

Wilkes-Barre Campus

LETTER FROM THE CHIEF OF POLICE

As a public servant for the last 30 years, I have had the distinct pleasure to serve and protect those in the community I served in and abroad. I bring this same promise to those here at Wilkes University by delivering police services through respect to one another, honesty and fairness.

IMPORTANT PHONE NUMBERS

EMERGENCY: CALL 911

What is a 911 emergency?

It's any situation that requires an immediate police, fire, or medical response to preserve life or property. These can include:

- an assault or immediate danger of assault
- someone choking
- a crime in progress
- a drowning
- a fight
- a fire
- a serious injury or illness
- a situation involving weapons

Non-emergencies

Wilkes University Police Department570-408-4377
Wilkes-Barre Police Department.....570-826-8106
Wilkes-Barre Fire Department.....570-208-4257

Local Hospitals

Commonwealth Health General Hospital.....570-829-8111
Geisinger North Hospital.....570-826-7300
Geisinger South Hospital.....570-826-3100

Victim Services

Victims Resource Center.....570-823-0765
Pennsylvania Coalition Against Rape (PCAR).....888-772-7227
Domestic Violence Service Center.....570-823-7312

University Offices

Title IX Coordinator570-408-3842
University Police Department.....570-408-4999
Health & Wellness Services.....570-408-4730
Human Resources.....570-408-2034
Student Affairs570-408-4100
Risk & Compliance.....570-408-4554
Housing & Residence Living.....570-408-4554

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CRIME/EMERGENCY REPORTING AND UNIVERSITY RESPONSE

Reporting Criminal Activity or Other Emergencies

Campus community members — students, faculty, staff, visitors and guests — are encouraged to report all criminal actions, emergencies, suspicious behavior or other public safety related incidents occurring within the University's Clery geography to the Wilkes University Police Department (WUPD) in an accurate, prompt, and timely manner. The University's Clery geography (as defined in the "Geography Definitions" elsewhere in this Annual Report, and hereafter referred to as the "University's Clery geography.") includes:

- On-campus property including campus residence halls, buildings, and/or facilities;
- Designated non-campus properties and facilities;
- All public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities.

WUPD has been designated by Wilkes University as the official office for campus crime and emergency reporting. WUPD strongly encourages the accurate and prompt reporting of crimes. Accurate and prompt reporting ensures the Department is able to evaluate, consider and send timely warning notices, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime Log and accurately documenting reportable crimes in its annual statistical disclosure. Wilkes University further encourages accurate and prompt reporting to WUPD and/or the Wilkes-Barre City Police Department when the victim of a crime elects to, or is unable to, make such a report.

This publication focuses on WUPD because it has primary responsibility for patrolling the Wilkes University campus, and it has been designated as the institution's primary reporting structure for crimes and emergencies. However, criminal incidents or incidents off campus can be reported to the Wilkes-Barre City Police Department. Additionally, as outlined below, the University has also identified a list of primary campus security authorities (CSA) or preferred receivers of reports to whom crimes can be reported.

Primary Campus Security Authorities (CSA) or Preferred Receivers of Reports:

- Call the University Police by dialing 570- 408-4999, on-campus extension 4999, or via email at publicsafety@wilkes.edu
- Report in person to the WUPD at the Department of Public Safety located at 148 South Main Street
- Crimes or emergency situations can be reported to the Wilkes-Barre City Police or other local emergency services by dialing 911
- Sex Offenses and other incidents of sexual or relationship violence can also be reported to the University's Title IX Coordinator, by dialing 570- 408-4108 or on-campus extension 4108, or in person on the second floor of Passan Hall.
- Contact the Office of Human Resources (HR) by dialing 570- 408-7843 or on-campus extension 7843, or in person at the HR office located on the ground floor of University Towers.
- Contact the Dean of Students by dialing 570- 408-4100 or on-campus extension 4100, or in person at the Office of Student Affairs located in Passan Hall, second floor.

Emergency Phones located throughout campus can also be used to contact University Police to report a crime or emergency.

Response to Reports

Communication Officers are available 24 hours a day to answer campus community calls by dialing 570- 408-4999 (emergency), 570- 408-4377 (non-emergency), or on-campus extensions 4999 or 4377. In response to a call, University Police will take the required action by either dispatching an officer or asking the reporting party to go to the Department of Public Safety to file an incident report in person. All reported crimes will be investigated by the University

If the Wilkes-Barre City Police or another law enforcement agency with jurisdiction respond to an on-campus student property in response to a citizen complaint or police officer concern, the police may notify WUPD to provide support assistance to one of those locations. However, the police do this out of a courtesy, and they are not "required" to notify or involve WUPD when they respond to a call involving private property. WUPD does not patrol or provide oversight of privately-owned property/residences rented by students that fall outside of the University's Clery geography.

UNIVERSITY POLICE AUTHORITY AND JURISDICTION

University Police Enforcement Authority

The Wilkes University Police Department is responsible for providing policing, security, and emergency response for the Wilkes University Campus. The University Police Department is the primary law enforcement authority at Wilkes University. The Department is comprised of 18 full time sworn Police Officers, 4 Public Safety Officers, 7 Communications Officers, and support administrative staff. All University Police Officers have successfully completed compulsory training prescribed by the Commonwealth of Pennsylvania under the Municipal Police Officers Education and Training Commission. They are also required to attend annual professional development training for municipal police officers.

Our Public Safety Officers are unsworn and are subject to the provisions of the Municipal Police Officers Education and Training Commission (MPE) 31.2 (Police Officer) 8 E

are to call the room/apartment or personal cell phone of the Wilkes resident whose responsibility it is to come to the front door of the facility to grant entrance to his/her visitor.

“Public Safety Notices.”

Updates to the campus community, when deemed necessary, about any particular case resulting in a Campus Safety Alert may be: distributed via mass email, posted on the University website, shared with the Beacon student newspaper for a follow-up story, and/or distributed by the Chief of Police. Campus Safety Alert posters may also be posted by WUPD in campus buildings when deemed necessary. When Campus Safety Alerts are posted in campus buildings, they are printed on red paper and posted in lobby/entrance areas of key buildings for a time-period determined by the Chief of Police or designee. Wilkes University professional staff are informed of their responsibility to share Alert information with their sponsored visitors and/or guests. Special Event staff are instructed to inform conference attendees, camp counselors, and/or directors/leaders about Alerts and Alert posters that may be posted in areas, or residence halls where conference or camp attendees are visiting and/or occupying.

