

Wilkes University

**Wilkes-Barre Campus
Annual Security and Fire Safety Report
Calendar Year Jan. 1, 2022 - Dec. 31, 2022**

PUBLISHED OCTOBER 2023





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.

As police officers, we take an oath to protect and serve our communities. This is no easy task and at times challenging. This task requires everyone in our communities to be a part of the community. We accomplish this task by social engagement and community participation.

My sincere promise is to provide everyone that either works, studies lives or visits our campus. With this being said, I invite and encourage those that have an interest in our campus and those that may not have an interest in our campus to join us in our mission to keep our community safe.

Our mission is simple.

The mission of the Wilkes University Police Department is to serve the university community, protect life and property, educate, and enforce laws and campus procedures. The Wilkes University Police Department is committed to achieving the highest standards and professional integrity, performance, and service to the University Community. We are inspired by progressive and innovative ideas that work to achieve a safe and cohesive community.

The University Police Department will provide service to the university's students, faculty, and staff by inspiring confidence and trust in all public safety services to the campus community and their guest. The Wilkes University Police Department will inspire and preserve the public's confidence and trust in the department's disciplinary process. Our philosophy of leadership by command and supervision will ensure that all department operations and personnel are held to the highest moral and ethical standards.

Communication is vital to maintaining public trust. Communication is accomplished both verbally and non-verbally. Communication promotes cooperation and builds partnerships throughout the university community to promote a positive long-standing relationship with those we serve. Policing a community is a combined effort of police officers, students, faculty and staff. You are our eyes and our ears.

We strive to be a proactive police department by addressing community concerns and problems before they occur. This is accomplished by seeking input from the community and providing feedback. The public are our eyes and ears. We encourage you to report suspicious behavior. Your report is confidential and anonymous. We are committed to providing a safe and secure campus environment for all. We are committed to providing a safe and secure campus environment for all. We are committed to providing a safe and secure campus environment for all.



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 Department	570-408-4377
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 Coordinator	570-408-7788
University Police Department	570-408-4999
Health & Wellness Services	570-408-4730
Human Resources	570-408-2034
Student Affairs	570-408-4100
Risk & Compliance	570-408-4554
Housing & Residence Life	570-408-4350
Admissions	570-408-4400

Other Resources

National Domestic Violence Hotline	800-799-7233
Women's Resource Center	800-257-5765
Helpline of Northeastern PA	570-829-1341
National Suicide Prevention Lifeline	800-273-8255

VAWA AND CAMPUS SAVE REQUIREMENTS

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4). Included in the bill was what is known as the Campus Sexual Violence Elimination Act (Campus SaVE), which amends the Jeanne Clery Act and affords additional rights to campus victims of **sexual violence, dating violence, domestic violence, and stalking**.

These statutory changes require institutions to compile statistics for certain crimes that are reported to campus security authorities or local police agencies including incidents of sexual assault, domestic violence, dating violence, and stalking. Additionally, institutions will be required to include certain policies, procedures, and programs pertaining to these crimes in their Annual Security & Fire Safety Reports.

Under section 304(b) of VAWA, the changes made by the new law “take effect with respect to the annual security report . . . prepared by an institution of higher education one calendar year after the date of enactment” of VAWA. Thus, the first Annual Security Report that must include the new required information is the report that must be issued by each institution by October 1. This report would include crime statistics from calendar years 2022, 2021, and 2020. These crime statistics are also reported to the Department of Education through the web-based data collection by October 1, 2023.

TITLE IX

In incidents where someone is the victim of sex discrimination, sexual harassment or sexual violence, victims and third parties should contact Wilkes University’s Title IX Coordinator or a deputy coordinator:

