changes to academic, living, transportation and/or working situations or protective measures, and the student wishes to receive assistance in requesting these accommodations, he or she should contact Kate Snider, Title IX Coordinator at 717-358-7178 or ksnider@fandm.edu.

**Filing a Report with the College**

All students wishing to file a report, or seek information about options for filing a report of sexual misconduct, harassment, discrimination, domestic violence, dating violence or stalking should contact the Title IX Coordinator, Kate Snider, whose office is in College Square, first floor (717-358-7178, kate.snider@fandm.edu). These reports, made directly to the Title IX Coordinator, are considered private but not confidential reports: they invoke the requirements of Title IX and may initiate a College investigation and possible College judicial process.

The College makes every effort to respond to student requests for anonymity and the student’s communicated preference to waive the judicial process unless the allegations indicate an ongoing or likely future threat to the safety of the reporting student and/or other members of the campus community. Students should understand that a request for anonymity will limit the College’s ability to investigate and respond to the report. The Title IX Coordinator may inform the College’s General Counsel that an individual sought information regarding harassment or sexual misconduct; the identities of the involved parties will remain confidential and the information regarding the allegation will be shared on a need-to-know basis and treated with regard for the privacy of the parties involved. Reports to the College of sexual misconduct need not be immediate; there is a four-year time limit to making a report that will be in turn be investigated by the College.

Please note the following as well:
• When a student files a report against a member of the faculty or staff, the initial report should be made to the Title IX Coordinator who will then direct the report to the appropriate office(s) and assist in the coordination of the Title IX process. These reports are resolved according to procedures detailed in the College’s Sexual Harassment Policy, which can be found online at www.fandm.edu/college-policies/article/anti-harassment-policy-and-title-ix-notification.
• Students will be advised of their right to file a criminal complaint with the police department in whose jurisdiction the alleged incident occurred.
Filing a Criminal Complaint with the Police

Students may file a criminal complaint as follows:

- Meeting with the Title IX Coordinator, who will accompany them to either the Franklin & Marshall College Department of Public Safety (DPS) or the local police department in whose jurisdiction the offense occurred. Contact: Kate Snider, Title IX Coordinator 717-358-7178, kate.snider@fandm.edu.
- Reporting to the Franklin & Marshall College Department of Public Safety, who will contact the police department in whose jurisdiction the offense occurred. DPS is available at all times throughout the calendar year at 717-358-3939.
- Contacting directly the Police department in whose jurisdiction the offense occurred. This is, in most cases, the Lancaster City Police, who can be reached by phoning 911.

The College does not discourage any student from filing a report with the Police. Importantly, the College may be obligated to conduct its own investigation regardless of any criminal investigation. The College will comply with law enforcement requests for cooperation; such cooperation may require the College to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence.

The College will promptly resume its Title IX investigation as soon as it is notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three to ten calendar days, although the delay in the College’s investigation may be longer in certain instances. The College will implement appropriate interim steps during the law enforcement agency’s investigation period to provide for the safety of the student(s) and the campus community and the avoidance of retaliation. The College will pursue its investigation in a timely manner regardless of the progress of the criminal complaint, in which case the investigations may be simultaneous.

The reporting student may choose an advisor to provide support during this process. The choice of advisor is not limited and may be from within or without the College community however, the student may choose an advisor from the trained members of the College’s Sexual Misconduct Panel to provide assistance and support while filing the criminal complaint. Students may not choose a fellow Franklin & Marshall College student as an advisor. The Title IX Coordinator and/or the Director of Public Safety stand ready to assist students with contacting the Police. A student may choose to utilize the criminal complaint as a sole course of action; the College will, in compliance with Title IX, take appropriate action as well.

The responding student may also choose an advisor when informed of the complaint against them. Each party has the right to choose an advisor who is not a trained member of the Misconduct Panel.

Making Confidential Reports of Sexual Misconduct That Do Not Put the College or Police on Notice

Certain reports of sexual misconduct are not considered to be “filing a report with the College” and
do not put the College or Police on notice regarding an event of sexual misconduct, discrimination, or harassment. These reports are “confidential reports” to resources that can advise students of their options. There are four resources for confidential reports:

- Counseling Services at 717-544-9051
- Student Health and Wellness Center at 717-544-9051
- The Sexual Assault Response Line staffed by nurses who, by law, have “protected communication” which is to say, confidentiality. This line is staffed 24/7 while the College is in session at 717-560-7311.

The confidentiality extended to these offices extends to the support staff of these offices.

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

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

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

The College may issue an institutional no contact order if deemed appropriate or at the request of the reporting student or the responding student. If the College receives a report that such an institutional no contact order has been violated, the College will initiate disciplinary proceedings appropriate to the status of the responding student (student, employee, etc.) and will impose sanctions if the responding student is found responsible for violating the no contact order.
Two Choices for Resolution Following Filing a Report to the College

After filing a report with the College, the reporting student has the option of requesting two different levels of response, which are briefly described below.

1. **Filing a formal Judicial report**: After discussing the initial report with the Title IX Coordinator, a student may file a formal Judicial report by submitting to the Dean of Students a signed written statement, including, at a minimum, the time, place and nature of the alleged offense and the name of the responding student. Concurrently, the reporting student, with the assistance of the Title IX Coordinator, will select an advisor from the list of trained members of the Sexual Misconduct Panel or from the Franklin & Marshall College community at large. Submitting this statement activates the Sexual Misconduct Panel Procedures and involves the Title IX Coordinator, the Chair of the Hearing Panel Committee (who is the Deputy Title IX Coordinator, Alison Hobbs ahobbs@fandm.edu 717- 358-5988 or designee), the Dean of Students, the investigative team and the Sexual Misconduct Hearing Panel. In addition to taking action within the College, a student may also elect to file a criminal complaint with the Lancaster City Police or the police in the jurisdiction where the conduct occurred. Upon notice of the report, the Title IX Coordinator may recommend interim measures to stop the behavior, prevent it from recurring and to protect the reporting student and College community. These are outlined below in the section titled Interim Measures.

2. **Requesting informal resolutions**: After discussing the incident with the Title IX Coordinator, and after the Title IX Coordinator has explained the processes and options, the reporting student may move forward in the following ways, all of which are informal resolutions and do not constitute a formal Title IX report and do not activate the judicial process: (1) take more time to make a decision; (2) request interim measures; (3) request that the Title IX Coordinator meet with the responding student to discuss the behavior that lead to the report. (4) request a mediation with a trained campus mediator. Please note that The College does not participate in mediation of allegations of nonconsensual sexual intercourse or sexual assault and advises against the use of mediation in this circumstance. Again, the above four informal resolutions do not initiate the college’s judicial process. The reporting student may at any time, after requesting an informal resolution, choose to file a formal report.

What Happens After a formal Judicial report is filed with the College?

Persons who desire to file a Judicial report about an act of sexual misconduct committed by a student have recourse through the procedures of the College established by this Policy. After a Judicial report is filed, certain procedures are applied. These procedures apply to reports of sex discrimination/misconduct by students or third parties against students, third parties, and all employees. These policies apply to incidents taking place either on or off College-owned property or during College-sponsored travel off campus. Conduct that occurs off campus can be the subject of a report, and will be evaluated to determine whether it violates this policy, e.g., if off-campus
harassment has continuing effects that create a hostile environment on campus. Allegations of off-campus sexual misconduct are of particular concern and should be brought to the College’s attention. These policies also apply to Franklin & Marshall College students when visiting other campuses.

Procedure following filing a formal Judicial report:

Meeting with the Title IX Coordinator
Upon notice to the College, the reporting student will be directed to the Title IX Coordinator (if the original report was not filed with the Title IX Coordinator) within 24 hours to discuss the investigation process and possible outcomes. At this meeting the reporting student will be advised to choose an advisor. Students will be given a list of names of trained members of the Sexual Misconduct Hearing Panel from which they may select an advisor but the student is not restricted in their choice of an advisor and may choose someone who is not from the Franklin & Marshall College Community. It is not required that the parties choose an advisor. If an advisor is chosen, the reporting student and responding student must notify the College of the name of the advisor within 5 business days of filing or being notified of the report. The Title IX Coordinator will direct the student to the website for information on the process and other pertinent information. There are a range of protective measures available to a student alleging misconduct to include no-contact orders, use of a privacy screen during a hearing, separate waiting areas during the hearing, and prohibition of retaliation.

Writing the Report
The reporting student will be assisted by their advisor in writing a formal report. This document is a description of the incident giving names of possible witnesses and details that will be helpful to the investigators. This report will be shared with the responding party.

Informing the Responding student
After the Title IX Coordinator receives the report, the responding student will meet with the Title IX Coordinator and be notified in writing of the allegation(s) that may violate the College’s sexual misconduct policy. After receiving notice of the allegations, the Title IX Coordinator will schedule an initial interview with the responding student.

The responding student may choose at any point to waive the hearing process by admitting responsibility. The responding student must submit in writing their decision to waive a hearing to the Dean of Students and the Title IX Coordinator. In such cases, the Dean of Students, in consultation with the Title IX Coordinator, may determine an appropriate sanction.

If the responding student does not choose to admit responsibility, the responding student will be advised to choose an advisor. The responding student will be given a list of names of trained members of the Sexual Misconduct Hearing Panel from which to select an advisor but the student is not restricted in the choice of an advisor and may choose someone who is not from the Franklin & Marshall College Community. It is not required that the parties choose an advisor. The Title IX Coordinator will direct the student to the website for information on the process and other
pertinent information. The responding student may write a report of the incident. If the responding party chooses to write a report, it will be shared with the investigators and the reporting student. The responding student will be asked to submit a list of witnesses to the Title IX Coordinator within two business days.

**Remedies for involved student(s) will be determined**
Upon becoming aware of a report of misconduct, the Title IX Coordinator may institute or recommend to the Dean of Students or to the Vice President and Dean of Student Affairs interim measures be taken to protect the reporting student. The purpose of the remedies/interim measures in this process is: (1) to stop the behavior that lead to the report; (2) to prevent the behavior from happening again; and (3) to restore the reporting student as much as possible to their pre-incident state. The choice of the numerous accommodations and resources available will be determined in conversation with the reporting student, the advisor to the reporting student, and the appropriate College administrators.

The following measures may be put in place before a formal report has been filed or if the reporting student requests informal resolutions. The responding student may request interim measures as well. These may include, but are not limited to, the following:
- Change in living situation
- Change in work situation
- Issue a no-contact order including those available through the courts
- Confirm that the reporting and responding students do not attend the same classes
- Provide an escort to ensure that the reporting student can move safely between classes
- Inform reporting and responding students about Counseling and Health Care services
- Provide academic support services such as tutoring
- Arrange for the reporting student to retake a class or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the reporting student’s academic record, and
- Review any disciplinary actions taken against the reporting student to see if there is a causal relation between the harassment and the misconduct that may have resulted in the reporting student being disciplined.
- Provide written notification about existing advocacy, legal assistance, student financial aid, and visa and immigration assistance, as appropriate.
- Maintain as confidential any accommodations or protective measures provided to the reporting student to the extent that maintaining such confidentiality would not impair the ability of the College to provide the accommodations or protective measures.

**Note:** Some of these measures and others may become permanent depending on the outcome of the investigation and judicial process.

**Investigation**
The College investigates reports of sexual misconduct in a prompt, impartial and thorough manner. After notification to the responding student, the Title IX Coordinator, in collaboration with the Deputy Title IX Coordinator, will assign two investigators to begin the investigation of the report and collect any evidence. Typically, one of the investigators will be an outside attorney with experience
in Title IX matters. It is the responsibility of the investigators to take custody of and arrange safe keeping of any available physical evidence to be used in making a determination subject to the qualification that law enforcement authorities should handle evidence related to the commission of a crime.

The investigation will be concluded in a timely manner. The responding student and reporting student are expected to participate in all facets of the investigation and are expected to be forthcoming and to answer truthfully all of the questions posed during the investigation. Both the reporting student and the responding student may be accompanied by their advisor when attending all interviews for the purpose of explaining the process and providing support. The responding student and reporting student will have identified suggested witnesses and may present evidence. The investigators will add to the list of interviewees as the investigation progresses. If there is additional information received during the investigation that reveals additional or related information, including reports against the reporting student by the responding student, the processes described in this policy will apply, including appropriate notice of such a report.

It is the obligation of students called as witnesses to cooperate fully and truthfully with the investigation and subsequent hearing. Furthermore, the witnesses will be informed of the following during the interview and asked to sign the following:

Investigation/Interview message for witnesses:

- This is an official College investigation and the investigators will take notes. The interview may also be recorded. Interviewees are required to be completely forthcoming and truthful in their responses. Failure to do so is a violation of the Student Code of Conduct and will be referred for Judicial Review. Section 13 of Judicial Code: Making False statements includes but is not limited to making false statements in petitions, requests, disciplinary proceedings, or other matters of record in the academic or nonacademic transactions with officials of the College and in College publications.
- Interviewees should be aware that if a Hearing or an Administrative Review is held the investigation notes will be shared with; the Hearing Panel, the Hearing Panel Chair, the Dean of Students, the Title IX Coordinator, the reporting student and the responding student. Witnesses may see the notes from their interview but not of any other witnesses nor the reporting student or responding student.
- The College adheres to the Alcohol and Drug Amnesty Policy during the investigation. Disciplinary action for violations will not apply. Exceptions to Amnesty are: serious violation of the law (amnesty applies to underage drinking or drug use in most instances) and conduct that endangers the interviewee or others. In some instances, health and well-being interventions may be recommended.
- The conduct and content of the investigation and interview is completely confidential. They may not be discussed with anyone other than the investigators. Breach of confidentiality is a violation of the Sexual Misconduct Policy and will result in disciplinary action.
- Retaliation against any party including the reporting student and responding student is a
violation of the student Code of Conduct and may result in sanctions.

- Witnesses should inform the Title IX Coordinator if they become aware of attempted or completed retaliation against any party involved in the report.
- Please contact the Title IX Coordinator immediately if you are contacted by an attorney to discuss this case. As this is not a legal proceeding students should not give statements to attorneys other than their own counsel.
- For questions regarding the process please see the Sexual Misconduct Policy in the Campus Life Manual which can be found on the College website or contact Kate Snider, Title IX Coordinator at 717-358-7178 or kate.snider@fandm.edu

**Conclusion of the Investigation and Referral of the Report to an Administrative Review, Judicial Hearing, or Dismissal of the Report**

Upon conclusion of an investigation, the investigators submit a written report summarizing the information gathered to the Associate Dean of Students and the Title IX Coordinator. This report includes a credibility report. The Dean of Students and the Title IX Coordinator will determine whether there is enough evidence to proceed with a hearing or an Administrative Review. The investigation report including the credibility report may be shared with both the reporting and responding students.

If, upon review of the summary, the Associate Dean of Students and the Title IX Coordinator determine that there is enough evidence of a violation of the Student Code of Conduct, they may, through the process of an Administrative Review: (1) refer the report to the Dean of Students to assign a sanction, or; (2) refer the summary to a Panel Hearing who may, by Administrative Review, make determination of responsibility and, if a violation is found, make a recommendation to the Dean of Students for a sanction, or; (3) as in most cases, refer the report for a Sexual Misconduct Hearing for a Panel Hearing. A report will also be referred for a hearing upon request by either the reporting student or responding student. Either the reporting student or responding student may request a Panel Hearing instead of an administrative review.

In the event that a report is dismissed, the reporting student or responding student may request that the accommodations and limitations originally placed during the investigation phase continue.

Alternatively, if the Associate Dean of Students and the Title IX Coordinator find sufficient evidence to proceed, the responding student will have the opportunity to admit responsibility and waive a Hearing or Administrative Review.