Campus Safety 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 Wilkes University community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, 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 of information known by the Chief of Police or designee). 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 Campus Safety Alert.
- Major incidents of Arson
- Other Clergy crimes as determined necessary by the Chief of Police or their designee.

Typically, alerts are not issued for any incidents reported that are older than ten (10) days from the date of occurrence, as such a delay in reporting has not afforded the University an opportunity to react or respond in a timely manner.

WUPD supervisors confer with the Chief of Police or the Lieutenant of Support Operations during the response to a crime to ensure a proper review of all Clergy crimes (and other criminal incidents, as deemed appropriate) to determine if there is a serious or continuing threat to the community and if the distribution of a Campus Safety Alert is warranted.

Campus officials not subject to the timely reporting requirement are those with significant counseling responsibilities who were providing confidential assistance to a crime victim. At Wilkes University, this would only apply to professional counselors from Health and Wellness Services.

TIMELY WARNINGS					
Primary Methods	Primary Method Creator	Backup Message Creator	Authority to Approve/ Send	Primary Message Sender	Backup Message Sender
Mass Email	Police Chief	Police Lieutenant; or their designee Trained member of Marketing/Comm	If time permits, consult AVP of Operations/ Compliance. If time does not permit, Primary or Backup Creator proceeds	Police Chief	Police Lieutenant; or their designee; Or, Marketing/Comm Office
UPD Website	Police Chief	Police Lieutenant; or their designee. Trained member of Marketing/Comm Office	Police Chief; or designee	Police Chief	Police Lieutenant; or their designee. Or, Marketing/Comm Office
Secondary Methods					
Wilkes ENMS (text/email)	Police Chief	Police Lieutenant; or their designee	If time permits, consult AVP of Operations/ Compliance. If time does not permit, Primary or Backup Creator proceeds	Police Chief	Police Lieutenant; or their designee.
Social Media	Marketing/Comm Office	Police Chief; or their designee	Police Chief; or their designee	Marketing/Comm Office	Marketing/Comm Office designee
Press Releases	Marketing/Comm Office	Police Chief; or their designee	Marketing/Comm Office	Marketing/Comm Office	Marketing/Comm Office designee

PUBLIC SAFETY NOTICES

A Public Safety Notice may be sent to the campus community for general crime prevention purposes, to inform the community of crimes and/or incidents that are not generally time sensitive or considered to be a continuing threat, but important to be aware of, and/or to inform the campus of incidents occurring on, around, or even on campus that do not meet the requirements or specifications for distribution of a Campus Safety Alert, as outlined above.

A Public Safety notice may be sent via mass email to all students and employees on campus. A Public Safety Notice is generally written and distributed to the campus community by the Chief of Police or the Lieutenant of Support Operations, and they may be reviewed and approved by the Vice President of Operations.

Updates to the campus community about any particular case resulting in a Public Safety Notice, when deemed necessary, may be distributed via mass email, posted on the University website, or may be shared with the Beacon student newspaper for a follow-up story; and may be distributed by the Chief of Police, or designee, as deemed necessary and appropriate.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Emergency Preparedness

Wilkes University has adopted an Emergency Action Plan (EAP) that establishes policies, procedures and an organizational hierarchy for response to emergencies on campus. The Plan outlines incident priorities, campus organization and the role and operation of Wilkes University personnel during an emergency. Emergency action planning at Wilkes University means preventing, preparing for, responding to, and recovering from any and all emergencies that could affect the University and local city and borough communities. Emergency preparedness at Wilkes University is managed by the University's Campus Emergency Response Team. The complete plan is available on the University's website at: <https://www.wilkes.edu/about-wilkes/offices-and-administration/office-of-risk-management-and-compliance/emergency-preparedness.aspx>

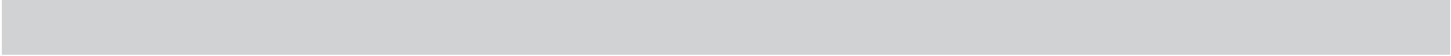
The emergency response and evacuation protocols and procedures outlined within this Report are reflective for both on-campus and non-campus buildings, facilities, and residence halls.

Emergency Response

The University's areas and/or departments are responsible for developing emergency response and continuity of operations plans for their areas and stations. The Campus Emergency Response Team provides resources and guidance for the development of these plans. Emergencies occurring on campus should be reported to WUPD by dialing 570- 408-4999 or on-campus extension 4999, or by dialing 911 for outside emergency responders.

In conjunction with other emergency agencies, the University conducts emergency response drills and exercises each year, which can include tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced are designed to assess and evaluate the emergency plans and capabilities of the institution. After-action reviews will be conducted following each test and/or exercise that documents the test/exercise, provides a description for each test/exercise, the date, time, whether the test was announced or unannounced, and an assessment of the lessons learned from the exercise. WUPD publicizes a summary of the emergency response and evacuation procedures via email to all students, faculty and staff once each year in conjunction with a test (of the responseA-[(eachir)achR5rty conductspon pry anoend an as(ency plans and c)c98qui tion. AftHigt wolystough cA(aciliipr





All statistics are gathered, compiled, and reported to the University community via this report, entitled the "Annual Security and Fire Safety Report," which is published by WUPD no later than October 1st of each year. WUPD submits the annual crime statistics published in this brochure via a Web-based reporting system to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website. Table One of the crime statistics satisfies the reporting requirements described by Pennsylvania Statutes, as outlined by the Pennsylvania Uniform Crime Reporting Act; and Table Two satisfies the requirements outlined by the Clery Act.

WUPD 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. Additionally, notification letters (via campus mail) are sent to individual campus departments. The email and letter include a brief summary of the contents of this report. The email and letter also include the address for the WUPD website where the Annual Security and Fire Safety Report (ASF SR) can be found online, and notification that a physical copy may be obtained by making a request to WUPD by calling 570-408-4377 or in person at the Wilkes University Public Safety Center at 148 South Main Street. The availability of the ASF SR is also available at the Admissions Office, Chase Hall, at the Office of Student Affairs, Passan Hall, and included on all Human Resources employment application forms informing prospective students and employees how to access the ASF SR and obtain a copy.