Title IX Coordinator

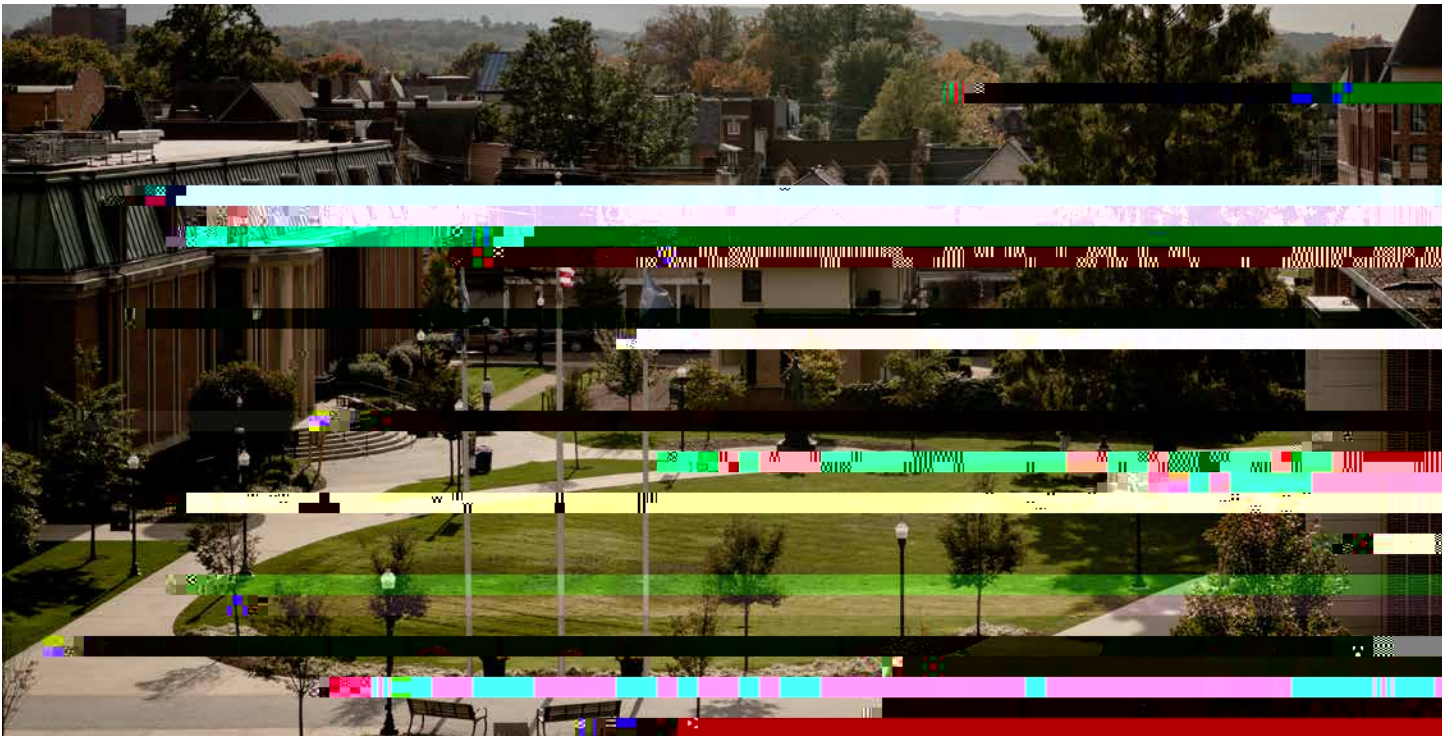
Elizabeth C. Leo, Esq.
Weckesser Hall, 2nd Floor
Wilkes-Barre, PA 18766
Phone: 570-408-7788
elizabeth.leo@wilkes.edu

Deputy Title IX Coordinator

LynnMarie Shedlock
Human Resources Manager
Human Resources Office
10 East South Street
Wilkes-Barre, PA 18766
Phone: 570-408-2034
lynnmarie.shedlock@wilkes.edu

The Wilkes University Campus

The Wilkes University campus is located just south of downtown Wilkes-Barre and encompasses 35 acres. The primary section of the Wilkes University campus runs between South River and South Main Streets from West Northampton to West Ross Streets. The primary sections of campus are connected by a network of pedestrian walkways. The Campus Gateway, running from South Main Street to the Henry Student Center parking lot, acts as both a major pedestrian thoroughfare and a hub of campus life for the entire Wilkes University community. The specific perimeters of the Wilkes University campus change from time to time. As such, the preceding description is meant to provide an approximation of the boundaries of the campus, but is in no way intended to detail the specific contour of the campus’ frequently changing boundaries.



Enrollment: For the 2022-2023 academic year, Wilkes University enrollment was just over 5,200 students. The student body is approximately 69% women and 31% men. For the fall 2022 semester, there were 3,436 full-time equivalent (FTE) students at the University, and 24% of those students lived in University-owned, -recognized, -rented, -leased, or otherwise controlled housing. Additionally, there were 669 full-time equivalent (FTE) employees (faculty and staff combined) at the University.