- Upon being advised of the sanction the responding student may choose one of three options:
  - Accept the finding and sanction
  - Appeal the sanction to the Vice President and Dean of Student Affairs or designee. The criteria for an appeal are listed below in this policy.
  - In the case of an Administrative Review, choose not to accept the findings/sanctions and request a Hearing of the Sexual Misconduct Panel which will be granted at the discretion of the Dean of Students or Vice President and Dean of Student and the Title IX Coordinator.
Hearing Procedure

Hearing Preparation Timeline:

- The Deputy Title IX Coordinator will set a date for the Hearing.
- The responding student and reporting student, with their advisors, will prepare opening and closing statements as well as their impact statement to be presented at the Hearing. These statements are not submitted prior to the Hearing.
- At least 5 days prior to the date of the Hearing, the responding student and reporting student will be notified in writing of the charges against the responding student. The Investigation notes and materials are shared with the reporting student and responding student, their advisors, the Title IX Coordinator and the Hearing Panel.
- Within 3 business days of receiving the investigation materials, the reporting student and responding student must notify the Chair of their final witness list. These witnesses should be called only if there will be testimony beyond what appeared in their written investigation interview or if they were not interviewed previously. The Chair of the Hearing Panel shall have discretion to determine which proposed witnesses and evidence the Hearing Panel will hear to provide for a fair hearing. The Chair shall also have authority to call expert sources of information, as necessary. Counselors, psychiatrists and psychologists are not permitted as in-person witnesses unless they have substantive testimony to provide regarding the facts of the case. The reporting student and responding student may submit one written statement from one counselor, psychiatrist or psychologist. Admission of the statement will be at the discretion of the Chair. The responding student and reporting student may submit a written statement from one character witness. The statement will be read by the Chair at the end of the Hearing.
- Forty-eight hours before the Hearing the Chair will share the names of all approved witnesses, including expert sources of information, with the reporting student, responding student, their advisors, the Title IX Coordinator and the Hearing Panel.
- At least 2 business days prior to the Hearing all parties will be notified of the time and location of the Hearing.

Hearing Procedures, Step-by-Step:

A Hearing Panel hearing normally consists of a single session that typically takes between four and six hours; but the Hearing Panel may decide to continue the hearing in its sole discretion. If the responding student or reporting student has disabilities that will require accommodations during the Hearing they should notify the Chair of the Panel, when they are notified that a Hearing will be held, specifying what reasonable accommodations will be needed.

The following instructions will be read to all parties providing testimony at the Hearing:

It is essential that all information presented in this hearing be completely
The hearing shall be conducted in an orderly manner and anyone violating that directive will be required to leave. All participants are obligated to tell the truth and be forthcoming. All participants shall speak only when recognized by the Chair.

All discussion and questions must be limited to the specific act(s) and charge(s) alleged in the report. The Hearing Panel will determine if a violation of the College’s Code of conduct occurred. Information regarding other acts or past infractions is inappropriate at this time. Please restrict any discussion accordingly. Only information presented in connection with this hearing can be used to determine if a violation occurred.

Per the College’s policy and OCR guidance, questions about the sexual history of the reporting student with anyone other than the responding student are not permitted. Furthermore, the mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of responsibility. Questions about the responding student’s sexual history with anyone other than reporting student are also not permitted.

Some documents in the investigative file may have been redacted to remove information not necessary for the Panel to evaluate the claims in this proceeding. The Panel should not infer anything from the redactions nor consider the redactions one way or the other in reaching its decision.

1. The Title IX Coordinator shall appoint a three-person Hearing Panel composed of two Sexual Misconduct Panel Committee members who have not served as investigators or advisors for this report. In most situations the College will appoint an attorney as the third member of the Hearing Panel. The Chair or designee is a non-voting member of the Hearing Panel who presides over the hearing. The Title IX Coordinator has the option of attending the Hearing proceeding as an observer.

2. The Hearing Panel reviews all materials from the investigation. One member of the Panel is appointed to schedule a preparatory meeting of the Panel.

3. The Hearing Panel notes any questions they have based upon the investigation report and may seek more information or clarification before the hearing.

4. The hearing is called to order with the reporting student and responding student present with their advisors and separated by a screen so as to ensure privacy and comfort, or, if requested, connected remotely to the hearing via closed circuit television or internet connection. Witnesses are not present at this point and are kept sequestered outside the hearing room.

5. Each participant makes their own introduction and states their role in the hearing. There will be identifying “table tents” for the purpose of identifying the participants to each other for all parties except witnesses.

6. At the beginning of the hearing, the reporting student and responding student will provide four copies each of their opening and closing statements and four copies of their impact statement to the Chair.

7. The Chair asks if any of the participants have questions about Hearing procedures or their rights in the Hearing.
8. All participants are reminded: (1) to be truthful; (2) to speak only when recognized by the Chair, who has full authority over the proceedings; (3) that the proceedings are confidential and should not be discussed outside of the hearing room; and (4) questioning about the reporting student’s sexual history with anyone other than the responding student will generally not be permitted. Questions about relevant social histories are permissible. Each witness to be called into the hearing room is informed of the same expectations.

9. The Chair introduces the formal statement and identifies the policies allegedly violated.

10. The reporting student or advisor is asked to make an opening statement. These comments should be directed to areas of agreement/disagreement with the investigation report. The decision to have an advisor read the statement in lieu of the student is a personal choice to be made at any time. The Chair does not require prior notice.

11. The responding student or advisor is asked to make an opening statement. These comments should be directed to areas of agreement/disagreement with the investigation report. The decision to have an advisor read the statement in lieu of the student is a personal choice to be made at any time. The Chair does not require prior notice.

12. The Hearing Panel may ask questions of the reporting student, responding student or the investigators (if the Chair has called the investigators to the Hearing). The responding student and reporting student may not question each other.

13. The reporting student and responding student may submit, to the Hearing Panel, relevant questions to be asked of the responding student and reporting student respectively. These questions should be submitted to the Chair of the Hearing Panel no less than 24 hours prior to the Hearing. If at the conclusion of the Panel’s questioning the responding student or reporting student have additional questions to be asked of the other, they may submit questions in writing to the Chair of the Panel who will submit them to the Panel to be asked at the Panel’s discretion.

14. Witnesses are called in order as determined by the Chair of the Panel. The reporting student, responding student and Panel may question the witnesses as called upon by the Chair. Character witnesses are not called in person. Each party may, however, submit a written statement from one character witness that will be read aloud to the Panel by the Chair at the completion of all questioning. Additional witnesses identified during questioning may be called to the Hearing at the discretion of the Title IX Coordinator and/or the Chair of the Panel.

15. Any witnesses who need to be recalled and re-questioned are called and then excused.

16. The reporting student or advisor is given the opportunity to make a closing statement.

17. The responding student or advisor is given the opportunity to make a closing statement.

18. The Chair confirms that no questions remain unanswered.

19. The hearing is adjourned. The Chair collects all notes, personal and investigative, from the Panel. The responding student and reporting student may keep their notes but are advised that they are confidential and may not be shared with anyone other than the advisor, an attorney or their family. All participants other than the Hearing Panel members, Title IX Coordinator and Chair are asked to leave. The Chair will ask the reporting student and responding student if they would like to hear the outcome, without sanction, of the hearing immediately after the Hearing Panel reaches its conclusion or if they would prefer to wait for a meeting with the Chair and Dean of Students. If the responding student and
reporting student choose to be notified immediately they will be notified by phone.

20. Using the “more likely than not” standard, also known as a “preponderance of the evidence” standard, the Hearing Panel determines first if the responding student is responsible for violation of the policy or policies identified in the report. Decisions are made by majority vote of the Hearing Panel members only. The Chair and Title IX Coordinator do not vote.

There are three possible findings:
- Responsible for a violation of College policy
- Not responsible for a violation of College policy
- Insufficient evidence for a finding of violation of College policy

21. If the Hearing Panel has found the responding student in violation of College policy, the Panel reviews any impact statements that have been submitted prior to determining its recommended sanction. The Panel will draft a statement explicating the Panel’s reasoning for the finding of responsibility and for any recommended sanction. This will be included in the sanction letter sent to the responding student by the Dean of Students. Various sanctions, including but not limited to Reprimand, Warning, Suspension, Probation or Expulsion from the College, may be recommended by the Hearing Panel and implemented by the Dean of Students. Individuals found to have violated the College policy on non-consensual sexual intercourse through non-consensual vaginal or anal penetration with a body part or object, or through non-consensual oral penetration using a sex organ, generally will be expelled from the College.

22. The Chair and/or the Title IX Coordinator consults with the Dean of Students or designee and discusses the Panel’s findings and the rationale for its recommended sanction(s). The Dean of Students or designee may request a meeting with the Hearing Panel. The Dean of Students or designee makes the final decision on all sanctions. The Dean of Students or designee will consult with the College’s Title IX Coordinator before assigning the sanction.

23. Typically, within 48 hours of consulting with the Chair, and/or the Title IX Coordinator, the Dean of Students or designee inform the parties of the outcome and sanctions, if any, and explain appeal options, and how sanctions will be implemented. These meetings take place in person or via phone depending on the preference of the reporting student or responding student. The meetings are separate for each party. The Dean of Students will provide a written confirmation of the outcome and sanctions concurrently to the reporting student and responding student within 5 working days of the hearing. Both letters will include the Panel’s statement regarding reasoning for the finding of responsibility if that is the outcome. The Title IX Coordinator will inform the advisors of the outcome. If the party to the formal judicial report at the time a determination is made on the underlying report, next of kin will be notified.

**Disciplinary procedures for resolving allegations of dating violence, domestic violence, sexual assault, or stalking where the respondent is a student:**
The Title IX Coordinator, in conjunction with the Office of the Dean of the College, will determine whether the Sexual Misconduct policy is applicable to the alleged misconduct. Other policies to be considered are: Conduct Unbecoming of a Franklin & Marshall Student Policy, Alcohol & Drug Policy, Residential Life Policy, Sexual Harassment Policy, Hazing Policy, Discrimination Policy, College House Policies, Fire Safety Policy, and Federal, State, and Local laws. A list can be found at: https://www.fandm.edu/college-life-manual/student-code-policies.

**Appeals of Sexual Misconduct Panel or Administrative Review Decisions**

The responding student or the reporting student may appeal the Dean of Students’ decision in their case to the Vice President and Dean of Student Affairs (or designee). The student must file this appeal in writing, in their own words and not those of a third party, with the grounds noted, within five (5) business days after the Dean of Students issues a written notification of the decision. The Vice President and Dean of Student Affairs or designee has the discretion of extending this deadline. Appeals may be sought on the following two grounds:

1. on a claim of error in the hearing procedure that affected the outcome of the hearing.
2. on a claim of new evidence, information or material that was not available at the time of the hearing and is relevant to the case.

Before deciding whether or not to hear an appeal, the Vice President and Dean of Student Affairs (or designee) meets with the Dean of Students and the Chair of the Hearing Panel to review the procedures that the Panel followed and the evidence that it considered. If the Vice President and Dean of Student Affairs (or designee) considers it necessary, the Dean (or designee) may meet with a number of Panel members or the Panel as a whole. If the Vice President and Dean of Student Affairs (or designee) decides not to hear an appeal because neither of the two grounds for an appeal are met, the student is informed accordingly in writing. If the Vice President and Dean of Student Affairs (or designee) decides to hear an appeal, the Vice President and Dean of Student Affairs (or designee) observes the following procedural safeguards:

- In hearing the student’s appeal, the Vice President and Dean of Student Affairs (or designee) has discretion to meet with any of the participants in the hearing and discuss with them the circumstances of the case, and to draw on other sources of relevant information.
- The decision on the appeal will be determined in a timely manner, unless circumstances require a delay in the appeal process.
- The Vice President and Dean of Student Affairs (or designee) will review the process used with the College’s Title IX Coordinator to ensure that the process meets the standards of Title IX.
- The decisions of the Vice President and Dean of Student Affairs (or designee) are final and the responding student and reporting student will be notified in writing.
- Both the responding student and reporting student will be notified in writing of any change in result of the finding.
The Vice President and Dean of Student Affairs (or designee) is not expected to provide detailed reasons for any decision reached.

**Confidentiality**

Please see “Making Confidential Reports of Sexual Misconduct That Do Not Put the College or Police on Notice” for a list of persons to whom a student may confidentially report an incident of sexual misconduct, discrimination, or harassment.

The confidentiality of all parties to a report of harassment, discrimination, Domestic Violence, Dating Violence, Sexual Assault, Stalking or sexual misconduct must be strictly observed by the appropriate College officers and by those assigned to advise, investigate and adjudicate a report, except insofar as it interferes with the College’s obligation to investigate fully the allegations and to record statistics as required by law. Where confidentiality is not strictly observed, reports of sexual misconduct will be controlled on a need-to-know basis and treated with the utmost respect for the privacy of all parties; reporting student, responding student and witnesses. Dissemination of information and/or written materials to persons not involved in the report procedure is not permitted.

Directory information on file with the College can be withheld by request through the Registrar’s Office. Regardless if the student has opted-out of allowing the College to share “directory information,” personally identifiable information about the student and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the student, including accommodations and protective measures.

The College does not publish the name of students or other identifiable information in the Daily Crime Log or in the Annual Crime Statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Campus Alert is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the person and other personally identifiable information will be withheld.

In extraordinary circumstances, College officials reserve the option of informing the parents or guardians of a student that the student is involved in a report of harassment or sexual misconduct, e.g., when significant medical, disciplinary, or academic issues are raised by the situation. The College prefers and strongly encourages students to inform parents or guardians of misconduct proceedings, although the College does not require students to do so. College officials will inform parents or guardians when requested to do so by a student. Parents who become aware of a sexual assault of any student should contact Kate Snider, Title IX Coordinator at 717-358-7178 or kate.snider@fandm.edu.
Amnesty Policy in relation to reporting of Sexual Misconduct

The College strongly encourages students to report instances of gender-based discrimination, sexual harassment and sexual misconduct involving students. Therefore, students who report information about gender-based discrimination, sexual harassment or sexual misconduct involving students will not be disciplined by the College for any violation of the College’s drug or alcohol possession or consumption policies in which they might have been engaged in connection with the reported incident. Please see the College’s Amnesty Policy in the College Life Manual for additional information on this policy.

Additional Information Regarding Policies and Procedures

Sexual Misconduct Panel
The Sexual Misconduct Panel shall be composed of at least 15 and no more than 35 professional staff members appointed by the Title IX Coordinator and the Deputy Title IX Coordinator in consultation with the Vice President and Dean of Student Affairs. In the event of a hearing, the Deputy Title IX Coordinator or designee of the Vice President and Dean of Student Affairs will serve as Chair of the Sexual Misconduct Hearing Panel. The Title IX Coordinator shall arrange for the Panel members to receive in-depth, on-going training prior to assuming their responsibilities. The training includes preparation for the roles of investigator, advisor, and Hearing Panel member.

Outcome Notification
In rare instances, the College may choose to make a brief public announcement of the nature of the violation and the action taken. The names of individuals are not used in these announcements. Certain College administrators (e.g., the Vice President and Dean of Student Affairs and Director of Public Safety) may be informed of the names of individuals on a confidential need-to-know basis. Notifications under the Clery Act will also be made by the Department of Public Safety. The Committee on Sexual Misconduct will send an annual letter to the College community containing aggregate data regarding the outcomes of the prior year’s sexual misconduct reports and related information. No identifying information is included in the letter.

Advisors
As noted above, the reporting student and responding student are informed of the right to be assisted in the hearing by an advisor of their choice with the exception of a current Franklin & Marshall College student. Advisors do not need to be members of the College community, however, advisors may be chosen from the roster of trained administrators who are members of the Sexual Misconduct Panel. No students or faculty serve on the Sexual Misconduct Panel. The reporting student and responding student must choose separate advisors. If the reporting student and responding student have no preference for their advisors the Title IX Coordinator or Deputy Title IX Coordinator will assign advisors from the members of the Sexual Misconduct Panel. The reporting student and responding student must notify the Title IX Coordinator and Deputy Title IX Coordinator of their choice of advisor within 5 business days of filing or notification of the report. The advisors may be present at the hearing and are given copies of the pre-hearing documents that are given to the reporting student and responding student. If the advisor is not a member of the Sexual
Misconduct Panel, the responding student or reporting student is responsible for providing their advisor with the pre-hearing documents and for compliance with the timelines described in this policy. An advisor may assist a student in preparing for the hearing, which will include preparation of a closing, opening and impact statement. Breaks in the hearing are scheduled to allow an advisor to consult with the students. Advisors may not speak in the Hearing Room nor willfully circumvent the Hearing process; doing so may result in the advisor being asked to leave the Hearing Room. Advisors may not address the Hearing Panel or other persons at the hearing, however, the reporting student or responding student may ask the advisor to make either an opening or closing statement on behalf and instead of the reporting student or responding student.

**Impact Statements**
Both students will prepare an impact statement describing the impact that the initial event and subsequent related events have had on their lives. The impact statement will be reviewed by the Hearing Panel only in the event of a finding of responsibility.

**Recusing Panel Members**
A member of the Hearing Panel who feels that they cannot be impartial or who has an immediate interest in a particular case may not sit in judgment or be present during the proceedings. Either the responding student or reporting student may question the impartiality of a member of the Hearing Panel prior to the hearing. The concerns must be stated in writing to the Chair. The Chair then consults with the member in question. The final decision about participation rests with the Chair.

