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MERCYHURST



CRIME/EMERGENCY REPORTING AND UNIVERSITY RESPONSE

Campus community including students, employees and guests are encouraged to report all criminal actions, including but not limited to, sexual assault, sexual harassment, and sexual violence to the Mercyhurst University Police Department (MUPD) in an accurate, prompt, and timely manner.

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Pennsylvania Statutes as outlined by the Pennsylvania Uniform Crime Reporting Act, and Table Two satisfies the requirements outlined by the Clery Act.

The Title IX Coordinator and Compliance Office sends an email to every enrolled student and current employee on an annual basis informing them of the availability of the Annual Security and Fire Safety Report. The email includes a brief summary of the contents of the report. The email also includes the address for the MUPD website where the Annual Security and Fire Safety Report can be found online, and notification that a physical copy may be obtained by making a request to the University of Pennsylvania.



NOTE: The University made a reasonable and good faith effort to request and receive statistics from all local

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well before the arrival of a

TESTING,

x TheUniversityhasa venuewhereit servesalcohol

- o Definition of a Crime of Violence According to Section 16 of Title 18 of the United States

x

etc.

- o options for, available assistance, and how to request changes to academic living, transportation, and working situations or protective measures (as described) v

boundaries, finding } v [voiceto set boundaries, discerning what is appropriate for the individual, etc.).

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible from a local Hospital Emergency Department Sexual Assault Nurse Examiner (SANE) at the hospital are retrained and certified in physical evidentiary recovery kit collection. Evidence may be collected, even if the victim chooses not to make a report to law enforcement.

It is important that a victim of sexual assault 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 victims 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. Victims of sexual assault, domestic violence, stalking, and dating violence 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 University adjudicators/investigators or local police.

Involvement of Law Enforcement and Campus Authorities:

Although the University strongly encourages all members of its community to report violations of this policy to the appropriate authority, victims have the right to decline to notify law enforcement. However, the MUPD will assist any victim with notifying law enforcement if the victim so desires. The City of Erie Police Department may also be reached directly by calling (814) 870-1125 during normal business hours, or 911 during off-hours emergency situations; or in person at the City of Erie Police Department located at 626 State St, Erie PA. Additional information about the City of Erie Police department may be found online at <https://epd.erie.pa.us/>

NOTE: In the State of Pennsylvania, employees of institutions of higher learning who suspect incidents of child abuse (including incidents of suspected child sexual abuse) must report such incidents to the Department of Public Safety or the Department of Education, or to their supervisor. Pennsylvania University is mandated to report a criminal complaint of abuse or sexual abuse involving any student victim under the age of 18 immediately to ChildLine and the police having jurisdiction. Law Enforcement authorities may notify the appropriate authority.

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

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator/Sexual and Gender Based Misconduct Coordinator (office: 311 Egan; phone: 814-824-

If the University receives a report that such an institutional No Contact directive has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the No Contact directive.

Accommodations and Protective Measures Policy 8849 T3ue titutional No Cone Notact directive.

Facilitated Anonymous Reporting	<p>my.mercyhurst.edu. The silent witness form can be found under the services heading. The form is on the left side of the screen under the Police and Safety Links</p>	<p>A student can go to Health and Counseling or the campus Chaplain to submit an anonymous report. The amount of detail provided in an anonymous report will determine the h v] Á Ç •] š Ç [•] v Á] • š š Ç š } } Ç Ç • % } v)</p> <p>A student can also go to the Title IX page on the student h () μ v μ v š Z Ç E • } μ Ç E • v š o] } v ^ v } v Ç u Z % } Ç š] v R u X μ v š Z</p> <p>Detail provided in an anonymous report will determine the h v] Á Ç E a j i Ç • investigate or respond.</p>
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OFFCAMPUS

Counseling/ Mental Health	<p>Employee Assistance Program (EAP) Uprise Health General Assistance 1-800-386-7055 worklife.uprisehealth.com *Confidential Resource</p>	
Health		

	<p>_____</p>	

Students, Faculty and Employee Grievance Policy for Addressing Formal Complaints of Sex-Based Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking Under Title IX Regulation (Allegations prior to August 1, 2024)

Non

Gender Based Misconduct Policy.