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 Wilkes University Public Safety Center 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 570-408-7788 or on-campus extension 7788, 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 Offices 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 and may become a matter of public record. Crime victims are given on and off-campus resource information as necessary and appropriate. University Police procedures require an immediate response to emergency calls. University Police works closely with a full range of borough and county resources to assure a complete and timely response to all emergency calls. Priority response is given to crimes against persons and personal injuries. University Police responds to and investigates all reports of crimes and/or emergencies that occur within the University's Clery geography. University Police personnel also have the ability to notify Luzerne County 911 dispatchers of emergency situations occurring on-campus via portable, mobile, and fixed two-way radio communications systems, and transferring telephone calls to the County 911 emergency center. This system allows University Police to summon assistance from additional emergency responders if deemed necessary and appropriate. Incidents occurring within the University's Clery geography are documented and processed for further investigation and review by the Offices of Student Affairs and Residence Life, depending upon the nature of the crime or emergency, or the involvement of the Wilkes-Barre City Police. Additional information obtained via any investigation will also be forwarded to the Offices of Student Affairs and Residence Life. Residential professional and student staff may also complete reports of potential criminal incidents that are forwarded to the University Police for review and processing.

To obtain information or request any public safety or safety escort services, community members should call University Police. Emergency Call Boxes ("blue Lights") are located throughout campus, residence halls, and parking facilities to report crimes in progress, suspicious persons, medical emergencies, or concerns about your personal safety. These phones connect you directly to the WUPD Communication Center.

When placing an emergency call, remember to stay on the line and wait for the dispatcher to end the call. These exterior phones should be used when seeking information and/or reporting activities – to include criminal incidents. If a member of the community finds any of these phones inoperative or vandalized, they should call University Police so that the phone can be repaired or replaced as quickly as possible. If assistance is required from the Wilkes-Barre Fire Department, or other emergency services, University Police will contact the appropriate unit.

If a sexual assault or rape should occur on campus, staff on scene, including University Police, will offer the victim a wide variety of resources and services. This publication contains information about on- and off-campus resources and services, and is made available to the Wilkes University

Voluntary, Confidential Reporting

A victim of a crime, who does not want to pursue action within the criminal justice system or through Wilkes University, may still consider making a confidential report. The purpose of a confidential report is to comply with a victim's wish to keep the matter confidential, while taking steps to ensure the future safety of those involved and others. With such information, the University can keep accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger through issuance of a Timely Warning. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution without victim or suspect information.

Confidential reporting of a crime may be done via the University Police Department "Anonymous Reporting" link at: www.wilkes.edu/campus-life/safety-security/anonymous-incident-report.aspx

Confidential Reporting

Students may make confidential reports to Professional Counselors assigned to the Counseling Services. Professional Counselors, when acting in their capacity and function as Wilkes University counselors, do not make identifiable reports of incidents to the Official On-Campus Resources unless the student specifically requests them to do so; however, the University encourages counselors, if and when they deem it appropriate, to inform students they can report incidents of crime to WUPD, which can be done directly or anonymously through the anonymous reporting processes as outlined below. Wilkes University does not employ anyone in the capacity of a Pastoral Counselor.

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

Anonymous Reporting

Additionally, in accordance with Pennsylvania State law, the University provides an option to report complaints of sexual harassment and sexual violence from students and employees including sexual misconduct, sexual assault, dating violence, domestic violence and stalking anonymously through the online reporting process at: www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/discrimination-and-harassment-reporting-form.aspx.

The University allows faculty and staff opportunities to report incidents anonymously, which allows a reporting person to complete a report without providing any personal identifying information. Anonymous reporting can be accomplished using the EthicsPoint system. EthicsPoint is a third-party vendor that is an industry leader in compliance and ethics-related reporting, and is available 24/7/365.

- Online: www.secure.ethicspoint.com/domain/en/report_custom.asp?clientid=17812
- Dial toll-free: 1-888-332-6790

You may wish to remain anonymous by not releasing your name, or not desiring to pursue action through the University judicial board or local criminal justice system. If you wish to make a report and want to remain anonymous, you can call the WUPD's CARE line at 570-408-2273, or visit the WUPD "Anonymous Reporting" link at: www.wilkes.edu/campus-life/safety-security/anonymous-incident-report.aspx. Anonymous reporting is also available from a smartphone by using the iReport feature in the Wilkes Shield safety app.