**Closed Hearing**
All Hearings are closed but the Chair may authorize the attendance of any person who may serve a legitimate purpose in the hearing process. The responding student and reporting student may have only one advisor of their choice in the Hearing Room. Other support persons are not permitted in the Hearing Room but may be present in the separate private rooms provided for the reporting student and responding student during the Hearing.

**Understanding how the Sexual Misconduct Hearing Differs from a Court of Law**
The Student Code of Conduct, available in the College Life Manual, is neither a criminal nor a civil code and does not operate like one. The College’s expectations for its community members are of a different standard of conduct than is required by law. Because the purposes of the Code are different from the purposes of law, the procedures by which the Code is implemented are, by design, more informal and less adversarial than those of a court.

**Record of proceedings**
Preparatory notes, witness statements and summary, one copy of all written statements of the reporting student and responding student, the investigation notes and record of the finding, sanctions and other actions taken will be maintained for six years. The Hearing is recorded; the discussions and deliberations of the Hearing Panel are not recorded. The recorded record is an internal record owned by the College to be made available to the appeals officer. A student preparing an appeal may also be allowed to listen to the recording, under the supervision of a designee of the Dean of Students. The record of the Hearing is the property of the College and will be maintained by the Title IX Coordinator for a period of six years.
The Record of an Appeal
The record of an appeal consists of the letter of appeal; the written statements from the parties and Dean/Officer and Chair; the written decision whether to hear the appeal and the outcome of the appeal. This record is appended to the written record of the original decision and maintained with it.

Updates to Reporting student and Responding student
Both the reporting student and responding student will be given periodic updates regarding the status of the investigation by their chosen advisor or, if none has been chosen, by the Title IX Coordinator, or Deputy Title IX Coordinator.

Follow-up
The Title IX Coordinator or Deputy Title IX Coordinator will follow up with all reporting students and responding students after completion of the investigation or hearing process to determine if there has been any retaliation or further incidents.

Designees
It is understood that circumstances may require the substitution of administrators for alternate roles within this process. The Vice President and Dean of Student Affairs or the Dean of Students may always choose to appoint and empower a designee.

Policy Amendment
Concerns, questions and suggestions for amendments to this policy, from any member of the College community, should be addressed to the Title IX Coordinator, Kate Snider at 717-358-7178 or kate.snider@fandm.edu.

Retaliation
The College does not tolerate retaliation against individuals who report or file reports of sex discrimination (including sexual harassment), participate in investigations under this policy, or otherwise assert rights protected by Title IX. Franklin & Marshall College takes seriously reports of retaliation and retaliatory harassment, and takes disciplinary action, where appropriate, to address incidents of retaliation. Examples of retaliation include ostracizing, spreading rumors, banning a student from clubs, social or living groups as a result of their having reported sexual harassment/misconduct. Reports of retaliation will be investigated using the same process and standards outlined in this policy. Reports of retaliation should be directed to Kate Snider, Title IX Coordinator (717-358-7178, kate.snider@fandm.edu).

Mandated Reporting of Sexual Misconduct
In compliance with the requirements of Title IX, Franklin & Marshall has a mandated reporter policy. All employees are required to report within 24 hours any act of sexual misconduct they become
aware of to the Title IX Coordinator (717-358-7178) at 623 College Avenue. This includes student employees, who are required to report if they become aware of sexual misconduct while performing in their role as an employee. House Advisors (“HAs”) are the exception. HAs are considered to be in their employee roles at all times. The mandated reporter is required to give all names and information revealed to them; however, if possible, the Title IX Coordinator will contact the reporter before contacting the reporting student in order to determine the best way to proceed to preserve the relationship of the reporter and the reporting student. For more information and for the Mandated Reporter Reporting Form, please visit the Franklin & Marshall College mandated reporter website by using the keywords “Sexual Misconduct Awareness Information.” Mandated reporters may not use the anonymous Department of Public Safety reporting form to report sexual misconduct.

Off-Campus Resources

- Lancaster YWCA Sexual Assault Prevention & Counseling Center 24-hour Hotline: 717-392-7273
- Lancaster City Police: 911
- Public Defender:
  - must be a criminal offense to qualify for assistance
  - must apply in person
  - Lancaster County Courthouse, Court of Common Pleas, 50 N. Duke Street, Lancaster, PA 17602, 717-295-3584
  - Lancaster Bar Association Lawyer Referral Service: 717-393-0737
  - One-half hour consultation with an attorney for $50.00. The attorney than charges his regular fee.
  - Available Monday through Friday 9am to noon
- Mid Pen Legal Services does not handle criminal cases and will not handle stalking or harassment cases.
- Lancaster Bar Association Lawyer Referral Service: 717-393-0737
- For information about your Clery Act rights, please see the Campus Sexual Assault Victim’s Bill of Rights.
Crime Definitions

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

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

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

*This includes all sex offenses except rape (as newly defined), prostitution, and commercialized vice.*

**Sex Offenses:**

**Rape** – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. (Including forcible sodomy and sexual assault with an object.) This includes any gender of victim or perpetrator and instances in which the victim or perpetrator and instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

**Fondling** – The touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

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

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

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

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

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

**Aggravated Assault** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary for an injury to result when a gun, knife or other weapon is used in the commission of the crime.

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

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

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

**Arson** – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Liquor Law Violation** – The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still, furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; or any attempts to commit any of the foregoing violations. **Note: this list does not include public drunkenness and driving under the influence.**

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

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

**Disciplinary Referrals** – Incidents in which a student was not arrested but was referred for campus disciplinary action for liquor law violations, drug law violations and illegal weapons possession.
<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus Property</th>
<th>*On Campus Student Housing Facilities</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
<th>Unfounded Crimes</th>
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*Statistics under On Campus Student Housing Facilities are also counted under the On Campus geographic category. The law requires institutions to break out the number of On Campus crimes that occur in student residential facilities. In 2016, the Department of Education redefined ‘On Campus’ to include all properties owned or controlled by the College up to one (1) mile from the core of the Campus. 2015 shows ‘Non Campus’ property housing because it was outside of the core of the Campus. As of 2016, that housing which is owned or controlled by the College is included in ‘On Campus’ housing due to the Department of Education's definition change. There is “Non Campus” student owned housing.
## Three Year Jeanne Clery Disclosure of the Campus Security Policy
and Campus Crime Statistics Act Report

### Arrests and Disciplinary Referrals Report

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus Property</th>
<th>*On Campus Student Housing Facilities</th>
<th>Non-Campus Property</th>
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<td><strong>Arrests:</strong></td>
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<td>0</td>
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<td></td>
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<td><strong>Disciplinary Referrals:</strong></td>
<td></td>
<td></td>
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<tr>
<td>Drug Abuse Violations</td>
<td>2015</td>
<td>29</td>
<td>24</td>
<td>5</td>
<td>3</td>
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<td>46</td>
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<td><strong>Arrests:</strong></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Liquor Law Violations</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td></td>
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<td>0</td>
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<tr>
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<td>0</td>
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<td><strong>Disciplinary Referrals:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liquor Law Violations</td>
<td>2015</td>
<td>73</td>
<td>65</td>
<td>11</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>108</td>
<td>101</td>
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<td>10</td>
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<tr>
<td></td>
<td>2017</td>
<td>89</td>
<td>81</td>
<td>0</td>
<td>12</td>
</tr>
</tbody>
</table>

*Statistics under On Campus Student Housing Facilities are also counted under the On Campus geographic category. The law requires institutions to break out the number of On Campus crimes that occur in student residential facilities. In 2016, the Department of Education redefined ‘On Campus’ to include all properties owned or controlled by the College up to one (1) mile from the core of the Campus. 2015 shows ‘Non Campus’ property housing because it was outside of the core of the Campus. As of 2016, that housing which is owned or controlled by the College is included in ‘On Campus’ housing due to the Department of Education’s definition change. There is “Non Campus” student owned housing.*
### Annual VAWA Offense Report, Lancaster, PA Campus

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus Property</th>
<th>*On Campus Student Housing Facilities</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Violence</td>
<td>2015</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>7</td>
<td>7</td>
<td>0</td>
<td>1</td>
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<tr>
<td></td>
<td>2017</td>
<td>14</td>
<td>11</td>
<td>0</td>
<td>1</td>
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<tr>
<td>Dating Violence</td>
<td>2015</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
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<td>0</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Stalking</td>
<td>2015</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2016</td>
<td>14</td>
<td>12</td>
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<td>0</td>
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<td></td>
<td>2017</td>
<td>17</td>
<td>14</td>
<td>0</td>
<td>0</td>
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</table>

*Statistics under On Campus Student Housing Facilities are also counted under the On Campus geographic category. The law requires institutions to break out the number of On Campus crimes that occur in student residential facilities. In 2016, the Department of Education redefined ‘On Campus’ to include all properties owned or controlled by the College up to one (1) mile from the core of the Campus. 2015 shows ‘Non Campus’ property housing because it was outside of the core of the Campus. As of 2016, that housing which is owned or controlled by the College is included in ‘On Campus’ housing due to the Department of Education’s definition change. There is “Non Campus” student owned housing.
Hate Crimes, Lancaster, PA

<table>
<thead>
<tr>
<th>Year</th>
<th>Crime</th>
<th>Type of Bias</th>
<th>On Campus Property</th>
<th>*On Campus Student Housing Facilities</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2016</td>
<td>0</td>
<td>0</td>
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<tr>
<td>2017</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2015</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>2016</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>2017</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2015</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>2016</td>
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<td>0</td>
<td>0</td>
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<tr>
<td>2017</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

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

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

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

*Statistics under On Campus Student Housing Facilities are also counted under the On Campus geographic category. The law requires institutions to break out the number of On Campus crimes that occur in student residential facilities. In 2016, the Department of Education redefined ‘On Campus’ to include all properties owned or controlled by the College up to one (1) mile from the core of the Campus. 2015 shows ‘Non Campus’ property housing because it was outside of the core of the Campus. As of 2016, that housing which is owned or controlled by the College is included in ‘On Campus’ housing due to the Department of Education’s definition change. There is “Non Campus” student owned housing.
Franklin & Marshall College is pleased to comply with state laws (The College and University Security Information Act [PA Act 73, 1988]) requiring colleges to make security information and campus crime statistics available to prospective and current students and employees.

### How crime rates are calculated

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

### Part I Offenses

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder &amp; Non-Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Murder by Negligence</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.000</td>
<td>0.000</td>
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<tr>
<td>Forcible Rape</td>
<td>8</td>
<td>9</td>
<td>13</td>
<td>0.002</td>
<td>0.003</td>
<td>0.004</td>
</tr>
<tr>
<td>Attempted Rape</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
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<tr>
<td>Robbery</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>0.001</td>
<td>0.001</td>
<td>0.001</td>
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<tr>
<td>Aggravated Assault</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Burglary</td>
<td>10</td>
<td>6</td>
<td>14</td>
<td>0.003</td>
<td>0.002</td>
<td>0.004</td>
</tr>
<tr>
<td>Larceny-Theft (Except Motor Vehicle)</td>
<td>46</td>
<td>65</td>
<td>52</td>
<td>0.015</td>
<td>0.021</td>
<td>0.016</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Attempted Motor Vehicle Theft</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Arson</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td><strong>Total Part I</strong></td>
<td>67</td>
<td>89</td>
<td>87</td>
<td>0.021</td>
<td>0.027</td>
<td>0.025</td>
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### Part II Offenses

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<tr>
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<tbody>
<tr>
<td>Drunkenness</td>
<td>11</td>
<td>16</td>
<td>15</td>
<td>0.003</td>
<td>0.005</td>
<td>0.004</td>
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<tr>
<td>Forgery and Counterfeiting</td>
<td>6</td>
<td>16</td>
<td>8</td>
<td>0.001</td>
<td>0.005</td>
<td>0.002</td>
</tr>
<tr>
<td>Fraud</td>
<td>4</td>
<td>6</td>
<td>5</td>
<td>0.001</td>
<td>0.000</td>
<td>0.001</td>
</tr>
<tr>
<td>Stolen Property (Receiving, Possessing, Buying)</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>0.001</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Vandalism</td>
<td>38</td>
<td>46</td>
<td>38</td>
<td>0.012</td>
<td>0.015</td>
<td>0.011</td>
</tr>
<tr>
<td>Weapons (Carrying, Possessing)</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>0.001</td>
<td>0.000</td>
<td>0.000</td>
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<tr>
<td>Driving Under the Influence</td>
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<td>1</td>
<td>0</td>
<td>0.000</td>
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<tr>
<td>Liquor Laws</td>
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<td>119</td>
<td>103</td>
<td>0.027</td>
<td>0.038</td>
<td>0.032</td>
</tr>
<tr>
<td>Sex Offenses (Except in Rape &amp; Prostitution)</td>
<td>9</td>
<td>4</td>
<td>10</td>
<td>0.002</td>
<td>0.001</td>
<td>0.003</td>
</tr>
<tr>
<td>Drug Abuse Violations</td>
<td>37</td>
<td>51</td>
<td>39</td>
<td>0.012</td>
<td>0.016</td>
<td>0.012</td>
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<tr>
<td>Disorderly Conduct</td>
<td>18</td>
<td>21</td>
<td>15</td>
<td>0.005</td>
<td>0.006</td>
<td>0.004</td>
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<tr>
<td>Trespass</td>
<td>12</td>
<td>24</td>
<td>32</td>
<td>0.003</td>
<td>0.007</td>
<td>0.010</td>
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<tr>
<td>All Other Offenses (Harassment/Noise)</td>
<td>140</td>
<td>195</td>
<td>194</td>
<td>0.045</td>
<td>0.063</td>
<td>0.061</td>
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<td><strong>Total Part II</strong></td>
<td>368</td>
<td>500</td>
<td>460</td>
<td>0.120</td>
<td>0.156</td>
<td>0.140</td>
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### Total FTE

<table>
<thead>
<tr>
<th>Students</th>
<th>Faculty</th>
<th>Professional Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>2312</td>
<td>252</td>
<td>492</td>
</tr>
<tr>
<td>2326</td>
<td>246</td>
<td>502</td>
</tr>
<tr>
<td>2400</td>
<td>249</td>
<td>529</td>
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</table>

<table>
<thead>
<tr>
<th>FTE</th>
<th>3056</th>
<th>3074</th>
<th>3178</th>
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<tr>
<td>Students</td>
<td>2312</td>
<td>2326</td>
<td>2400</td>
</tr>
<tr>
<td>Faculty</td>
<td>252</td>
<td>246</td>
<td>249</td>
</tr>
<tr>
<td>Professional Staff</td>
<td>492</td>
<td>502</td>
<td>529</td>
</tr>
</tbody>
</table>
Important Safety Tips

Helpful hints to promote a safe environment for the entire campus

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

Campus Safety Tips

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

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

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

Do not leave personal items unattended – Leaving valuables unattended tempts thieves. Unless something is locked up, there is a potential target for theft or vandalism. Be especially careful of laptops, cell phones, GPS units, iPads and iPods. Never leave purses, wallets, cell phones, or any other valuables in plain sight. A criminal is more likely to break into a car if there are items of value visible through the windows.

Be aware of your surroundings – Don’t talk on cell phones while walking alone. Always walk with your head up, looking from side to side. Being alert makes you less likely to become a target.
Car Safety Tips

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

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

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

**Register your vehicle with the College** – This allows you to legally park in the documented lots.

**Keep your car at home** – Remember, First Year students may not bring their vehicles to Lancaster.

How To Reach Public Safety

<table>
<thead>
<tr>
<th><em>Department of Public Safety</em></th>
<th>717-358-3939</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency phones (blue lights)</td>
<td>No dialing necessary</td>
</tr>
<tr>
<td>Williamson Field Parking Lot</td>
<td>No dialing necessary</td>
</tr>
<tr>
<td>Exterior Residence Hall Phones</td>
<td>No dialing necessary</td>
</tr>
<tr>
<td>All College Buildings &amp; Residence Halls</td>
<td>3939</td>
</tr>
<tr>
<td>Anonymous Tip Line</td>
<td>717-358-4302</td>
</tr>
<tr>
<td>LiveSafe App</td>
<td>Tap the app and choose “Emergency Options”</td>
</tr>
</tbody>
</table>

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

Other Important Telephone Number

| Title IX Coordinator Office | 717-358-7178 |
| Franklin & Marshall College Sexual Assault Response Line | 717-560-7311 |
| Franklin & Marshall College Student Wellness Center | 717-544-9051 |
| Local Emergency Agencies | 911 |
| Lancaster Bureau of Police | 911 |
| Lancaster City Fire Department | 911 |
| Lanc. YWCA Sexual Assault Prevention & Counseling Center (24-hour hotline) | 717-392-7273 |
| Lancaster Shelter for Abused Women | 717-299-1249 |
| DVS – Domestic Violence Services | 717-299-9677 |
| Victim/Witness Services | 717-299-8048 |
Franklin & Marshall College is located in the City of Lancaster, Pennsylvania. The Campus encompasses over 220 acres and has expanded to include over 81 buildings. The College has 9 dormitories located on Campus and 41 properties that are within walking distance to the College. All of the Campus properties that house students are protected throughout by integrated automatic sprinkler and fire alarm systems monitored 24 hours/day by the College’s Department of Public Safety or a Lancaster City Bureau of Fire approved central station. These systems are inspected and tested routinely. In addition, life safety systems are in place in all student housing including emergency lighting, fire doors, emergency exit doors and fire extinguishers.