Consent

For the purposes of the Title IX Grievance Policy, consent is an informed decision made freely and actively through words or actions that demonstrates an affirmative, knowing, and voluntary agreement to engage in a sexual act. The need to obtain consent does not vary based on gender expression.

Because sexual misconduct is defined as sexual activity that is undertaken without consent, each participant must obtain and give consent to each sexual act. Students are strongly encouraged to talk with each other before during any sexual interaction. Relying solely on non-verbal communication can lead to miscommunication. Students are strongly advised to avoid any ambiguity in obtaining and giving consent.

Although

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

Confidential Reporting

The following officials will provide privacy but not confidentiality upon receiving a report of conduct prohibited under this policy:

Title IX Coordinator or designee
Mercyhurst University Police & Safety Department

The following officials may provide confidentiality:

Mercyhurst University Health and Counseling Staff
Mercyhurst Clergy

Non-Investigatory Measures Available Under the Title IX Grievance Policy

Supportive Measures

Complainant (as defined above), who reports allegations that could constitute covered sexual harassment under this policy, has the right to receive supportive measures from Mercyhurst regardless of whether they desire to file a complaint, which may include the following, as appropriate. Supportive measures are disciplinary and non-punitive:

- counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the parties (no contact orders)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

Emergency Removal

Mercyhurst retains the authority to remove a respondent from _____ program or activity on an emergency basis, where Mercyhurst (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If Mercyhurst determines such removal is necessary, the respondent will be provided notice and an opportunity to appeal the decision immediately following the removal. The emergency removal committee consists of the Title IX Coordinator, member of Police & Safety, member of the Cohen Health Center, or designees.

Mandatory Dismissal

If any one of these elements are not met, the Title IX Coordinator, or designee, will notify the parties that the

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1. Evidence that is relevant even if that evidence does not end up being relied upon by the institution in determining responsibility;
2. Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is

Newly-discovered Evidence

As a general rule, new evidence or witnesses may be submitted during the live hearing.

If a party identifies new evidence or witnesses that were not reasonably available.96 75.1ailable.96 75.1ailable

below, the date that the institution provides the parties with the written determination of the result of the appeal.

Appeals

Each party may appeal (1) the dismissal of a formal complaint ~~includ~~ed allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) business days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- x Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the own procedures);
- x New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- x The Title IX Coordinator, investigator(s), or decision maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainant(s) or respondent(s) in general, that affected the outcome of the matter.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal;

an adult or youth victim who is protected from that person's W* n BtPs pu 1 Tfm th pu 1 Tfm th pu 1 Tfm th.7h.7h.

Relevant evidence and questions

^ Z o À evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

^ Z o À evidence and questions do not include the following types of evidence and questions, which are deemed ^] CE CE at all stages of the Sexual and Gender Based Misconduct Process:

- x Evidence and questions about the } u % o] sexual predisposition or prior sexual behavior unless:
 - x They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
 - x They concern specific incidents of the } u % o] prior sexual behavior with respect to the respondent and are offered to prove consent.
- x Evidence and questions that constitute, or seek disclosure of, information protected under a

The Decisionmaker

- x The hearing body will consist of a three-person panel of decisionmakers.
- x No member of the hearing body will also have served as the Sexual and Gender Based Misconduct Coordinator, Sexual and Gender Based Misconduct Investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- x No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- x The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants and any technology to be used at the hearing.
- x The parties will have an opportunity to raise any objections regarding a decision under Rule 106 or perceived conflicts of interest or bias at the commencement of the live hearing.