Specific Information about Classifying Crime Statistics

The statistics in this brochure are published in accordance with the definitions and many of the standards and guidelines used by the FBI Uniform Crime Reporting (UCR) Handbook, National Incident-Based Reporting System (NIBRS), relevant Federal law (the Clery Act), and applicable State law (the Pennsylvania Uniform Crime Reporting Act).

The Pennsylvania Uniform Crime Reporting Act (Table One)

The Pennsylvania Uniform Crime Reporting Act mandates the release of crime statistics and rates to matriculated students and employees, and, upon request, to new employees and applicants for admission. The index rates are calculated by multiplying the actual number of reported offenses by 100,000 (a theoretical population for comparison purposes) and dividing that product by the number of the University's Full Time Equivalent (FTE) students and employees. The statistics in Table One reflect the number of incidents reported to the University's Police Department (but do not include reports from other campus security authorities, referrals from campus disciplinary authorities, or reports from local law enforcement, as required for Clery reporting in Table Two). They do not indicate actual crime prosecution or student disciplinary action, or the outcome of either. These State crime classification statistics are reported to the Pennsylvania State Police on an annual basis for publication in the Crime in Pennsylvania (Uniform Crime Report).

Clery Act Reporting (Table Two)

For Clery Act reporting purposes (Table Two), the number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart. The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic. In cases involving Liquor Law, Drug Law, and Illegal Weapons Law violations, the statistics indicate the number of people arrested by law enforcement or referred to the Office of Student Affairs or Human Resources for possible disciplinary action for violations of those specific laws.

Hate crimes are reported in narrative form and are separated by category of prejudice. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense that was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim's race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, the assault is then also classified as a hate crime. For Clery Act Purposes, Hate Crimes include any of the following offenses that are motivated by the offender's bias: Murder and Non-negligent Manslaughter, Sexual Offenses (rape, fondling, incest and statutory rape), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/ Vandalism of Property.

Campus SaVE was signed into law on March 7, 2013, as part of the reauthorization of the Violence Against Women Act (VAWA); it covers students and staff of institutions of higher education and amends the Jeanne Clery Act to include new reporting requirements for Domestic Violence, Dating Violence, and Stalking and additional policy statements and training requirements.

Please note that the State crime classifications for which the University is reporting these statistics in Table One vary from the crime classifications under Federal law, as reported in accordance with the Clery Act reflected in Table Two published in this Annual Report. Because of these differing crime classifications and definitions, with only a few exceptions, the State crime statistics will rarely match the Federal crime statistics.

Geography Definitions from the Clery Act

On-Campus defined as: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or retail vendor).

Non-Campus Building or Property defined as: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution (i.e. privately-owned fraternity); or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

The Non-Campus geography definition includes buildings or properties under temporary control during institutionally sponsored short-stay-away domestic or international trips for students of more than one night, or buildings or properties under temporary control during institutionally sponsored domestic or international trips for students to repeated locations.

Public Property defined as: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities. The Wilkes University crime statistics do not include crimes that occur in privately-owned homes or businesses within or adjacent to the campus boundaries.

On-campus Student Housing Facility defined as: Any student housing facility that is owned or controlled by the institution, or is located on property that is

owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This category is a considered a subset of the On-Campus category.

Reducing Risks:

All of our programming aims to help reduce risks by emphasizing that if you are being abused or suspect that someone you know is being abused, speak up or intervene. It encourages individuals to:

1. Get help by contacting the Title IX Coordinator or Health and Wellness Service Center for support services;
2. Learn ho

- Be entitled to changes in academic and living environments; and
- Not be subject to pressure from University and/or police authorities.
- Receive a written explanation of all rights and notifications at the time they make a report and simultaneously ongoing with the accused if applicable.
- The above information is provided regardless of whether the conduct occurred on or off campus.

Reports of sexual misconduct can be reported as follows:

Wilkes University has effective systems in place to support a victim of rape, dating violence, domestic violence, sexual assault or stalking. Trained University personnel work closely with a victim to provide information about reporting and support services. If a victim chooses not to proceed with a disciplinary complaint or police report, and the University is aware of the allegation, the Title IX investigatory process will determine the appropriate steps to be taken in accordance with the University's Sexual Misconduct Policy while mindful of University's obligation to provide a safe and nondiscriminatory environment for all students, faculty and staff.

A. Emergency Services and Immediate Care

If you believe you are a victim of any form of sexual misconduct, or witness to any form of sexual misconduct:

- Get yourself or the alleged victim to a safe place as soon as possible;
- Seek immediate medical attention;
- Call 911;
- Notify WUPD at 570-408-4999, Human Resources at 570-408-2034; Title IX Coordinator at 570-408-4108;
- File a report with WUPD, Human Resources, or the Title IX Coordinator.
- Preserve any evidence (paper bags are best). Once a feeling of safety is achieved, every effort to save anything that might contain the offender's DNA. Therefore, a victim should not:

Students and employees may also seek confidential counseling on campus at:

The Victims Resource Center
71 North Franklin Street
Wilkes-Barre, PA 18701
570-823-0765

- Amnesty

correspondingly provides a list of the measures in writing to the Complainant's University email address. University supportive measures include but are not limited to the following:

- Accompaniment to the hospital for medical care (if desired).
- Access to ongoing information including criminal and University policy options as well as support and advice from campus and/or off-campus counselors. (Please note that information shared with campus and off-campus counselors is confidential; however, alleged sexual misconduct cases brought to the attention of the University through non-confidential sources must be addressed and/or investigated. Efforts will be made to honor confidentiality but cannot be guaranteed.)
- Students who wish to seek confidential on-campus support may contact a professional staff member in the University's Health and Wellness Services Office located on the first floor of Passan Hall. Phone: 570-408-4730.
- Students may utilize an after-hours support line, 570-408-CHAT (2428), to access counselors who will provide support for individuals who may be experiencing any mental health issue as well as emergency situations.
- Alternate campus housing assignments.
- Providing campus safety escorts
- Providing transportation accommodations
- Academic support, extensions of deadlines, or other course/program-related adjustments;
- Altering work arrangements for employees or student-employees;
- Safety planning
- Access to the Employee Assistance Program.
- Students & employees may seek confidential counseling off-campus at:
 - The Victims Resource Center
 - 71 North Franklin Street
 - Wilkes-Barre, PA 18701
 - 570-823-0765
- Assistance in reporting the incident to the local police department (if desired).
- Assistance on how to obtain a Protection from Abuse or Sexual Violence Protection Order.
- Accommodations to minimize contact with the alleged assailant.
- Protection from retaliation. Retaliation against a person who files a complaint or participates in an investigation is prohibited by University policy, and by state and federal law.
- A full explanation of the investigation and adjudication process (including timelines, hearing procedures, and the appeals process) provided to the complainant upon receipt of a report.
- Changes to academic, living, transportation, and working situations, such as changing residence hall rooms, changing work offices/spaces, alternative