The Director of Compliance & Risk Management oversees the Fire Safety Coordinator for Franklin & Marshall College. The position of Fire Safety Coordinator was created to handle and improve existing programs.

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

The Office of Compliance and Risk Management and the Fire Safety Coordinator will be responsible for the training and education of all incoming students and active staff of the college in their required safety programs. The College has implemented and is expanding the SafeColleges training platform.
Definitions

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

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

**FIRE DRILL:** A supervised practice of a mandatory evacuation of a building for a fire.

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

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

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

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

Procedures for Evacuations

**BUILDING EVACUATIONS:**

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

We must be prepared for all of these, as well as human-made crises, which can come in the form of bomb threats, terrorism or violence on Campus. Each of the following evacuation plans are meant to provide a safe and efficient method to evacuate part of or the entire campus in the event of a disaster on or near Campus or to shelter in place.
Emergency Coordinators have been assigned to College facilities and will assist first responders in the execution of emergency plans. Emergency Coordinators are volunteers and will be responsible for accountability of faculty, staff, students and guests of the College.

GENERAL POPULATION EVACUATION:

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

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

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

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

EVACUATION OF PERSONS WITH DISABILITIES:

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

Ground Floor: Persons with physical disabilities should go to the nearest ‘area of refuge’ on their floor.

Above or Below Ground Floor:

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

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

**Mobility Impaired**
Since elevators should not be used for evacuation during an emergency, persons with mobility impairments need assistance evacuating. Individuals who can walk may be able to evacuate themselves. Walk with the person to provide assistance if necessary.

Evacuating individuals who are not able to walk is much more complicated. If there is no immediate danger, take the individual to the nearest ‘area of refuge’ on their floor. Whenever possible, someone should remain with the person while another individual exits the building and notifies emergency personnel of the mobility impaired person’s exact location/‘area of refuge.’

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

During working hours Emergency Coordinators will direct and assist in the evacuation needs of your building.

**Areas of Refuge Evacuation Plan:**

**Areas of refuge definition**
An area where persons unable to use stairways can remain temporarily to await instructions or assistance during emergency evacuation.

**Scope**
The purpose of this guideline is to ensure that people with special needs and/or disabilities that cannot be removed to the outside of a building during an emergency are provided a safe haven until assistance can be provided. Areas of refuge are marked by signage and decals on the floors of the buildings that contain them.

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

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

**Fire Evacuation Procedure**

Upon activation of the fire alarm, persons shall immediately proceed to the nearest exit and evacuate the building reporting to their Building Emergency Coordinator for accountability. Persons unable to evacuate on their own may proceed to the ‘Area of Refuge’ located throughout campus buildings to await assistance. Evacuating persons should ask persons needing assistance if they can help them to the nearest ‘Area of Refuge.’ You should assist them as requested and notify Franklin & Marshall College Public Safety, local Police, Fire, EMS or Building Emergency Coordinator where that person is. Be as specific as possible about location so further assistance can be provided. Public Safety can be notified by calling 717-358-3939 or you can call 911 and notify Lancaster County Control. This will give authorities the opportunity to go to the ‘Area of Refuge’ and remove the person or persons from the building to a safety.

**Franklin & Marshall College Safety Policies**

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

**SMOKING:**

In order to promote the health and safety, comfort and well-being of all members of the College community, Franklin & Marshall College prohibits smoking:

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

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

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

RESPONSE TO FIRE OR SUSPECTED FIRE:

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

RESPONSE TO AUDIBLE FIRE ALARMS:

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

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

We reserve the right to confiscate any prohibited item found in your room. They will be labeled and put in the Department of Public Safety’s storage room until the end of the semester. At this time, you may claim your belongings.

FIRE TRAINING POLICY

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

Training is conducted in the following subjects where required:

Evacuation Training
Employees shall be familiarized with the fire alarm and evacuation signals, their assigned duties in the event of an alarm or emergency, evacuation routes, areas of refuge, exterior assembly areas and procedures for evacuation.

Emergency Lockdown Training
Where a facility has a lockdown plan, employees shall be trained on their assigned duties and procedures in the event of an emergency lockdown.

Fire Safety Training
Employees assigned firefighting duties shall be trained to know the locations and proper use of portable fire extinguishers, or other manual firefighting equipment and the protective clothing or equipment required for its safe and proper use.
The Lancaster City Bureau of Fire provides firefighting duties. The College offers fire extinguisher training to all students, faculty and staff upon request. It is the policy of the College that employees do not fight fire, but evacuate the area.

LANCASTER BUREAU OF FIRE REPORTING PROCEDURES FOR ALL FIRES

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

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

Franklin & Marshall College FIRE EVACUATION DRILL POLICY AND PROCEDURE

POLICY: The State of Pennsylvania has adopted the Uniform Construction Code (U.C.C.). This code, in turn adopts the International Building Code (I.B.C.) and The International Fire Code (I.F.C.). The City of Lancaster has opted in and has adopted these codes. These codes require emergency evacuation drills (I.F.C. Section 405, sub section 405.1 to 405.9).

The frequency of required fire evacuation drills (I.F.C. table 405.2) for R-2 Occupancy classifications includes dormitories, fraternities and sororities (I.F.C. page 26).

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

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

- Students shall report any fire by calling 911, Public Safety 717-358-3939 or by activating an alarm located in the building.
- Remain calm and if possible close windows in their room.
- Turn off any electrical items.
- Take only clothing that will be needed for the type of weather conditions that exist.
- Leave by the nearest exit.
- Do not use the elevators.
- Do not attempt to go back into the building even if the alarm stops. Wait until the Fire Official or Public Safety Officer has given permission to re-enter.
• In an actual emergency if you are trapped and not able to exit a room or the building, yell for help and call 911 or Public Safety 717-358-3939 by using a house phone or cellular phone. Be sure to give your location in the building as best as you can for assistance.

Reporting a Fire for Inclusion in the Fire Statistics
Per federal law, Franklin & Marshall College is required to annually disclose statistical data on all fires that occur in On-Campus student housing facilities. Therefore, if you encounter a live fire in one of these facilities, you should immediately get to a safe place, then dial 911. Once the emergency has passed, you should notify Franklin & Marshall College Public Safety at 717-358-3939 to investigate and document the incident for disclosure in the College’s annual fire statistics.

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

Procedures Students and Employees Should Follow in Case of a Fire
In these programs, procedures that students and employees should follow in case of a fire are reviewed and include the following:

Student Housing Evacuation Procedures in Case of a Fire
• If you hear the fire alarm immediately evacuate the building using the nearest available exit. Do not attempt to fight a fire unless you have been trained to do so.
• Awaken any sleeping roommate or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.
• When leaving your room, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.
• Resident life staff members who are present on their floors should facilitate the evacuation of their floor/section if possible. When the alarm sounds shout (Example: there is an emergency in the building leave by the nearest exit) and knock on doors as they make their way to the nearest exit and out the building.
• When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.
• DO NOT USE ELEVATORS. Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.
• Each resident should report to their assigned assembly area. Resident life staff should report to their assigned assembly area and make sure that students have cleared the building. Conduct a head count and do not allow re-entry into the building until directed to do so by emergency personnel.
CONDUCTING REQUIRED EMERGENCY EVACUATION DRILLS *(I.F.C. 405.5)*

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

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

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

**Fire Event Log:** The Department of Public Safety maintains a log of all fire events that occur in the on-campus student housing facilities including the Fraternity Houses. The log lists the date, time and nature of the fires as well as location of the fires.

**Resident Halls on Campus: (Student Housing)**
- North Ben Franklin – 709 Race Avenue
- South Ben Franklin – 637 Race Avenue
- Weis Hall – 779 Race Avenue
- Thomas Hall – 700 Williamson Way
- Schnader Hall – 620 Williamson Way
- Marshall Hall – 613 Old Main Drive
- Buchanan Hall – 607 Old Main Drive
- New College House – 780 Williamson Drive
- Dietz Hall – 603 Old Main Drive

**Other Student Housing**
**Fraternities & Sororities:**
- Chi Phi – 603 Race Avenue
- Phi Kappa Tau – 605 College Avenue
- Kappa Sigma – 441 College Ave
- Alpha Phi International – 435/437 West James Street
- Phi Kappa Sigma – 415 West James Street
- Phi Kappa Psi – 558/560 West James Street
- Chi Omega – 442-444 West James Street

**Apartment Buildings:**
James Street Housing (*Student Housing not owned by the College*) – 448 West James St.
*College Row 700-800 Harrisburg Avenue (*Student Housing not owned by the College*)
James Street Apartment – 534 West James Street (Student Housing)
*College Hill Apartments – 602, 608, and 614 N Charlotte & 625 Lancaster Ave (*Student Housing not owned by the College*)

*All buildings managed by a third party shall perform the required drills by the Lancaster City Bureau of Fire according to the 2009 I.F.C. as adopted.*

**REQUIRED REPORTABLE FIRE DATA**

In compliance with the Department of Education’s required Annual Fire Safety Report, we are furnishing the following information:
- Number of fires in on-campus housing facilities.
- Cause of fire.
- Number of fire related injuries that resulted in treatment at a medical facility.
- Number of fire related deaths.
- Value of property damage as a result of the fire.
- Description of each on-campus housing facility fire safety system(s).
- Number of regular mandatory supervised fire drills.

**Plans for Improvement**
Franklin & Marshall College continues to assess fire safety issues on Campus. Access issues in student housing and other buildings are being addressed. Education regarding Building Evacuation Coordinators is ongoing, and improvements and updates to fire safety training will continue to be implemented.
## Fire Statistics for Franklin & Marshall College Campus Housing

### On Campus Residential Facilities 2015 – 2017**

<table>
<thead>
<tr>
<th>Residence Hall</th>
<th>Total Fires</th>
<th>Cause of Fire</th>
<th>Total Injuries Requiring Medical Treatment</th>
<th>Number of Deaths Related to a Fire</th>
<th>Value of Property Damage1</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. Ben Franklin</td>
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<td>D-Hall Kitchen</td>
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</table>
## On Campus Residential Facilities 2015 – 2017**

<table>
<thead>
<tr>
<th>Residence Hall</th>
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<th>Number of Deaths Related to a Fire</th>
<th>Value of Property Damage¹</th>
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<tr>
<td>555 Lemon St.</td>
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<td>Arson door set on fire outside of the building (Trash)</td>
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<td>Fraternity Houses:</td>
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<tr>
<td>On Campus:</td>
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¹Values are in dollars ²In 2016, the Department of Education redefined ‘On Campus’ to include all properties owned or controlled by the College up to one (1) mile from the core of the Campus. 2014 and 2015 show ‘Non Campus’ property housing because it was outside of the core of the Campus. As of 2016, that housing which is owned or controlled by the College is included in ‘On Campus’ housing due to the Department of Education’s definition change.
# Franklin & Marshall College Campus Housing Fire Evacuation and Suppression System

## Fire Safety Systems and Building Information

<table>
<thead>
<tr>
<th>Residential Facilities*</th>
<th>Fire Alarm Monitoring Done on Site by F&amp;M DPS</th>
<th>Partial¹ Sprinkler System</th>
<th>Full² Sprinkler System</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation on Plans/Placards</th>
<th>Number of evacuation (fire) drills each calendar year</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. Ben Franklin</td>
<td>Yes</td>
<td>N/A</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>S. Ben Franklin</td>
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<table>
<thead>
<tr>
<th>Residential Facilities*</th>
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<th>Full² Sprinkler System</th>
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<th>Fire Extinguisher Devices</th>
<th>Evacuation on Plans/Placards</th>
<th>Number of evacuation (fire) drills each calendar year</th>
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<td>4 per year</td>
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<td>Yes</td>
<td>Yes</td>
<td>No</td>
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</tbody>
</table>

¹Partial Sprinkler System is defined as having sprinklers in the common areas only.

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

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

⁴Other – Buildings monitored by outside provider who notifies F&M DPS.

*In 2016, the Department of Education redefined ‘On Campus’ to include all properties owned or controlled by the College up to one (1) mile from the core of the Campus. 2015 show ‘Non Campus’ property housing because it was outside of the core of the Campus. As of 2016, that housing which is owned or controlled by the College is included in ‘On Campus’ housing due to the Department of Education’s definition change.
Advanced Studies in England

Bath, England Campus

Nelson House, 2 Pierrepont Street, Bath BA1 1LB England
Prologue, Advanced Studies in England (ASE)

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

Annual Disclosure of Crime Statistics (ASE)

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

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

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

Description of the College (ASE)

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

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

How to Report a Crime, Suspicious Activity, or Emergency (ASE)

Emergency Telephone Numbers at (ASE)

ASE does not have a Campus Police Department. The emergency phone number for police, fire, and ambulance is 999. The ASE emergency number is 07767 848265. All crimes should be reported to the local police at Bath Police Station located at Council One Stop Shop, 3-4 Manvers Street, Bath BA1 1JQ Non-emergency phone number is +44 1275 818340. Sexual misconduct is to be reported to ASE Title IX Coordinator.

Policy for Campus Security Authorities (ASE)

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

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

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

Sex Offenders – Sarah’s Law (ASE)

England’s law differs from the United States in that people must inquire with their police department pertaining to someone they suspect of being a sex offender. The US has a database where one can enter the zip code or name of a person to see the sex offense charges.

https://www.theguardian.com/society/2006/jan/18/childrensservices.politics1
http://www.somersetlive.co.uk/news/somerset-news/sarahs-law-how-can-you-39257

Sexual Assault, Domestic Violence, Dating Violence and Stalking (ASE)

Throughout this policy document the following terms will be used for clarity. The person who makes a complaint under Title IX will be called ‘the complainant’. Any ASE student/staff member/member of the public against who a complaint is raised will be known as ‘the respondent’.

Policy Terms (ASE)

**Capacity (ASE)** - Under-aged persons – those under the age of 18 – are not considered legally capable of giving consent. In UK law, the age of consent is 16 years.

Under this policy, “No” always means “No,” and “Yes” may not always mean “Yes.” Someone who engages in sexual activity with someone whom they know to be – or should know to be – mentally or physically incapacitated because of alcohol or other drug use is committing sexual misconduct. This prohibition also applies when an individual is incapacitated because of mental disability, sleep, involuntary physical restraint or from the influence of incapacitating drugs such as ‘date rape’ drugs or alcohol.

Possession, use and/or distribution of any of ‘date rape’ drugs (including Rohypnol, Ketamine, GHB and others having similar effect) is prohibited, and administering any of these drugs to another or administering alcohol for the purpose of incapacitation is a violation of this policy. Evidence of incapacity includes, but is not limited to, slurred speech, bloodshot eyes, alcohol on the breath, poor equilibrium, vomiting, unusual behavior, unconsciousness, awareness of the observer that the person has ingested an excessive amount of alcohol or drugs or the knowledge of a witness that the person is incapacitated as a result of any of the above.

**Consent to Sexual Activity (ASE)** - Consent must be freely, willingly and enthusiastically given.
Consent has an expiration date; consent to one sexual activity does not imply consent to another or more sexual activity.

Prior sexual activity with a partner does not imply future consent. Consent must be given with each sexual act. Silence without activity demonstrating permission cannot be construed as consent. An individual cannot be understood to consent to sex unless that individual has the capacity to understand the behavior (See above for an explanation of “Capacity”).

**Coercion (ASE)** - Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear that they do not want sex, want it to stop, or do not wish to go past a certain point of sexual interaction, continued pressure beyond that point is coercive. That pressure can be subtle and relentless. More obvious forms of coercion include: intimidating, shaming, harassing and embarrassing the victim. Examples include: calling the victim a prude, threatening the victim with exposure, threatening to spread rumors about the victim, or threatening to exclude the victim socially.