Advisor of choice

- x The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- x The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- x The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- x The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- x The advisor is not prohibited from being a witness in the
- x If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf.
- x If neither a party nor their advisor appear at the hearing, Mercyhurst will provide an advisor to appear on behalf of the non-appearing party.
- x Advisors shall be subject to the Rules of Decorum and may be removed upon violation of those Rules

Witnesses

- x Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation.
- x Witnesses shall be subject to the Rules of Decorum

Hearing Procedures

For all live hearings conducted under this Sexual and Gender Based Misconduct Process, the procedure will be as follows:

- x Hearing Board Chair will open and establish rules and expectations for the hearing;
- x The Parties will each be given the opportunity to provide opening statements;
- x Members of the Hearing Board will ask questions of the Parties and Witnesses;
- x Parties will be given the opportunity for live cross-examination after the Hearing Board conducts its initial round of direct examination. The Hearing Board Chair will have the authority to pause cross-examination at any time for the purposes of asking their own follow up questions, and any time necessary in order to enforce the established rules of decorum.
- x Should a Party or the Witness choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement. Cross-examination does not eliminate the ability of the Hearing Board to use statements made by the Party.

Live Cross Examination Procedure

During the live cross-examination of the other party or parties and witnesses. During this live-cross-examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination

...and others involved may have applicable alcohol sanctions waived. In incidents of crisis or medical emergency, Mercyhurst students are expected to care for themselves and for others in the University community by getting help from appropriate officials even when violations of the Conduct Code have occurred. In crisis situations involving alcohol, drugs and/or sexual misconduct, the University strongly considers the positive impact of taking responsible action when determining the appropriate response for alleged policy violations relating to the incident. The granting of any form of amnesty remains a matter of discretion with the adjudicator. This policy does not preclude taking disciplinary action for violations associated with and theft, hazing, physical assault, sexual assault, or other policy violations. Amnesty under this policy is a matter of compassion, not a right. It is not to be abused by those who violate the Conduct Code repeatedly.

Violence, Dating Violence, Sexual Assault, Gender-Based Harassment and Stalking Not covered under Title IX

Sexual Harassment and other types of Unlawful Harassment

Mercyhurst University prohibits sexual harassment against any staff member, applicant, student, administrator, faculty member, or third party vendor. Respect for the dignity and worth of each individual is a precept of the University. All persons will be held to standards of conduct which ensure that all members of the University community are free from sexual and other forms of harassment. The [Harassment, Discrimination, and Sexual Misconduct Policy](#) governs complaints involving claims of sexual harassment, discrimination, or violence. The policy can be accessed on the [Human Resources HUB](#)

The University is committed to providing a work and academic environment that is free of discrimination and harassment and their effects in any form. It shall be a serious violation for any member of the Mercyhurst community to harass another member of the community through conductor communication. Sexual Harassment Policy Mercyhurst University

drugs or alcohol.

- X Reporting for work under the influence of alcohol or drugs.
- X Insubordination including deliberate failure or refusal to perform work assigned.
- X Dishonesty in any aspect of employment.
- X Falsifying University records or making false statements regarding University Falsifying University

subject to community notification may be obtained at the City of Erie Police Department located at 626 State Street (phone:814-870-1125); or at the Pennsylvania State Police Lawrence Park Barracks, located at 4230IrquoisAve(phone: 814-989-1641). This information can also be obtained by visiting the [Pennsylvania State W } o | D | P v Law website](#)

RESIDENCE HALL ROOM OPTIONS/ROOM ASSIGNMENTS

Room selection is conducted each spring for rising sophomores, juniors, and seniors using a lottery process. Lottery numbers are assigned by expected graduation term (not credits) and housing point total. During the spring semester, students receive full instructions pertaining to residence hall room selection for the next academic year. Each student is encouraged to have a roommate(s) participating in the room selection process. Since Mercyhurst University is a residential University, a limited number of seniors are released from the residency requirement and given permission to live off campus each year through application process.

Approval is granted in the spring for the following year as part of the room selection process.

alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building.

Procedure for Students and Employees in the Event of a Fire:

Find nearest pull station and sound central alarm, or call 911, or contact MUPD directly at: (814)824-3911.