- Providing campus safety escorts;
- Providing transportation accommodations;
- Implementing contact limitations (no contact orders) between the parties;
- Academic support, extensions of deadlines, or other course/program-related adjustments;
- Trespass or Persona Non Grata (PNG) orders;
- Connection to local resources for help on how to obtain a Protection from Abuse or Sexual Violence Protection Order;
- Timely warnings;
- Class schedule modifications, withdrawals, or leaves of absence;
- Increased security and monitoring of certain areas of the campus;
- Any other actions deemed appropriate by the Title IX Coordinator

Emergency Removal

The University can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Threat Assessment Team, using its standard objective individualized risk assessment procedures.

In all cases in which an emergency removal is imposed, the student Respondent will be given notice of the action and the option to participate in a meeting with the Title IX Coordinator and/or Deputy Title IX Coordinator prior to such action/removal being imposed, or immediately following the removal, to show cause why the action/removal should not be implemented or should be modified. Notice will be made by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official University records, by telephone, or emailed to the parties' University-issued email or designated accounts.

This Show Cause Meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within three (3) business days after notice is given, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator(s) determines it is equitable to do so, such as when the decision for emergency removal is directly related to the Complainant. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator(s) for the Show Cause Meeting. The Respondent will be given access to a written summary of findings that provide the basis for the emergency removal prior to the meeting to allow for adequate preparation. The Title IX Coordinator(s) has sole discretion under this Policy to implement or stay an emergency removal and to determine the conditions and duration.

The Title IX Coordinator will review the individualized safety and risk analysis; all information and evidence provided by the Respondent at the Show Cause Meeting; and any information or evidence submitted by the Complainant, to determine whether a genuine emergency involving the physical health or safety of one or more individuals (including the Respondent, Complainant, or any other individual) exists. Violation of an emergency removal under this Policy will be grounds for discipline, which may include expulsion.

Wilkes University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator(s), in consultation with other appropriate University administrators as necessary, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics. At the discretion of the Title IX Coordinator(s), alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the Parties.

O -Campus	Service	Provider	Contact Info
Counseling/Mental Health	Individual Counseling, Group Counseling, Crisis Intervention, Psychiatric Services, Consultation, Outreach, Alcohol Awareness Education, Drug and Alcohol Counseling	Community Counseling Services The Employee Counseling Service Family Service Association of Wyoming Valley	570-552-6000 570-823-5144
Health Services	Emergency and non-emergency medical services	Commonwealth Health General Hospital Geisinger North Hospital Geisinger South Hospital	570-829-8111 570-826-7300 570-826-3100
Legal Assistance	Legal consultation	North Penn Legal Services	570-455-9512
Police	Reporting, Emergency medical services, Crime prevention	Wilkes-Barre City Police Department Edwardsville Police Department	570-826-8106 570-288-6484
Victim Advocacy	Reporting, referrals and support	Victims Resource Center Pennsylvania Coalition Against Rape (PCAR) Domestic Violence Service Center	570-823-0765 888-772-7227 570-823-7312
Visa and Immigration Assistance	Issue the Form I-20 and DS-2019 for prospective students to apply for the F-1 and J-1 visa	Catholic Social Services Immigration Services – Wilkes-Barre Office	570-822-7118

Pennsylvania Protective Orders

A Protection from Abuse (PFA) Order from a court gives protective “relief” for a victim (and sometimes children) for up to three (3) years. In Pennsylvania, PFAs can be either temporary or permanent in nature. “Stay away” orders are temporary, not permanent. They are good for up to one (1) year or until your case is resolved. Stay away orders do not go into the police computer system. This means that they do not go on a court record.

A victim of abuse may file for a PFA order against an intimate partner or a family member, such as:

- Spouses or ex-spouses;
- Persons who have lived as spouses;
- Domestic partners;
- Same sex couples;
- Parents;
- Children;
- Persons related by blood or marriage (including brothers/sisters); or
- Current or former sexual or intimate partners (including dating relationships).

The PFA Act does not cover abuse by a stranger or a roommate that the victim is not intimately involved with.

In Luzerne County, you can go to the PFA Office located in the Luzerne County Courthouse, 200 N. River St., Wilkes-Barre. The office is located on the second floor. Filings can be submitted between 9 a.m. and 3 p.m. It is best to arrive before 2 p.m. since it takes approximately two hours to complete the filing process.

Other provisions related to the Policy Prohibiting Sexual Assault, Dating Violence, Domestic Violence, and Stalking
(As located in the University's Equal Opportunity, Harassment, and Nondiscrimination Policy)

Rationale for Policy

Wilkes University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Wilkes has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. Wilkes values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for those involved. The University also conducts many programs to educate the campus community regarding prevention, reporting, and issues surrounding discrimination and harassment.

Applicable Scope

The core purpose of this Policy is the prohibition of all forms of discrimination within the campus community. Sometimes, discrimination involves exclusion from or different treatment in activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When the University receives notice or a direct report of an alleged violation of this anti-discrimination policy, the allegations are subject to resolution using Wilkes University's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed below.

Process A is the Formal Grievance Process for Title IX and other Sexual Misconduct offenses including sexual assault, dating violence, domestic violence, sexual harassment, and sexual exploitation. Process B is the Formal Grievance Process for Civil Rights offenses such as allegations of discrimination or harassment based on membership or perceived membership in a protected class such as race, color, national origin, religion, disability, gender identity, sexual orientation, veteran status .

When the Respondent is a member of the Wilkes community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Wilkes community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this Policy.

Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and Procedures, may be made internally to:

Web:

Office for Civil Rights, Philadelphia Office
U.S. Department of Education The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: (215) 656-8541
Facsimile: (215) 656-8605
Email: OCR.Philadelphia@ed.gov Web: <http://www.ed.gov/ocr>

University employees may also make external inquiries to:
Equal Employment Opportunity Commission, Philadelphia District Office
801 Market Street, Suite 1000
Philadelphia, PA 19107-3126 United States
Telephone: 1-800-669-4000 / (267) 589-9700
Facsimile: (215) 440-2606 Email: PDOContact@eeoc.gov Web: <https://www.eeoc.gov>

Promptness

All allegations are acted upon promptly by the University once it has received notice or a Formal Complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the University will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in the Procedures will be delayed, the Title IX Coordinator(s) will provide written notice to the Parties of the delay, the cause thereof,

individual at that institution, as it may be possible to allege violations through that institution's policies.

Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time is at the discretion of the Title IX Coordinator(s), who may document allegations for

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex that satisfies one or more of the following:

Quid Pro Quo: An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;

Sexual Harassment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or

Sexual Assault, defined as: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.²

Any sexual act including Rape, Sodomy, Sexual Assault With An Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse

- Rape—(Except Statutory Rape) The carnal knowledge of a person, 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 or physical incapacity
- Sodomy—Oral or anal sexual intercourse with another person, 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 or physical incapacity
- Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 or physical incapacity
- Fondling—The touching of the private body parts of another person for the purpose of sexual arousal, gratification, or abuse, 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 or physical incapacity

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

Force, Coercion, Consent, and Incapacitation

As used in coordination with the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and

privilege secured by Title IX, constitutes retaliation.

Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the University must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

Mandated Reporting

All Wilkes employees (who do not work within the Health and Wellness Services Office) are expected to promptly report actual or suspected discrimination or harassment to the Title IX Coordinator or a Deputy Title IX Coordinator.

Employees who become aware of an alleged episode of misconduct described under this Policy, are obligated to report all of the relevant facts pertaining to the incident (including names, dates, times, and locations) to the Title IX Coordinator.

Students, faculty/staff, and visitors who believe they are victims of, or witnesses to discrimination or harassment can report the incident directly to the Title IX Coordinator or a Deputy Title IX Coordinator with the information in the "Administrative Contact Information" section above; the Office of Student Affairs or to Human Resources. The Title IX Coordinator, or designated Deputy Title IX Coordinator will assist in navigating through Wilkes University's grievance procedures and explain all resources available to the reporter.

Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

On Campus:

University's Health and Wellness Services Office
First floor of Passan Hall
570-408-4730
24-hour hotline: 570-408-CHAT

Off Campus:

The Victims Resource Center
360 East End Centre
Wilkes-Barre, PA 18702
570-823-0765

The Employee Counseling Service - Family
Service Association of Wyoming Valley
31 West Market Street
Wilkes-Barre, PA 18701-1304
570-823-5144

The Domestic Violence Service Center
P.O. Box 2177
Wilkes-Barre, PA 18703
570-823-7312

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a Formal Complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator, in consultation with the Deputy Title IX Coordinator(s) (and other appropriate University administrators) has ultimate discretion over whether the University proceeds when the

Complainant does not wish to do so, and the Title IX Coordinator may sign a Formal Complaint to initiate a grievance process upon completion of an appropriate individualized risk assessment.

The Title IX Coordinator's decision should be based on results of the individualized risk assessment that show a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence.

Additionally, the University may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the University's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When the University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

Note that the University's ability to remedy and respond to notice may be limited if the Complainant does not want the University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the University to honor that request, the University will offer informal resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date. Upon making a Formal Complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the University, and to have the incidents investigated and properly resolved through these Procedures.

PROCEDURES FOR INVESTIGATING SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING AND SEXUAL HARASSMENT AND SANCTIONS FOR STUDENTS AND EMPLOYEES

(As found in the University's Resolution Process for Alleged Violations of the Title IX and Other Sexual Misconduct Offenses (Process A))

The University will act on any formal or informal notice/complaint of violation of the Policy on Equal Opportunity, Harassment, and Nondiscrimination ("the Policy") that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as "Process A."

"Process A" applies to:

- Qualifying allegations of Title IX Offenses (as defined above in the Policy on Equal Opportunity, Harassment, and Nondiscrimination)
- Allegations of Other Sexual Misconduct Offenses (as defined above in the Policy on Equal Opportunity, Harassment, and Nondiscrimination)
- Allegations of the above offenses that would otherwise be "dismissed" per Title IX due to jurisdictional classification (i.e. when the Complainant is a visitor or guest; the off-campus conduct affects a substantial University interest, or effectively deprives someone of access to Wilkes University's educational program).

All allegations of sexual misconduct (including sexual harassment, sexual assault, dating violence, domestic violence, stalking and sexual exploitation) are acted upon in a prompt, fair, and impartial manner throughout the resolution process.

The Procedures below may be used to address collateral misconduct (i.e., vandalism, physical abuse of another etc.). If the alleged conduct stems from the same event or course of conduct, it will be processed and adjudicated through "Process A" at the same time.

Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator and/or Deputy Title IX Coordinator initiates a prompt initial assessment to determine the next steps the University needs to take.

The Title IX Coordinator(s) will initiate at least one of three responses:

1. Offering supportive measures because the Complainant does not want to file a Formal Complaint; and/or
2. An Informal Resolution (upon submission of a Formal Complaint); and/or
3. A Formal Grievance Process including an investigation and a hearing (upon submission of a Formal Complaint).

The University uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator and/or Deputy Title IX Coordinator(s) engages in an initial assessment, which is typically one to five (1-5) business days in duration. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired.
 - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because an individualized risk assessment indicates a compelling threat to health and/or safety.
- If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an Informal Resolution option, or a formal investigation and grievance process.
 - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
 - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
 - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
 - ‡ If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
 - ‡ an incident, and/or
 - ‡ a pattern of alleged misconduct, and/or
 - ‡ a culture/climate issue, based on the nature of the complaint.
 - ‡ If it does not, the Title IX Coordinator determines that Title IX does not apply and will procedurally "dismiss" that aspect of the complaint under Title IX. The Title IX Coordinator then assesses which policies may apply and refers the complaint to be processed under the appropriate resolution process. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX, and does not limit the University's authority to address a complaint with an appropriate process and remedies.