There is a difference between seduction and coercion. Coerced sexual activity violates this policy just as physically forced sex does. Coercion happens when someone unreasonably pressures someone else for sex. Seduction occurs when there is a clear and welcome willingness to be coaxed.

**Dating Violence (ASE)** - Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type and frequency of interaction.

**Domestic Violence (ASE)** - Under UK law the cross-government definition of domestic violence and abuse is: ‘any incident or pattern of incidents of controlling, coercive, threatening behavior, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.’ The abuse can encompass, but is not limited to:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

**Force (ASE)** - The use of a weapon of any type is force. Force can exist without the use of a weapon. Use of disparate weight and size to detain a victim is force. Physically restraining a victim is force.

**Nonconsensual Sexual Contact (ASE)** - ASE observes the United States Universal Criminal Code definition of non-consensual sexual contact (see below). However, ASE holds students responsible for behavior that violates the ASE Code of Conduct, a potentially higher standard than the criminal standard. Behavior that is not criminal may, nonetheless, be a violation of the ASE Student Code of Conduct. (See ‘Sexual Harassment’ below for examples.)
Federal Bureau of Investigation definition of non-consensual sexual contact (ASE) - “Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any body part or object, by a man or a woman upon a man or a woman, without consent. Non-Consensual Sexual Intercourse is any sexual penetration (anal, oral or vaginal), however slight, with any body part or object by a man or woman upon a man or woman, without consent. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion.” ASE prohibits non-consensual sexual acts between parties of any gender identity.

Stalking (ASE) - Stalking means a course of conduct directed at a specific person that would cause a reasonable person to fear for their or other's safety or to suffer substantial emotional distress. (Electronic stalking via phone, text, email or other web-based means is considered to be stalking.)

Sexual Exploitation (ASE) - Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostitution, non-consensual video or audio-taping of sexual or other private activity, exceeding the boundaries of consent (e.g., permitting others to secretly observe consensual sexual activity, videotaping of a person using a bathroom), engaging in voyeurism, or engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of such infection.

Sexual Harassment (ASE) - Sexual harassment is gender-based verbal, non-verbal or physical conduct that has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or that creates a humiliating, degrading, intimidating, hostile, or offensive working, educational, or living environment. Sexually offensive language and activities in ASE’s public spaces constitute harassment. Stalking, either electronically or in person constitutes harassment. Examples include:

- “Catcalling,” e.g., making public, gendered and/or sexual remarks about a person within others’ hearing with or without the intended recipient’s consent. Students are responsible for public conduct that may offend or intimidate bystanders.
- Publicly ranking a person’s sexual or physical attributes without their consent. These behaviors attempt to reduce the value of the person being rated to a one-dimensional stereotype that is antithetical to an atmosphere of inclusiveness. This behavior is inherently disrespectful to all those of the gender being ranked regardless of the response of any single victim.
- Intruding in private spaces such as shower stalls and locker rooms.

Other types of harassment include comments, questioning, innuendos or jokes of a sexual nature. Derogatory comments referencing gender or sex, unwelcome sexual advances, propositions, threats, requests or demands for sexual favors all constitute sexual harassment. Displaying, posting, advertising or distributing offensive, indecent or abusive material of a sexual nature; leering or
making obscene gestures; constitutes sexual harassment. Quid pro quo sexual harassment exists when submission to or rejection of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature results in adverse educational or employment action, or the threat of such adverse action, or when submission is made a condition of educational or employment advancement.

Respect for all members of the program community is expected at ASE. Although sexually offensive depictions may also be seen as sexual harassment, ASE does not consider visual and/or aural demonstrations, depictions or conduct to be sexual harassment when there is a legitimate pedagogical context, such as material having an appropriate connection to course subject matter.

What to Do If You Have Been Sexually Assaulted (ASE)

A. Get to a safe place immediately; if you feel unsafe, call 999 for the Police.

B. Contact someone who can help you. Students can speak in confidence to a number of helplines but should be aware that UK-based resources will be operating under a different legislative framework to Title IX. This will not affect their ability to help you or to offer a good service to anyone in need, but may cause some confusion.

- **The Bridge Sexual Assault Referral Centre, Bristol:**
  24/7 helpline: 0117.342.6999: [www.thebridgecanhelp.org.uk](http://www.thebridgecanhelp.org.uk)
  The Bridge offers medical care and emotional support for anyone affected by sexual assault. They can perform a safe exam and keep forensic material in case you decide later that you wish to speak to the Police.

- **Somerset and Avon Rape and Sexual Abuse**
  Support Helpline for women and girls: 0808.801.0456
  Helpline for men and boys: 0808.801.0464

- **Focus Counselling 01225**
  The Crypt, St. Michael’s Church, Broad Street, Bath, BA1 5LJ

- **Franklin & Marshall College Sexual Assault Response Line (SART) Confidential:** 001.717.560.7311
  The SART is staffed 24/7 when the Franklin & Marshall College campus is in session by registered nurses (RN’s) from the Student Health and Wellness Center. They can answer your questions and refer you to the proper US-based resources.

You can call the ASE Emergency Phone 24/7 on 07767 848265 for help and assistance. Please note that ALL ASE staff are Title IX mandated reporters and will have to report any incident to the ASE Title IX Coordinator, Lucy Marten.
C. Other Steps:

1. Get medical attention as soon as possible. You may have hidden injuries and should explore options regarding pregnancy and the possibility of sexually transmitted diseases. The Title IX Coordinator, Dr. Lucy Marten can assist you with this and will accompany students to The Bridge Sexual Assault Centre in Bristol if required.

2. Write down everything that you remember about the event(s), with as much detail as possible. This step can help both with your own healing process and in any legal or disciplinary action you may choose.

3. Seek counselling or other sources of support. Talking with a trained mental health professional may help in coping with the aftermath of a sexual assault. Family and friends may also be a source of comfort and support. It is most important that you are comfortable with and trust the individuals in whom you choose to confide. For further counselling, ASE can book appointments with Focus Counselling in Bath. Please speak to Dr. Lucy Marten regarding ASE assistance with payment.

Where and How to File a Complaint Report or Receive Help ASE

Deciding What to Do

A student has multiple options when considering what to do if the student is a victim of sexual misconduct. The student may take one or more of the following options:

- Speak confidentially with one of the designated confidential sources listed on the Student Help Sheet to determine next step.
- File a complaint with the ASE Title IX Coordinator.
- File a criminal complaint with the Police.

Each of these steps is described in detail below. Complaints with ASE and Police may be filed concurrently.

Confidential Resources (ASE)

Confidential Reports of Sexual Misconduct that do not put ASE or Police on Notice:

Certain reports of sexual misconduct are not considered to be “filing a report with ASE” and do not put ASE or the Police on notice regarding an event of sexual misconduct, discrimination, or harassment. These reports are titled for purposes of this policy as “confidential reports” to resources that can advise victims of their options.

Students can speak in confidence to a number of helplines but should be aware that UK- based
resources will be operating under a different legislative framework. Although they may not be familiar with the terminology of Title IX, this will not affect their ability to help or to offer a good service to anyone in need.

- **The Bridge Sexual Assault Referral Centre, Bristol:**
  24/7 helpline: 0117.342.6999: [www.thebridgecanhelp.org.uk](http://www.thebridgecanhelp.org.uk)
  The Bridge offers medical care and emotional support for anyone affected by sexual assault. They can perform a safe exam and keep forensic material in case you decide later that you wish to speak to the Police.

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  The SART is staffed 24/7 when the Franklin & Marshall College campus is in session by registered nurses (RN’s) from the Student Health and Wellness Center. They can answer your questions and refer you to the proper US-based resources.

**Filing a Complaint at (ASE)**

**Mandated Reporting of Sexual Misconduct**

In compliance with the requirements of Title IX, Franklin & Marshall College and ASE have a mandated reporter policy. All employees are required to report within 24 hours any act of sexual misconduct they become aware of to the Title IX Coordinator, Dr. Lucy Marten, (L.Marten@asebath.org) The mandated reporter is required to give all names and information revealed to them.

Students are not restricted to bringing concerns to their assigned mentor and any student may approach any member of staff with whom they feel comfortable to report possible Title IX issues. For that reason:

**All ASE Employees (including student Social & Cultural assistants and member of Faculty) are Mandated Reporters.**

All students wishing to file a complaint, or seek information about options for filing a complaint, of sexual misconduct, harassment or discrimination, including domestic violence, dating violence or stalking should contact Dr. Lucy Marten, ASE’s Title IX Coordinator who acts as a Deputy to the Franklin & Marshall College Lancaster Title IX Coordinator. These complaints are considered private but not confidential reports: they invoke the requirements of Title IX and may, in some instances, initiate an ASE and/or home institution investigation and possible college judicial process.
ASE makes every effort to respond to student requests for anonymity and a student’s communicated preference to waive the disciplinary process, unless the allegations indicate an ongoing or likely future threat to the safety of the complainant and/or other members of the ASE community. Students should understand that a request for anonymity will limit ASE’s ability to investigate and respond to the complaint. The Franklin & Marshall College Title IX Coordinator may inform Franklin and Marshall College’s General Counsel that an individual sought information regarding harassment or sexual misconduct; the identities of the involved parties will remain confidential and the information regarding the allegation will be shared on a need-to-know basis and treated with regard for the privacy of the parties involved. Complaints to ASE of sexual misconduct need not be immediate; complainants have up to two years from the date of the incident to report a complaint that may in turn be investigated by the home institution of the complainant.

Please note the following as well:

- A complaint against a member of the Faculty or Staff should be made to Dr. Lucy Marten, who will direct the complainant to the appropriate office(s) and assist in the coordination of the Title IX process.
- Complainants may be asked to confirm in writing that they decline at the current time, to file a formal complaint with ASE. This waiver does not preclude the right to file a complaint with ASE or the home institution at a later time. This waiver also does not preclude ASE conducting an investigation as required by Title IX.
- Complainants will be advised of their right to file a criminal complaint with the UK police.
- Once a complainant has filed a complaint, they may choose to resolve that complaint through mediation if appropriate (however, mediation is not utilized in cases of sexual assault), or the filing of a Formal Complaint with ASE.

Filing a Criminal Complaint with the Police (ASE):

Students may file a criminal complaint as follows:

- Meeting with the Title IX Coordinator, who will accompany them to the police. It is suggested that students contact Dr. Lucy Marten prior to filing a police report with the Bath Police unless there is imminent physical danger.
- Bath Police Station is located at the Council One Stop Shop, 3-4 Manvers Street, Bath. BA1 1JQ (just up the road from Nelson House).

ASE does not discourage any student from filing a report with the Police. However, ASE may be obligated to conduct its own investigation regardless of any criminal investigation. ASE will comply with law enforcement requests for cooperation; such cooperation may require ASE to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence.
ASE will promptly resume its Title IX investigation as soon as it is notified by the police that it has completed the evidence gathering process, although the delay in ASE’s investigation may be longer in certain instances. ASE will implement appropriate interim steps during the police’s investigation period to provide for the safety of the complainant(s) and the ASE community and the avoidance of retaliation. ASE will pursue its investigation in a timely manner regardless of the progress of the criminal complaint, in which case the investigations may be simultaneous.

Three Choices for Resolution Following a Formal Complaint Made to ASE

After filing a formal Complaint, a complainant has the option of requesting three different responses, which are briefly described below.

A. Mediation: In a case of sexual harassment, a complainant may request a referral to a trained mediator who will facilitate understanding of the nature of the complaint by the respondent, attempt to address potential misunderstandings, if any, and resolve the complaint with respect for the privacy of the parties involved. Mediation is particularly appropriate when the complainant wants help in addressing the issue without pursuing formal action.

The complainant, however, may terminate the informal resolution procedure at any time and pursue a formal complaint. ASE does not participate in mediation of allegations of non-consensual sexual intercourse or sexual assault and advises against the use of mediation in this circumstance. A person who desires mediation as described above should write a letter to ASE’s Title IX Coordinator outlining the complaint and requesting mediation. The Title IX Coordinator will meet with the complainant and respondent and refer the complaint to a trained mediator. A person seeking mediation must agree to be identified to the respondent. A mediator begins mediation efforts within 10 business days and reports to the Title IX Coordinator that the mediation occurred. Complainants and respondents are encouraged not to discuss the complaint with other members of the community except as required by the need for professional psychological counselling. At the conclusion of a successful mediation, both parties sign a statement agreeing that the mediation was successful. If the mediation is unsuccessful, the complainant can proceed to a formal complaint and hearing, in a timely fashion, after the attempted mediation. A copy of the signed statement constitutes the record of the mediation.

B. The Title IX Coordinator may, at the request of the complainant, meet with the respondent in the complaint of misconduct and issue a warning or reprimand regarding the conduct and order that it cease.

C. The Title IX Coordinator may also, at the request of the complainant, inform the Title IX Coordinator of the home institution of the respondent, of the complaint. The Title IX Coordinator of the respondent’s home institution and the Franklin and Marshall Title IX Coordinator, in consultation with the ASE Title IX Coordinator and complainant will define a course of action.
Advisors (ASE)

If a complaint is made, the Title IX Coordinator will meet with the complainant to discuss the investigation process and possible outcomes. At this meeting the complainant will be informed of their right to be assisted in the hearing by an advisor of their choice. Advisors do not need to be members of the ASE community. Advisors may be chosen from the ASE faculty or staff.

Any person identified as the respondent also has the right to choose an advisor, but the complainant and respondent must choose separate advisors. If the complainant and respondent have no preference for their advisors but choose to have an advisor, the Title IX Coordinator may assign advisors.

The complainant and respondent must notify the Title IX Coordinator of their choice of advisor within 2 business days of filing or notification of the complaint. The advisors may be present at the investigation interview with the respondent or complainant but may not speak in the interview. Both the complainant and respondent will be asked to make a written statement concerning the complaint, including witness names. Their advisors may assist in the writing of these documents.

What Happens After You Have Decided to File a Formal Complaint with ASE?

Persons who desire to file a formal complaint about an act of sexual misconduct committed by a student have recourse through the procedures of ASE established by this Policy. After a formal complaint is filed, certain procedures are applied. These procedures apply to complaints of sex discrimination/misconduct by students or third parties against students, third parties, and all employees. These policies apply to incidents taking place either on or off ASE-owned/managed property or during ASE-sponsored travel. Conduct that occurs while on ASE sponsored travel can be the subject of a complaint or report, and will be evaluated to determine whether it violates this policy, e.g., if off-site harassment has continuing effects that create a hostile environment on the Program.

The procedure is as follows:

A. Meeting with ASE’s Title IX Coordinator

Upon notice to a mandated reporter, the complainant will be directed to ASE’s Title IX Coordinator (if the original complaint was not filed with the Title IX Coordinator) within 24 hours to discuss the investigation process and possible outcomes. At this meeting the complainant will be advised to choose an advisor from the faculty or staff of the ASE program. It is not required that the parties choose an advisor. If an advisor is chosen, the complainant and respondent must notify the Title IX Coordinator of the name of the advisor within 2 business days of filing or being notified of the complaint. The complainant and respondent will be given information folders at the meeting with the Title IX Coordinator. The information folder for each contains:
1. Complainant:
   a) Student help sheet: ‘What to do if you have been sexually assaulted’
   b) Student Help Sheet: ‘Possible Responses to Trauma’
   c) Interim Measures and Accommodations for the Complainant
   d) Rights of the Respondent and Complainant
   e) Investigation message for students

2. Respondent:
   a) Rights of Respondent and Complainant
   b) Investigation message for students

B. Writing the Complaint

The complainant will be assisted by their advisor in writing a formal complaint. This document is a description of the incident giving names of possible witnesses and details that will be helpful to the Title IX Director in investigating the complaint.

C. Informing the Respondent

Within two business days of ASE’s Title IX Coordinator receiving the complaint, the respondent will meet with the Title IX Coordinator and be notified of the allegation. The respondent may choose at any point to admit responsibility. The respondent must submit in writing their admission of responsibility to the Title IX Coordinator who in consultation with Franklin & Marshall College's Title IX Coordinator may determine an appropriate sanction.

If the respondent does not choose to admit responsibility, the respondent will be advised to choose an advisor. The student is not restricted in the choice of an advisor and may choose someone who is not from the ASE community. It is not required that the parties choose an advisor. The respondent will be given the information packet for respondents. The respondent will be asked to submit a list of witnesses to the Title IX Coordinator within two business days.