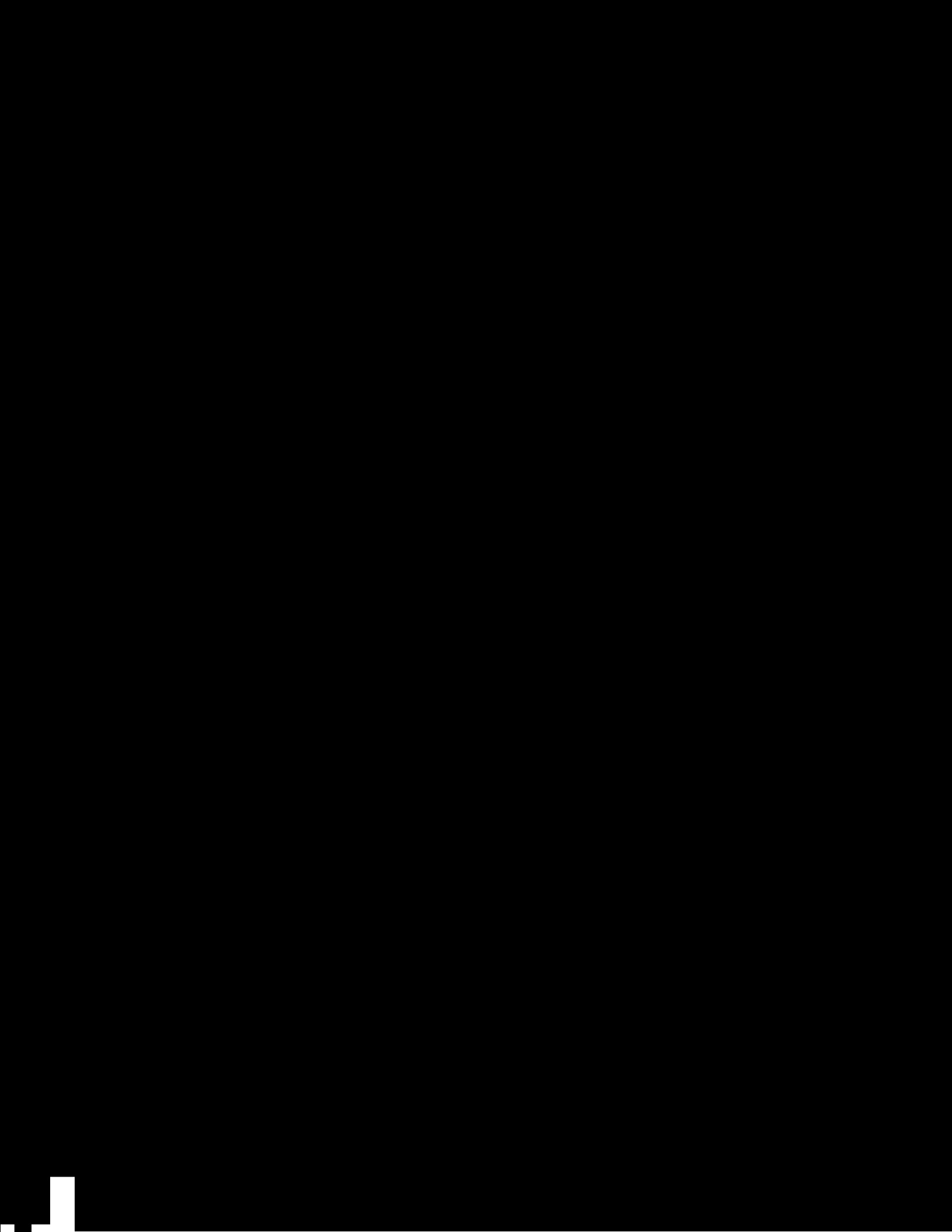
- x Shut all doors and windows in the vicinity of the fire
- x If the fire is small, use fire extinguisher to put it out
- x Exit by nearest safe stairway
- x Do not use the elevators