While anonymous reporting is available by these means, the University's ability to investigate and appropriately address allegations of misconduct will be significantly limited. Crimes reported confidentially to Counseling Services are not disclosed in the University's crime statistics or reporting processes, unless those crimes are reported to WUPD via the Director of Health and Wellness Services.

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All visitors to other University-owned residence halls are to utilize the phones located on the outside of the individual buildings or personal cell phone. Visitors 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.

Residents are reminded that they are responsible for their visitors and that an environment conducive to study should be maintained at all times. All visitors to the residence halls are responsible for abiding by University policies. Residence hall members should escort from the hall any unidentified persons not accompanied by a fellow hall member. The RA on call should be contacted if a visitor will not leave in order for University Police to be called for assistance.

SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

Wilkes University facilities and landscaping are maintained in a manner that minimizes hazardous and unsafe conditions. Campus lighting is evaluated to minimize hazardous conditions and ensure safety and security. Doors, windows, and door hardware are reviewed for efficient operation. Landscape plantings around campus buildings are monitored and maintained throughout the year to provide a safe and welcoming environment. Parking lots and pathways are illuminated with lighting.

University Police and Public Safety Officers regularly patrol the campus and reports malfunctioning lights and other unsafe physical conditions to Facilities Management for correction. Campus community members can additionally report hazards directly to Facilities Management for correction. Campus community members can additionally report hazards directly to Facilities Management for correction.

after review and assessment it is determined that the incident may pose a serious or continuing threat to members of the University community.

Crimes that occur outside the campus' primary Clery geography, as stipulated or other non-Clery specific crimes, will be evaluated on a case-by-case basis. Information related to these crimes may be distributed to the campus as a Public Safety Notice, as outlined and described in the below policy statement for "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 Clery 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 Clery 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.

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					
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PUBLIC SAFETY NOTICES

Exercise of Judgment and Contingencies: The actions described are basically standard by nature. When situations arise for which the procedures to be

The University's primary and secondary means of communicating during an emergency situation include those addressed above. The following,

A written request for statistical information is made at least on an annual basis to all Campus Security Authorities or CSAs (as defined by federal law). CSAs are also informed in writing and/or through training to report crimes to WUPD in a timely manner so those crimes can be evaluated for timely warning purposes. A Campus Security Authority or CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department of an institution

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

training modules addresses workplace discrimination, retaliation, harassment and how to recognize and respond to sexual misconduct involving students, including sexual assault, stalking, and intimate partner violence.

11. On duty uniformed University Police Officers, 24 hours a day/7 days a week.
12. A Bystander Intervention program designed to provide students with the skills and confidence to intervene safely and effectively when witness to situations where individuals may be at risk of sexual violence to decrease instances and bystander inaction.
13. Training programs and campaigns previously mentioned to also raise awareness around harmful behaviors and “red flags” that allow potential perpetrators to recognize and address these behaviors prior to escalation.
14. An emergency on-duty Student Affairs professional, 24 hours a day/7 days a week.
15. A “Safe Escort” from a University Police Officer anywhere on campus from dusk until dawn.
16. An emergency community notification system comprised of several communication methods including, text messaging, printed fliers, and the Wilkes Portal.
17. A mobile device application to communicate directly with the University Police Department and receive campus safety alerts sent directly to your

to University investigators; hearing panels; or WUPD. Student and employee victims of sexual assault, domestic violence, stalking and dating violence are also encouraged to preserve physical and medical evidence as may be necessary for the proof of criminal domestic violence, dating violence, sexual assault or stalking charges or in obtaining a protection order.

B. Report to the University

Reports of sexual harassment, including sexual misconduct can be reported to the Title IX Coordinator or Deputy Coordinator, WUPD, the Office of Student Affairs or the Office of Human Resources. There is no time limit with regard to reporting; however, reporting parties are encouraged to proceed as quickly as possible. Evidence, witnesses, and even the responding party may not be available after a period of time.

- Online Anonymous Reporting

Anonymous reports of gender-based discrimination may be submitted at the following website: <https://wilkes.edu/campus-life/student-affairs/sexual-misconduct/discrimination-and-harassment-reporting-form.aspx>.

- Confidentiality

Reporting parties have the option to request the school maintain their confidentiality or that the complaint not be pursued. The University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or that the complaint not move forward. Although the University cannot completely ensure confidentiality, the Title IX Coordinator will evaluate the request in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all members of the community.