D. Remedies for the complainant will be determined

Upon becoming aware of a complaint of misconduct, the Title IX Coordinator may institute measures be taken to protect the complainant. The purpose of the remedies/interim measures in this process is:

The following interim measures and accommodations may be put in place before a formal complaint has been filed. These may include, but are not limited to, the following:

1. Change in living situation.
2. Change in work situation.
3. A limited contact order.
4. Assuring that if the complaint and respondent attend the same classes the limited contact order is observed. The respondent may, in some instances, be removed from the class.
5. Providing an escort to ensure that the complainant can move safely between classes.
6. Referral to counselling and Health Care services.
7. Providing academic support services such as tutoring.
8. Arrange for the complainant to re-take a class or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant’s academic record, and
9. Reviewing any contemplated disciplinary actions against the complainant subsequent to the complaint/report, to see if there is a causal relation between the harassment and the misconduct that may have resulted in the complainant being disciplined.
10. ASE will provide written notification about existing victim advocacy, legal assistance, student financial aid, and appropriate visa and immigration assistance.
11. ASE will maintain as confidential any accommodations or protective measures provided to the complainant to the extent that maintaining such confidentiality would not impair the ability of ASE to provide the accommodations or protective measures.

Some of these measures and others may become permanent depending on the outcome of the complaint.

E. Investigation

The Title IX Coordinator investigates complaints of sexual misconduct in a prompt, impartial and thorough manner. Within three business days of the notification of the respondent, the ASE Title IX Coordinator, after collaborating with the Franklin & Marshall College Title IX Coordinator, will begin the investigation of the complaint and collect any evidence. It is the responsibility of the ASE Title IX Coordinator to take custody of and arrange safekeeping of any physical evidence to be used in making a determination subject to the qualification that law enforcement authorities should handle evidence related to the commission of a crime that has been reported to them.

The investigation generally should be concluded within 10 business days; however, in certain cases, depending on the complexity of the investigation or coordination with law enforcement, the investigation may take more than 10 (ten) business days. The respondent and complainant are expected to participate in all facets of the investigation and are expected to be forthcoming and to answer truthfully all of the questions posed during the investigation. Both the complainant and the respondent may be accompanied by their adviser when attending all interviews for the purpose of explaining the process and providing support.

Advisees may not speak during the investigation interview. The respondent and complainant will have identified suggested witnesses and may present evidence. The Title IX Coordinator will add to the list of interviewees as the investigation progresses. It is the obligation of students called as witnesses to cooperate fully and truthfully with the investigation and subsequent hearing. Furthermore, the respondent, complainant and witnesses will be informed of the following during the interview and asked to sign a statement that includes the following:
1. Any act of retaliation against the complainant, respondent, or witnesses is a violation of ASE/Franklin & Marshall College policy and Title IX.

2. All parties should hold information about the investigation, interviews and subsequent hearing in confidence.

3. Any violation of confidentiality is a violation of Title IX and will be cause for sanctions by ASE/Franklin & Marshall College. Any incidents of retaliation should be reported to the Title IX Coordinator.

4. The statements given to the investigators will be shared with the complainant and respondent and the Franklin & Marshall College Title IX Coordinator.

F. Conclusion of the Investigation and Referral of the Complaint to an Administrative Review or Dismissal of the Complaint

Within five business days of the conclusion of an investigation, the ASE Title IX Coordinator will compose a written report summarizing the information gathered and submit it to the Franklin & Marshall College Title IX Coordinator. The ASE Title IX Coordinator in consultation with the Franklin & Marshall College Title IX Coordinator will determine whether there has been a violation of the ASE student code of conduct. If the respondent is found responsible for a violation of the ASE student code of conduct the finding and recommended sanction will be referred to the Sr. Associate Dean of Franklin & Marshall College.

If the ASE Title IX Coordinator and the Franklin & Marshall College Title IX Coordinator find sufficient evidence to proceed to an Administrative Review, the respondent will have the opportunity to admit responsibility and waive an Administrative Review. In the event that a complaint is dismissed, the complainant or respondent may request that the ASE Title IX Coordinator allow the accommodations and limitations originally placed during the investigation phase to persist.

G. Appeals of Sexual Misconduct Panel Decisions

The respondent or the complainant may appeal the decision in his or her case to the Associate Dean for International Programs at Franklin and Marshall College. The appeal will be conducted in an impartial manner by an impartial decision-maker. The student must normally file this appeal in writing, with the grounds noted, within five (5) business days after the ASE Title IX Coordinator issues a written notification of the decision. The ASE Title IX Coordinator has the discretion to extend the filing time of an appeal. Appeals may be sought on the following two grounds:

1. On a claim of error in the hearing procedure that affected the outcome of the Administrative Review.
2. On a claim of new evidence, information or material that was not available at the time of the Administrative Review and is relevant to the case.
Before deciding whether or not to hear an appeal, the Franklin & Marshall College Associate Dean for International Programs or designee confers with both the ASE and Franklin & Marshall College Title IX Coordinators to review the procedures that were followed and the evidence that was considered. If the Dean for International Programs refuses to hear an appeal, the student is informed in writing. The Dean of International Programs is not expected to provide detailed reasons for the decision reached. In hearing the student’s appeal, the appeal officer observes the following procedural safeguards:

1. In hearing the student’s appeal, the appeal officer has discretion to meet or contact with any of the participants (via email, phone, Skype or any relevant technology) including witnesses, and discuss with them the circumstances of the case, and to draw on other sources of relevant information.
2. The decision on the appeal will normally be within 20 business days from the time that the student files, unless circumstances require a delay in the appeal process.
3. The appeal officer will review the process used with the Title IX Coordinator to ensure that the process meets the standards of Title IX.
4. The decisions of the appeal officer are final and the respondent and complainant will be notified in writing.
5. Both the respondent and complainant will be notified in writing of any change in result of the finding.

H. Additional Information Regarding Policies and Procedures Outcome Notification

Clery notifications, of sexual misconduct only, will be made by the ASE Title IX Coordinator to the Franklin & Marshall College Title IX Coordinator who will notify the Franklin and Marshall Department of Public Safety. (All other Clery notifications should be made by the ASE Director.)

**Timeframe** - ASE will make every attempt to complete the investigation, hearing and decision within 60 days of the initial complaint. If extenuating circumstances will delay the proceedings, ASE will inform both the complainant and respondent of the circumstances. Either the complainant or respondent may request an exception to any of the time frames stated in these polices from the ASE Title IX Coordinator.

**Advisors** - As noted above, the complainant and respondent are informed of the right to be assisted in the hearing by an advisor of their choice. Advisors do not need to be members of the ASE community, however, advisors may be chosen from the ASE faculty or staff. The complainant and respondent must choose separate advisors. If the complainant and respondent have no preference for their advisors but choose to have an advisor, the ASE Title IX Coordinator may assign advisors. The complainant and respondent must notify the ASE Title IX Coordinator of their choice of advisor within 2 business days of filing or notification of the complaint. The relevant advisors may be present at the investigation interview with the respondent or complainant but may not speak in the interview.
**Impact Statements** - Both students may prepare an impact statement describing the impact that the initial event and subsequent related events have had on their lives. The impact statement will be reviewed by the Title IX Coordinator only in the event of a finding of responsibility.

**The Record of an Appeal** - The record of an appeal consists of the letter of appeal; the written statements from the parties and Dean/Officer and Chair; the written decision whether to hear the appeal and the outcome of the appeal. This record is appended to the written record of the original decision and maintained with it.

**Updates to Complainant and Respondent** - Both the complainant and respondent will be given periodic updates regarding the status of the investigation by their chosen adviser or, if none has been chosen, by the ASE Title IX Coordinator.

**Follow-up** - The ASE Title IX Coordinator will follow up with all complainants and, respondents after completion of the investigation and/or Administrative Review to determine if there has been any retaliation or further incidents.

**Designees** - It is understood that circumstances may require the substitution of administrators for alternate roles within this process.

**Policy Amendment** - Concerns, questions and suggestions for amendments to this policy, from any member of the ASE community, should be addressed to either Dr Lucy Marten on 01225 334147 or l.marten@asebath.org or to the Franklin & Marshall College Title IX Lancaster Coordinator, (+44) 717-358-7178.

**Rights of the Respondent and Complainant in a Complaint of Sexual Misconduct (ASE)**

**Common Rights (ASE)**

In all complaints, each party (both complainant and respondent) has the right:

A. To an investigation and appropriate resolution of all complaints of sexual misconduct deemed credible by the Deputy Title IX Coordinator and the Title IX Coordinator (or designee) and made in good faith.

B. To choose an advisor who will accompany the complainant or respondent to all interviews.

C. To be informed of the outcome and sanction of any disciplinary review involving sexual misconduct within 48 hours of the resolution being reached.
D. To assistance through ASE in gaining medical and emotional support.

E. To an expeditious review of the complaint and timely Administrative Review as described in the ASE Sexual Misconduct Policies and Procedure;

F. To identify witnesses who may be called for the investigation.

G. To have irrelevant information about either party’s sexual history or reputation excluded from the hearing.

H. To testify, orally (via Skype or a similar technology) and/or in a written document before the Administrative Reviewer(s).

I. To submit a written impact statement and to have that statement considered by the Administrative Reviewer(s).

J. To review relevant documents regarding the complaint, subject to the confidentiality determinations of the Deputy Title IX Coordinator.

K. To be informed of the names of all witnesses being called to give testimony.

L. To confidential proceedings, to the extent possible and allowed by law and ASE Sexual Misconduct/Harassment Policy.

M. To appeal the finding and sanction, in accordance with the procedures for appeal established by the ASE Sexual Misconduct/Harassment Policy.

N. To be fully informed of ASE rules and procedures as well as the nature and extent of all alleged violations contained within the complaint.

O. To have complaints reviewed by administrators who have received training in evaluation of cases of alleged sexual misconduct.

P. That information regarding the complaint will be treated with respect for privacy.

**Additional Rights of the Complainant (ASE)**

A. To be informed by ASE officials of options for notifying law enforcement authorities, including local police as well as the option to be assisted by ASE personnel in notifying such authorities. This right also includes the right not to report.

B. To request limitations be placed on the respondent regarding contact with the complainant while the complaint is being reviewed. These limitations may include, but are not limited to a limited contact order which may include a separation of the working, living, and/or
academic arrangements of the complainant and the respondent; providing an escort to ensure that the complainant can move safely between classes and around campus.

C. To request academic accommodations which may include: tutoring, extensions on academic assignments, arrangements to re-take or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant’s academic record.

D. A review of any disciplinary actions taken against the complainant to see if there is a causal relation between the harassment and the misconduct that may have resulted in the complainant being disciplined.

Additional Rights of the Respondent

A. To waive the Administrative Review process by admitting responsibility. The respondent must submit in writing, to the Deputy Title IX Coordinator and the Title IX Coordinator, a decision to waive their right to an Administrative Review. In those cases, the Deputy Title IX Coordinator, may determine an appropriate sanction.

ASE Code of Conduct

Code of Conduct

A. ASE is a no-drugs program. Any student found in possession of illegal substances will be subject to appropriate disciplinary action, up to and including termination from the program.

B. Violation of behavioral standards, including but not limited to the examples listed below, will result in initiation of the Disciplinary Procedure outlined below.

1. Physically violent behavior, including interactions with host country residents as well as students and faculty associated with the program.
2. Theft, damage or vandalism to private or public property, including but not limited to ASE facilities, and sites visited as part of the program.
3. Self-endangerment, including involvement in activities or behavior that could result in personal harm, including, but not limited to, frequenting dangerous places, association with criminals, intoxication.
4. Possessing, selling, or taking illegal drugs. Penalties for illegal drug possession can be harsher than in the US, and may involve both jail time and large fines.
5. Violation of host country law or of any other jurisdiction to which I travel.

C. ASE expects students to demonstrate responsible attitudes toward the use of alcohol. Program participants agree not to drink alcohol to excess. If the choice is made to drink,
students agree to do so in moderation. If at any time the Program Director asks a student to refrain from consuming alcohol, the student agrees to abide by and respect that request.

NOTE: Students who choose to consume alcohol do so with the knowledge that they remain responsible for their actions at all times. Excessive and irresponsible drinking leading to intoxication and behavior that interferes with the program or the rights of others is subject to immediate disciplinary action.

D. In compliance with Title IX regulations in the United States, ASE takes sexual harassment and/or misconduct especially seriously. Respect for all members of the ASE community is expected. ASE regards sexual misconduct, sexual harassment and discrimination as unacceptable.

Sexual misconduct is an act of violence. It includes, but is not limited to, any non-consensual sexual contact, including any improper touching and/or penetration of intimate body parts; exposing oneself or engaging in other conduct of an improper sexual nature; and looking at or photographing another person who is naked or in a stage of undress without his or her knowledge and/or permission. A person who is incapacitated (which includes being under the influence of alcohol or other drugs), asleep, physically helpless, mentally disabled, or unconscious is considered unable to give consent.

Sexual harassment is gender-based verbal or physical conduct that has the purpose of unreasonably interfering with an individual's work or academic performance or that creates a humiliating, degrading, intimidating, hostile or offensive working/educational/living environment. ASE strongly encourages students to report instances of discrimination, sexual harassment and sexual misconduct. If you need to make a complaint because you feel you have been a victim of sexual misconduct or received discriminatory or harassing treatment from a fellow student(s) or a member of the ASE staff on the grounds of race, sex, sexual orientation, disability, age, religion or belief, you should take your complaint to the Program Director. Your complaint will be investigated fairly and properly.

All ASE Staff are ‘Title IX Mandated Reporters’. This means they must report any mention or allegation of sexual misconduct to the ASE Title IX Coordinator, Lucy Marten, who in turn reports to the Title IX Coordinator at Franklin & Marshall College.

Note that Franklin & Marshall College has a Sexual Assault Response Line available to all ASE students: 001 717 560 7311.

E. ASE students are expected to conduct themselves with integrity and honesty at all times. Making false statements, including but not limited to false statements in petitions, requests, disciplinary proceedings, or other matters of record in academic or non-academic transactions with ASE staff and tutors is regarded as a breach of this Code of Conduct.
F. All program participants are held to all conduct standards listed above when in Bath and when on program-sponsored field trips and residential outside of Bath, including while at hotels / B& Bs. Program participants are expected to adhere to all hotel / B&B rules.

Disciplinary Procedure

In the event of violations of ASE’s rules and regulations, as outlined in the Code of Conduct, the disciplinary procedure is as follows:

A. After the first offense, the offending student may be given a warning and asked to sign an agreement with ASE for improved behavior. If the agreement is observed, the home institution will not be informed and the record will be destroyed at the end of semester.

B. If a further violation occurs, the home institution will be informed and the violation will be permanently noted on your ASE record.

In the case of continuing violations (or one single violation), the offending student may be terminated from the Program and sent home at the discretion of the Program Director in consultation with Program Leadership.

Crime Definitions

_Murder and Non-Negligent Manslaughter_ – The willful (non-negligent) killing of one human being by another.

_Negligent Manslaughter_ – The killing of another person through gross negligence.

_Sexual Offense_ – An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s Uniform Crime Reporting system (see below). A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.  
*This includes all sex offenses except rape (as newly defined), prostitution, and commercialized vice.*

_Sex Offenses:

**Rape** – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. (Including forcible sodomy and sexual assault with an object.) This includes any gender of victim or perpetrator and instances in which the victim or perpetrator and instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
**Fondling** – The touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

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

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

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

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

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

**Aggravated Assault** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary for an injury to result when a gun, knife or other weapon is used in the commission of the crime.

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

**Burglary** – The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
**Motor Vehicle Theft** – The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

**Arson** – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Liquor Law Violation** – The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still, furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; or any attempts to commit any of the foregoing violations. **Note: this list does not include public drunkenness and driving under the influence.**

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

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

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

**Disciplinary Referrals** – Incidents in which a student was not arrested but was referred for campus disciplinary action for liquor law violations, drug law violations and illegal weapons possession.
Franklin & Marshall College is pleased to comply with state laws (The College and University Security Information Act [PA Act 73, 1988]) requiring colleges to make security information and campus crime statistics available to prospective and current students and employees.