Individualized Risk Assessment

In many cases, the Title IX Coordinator may determine that an Individualized Risk Assessment (IRA) should be conducted by the University's Behavioral Threat Assessment Team as part of the initial assessment. An IRA can aid in critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
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- Whether it is reasonable to try to resolve a complaint through Informal Resolution, and what modality may be most successful;
- Whether to communicate with a transfer Recipient about a Respondent;
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and understand their role and the University's policies and procedures.

Advisor Violations of University Policy

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address University officials in a meeting or interview unless invited to (e.g., to ask procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The Parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, if the Title IX Coordinator determines the Advisor does not respect the decorum of the University's proceedings, the party will be notified that they must choose a new Advisor or they will be appointed one for future meetings/hearing.

Sharing Information with the Advisor

The University expects that the Parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the Parties participate more meaningfully in the resolution process.

At the request of a party, the University may also provide a consent form that authorizes the University to share such information directly with their Advisor. The Parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before the University is able to share records with an Advisor.

Advisors are expected to maintain the privacy of the records shared with them. The University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

Expectations of an Advisor

The University generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned, but the University may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Expectations of the Parties with Respect to Advisors

The Parties are expected to provide notice to the Title IX Coordinator when they choose an Advisor or otherwise would like to request a University-appointed Advisor. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The Parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with University policy. Although there is an expectation of privacy around what Investigators share with the Parties during interviews, the Parties have discretion to share their own knowledge and evidence with others if they so choose. Wilkes encourages the Parties to discuss any sharing of information with their Advisors before doing so.

Informal Resolution

Informal Resolution can include two different approaches:

- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a Formal Complaint, as defined in the Policy. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. No evidence elicited during the facilitation of Informal Resolution is later admissible in the Formal Grievance Process unless all parties consent.

Prior to implementing Informal Resolution, the University will provide the Parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

The Title IX Coordinator, in consultation with other University administrators, may look to the following factors to assess whether Informal Resolution is appropriate:

- Likelihood of potential resolution, taking into account any power dynamics between the Parties;
- The Parties' motivation to participate;
- Civility of the Parties;

- Results of an individualized risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Complaint complexity;
- Emotional investment/capability of the Parties;
- Rationality of the Parties;
- Goals of the Parties

The Title IX Coordinator maintains records of any Informal Resolution that is reached, and failure to abide by a resolution agreement may result in appropriate responsive/disciplinary actions.

Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria listed in the section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the agreed finding that the Respondent is in violation of the University's policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the Parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

Negotiated Resolution

The Title IX Coordinator, with the consent of the Parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the University. If the Parties are unable to agree on the outcomes of the negotiated resolution, any party may request that the matter be resolved through the Formal Grievance Process. Additionally, if one of the Parties fails to comply with the terms of the Negotiated Resolution, the matter may be referred for a Formal Grievance Process. Negotiated Resolutions are not appealable.

Formal Grievance Process

Grievance Process Pool

an individual's status or participation as a Complainant, Respondent, or witness.

The University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof (preponderance of evidence).

Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the investigation.

Delays in the Investigation Process and Interactions with Law Enforcement

The University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The University will communicate in writing the anticipated duration of the delay and reason to the Parties, and provide the Parties with status updates if necessary. The University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the University will implement supportive measures as deemed appropriate.

University action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges supersede the University's process.

examination questions, even if they are not asked any cross-examination questions.

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

Student Sanctions

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- Official Reprimand: In instances of less serious deviation from the University norms of conduct the student is formally warned regarding the misconduct. The student is also notified that the consequences of such continued behavior could result in more serious disciplinary action.
- Disciplinary Probation: This action is a formal admonition on behalf of the University and is intended to clearly document to a student that their behavior has been deemed unacceptable. This action requires that students demonstrate, during a stipulated period of time, they are capable of functioning in such a way so as not to be in conflict with standards of behavior expected of students at Wilkes. Disciplinary probation alerts the students involved, and all concerned, that further conduct may result in curtailment of activities or suspension of residential and academic privileges.
- Denial of Privileges: This penalty precludes the student's participation in specified activities (e.g., student offices, student activities, use of University facilities or access to University facilities) for a period of time.
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the decision on reasons that may include whether a Respondent poses an ongoing risk to the University's community, whether a determination regarding responsibility provides a benefit to the Complainant even where the University no longer has control over the Respondent and would be unable to issue disciplinary sanctions, or for other reasons.

The student who withdraws or leaves while the process is pending may be barred from University property and/or events during this time. Moreover, if the student is found to have violated this Policy, the student is not permitted to return to the University unless and until all sanctions have been satisfied. Accordingly, a hold will be placed on their ability to be readmitted.

The University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Employees:

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the University no longer has disciplinary jurisdiction over the resigned employee.

However, the University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the University, and the records retained by the Title IX Coordinator will reflect that status.

Appeals

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

A three-member panel chosen from the University Judicial Council will be designated to hear the appeal. This generally consists of the Dean of Students, one faculty representative and one staff representative. However, this is subject to change dependent on the circumstances on a case-by-case basis. No appeal

panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. A voting Chair of the Appeal Panel will be designated.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Grounds for Appeal

Appeals are limited to the following grounds:

- A. Procedural irregularity that affected the outcome of the matter;
- B. 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; and
- C. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Chair and the Parties will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies), the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies), the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed for standing by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeal Panel, and the Panel will render a decision in no more than ten (10) business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the Parties as indicated in official institutional records, or emailed to the Parties' University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then Emergency Removal Procedures detailed in the Policy for a hearing on the justification for doing so must be permitted within 48-hours of implementation.

Appeal Considerations

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The University will also maintain any and all records in accordance with state and federal laws.

Disabilities Accommodations in the Resolution Process

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's resolution process.