- x Do not run
- x If there is smoke in the room, keep low to the floor
- x Try to exit the room, feel the doorknob
 - o If it is hot, do not open the door
 - o If the doorknob is not hot, brace yourself against the door and crack it open
 - o If there is heat or heavy smoke, close the door and stay in your room
- x } v [panic
- x Seal up the cracks under the door with sheets, or towels
- x If there is smoke in the room, crack the windows at the bottom and at the top, if possible, to allow for ventilation
- x Hang a sheet or towel from the window to announce that you are in your room
- x Call MUPD at: (814)824-3911; be sure to give your room number and your location
- x If you can exit the room, put on shoes (and if necessary a coat). If smoke is evident, get a wet towel to cover your face
- x Close all doors
- x If in exiting the building you are blocked by fire, go to the safest () CE area, or stairwell. If a phone is available call MUPD; or find a window, and signal that you are still in the building.

Student Residence Hall Fire Evacuation Procedure in Case of a Fire:

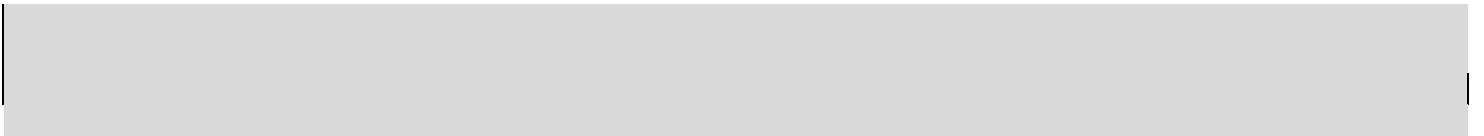
- x The fire alarm system may be used to evacuate a building(s) if there is a potential threat to the health and safety of that segment of the community.
- x Activate the building fire alarm if it is not already sounding. Pull a fire alarm station on the way out.
- x Leave the building by using the nearest exit.
- x Crawl if there is smoke. Cleaner, cooler air will be near the floor. Get Low and Go.
- x Before opening any doors, feel the metal knob; if it is hot, do not open the door; if it is cool, brace yourself against the door, open it slightly, and if heat or heavy smoke are present, close the door and stay out of the room.
- x Go to the nearest exit or stairway. If the nearest exit is blocked by fire, heat, or smoke, go to another exit. Always use an exit stairway, not an elevator. Elevator shafts may fill with smoke, or the power may fail, leaving you trapped. Stairway fire doors will keep out fire and smoke, if they are closed, and will protect you until you get outside. Close as many doors as possible as you leave. This helps to confine the fire. Total and immediate evacuation is safest. Only use a fire extinguisher if the fire is very small and you know how to do it safely. Do not delay calling emergency responders or activating the building fire alarm. If you cannot put out the fire, leave immediately. Make sure the fire department is called even if you think the fire is out.
- x If you get trapped, keep the doors closed.

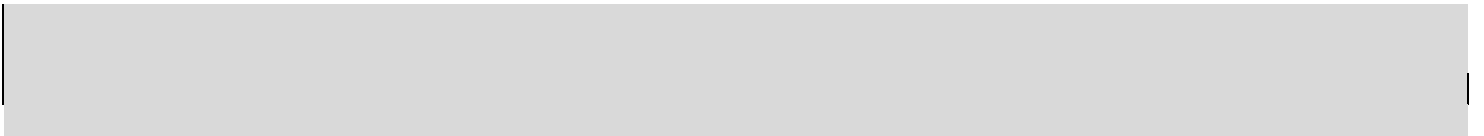
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ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS K v r u % o μ • •
CALENDAR YEAR 2021 - Continued

Statistics and Related Information Regarding Fires in K v r u % Residential Facilities

	Total Fires in Each Building	Fire Number	Cause of Fire
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Note: Even if the offender was mistaken in their perception that the victim was a member of the group the offender was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.

UNIFORM CRIME REPORTING (UCR) / NATIONAL / E d r REPORTING SYSTEM (NIBRS) DEFINITIONS

Under the Pennsylvania Uniform Crime Reporting Act, Mercyhurst University is required to report crime