**How crime rates are calculated**

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

<table>
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<tr>
<th>Type of Crime</th>
<th>Offenses Known</th>
<th>Crime Rates per Student and Employee FTE</th>
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<tbody>
<tr>
<td>Part I</td>
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<tr>
<td>Murder &amp;</td>
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<td>Murder by</td>
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<td>Professional</td>
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### Three Year Jeanne Clery Disclosure of the Campus Security Policy
and Campus Crime Statistic Acts Report

**Arrests and Disciplinary Referrals Report, Bath England**

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus Property</th>
<th>*On Campus Student Housing Facilities</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
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<tr>
<td><strong>Arrests:</strong></td>
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*Statistics under On Campus Student Housing Facilities are also counted under the On Campus geographic category. The law requires institutions to break out the number of On Campus crimes that occur in student residential facilities. In 2016, the Department of Education redefined ‘On Campus’ to include all properties owned or controlled by the College up to one (1) mile from the core of the Campus. 2015 shows ‘Non Campus’ property housing because it was outside of the core of the Campus. As of 2016, that housing which is owned or controlled by the College is included in ‘On Campus’ housing due to the Department of Education’s definition change.*
### Annual Criminal Offense Report, Bath, England Campus

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus Property</th>
<th>*On Campus Student Housing Facilities</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
<th>Unfounded Crimes</th>
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*Statistics under On Campus Student Housing Facilities are also counted under the On Campus geographic category. The law requires institutions to break out the number of On Campus crimes that occur in student residential facilities.*

Annual VAWA Offense Report, Bath, England Campus

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*Statistics under On Campus Student Housing Facilities are also counted under the On Campus geographic category. The law requires institutions to break out the number of On Campus crimes that occur in student residential facilities.
### Annual Hate Crime Report, Bath, England Campus

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

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

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

*Statistics under On Campus Student Housing Facilities are also counted under the On Campus geographic category. The law requires institutions to break out the number of On Campus crimes that occur in student residential facilities.
### Three Year Jeanne Clery Disclosure of the Campus Security Policy and Campus Crime Statistics Act Report

**Arrests and Disciplinary Referrals Report, Millport Conservancy**

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<th>Non-Campus Property</th>
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*Statistics under On Campus Student Housing Facilities are also counted under the On Campus geographic category. The law requires institutions to break out the number of On Campus crimes that occur in student residential facilities. In 2016, the Department of Education redefined ‘On Campus’ to include all properties owned or controlled by the College up to one (1) mile from the core of the Campus. There is no On Campus or Non-Campus housing at Millport Conservancy.*

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### Annual Criminal Offense Report, Millport Conservancy Campus

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### Annual VAWA Offense Report, Millport Conservancy Campus

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<th>Offense</th>
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Annual Hate Crime Report, Millport Conservancy Campus

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<th>Year</th>
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There are no hate crimes reported for 2015, 2016, and for 2017.

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

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

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

*Statistics under On Campus Student Housing Facilities are also counted under the On Campus geographic category. The law requires institutions to break out the number of On Campus crimes that occur in student residential facilities. There is no On Campus or Non-Campus housing at Millport Conservancy.
Appendix A


§ 311. Consent

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

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

  (1) the conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
  (2) the consent establishes a justification for the conduct under Chapter 5 of this title (relating to general principles of justification).

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

  (1) it is given by a person who is legally incapacitated to authorize the conduct charged to constitute the offense;
  (2) it is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;
  (3) it is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or
  (4) it is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.


§ 3121. Rape

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

  (1) By forcible compulsion.
  (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
  (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.

1 The Pennsylvania Statutes do not contain a specific definition of “consent” in relation to the Articles defining sexual assault, stalking, dating violence, or domestic violence. Instead, the statute provides a definition of consent under the Preliminary Provisions Chapter on Culpability.
(4) Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.

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

(6) Deleted by 2002, Dec. 9, P.L. 1350, No. 162, § 2, effective in 60 days.

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

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

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

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

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

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

§ 3122.1. Statutory sexual assault

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

(1) four years older but less than eight years older than the complainant; or

(2) eight years older but less than 11 years older than the complainant.

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

§ 3123. Involuntary deviate sexual intercourse

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

(1) by forcible compulsion;

(2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
(3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
(4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
(5) who suffers from a mental disability which renders him or her incapable of consent; or
(6) Deleted by 2002, Dec. 9, P.L. 1350, No. 162, § 2, effective in 60 days.
(7) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.

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

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

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

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

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

§ 3124.1. Sexual assault
Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

§ 3124.2. Institutional sexual assault
(a) General rule.--Except as provided under subsection (a.1) and in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault) and 3125 (relating to aggravated indecent assault), a person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, State or county juvenile detention facility, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident.

(a.1) Institutional sexual assault of a minor.--A person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center,
youth forestry camp, State or county juvenile detention facility, other licensed residential facility serving children and youth or mental health or mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident who is under 18 years of age. 

(a.2) Schools. --

(1) Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an employee of a school or any other person who has direct contact with a student at a school commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a student of the school.

(2) As used in this subsection, the following terms shall have the meanings given to them in this paragraph:

(i) “Direct contact.” Care, supervision, guidance or control.

(ii) “Employee.”

(A) Includes:

(I) A teacher, a supervisor, a supervising principal, a principal, an assistant principal, a vice principal, a director of vocational education, a dental hygienist, a visiting teacher, a home and school visitor, a school counselor, a child nutrition program specialist, a school librarian, a school secretary the selection of whom is on the basis of merit as determined by eligibility lists, a school nurse, a substitute teacher, a janitor, a cafeteria worker, a bus driver, a teacher aide and any other employee who has direct contact with school students.

(II) An independent contractor who has a contract with a school for the purpose of performing a service for the school, a coach, an athletic trainer, a coach hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association or an athletic trainer hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association.

(B) The term does not include:

(I) A student employed at the school.

(II) An independent contractor or any employee of an independent contractor who has no direct contact with school students.

(iii) “School.” A public or private school, intermediate unit or area vocational-technical school.

(iv) “Volunteer.” The term does not include a school student.

(a.3) Child care. --Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an employee of a center for children commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a child who is receiving services at the center.
(b) Definitions. --As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

“Agent.” A person who is assigned to work in a State or county correctional or juvenile detention facility, a youth development center, youth forestry camp, other licensed residential facility serving children and youth or mental health or mental retardation facility or institution, who is employed by any State or county agency or any person employed by an entity providing contract services to the agency.

“Center for children.” Includes a child day-care center, group and family day-care home, boarding home for children, a center providing early intervention and drug and alcohol services for children or other facility which provides child-care services which are subject to approval, licensure, registration or certification by the Department of Public Welfare or a county social services agency or which are provided pursuant to a contract with the department or a county social services agency. The term does not include a youth development center, youth forestry camp, State or county juvenile detention facility and other licensed residential facility serving children and youth.

§ 3124.3. Sexual assault by sports official, volunteer or employee of nonprofit association

(a) Sports official. --Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault) and 3125 (relating to aggravated indecent assault), a person who serves as a sports official in a sports program of a nonprofit association or a for-profit association commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with a child under 18 years of age who is participating in a sports program of the nonprofit association or for-profit association.

(b) Volunteer or employee of nonprofit association. --Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a volunteer or an employee of a nonprofit association having direct contact with a child under 18 years of age who participates in a program or activity of the nonprofit association commits a felony of the third degree if the volunteer or employee engages in sexual intercourse, deviate sexual intercourse or indecent contact with that child.

(c) Definitions. --As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

“Direct contact.” Care, supervision, guidance or control.

“Nonprofit association.” As defined in 42 Pa.C.S. § 8332.1 (relating to manager, coach, umpire or referee and nonprofit association negligence standard).

“Sports official.” A person who supervises children participating in a sports program of a nonprofit association or a for-profit association, including, but not limited to, a coach, assistant coach, athletic trainer, team attendant, game manager, instructor or a person at a sports program who enforces the rules of a sporting event sponsored by a sports program of a nonprofit association or a for-profit association, including, but not limited to, an umpire or referee, whether receiving remuneration or holding the position as a volunteer.

“Sports program.” As defined in 42 Pa.C.S. § 8332.1.
§ 3125. Aggravated indecent assault

(a) Offenses defined. -- Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if:

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

(b) Aggravated indecent assault of a child. -- A person commits aggravated indecent assault of a child when the person violates subsection (a)(1), (2), (3), (4), (5) or (6) and the complainant is less than 13 years of age.

(c) Grading and sentences. --

(1) An offense under subsection (a) is a felony of the second degree.
(2) An offense under subsection (b) is a felony of the first degree.

§ 3126. Indecent assault

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

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

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

§ 3127. Indecent exposure
(a) Offense defined. --A person commits indecent exposure if that person exposes his or her genitals in any public place or in any place where there are present other persons under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm.
(b) Grading. --If the person knows or should have known that any of the persons present are less than 16 years of age, indecent exposure under subsection (a) is a misdemeanor of the first degree. Otherwise, indecent exposure under subsection (a) is a misdemeanor of the second degree.

§ 3129. Sexual intercourse with animal
A person who engages in any form of sexual intercourse with an animal commits a misdemeanor of the second degree.

§ 3130. Conduct relating to sex offenders
(a) Offense defined. --A person commits a felony of the third degree if the person has reason to believe that a sex offender is not complying with or has not complied with the requirements of the sex offender's probation or parole, imposed by statute or court order, or with the registration requirements of 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), and the person, with the intent to assist the sex offender in eluding a law enforcement agent or agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of the sex offender's probation or parole or the requirements of 42 Pa.C.S. Ch. 97 Subch. H:
   (1) withholds information from or does not notify the law enforcement agent or agency about the sex offender's noncompliance with the requirements of parole, the
requirements of 42 Pa.C.S. Ch. 97 Subch. H or, if known, the sex offender's whereabouts;
(2) harbors or attempts to harbor or assist another person in harboring or attempting to harbor the sex offender;
(3) conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sex offender; or
(4) provides information to the law enforcement agent or agency regarding the sex offender which the person knows to be false.

(b) Definition. --As used in this section, the term “sex offender” means a person who is required to register with the Pennsylvania State Police pursuant to the provisions of 42 Pa.C.S. Ch. 97 Subch. H.

§ 3131. Unlawful dissemination of intimate image
(a) Offense defined. --Except as provided in sections 5903 (relating to obscene and other sexual materials and performances), 6312 (relating to sexual abuse of children) and 6321 (relating to transmission of sexually explicit images by minor), a person commits the offense of unlawful dissemination of intimate image if, with intent to harass, annoy or alarm a current or former sexual or intimate partner, the person disseminates a visual depiction of the current or former sexual or intimate partner in a state of nudity or engaged in sexual conduct.
(b) Defense. --It is a defense to a prosecution under this section that the actor disseminated the visual depiction with the consent of the person depicted.
(c) Grading. --An offense under subsection (a) shall be:
(1) A misdemeanor of the first degree, when the person depicted is a minor.
(2) A misdemeanor of the second degree, when the person depicted is not a minor.
(d) Territorial applicability. --A person may be convicted under the provisions of this section if the victim or the offender is located within this Commonwealth.
(e) Nonapplicability. --Nothing in this section shall be construed to apply to a law enforcement officer engaged in the performance of the law enforcement officer's official duties.
(f) Concurrent jurisdiction to prosecute. --In addition to the authority conferred upon the Attorney General by the act of October 15, 1980 (P.L. 950, No. 164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and to institute criminal proceedings for any violation of this section or any series of violations involving more than one county of this Commonwealth or another state. No person charged with a violation of this section by the Attorney General shall have standing to challenge the authority of the Attorney General to investigate or prosecute the case, and, if a challenge is made, the challenge shall be dismissed, and no relief shall be made available in the courts of this Commonwealth to the person making the challenge.
(g) Definitions. --As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:
“Law enforcement officer.” Any officer of the United States, of the Commonwealth or political subdivision thereof, or of another state or subdivision thereof, who is empowered to conduct investigations of or to make arrests for offenses enumerated

§ 2709.1. Stalking

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

(b) Venue. --
   (1) An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.
   (2) Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

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

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

(e) Application of section. -- This section shall not apply to constitutionally protected activity.
(f) **Definitions.** --As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

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

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

“Emotional distress.” A temporary or permanent state of mental anguish.

“Family or household member.” Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.


§ 62A02. Findings and purpose

The General Assembly finds and declares that:

1. Sexual violence is the most heinous crime against a person other than murder.
2. Sexual violence and intimidation can inflict humiliation, degradation and terror on the victim.
3. According to the Department of Justice, someone is sexually assaulted every two minutes in the United States.
4. Rape is recognized as one of the most underreported crimes, and studies indicate that only one in three rapes is reported to law enforcement.
5. Victims of sexual violence and intimidation desire safety and protection from future interactions with their offender, regardless of whether they seek criminal prosecution.
6. This chapter provides the victim with a civil remedy requiring the offender to stay away from the victim, as well as other appropriate relief.

§ 62A03. Definitions

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“**Adult.**” An individual who is 18 years of age or older.

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1. The Pennsylvania Statutes do not contain a specific statute regarding dating violence. Instead, the following statutes are excerpted from the Judiciary and Judicial Procedure Title under the Chapter 62A: Protection of Victims of Sexual Violence or Intimidation
“Certified copy.” A paper copy of the original order of the issuing court endorsed by the appropriate clerk of that court or an electronic copy of the original order of the issuing court endorsed with a digital signature of the judge or appropriate clerk of that court, regardless of whether or not there is a raised seal on the copy of the order of the issuing court.

“Confidential communications.” As defined in section 5945.1 (relating to confidential communications with sexual assault counselors).

“Coparticipant.” As defined in section 5945.1 (relating to confidential communications with sexual assault counselors).

“Court.” The court or magisterial district judge having jurisdiction over the matter under and exercised as provided in this title or as otherwise provided or prescribed by law.

“Family or household members.” Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

“Hearing officer.” A magisterial district judge, judge of the Philadelphia Municipal Court, bail commissioner appointed under section 1123 (relating to jurisdiction and venue), master appointed under section 1126 (relating to masters) or master for emergency relief.

“Intimidation.” Conduct constituting a crime under either of the following provisions between persons who are not family or household members:

1. 18 Pa.C.S. § 2709(a)(4), (5), (6) or (7) (relating to harassment) where the conduct is committed by a person 18 years of age or older against a person under 18 years of age.

2. 18 Pa.C.S. § 2709.1 (relating to stalking) where the conduct is committed by a person 18 years of age or older against a person under 18 years of age.

“Master for emergency relief.” A member of the bar of the Commonwealth appointed under section 62A09(e) (relating to emergency relief by minor judiciary).

“Minor.” An individual who is not an adult.

“Plaintiff.” An individual who applies for a protection order, either for the benefit of that individual or on behalf of another individual.

“Protection order” or “order.” An order issued under this chapter designed to protect a victim of sexual violence or intimidation.

“Rape crisis center.” As defined in section 5945.1 (relating to confidential communications with sexual assault counselors).

“Sexual assault counselor.” As defined in section 5945.1 (relating to confidential communications with sexual assault counselors).

“Sexual violence.” Conduct constituting a crime under any of the following provisions between persons who are not family or household members:

1. 18 Pa.C.S. Ch. 31 (relating to sexual offenses), except 18 Pa.C.S. §§ 3129 (relating to sexual intercourse with animal) and 3130 (relating to conduct relating to sex offenders).

2. 18 Pa.C.S. § 4304 (relating to endangering welfare of children) if the offense involved sexual contact with the victim.


4. 18 Pa.C.S. § 6312(b) (relating to sexual abuse of children).

5. 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

6. 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).
“Sheriff.” The sheriff of a county or, in a city of the first class, the chief or head of the police department.

“Victim.” A person who is the victim of sexual violence or intimidation.

§ 62A07. Relief

(a) Order or consent agreement. --The court may issue an order or approve a consent agreement to protect the plaintiff or another individual, as appropriate, from the defendant.

(b) General rule. --An order or a consent agreement may include:

1. Prohibiting the defendant from having any contact with the victim, including, but not limited to, restraining the defendant from entering the victim’s residence, place of employment, business or school. This may include prohibiting indirect contact through third parties and also prohibiting direct or indirect contact with other designated persons.

2. Granting any other appropriate relief sought by the plaintiff.

(c) Duration and amendment of order or agreement. --A protection order or an approved consent agreement shall be for a fixed period of time not to exceed 36 months. The court may amend its order or agreement at any time upon subsequent petition filed by either party.

(d) Extension of protection orders. --

1. An extension of an order may be granted:

   i. Where the court, after a duly filed petition, notice to the defendant and a hearing, in accordance with the procedures set forth in sections 62A05 (relating to commencement of proceedings) and 62A06 (relating to hearings), finds that the extension is necessary because the defendant engaged in one or more acts or finds some other circumstances that, in the discretion of the court, demonstrate a continued risk of harm to the victim.

   ii. When a contempt petition or charge has been filed with the court or, in a county of the first class, a hearing officer, but the hearing has not occurred before the expiration of the protection order, the order shall be extended, at a minimum, until the disposition of the contempt petition.