Anyone needing such accommodations or support should contact the Director of Disability Services (students) or Human Resources (employee), who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

NOTIFICATION OF VICTIMS OF CRIMES OF VIOLENCE

In accordance with the Higher Education Opportunity Act (HEOA), the University will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the University against a student or employee who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

SEX OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION

The Adam Walsh Child Protection and Safety Act of 2006 provides for the registration and tracking of sex offenders. Institutions of higher education are required to issue a statement advising the campus community of where to obtain law enforcement agency information provided by a state concerning registered sex offenders. The law also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

In the Commonwealth of Pennsylvania, information regarding registered sex offenders who are subject to community notification may be obtained from a community member's respective local municipal police agency and/or the Pennsylvania State Police. This information can also be obtained by visiting the Pennsylvania State Police's Megan's Law website at: <http://www.pameganslaw.state.pa.us/>

MISSING STUDENT NOTIFICATION PROCEDURES & POLICIES

In accordance with the Higher Education Opportunity Act (HEOA), the University must develop and implement certain procedures to be followed when on-campus residential students are determined to be missing for 24 hours.

The University has adopted a missing student notification policy for students residing in University owned and controlled (leased or rented) residential facilities. In addition to registering a general emergency contact, all students residing in student housing facilities have the option to annually register confidential contact information for a person to be notified by the University in the event the student is officially reported as missing by completing Wilkes University's "Update Emergency Contacts" on the student portal webpage. The University will ensure that all students are able to update their contact information whenever needed. These procedures and registration process are communicated to students when registering at the beginning of each academic year. The contact information will be confidential, accessible only by authorized campus officials and law enforcement, and may not be disclosed outside a missing person investigation.

If a student has identified such an individual, UPD or Residence Life officials will notify that individual no later than 24 hours after the student is determined to be missing.

If a member of the University community has reason to believe that a student who resides in University owned or controlled student housing has been missing for 24-hours, they should notify:

- Call the WUPD by dialing 570-408-4999 or on-campus extension 4999
- Report in person to the WUPD at the Department of Public Safety Center located at 148 South Main Street
- Contact the Director of Residence Life by dialing 570-408-4350 or on-campus extension 4350, or in person at the Office of Residence Life, located in Passan Hall, third floor
- Contact the Dean of Students dialing 570-408-4100 or on-campus extension 4100, or in person at the Office of Student Affairs in Passan Hall, third floor

All missing student reports must be referred immediately to WUPD at: 570-408-4999. WUPD will generate a Missing Person report and initiate an investigation.

After investigating the Missing Person report, should WUPD determine that the student is missing and has been missing for more than 24 hours (regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor), WUPD or a representative from Residence Life will notify the Wilkes-Barre City Police Department or law enforcement authority with jurisdiction and the student's emergency contact no later than 24 hours after the student is determined to be missing, unless the local law enforcement agency was the entity that made the determination that the student was missing.

If the missing person is under the age of 18 and is not an emancipated individual, WUPD or a representative from Residence Life must and will notify the student's custodial parent or legal guardian, the missing person contact, and the Wilkes-Barre City Police or local law enforcement with jurisdiction immediately after

WUPD has determined that the student has been missing for more than 24 hours, in addition to notifying any additional contact person designated by the student. This will occur no later than 24 hours after the determination is made.

If a student has been determined missing for more than 24 hours, in addition to the above notifications, specific procedures to follow include: contacting the

SECURITY AWARENESS, CRIME PREVENTION AND EDUCATION

Wilkes University provides a number of services and programs to the campus community to ensure the safety and security of our campus affiliates. Our services strive to emphasize proactive measures in order to minimize the need for reactive responses. We must all take responsibility for our own safety and the safety of others. Promptly and accurately reporting any and all criminal acts, dangerous situations and suspicious behaviors greatly assists in the provision of a safe campus community.

Security Awareness Programs are sponsored by various campus groups (including, but not limited to, the WUPD, the University Health & Wellness Services Office, the Office of Residence Life, and Student Development) throughout the academic year, and targeted towards the entire campus community (students, faculty, and staff).

1. All first-year resident students are required to attend residence hall meetings in September, where they are informed of all safety, fire, and security procedures and precautions.
2. Campus Advisory Reporting Extension or "C.A.R.E." is a program designed to allow anyone in the campus community to phone in anonymous information regarding safety and security concerns (e.g. potentially dangerous situations, suspected criminal activity, etc.) both on campus and in the community. If making the report from an on-campus phone, dial CARE (2273); or if making a report from an off-campus phone, dial 570-408-CARE (2273). All calls will be handled by a digital answering system, which will not be able to identify the incoming caller's extension or phone number. Each message received will be handled by the WUPD. Additionally, each message will be logged and given its due attention and follow-up.
3. 'S.A.F.E.' (an acronym for Self-defense Awareness & Familiarization Exchange) is an unparalleled 2-hour educational awareness, crime-victim prevention program – encompassing Strategies, Techniques, Options, and Prevention – that provides teenaged & adult individuals with information that may reduce their risk of exposure to violence and introduces them to the physical aspects of self-defense: "Teaching that 90% of self-defense is awareness, risk reduction, and avoiding confrontation; and only 10% is physical"; and focusing on both mental and physical preparedness, 'S.A.F.E.' provides individuals with solid public safety-awareness information to incorporate into their everyday lives. The S.A.F.E. Program is provided annually, or additionally as requested by the University Police Department to any campus group, affiliation, or organization.
4. The C3.

PENNSYLVANIA UNIFORM CRIME REPORTING ACT STATISTICS (TABLE 1)

January 1, 2018 through December 31, 2020

In addition to the crime statistics required by the Clery Act, the Pennsylvania Uniform Crime Reporting (UCR) Act requires the release of crime statistics and their rates to students, employees, new employees and applicants for admission. The index rate is calculated based on the actual number of Full Time Equivalent (FTE) students and employees, calculated according to a state-mandated formula and includes statistics from a geographic area that extends beyond the

ANNUAL FIRE SAFETY REPORT

Wilkes University student housing facilities have a variety of fire safety features, as indicated below. All residence halls have automatic fire sprinkler systems,

FIRE STATISTICS JANUARY 2019 - DECEMBER 2019									
Residence Hall	Total Fires	Fire Number	Date	Time	Cause of Fire	Injuries	Deaths	Property Damage	Case Number
77 West	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Catlin Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Doane Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Fortinsky Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Michelini Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pearsall Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rifkin Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ross Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Roth Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Schiowitz Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Slocum Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Sterling Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Sturdevant Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Sullivan Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
University Towers	1	1	9/8/2019	6:18 PM	Appliance Fire	0	0	\$360.00	IR-20190908-002998
Waller North	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Waller South	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Weiss Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
William Evans Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
134-136 S. Main	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
40 West (YMCA)	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cumberland Apts.	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