2. Service of an extended order shall be made in accordance with section 62A05(d).

3. There shall be no limitation on the number of extensions that may be granted.

(e) Notice. --Notice shall be given to the defendant stating that violations of the order will subject the defendant to arrest under section 62A12 (relating to arrest for violation of order) or contempt of court under section 62A14 (relating to contempt for violation of order).

(f) Incarceration. --When the defendant is or was incarcerated and will be released from custody in the next 90 days or has been released from custody within the past 90 days, a plaintiff does not need to show that the defendant engaged in one or more acts that indicate a continued risk of harm to the victim in order to obtain an extension or a subsequent protection order under this chapter.

(g) Identifying information. --Any order issued under this chapter shall, when furnished by either party, specify the Social Security number and date of birth of the defendant.
Pennsylvania Definitions Regarding Domestic Violence


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

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

(c) Bail. --

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

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

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

(1) An order restraining the abuser from further acts of abuse.

(2) An order directing the abuser to leave your household.

3 The Pennsylvania Statutes do not contain a specific statute regarding dating violence. Instead, the following statutes apply to instances of dating violence and are drawn from Title 18 on Crimes and Offenses and Title 23 on Domestic Relations.
(3) An order preventing the abuser from entering your residence, school, business or place of employment.
(4) An order awarding you or the other parent temporary custody of or temporary visitation with your child or children.
(5) An order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.”


(a) General rule. --The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Abuse.” The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:
(1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.
(2) Placing another in reasonable fear of imminent serious bodily injury.
(3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).
(4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).
(5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

“Adult.” An individual who is 18 years of age or older.

“Certified copy.” A paper copy of the original order of the issuing court endorsed by the appropriate clerk of that court or an electronic copy of the original order of the issuing court endorsed with a digital signature of the judge or appropriate clerk of that court. A raised seal on the copy of the order of the issuing court shall not be required.

“Comparable court.” A foreign court that:
(1) has subject matter jurisdiction and is authorized to issue ex parte, emergency, temporary or final protection orders in that jurisdiction; and
(2) possessed jurisdiction over the parties when the protection order was issued in that jurisdiction.

“Confidential communications.” All information, whether written or spoken, transmitted between a victim and a domestic violence counselor or advocate in the course of the relationship. The term includes information received or given by the domestic violence

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4 Title 23 of the Pennsylvania Statutes relates to Domestic Relations, Chapter 61 contained therein relates to Abuse of Family
counselor or advocate in the course of the relationship, as well as advice, reports, statistical data, memoranda or working papers, records or the like, given or made in the course of the relationship. The term also includes communications made by or to a linguistic interpreter assisting the victim, counselor or advocate in the course of the relationship.

“Domestic violence counselor/advocate.” An individual who is engaged in a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone 40 hours of training.

“Domestic violence program.” A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims which include, but are not limited to, crisis hotline; safe homes or shelters; community education; counseling systems intervention and interface; transportation, information and referral; and victim assistance.

“Family or household members.” Spouses or persons who have been spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

“Firearm.” Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon as defined by 18 Pa.C.S. § 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

“Foreign protection order.” A protection order as defined by 18 U.S.C. § 2266 (relating to definitions) issued by a comparable court of another state, the District of Columbia, Indian tribe or territory, possession or commonwealth of the United States.

“Hearing officer.” A magisterial district judge, judge of the Philadelphia Municipal Court, arraignment court magistrate appointed under 42 Pa.C.S. § 1123 (relating to jurisdiction and venue), master appointed under 42 Pa.C.S. § 1126 (relating to masters) and master for emergency relief.

“Master for emergency relief.” A member of the bar of the Commonwealth appointed under section 6110(e) (relating to emergency relief by minor judiciary).

“Minor.” An individual who is not an adult.

“Other weapon.” Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term does not include a firearm.

“Safekeeping permit.” A permit issued by a sheriff allowing a person to take possession of any firearm, other weapon or ammunition that a judge ordered a defendant to relinquish in a protection from abuse proceeding.

“Secure visitation facility.” A court-approved visitation program offered in a facility with trained professional staff operated in a manner that safeguards children and parents from abuse and abduction.

“Sheriff.”

(1) Except as provided in paragraph (2), the sheriff of the county.
(2) In a city of the first class, the chief or head of the police department.

“Victim.” A person who is physically or sexually abused by a family or household member. For purposes of section 6116 (relating to confidentiality), a victim is a person against whom abuse is committed who consults a domestic violence counselor or advocate for the purpose of securing advice, counseling or assistance. The term shall also include persons who have a
significant relationship with the victim and who seek advice, counseling or assistance from a
domestic violence counselor or advocate regarding abuse of the victim.

“Weapon.” Anything readily capable of lethal use and possessed under circumstances not
manifestly appropriate for lawful uses which it may have. The term includes a firearm which
is not loaded or lacks a magazine, clip or other components to render it immediately
operable and components which can readily be assembled into a weapon as defined by 18
Pa.C.S. § 907 (relating to possessing instruments of crime).

(b) Other terms. -- Terms not otherwise defined in this chapter shall have the meaning given
to them in 18 Pa.C.S. (relating to crimes and offenses).


(a) General rule. -- The court may grant any protection order or approve any consent
agreement to bring about a cessation of abuse of the plaintiff or minor children. The order
or agreement may include:

(1) Directing the defendant to refrain from abusing the plaintiff or minor children.
(2) Granting possession to the plaintiff of the residence or household to the exclusion
of the defendant by evicting the defendant or restoring possession to the plaintiff if
the residence or household is jointly owned or leased by the parties, is owned or
leased by the entireties or is owned or leased solely by the plaintiff.
(3) If the defendant has a duty to support the plaintiff or minor children living in the
residence or household and the defendant is the sole owner or lessee, granting
possession to the plaintiff of the residence or household to the exclusion of the
defendant by evicting the defendant or restoring possession to the plaintiff or, with
the consent of the plaintiff, ordering the defendant to provide suitable alternate
housing.
(4) Awarding temporary custody of or establishing temporary visitation rights with
regard to minor children. In determining whether to award temporary custody or
establish temporary visitation rights pursuant to this paragraph, the court shall
consider any risk posed by the defendant to the children as well as risk to the plaintiff.
The following shall apply:

(i) A defendant shall not be granted custody, partial custody or unsupervised
visitation where it is alleged in the petition, and the court finds after a hearing
under this chapter, that the defendant:

(A) abused the minor children of the parties or poses a risk of abuse
toward the minor children of the parties; or
(B) has been convicted of violating 18 Pa.C.S. § 2904 (relating to
interference with custody of children) within two calendar years prior
to the filing of the petition for protection order or that the defendant
poses a risk of violating 18 Pa.C.S. § 2904.

(ii) Where the court finds after a hearing under this chapter that the
defendant has inflicted abuse upon the plaintiff or a child, the court may
require supervised custodial access by a third party. The third party must
agree to be accountable to the court for supervision and execute an affidavit
of accountability.
(iii) Where the court finds after a hearing under this chapter that the defendant has inflicted serious abuse upon the plaintiff or a child or poses a risk of abuse toward the plaintiff or a child, the court may:

(A) award supervised visitation in a secure visitation facility; or
(B) deny the defendant custodial access to a child.

(iv) If a plaintiff petitions for a temporary order under section 6107(b) (relating to hearings) and the defendant has partial, shared or full custody of the minor children of the parties by order of court or written agreement of the parties, the custody shall not be disturbed or changed unless the court finds that the defendant is likely to inflict abuse upon the children or to remove the children from the jurisdiction of the court prior to the hearing under section 6107(a). Where the defendant has forcibly or fraudulently removed any minor child from the care and custody of a plaintiff, the court shall order the return of the child to the plaintiff unless the child would be endangered by restoration to the plaintiff.

(v) Nothing in this paragraph shall bar either party from filing a petition for custody under Chapter 53 (relating to custody) or under the Pennsylvania Rules of Civil Procedure.

(vi) In order to prevent further abuse during periods of access to the plaintiff and child during the exercise of custodial rights, the court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children from abuse.

(5) After a hearing in accordance with section 6107(a), directing the defendant to pay financial support to those persons the defendant has a duty to support, requiring the defendant, under sections 4324 (relating to inclusion of medical support) and 4326 (relating to mandatory inclusion of child medical support), to provide health coverage for the minor child and spouse, directing the defendant to pay all of the unreimbursed medical expenses of a spouse or minor child of the defendant to the provider or to the plaintiff when he or she has paid for the medical treatment, and directing the defendant to make or continue to make rent or mortgage payments on the residence of the plaintiff to the extent that the defendant has a duty to support the plaintiff or other dependent household members. The support order shall be temporary, and any beneficiary of the order must file a complaint for support under the provisions of Chapters 43 (relating to support matters generally) and 45 (relating to reciprocal enforcement of support orders) within two weeks of the date of the issuance of the protection order. If a complaint for support is not filed, that portion of the protection order requiring the defendant to pay support is void. When there is a subsequent ruling on a complaint for support, the portion of the protection order requiring the defendant to pay support expires.

(6) Prohibiting the defendant from having any contact with the plaintiff or minor children, including, but not limited to, restraining the defendant from entering the place of employment or business or school of the plaintiff or minor children and from harassing the plaintiff or plaintiff’s relatives or minor children.

(7) Ordering the defendant to temporarily relinquish to the sheriff the defendant’s other weapons and ammunition which have been used or been threatened to be
used in an incident of abuse against the plaintiff or the minor children and the defendant's firearms and prohibiting the defendant from acquiring or possessing any firearm for the duration of the order and requiring the defendant to relinquish to the sheriff any firearm license issued under section 6108.3 (relating to relinquishment to third party for safekeeping) or 18 Pa.C.S. § 6106 (relating to firearms not to be carried without a license) or 6109 (relating to licenses) the defendant may possess. A copy of the court's order shall be transmitted to the chief or head of the police force or police department of the municipality and to the sheriff of the county of which the defendant is a resident. When relinquishment is ordered, the following shall apply:

(i)(A) The court's order shall require the defendant to relinquish such firearms, other weapons, ammunition and any firearm license pursuant to the provisions of this chapter within 24 hours of service of a temporary order or the entry of a final order or the close of the next business day as necessary by closure of the sheriffs' offices, except for cause shown at the hearing, in which case the court shall specify the time for relinquishment of any or all of the defendant's firearms.

(B) A defendant subject to a temporary order requiring the relinquishment of firearms, other weapons or ammunition shall, in lieu of relinquishing specific firearms, other weapons or ammunition which cannot reasonably be retrieved within the time for relinquishment in clause (A) due to their current location, provide the sheriff with an affidavit listing the firearms, other weapons or ammunition and their current location. If the defendant, within the time for relinquishment in clause (A), fails to provide the affidavit or fails to relinquish, pursuant to this chapter, any firearms, other weapons or ammunition ordered to be relinquished which are not specified in the affidavit, the sheriff shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement authorities. The defendant shall not possess any firearms, other weapons or ammunition specifically listed in the affidavit provided to the sheriff pursuant to this clause for the duration of the temporary order.

(C) As used in this subparagraph, the term “cause” shall be limited to facts relating to the inability of the defendant to retrieve a specific firearm within 24 hours due to the current location of the firearm.

(ii) The court's order shall contain a list of any firearm, other weapon or ammunition ordered relinquished. Upon the entry of a final order, the defendant shall inform the court in what manner the defendant is going to relinquish any firearm, other weapon or ammunition ordered relinquished. Relinquishment may occur pursuant to section 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or 6108.3 or to the sheriff pursuant to this paragraph. Where the sheriff is designated, the sheriff shall secure custody of the defendant's firearms, other weapons or ammunition and any firearm license listed in the court's order for
the duration of the order or until otherwise directed by court order. In securing custody of the defendant's relinquished firearms, the sheriff shall comply with 18 Pa.C.S. § 6105(f)(4) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms). In securing custody of the defendant's other weapons and ammunition, the sheriff shall provide the defendant with a signed and dated written receipt which shall include a detailed description of the other weapon or ammunition and its condition.

(iii) The sheriff shall provide the plaintiff with the name of the person to which any firearm, other weapon or ammunition was relinquished.

(iv) Unless the defendant has complied with subparagraph (i)(B) or section 6108.2 or 6108.3, if the defendant fails to relinquish any firearm, other weapon, ammunition or firearm license within 24 hours or upon the close of the next business day due to closure of sheriffs' offices or within the time ordered by the court upon cause being shown at the hearing, the sheriff shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement agencies.

(v) Any portion of any order or any petition or other paper which includes a list of any firearm, other weapon or ammunition ordered relinquished shall be kept in the files of the court as a permanent record thereof and withheld from public inspection except:

(A) upon an order of the court granted upon cause shown;

(B) as necessary, by law enforcement and court personnel; or

(C) after redaction of information listing any firearm, other weapon or ammunition.

(vi) As used in this paragraph, the term “defendant's firearms” shall, if the defendant is a licensed firearms dealer, only include firearms in the defendant's personal firearms collection pursuant to 27 CFR § 478.125a (relating to personal firearms collection).

(7.1) If the defendant is a licensed firearms dealer, ordering the defendant to follow such restrictions as the court may require concerning the conduct of his business, which may include ordering the defendant to relinquish any Federal or State license for the sale, manufacture or importation of firearms as well as firearms in the defendant's business inventory. In restricting the defendant pursuant to this paragraph, the court shall make a reasonable effort to preserve the financial assets of the defendant's business while fulfilling the goals of this chapter.

(8) Directing the defendant to pay the plaintiff for reasonable losses suffered as a result of the abuse, including medical, dental, relocation and moving expenses; counseling; loss of earnings or support; costs of repair or replacement of real or personal property damaged, destroyed or taken by the defendant or at the direction of the defendant; and other out-of-pocket losses for injuries sustained. In addition to out-of-pocket losses, the court may direct the defendant to pay reasonable attorney fees. An award under this chapter shall not constitute a bar to litigation for civil damages for injuries sustained from the acts of abuse giving rise to the award or a finding of contempt under this chapter.
(9) Directing the defendant to refrain from stalking or harassing the plaintiff and other designated persons as defined in 18 Pa.C.S. §§ 2709 (relating to harassment) and 2709.1 (relating to stalking).

(10) Granting any other appropriate relief sought by the plaintiff.

(b) Identifying information. --Any order issued under this section shall, where furnished by either party, specify the Social Security number and date of birth of the defendant.

(c) Mutual orders of protection. --Mutual orders of protection shall not be awarded unless both parties have filed timely written petitions, complied with service requirements under section 6106 (relating to commencement of proceedings) and are eligible for protection under this chapter. The court shall make separate findings and, where issuing orders on behalf of both petitioners, enter separate orders.

(d) Duration and amendment of order or agreement. --A protection order or approved consent agreement shall be for a fixed period of time not to exceed three years. The court may amend its order or agreement at any time upon subsequent petition filed by either party.

(e) Extension of protection orders. --

(1) An extension of a protection order may be granted:

(i) Where the court finds, after a duly filed petition, notice to the defendant and a hearing, in accordance with the procedures set forth in sections 6106 and 6107, that the defendant committed one or more acts of abuse subsequent to the entry of the final order or that the defendant engaged in a pattern or practice that indicates continued risk of harm to the plaintiff or minor child.

(ii) When a contempt petition or charge has been filed with the court or with a hearing officer in Philadelphia County, but the hearing has not occurred before the expiration of the protection order, the order shall be extended, at a minimum, until the disposition of the contempt petition and may be extended for another term beyond the disposition of the contempt petition.

(2) Service of an extended order shall be made in accordance with section 6109 (relating to service of orders).

(3) There shall be no limitation on the number of extensions that may be granted.

(f) Support procedure. --The domestic relations section shall enforce any support award in a protection order where the plaintiff files a complaint for support under subsection (a)(5).

(g) Notice. --Notice shall be given to the defendant, in orders issued under this section, stating that violations of an order will subject the defendant to arrest under section 6113 (relating to arrest for violation of order) or contempt of court under section 6114 (relating to contempt for violation of order or agreement). Resumption of coresidency on the part of the plaintiff and defendant shall not nullify the provisions of the court order.

(h) Title to real property unaffected. --No order or agreement under this chapter shall in any manner affect title to any real property.