FIRE STATISTICS JANUARY 2018 - DECEMBER 2018									
Residence Hall	Total Fires	Fire Number	Date	Time	Cause of Fire	Injuries	Deaths	Property Damage	Case Number
Catlin Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Doane Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Fortinsky Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Michelini Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pearsall Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rifkin Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ross Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Roth Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Schiowitz Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Slocum Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Sterling Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Sturdevant Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Sullivan Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
University Towers	1	1	10/9/2018	12:55 PM	Equipment Malfunction	0	0	\$75.00	IR-20181009-002436
Waller North	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Waller South	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Weiss Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
William Evans Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
40 West (YMCA)	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cumberland Apts.	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

University Residence Hall Addresses

40 West (YMCA) – 40 W. Northampton St. Wilkes-Barre, PA 18701
 77 West – 77 West Northampton St. Wilkes-Barre, PA 18766
 134-136 S. Main – 134-136 S. Main St. Wilkes-Barre, PA 18701
 Catlin Hall – 92 S. River St. Wilkes-Barre, PA 18766
 Cumberland Apts. – 17 W. Ross St. Wilkes-Barre, PA 18701
 Doane Hall – 56 W. River St. Wilkes-Barre, PA 18766
 Fortinsky Hall – 225-227-229 S. Franklin St. Wilkes-Barre, PA 18766
 Michelini Hall – 80 W. River St. Wilkes-Barre, PA 18766
 Pearsall Hall – 109 S. Franklin St. Wilkes-Barre PA 18766
 Ri in Hall – 80 S. River St. Wilkes-Barre, PA 18766
 Ross Hall – 251 S. River St. Wilkes-Barre, PA 18766

Roth Hall – 68-74 W. Northampton St. Wilkes-Barre, PA 18766
 Schiowitz Hall – 217-219 S. Franklin St. Wilkes-Barre, PA 18766
 Slocum Hall – 262-264 S. River St. Wilkes-Barre, PA 18766
 Sterling Hall – 72 S. River St. Wilkes-Barre, PA 18766
 Sturdevant Hall – 129-131 S. Franklin St. Wilkes-Barre, PA 18766
 Sullivan Hall – 271-273 S. River St. Wilkes-Barre, PA 18766
 University Towers – 10 E. South St. Wilkes-Barre, PA 18766
 Waller Hall North – 36 W. River St. Wilkes-Barre, PA 18766
 Waller Hall South – 40 W. River St. Wilkes-Barre, PA 18766
 Weiss Hall – 98 S. River St. Wilkes-Barre, PA 18766
 William Evans Hall – 110 S. River St. Wilkes-Barre, PA 18766

CAMPUS FIRE SAFETY RIGHT TO KNOW ACT

The Campus Fire Safety Right-to-Know Act is an amendment to the Higher Education Opportunity Act. This amendment serves to increase campus fire safety awareness across the nation, providing students and their families with the fire safety records of colleges/universities. Signed into law by President George W. Bush on August 14, 2008, this amendment requires post-secondary institutions to publicly display fire safety information and statistics, much as they already do with other safety statistics, such as campus theft and assault. This information provides prospective and current students of the policies, concerns, and fire safety conditions that are present at the institution in which they have applied or are enrolled.

Fire Log

WUPD maintains a combined Daily Crime and Fire Log of all incidents reported. This includes all crimes, fire-related incidents, and other serious incidents that occur on Wilkes University campus, and also including areas jointly patrolled by WUPD and the Wilkes-Barre City Police Department, non-campus buildings, and public property immediately adjacent to campus property.

The Daily Crime and Fire Log includes the incident type, the date incident is reported, date and time of occurrence, general location of the incident, and the incident disposition. WUPD posts specific incidents in the Daily Crime and Fire Log within two (2) business days of receiving an incident report, and reserves the right to exclude from the Log, as permitted by law in certain circumstances. The University does not publish the name of crime victims nor house identifiable information regarding victims in the Daily Crime Log.

The most current sixty (60) days of information is available in the WUPD lobby, 148 South Main Street. WUPD also maintains a seven-year (7) archive of the Daily Crime and Fire Log. Requests for information older than sixty (60) days must be directed to the WBPD Lieutenant of Support Operations. Information will be made available within two (2) business days of a request for public inspection.

Reporting a Fire

Per Federal law, Wilkes University is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing. These are fires for which you are unsure whether the WUPD may already be aware. If you find evidence of such a fire, or if you hear about such a fire, please contact one of the following:

- University Police Department.....570-408-4999
- Office of Residence Life.....570-408-4350

When calling, please provide as much information as possible about the location, date, time and cause of the fire.

Fire Emergency and Evacuation Procedures

The WUPD encourages all members of the Wilkes Community to remain calm during the event of a fire alarm, or fire-related incident. In addition, individuals are reminded:

BEFORE a fire:

1. Know the location of all fire alarm stations in your building, and how to use them.
2. Know the location of portable fire extinguishers, and how to use them.
3. Know the location of alternate exits.

UPON DISCOVERING a fire:

1. Activate the fire alarm immediately to alert all residents and/or occupants.
2. Call 911.
 - a. If the fire is small, use fire extinguishers.
3. Exit by the nearest available stairwell. Do not use elevators. Do not run.
4. Meet emergency staff and direct them to the proper building floor and section.

UPON HEARING the fire alarm:

1. Remain low to the floor if there is smoke present in the room.
2. Feel the door before attempting to open. If it is hot, do not attempt to open the door. If no heat is detected, brace against the door and slightly open the door. If heat or heavy smoke is present, close the door and stay in the room.
3. Seal cracks around the door using sheets, pieces of clothing, or whatever is available if leaving the room is not possible.
4. Open windows a few inches at the top and bottom to release smoke and bring in fresh air. Hang an object or sheet from the window to attract the emergency staff.
5. If possible, notify the University Police Department 570-408-4999 and report you are trapped. Remember to give your name and location.

IF YOU CAN'T LEAVE the room:

1. Put on shoes and ~~do~~ Take a wet towel and cover your face.
2. Close all doors as you exit. Move to the designated stairway.
3. Do not use an elevator.
- 4.

- Cook only when you are alert, not sleepy or drowsy from medicine or alcohol.
 - Check with your local fire department for any restrictions before using a barbecue grill, fire pit, or Chimenea.
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