Additionally, the University maintains confidentiality consistent with the complainant's wishes when issuing accommodations and protective measures by only notifying those individuals on campus that have a legitimate educational interest in the information or on a need-to-know basis to uphold the accommodations. Moreover, when confidentiality is requested, non-identifying information is provided for purposes of Clery Act reporting. All publicly available record-keeping, including but not limited to the Clery Act's reporting and disclosure requirements, is without the inclusion of personally identifiable information.

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 at 570-408-4730.

The University recognizes that circumstances related to alleged violations may cause employees to feel uncomfortable making a report in person and has established a confidential reporting mechanism to address this issue (https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=17812).

Employees who wish to seek confidential support may contact a professional counselor through the University's Employee Assistance Program at:

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

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

During the process of investigating a report of sexual misconduct, other violations of the University Code of Conduct may be found to have been committed. The Wilkes community encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of our community that reporting parties choose to report to University officials, and that witnesses come forward to share what they know. To encourage reporting, Wilkes University will not pursue disciplinary action against complainants or witnesses for personal consumption of drugs or alcohol where such disclosures are made in connection with a good faith report or investigation related to a sexual misconduct incident.

- Statement Against 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. Any type of retaliation against the reporting party, the responding party (other than discipline that may be imposed by this policy), witnesses, members and others associated with the process will be considered a conduct violation.

C. Report to the Police

Options available to the reporting party with regard to University adjudication and criminal procedures will be explained. Every individual reporting sexual misconduct to the University, also has the option to report to the local police department and University officials will assist in contacting the police if the reporter desires. It is the reporting party's decision to participate in the University process, a criminal process, both or neither.

- Coordination with Law Enforcement

Law enforcement agencies investigate criminal behavior and do not investigate potential violations of Title IX. These are two separate and distinct processes. However, investigations conducted by the University under this policy may coincide with law enforcement investigations

due to the same conduct.

The University reserves the right to proceed with a sexual misconduct investigation and adjudication independent of any criminal proceeding. Furthermore, verdicts in criminal court are not determinative of the proceedings held by the University.

At the request of law enforcement, the University investigator for the University may delay the University investigation temporarily while an external law enforcement agency is gathering evidence. The investigator will promptly resume the University investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation.

In an effort to ensure a thorough investigation, an appropriate University administrator may contact any law enforcement agency that is conducting its own investigation to ascertain the status of the criminal investigation, and to collect relevant evidence the agency is willing to share with the University.

Additionally, the University will cooperate with outside law enforcement investigations, to the extent permitted by applicable law. For instance, the Family Educational Rights and Privacy Act (FERPA) permits disclosure of information collected through the University's investigation process pursuant to a subpoena in a criminal and/or a civil proceeding.

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 transportation options, adjustment to course schedules, or a leave of absence. Requests for such changes should be made to the Title IX Coordinator; Deputy Title IX Coordinator for Students; or Deputy Title IX Coordinator for Employees accordingly. This information is provided to students and employees in writing through resource guides (brochures) distributed via email.
- Access to a Title IX Coordinator. The Title IX Coordinator will serve as an impartial observer to assist students, faculty and staff with any questions or concerns that they may have beginning from the time immediately following the alleged assault, through the investigation and to the outcome of hearings and appeals.
- Assistance with financial aid.
- Assistance in seeking legal assistance within the community.
- Assistance in seeking relevant information on visa and/or immigration status.

Students, faculty and staff are directed to contact the Title IX Coordinator or a Deputy Title IX Coordinator for assistance in accessing any of the above-listed resources and support services.

Supportive Measures

Wilkes will offer and implement appropriate and reasonable supportive measures to students, faculty, and staff upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to students, faculty, and staff to restore or preserve access to Wilkes University's education program or activity, including measures designed to protect the safety of all parties and/or the institution's educational environment, and/or to deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator will promptly make supportive measures available to the Complainant upon receiving notice or a complaint and will work with them to ensure that their wishes are taken into account with respect to the planning and implementation of such measures. At the time that supportive measures are offered, the Title IX Coordinator will inform the Complainant, in writing, that they may file a Formal Complaint with the University either at that time or in the future, if they have not done so already. Supportive measures are made available if requested and if they are reasonably available, regardless of whether the Complainant chooses to file a Formal Complaint with the Title IX office or files a report with campus police or local law enforcement.

Wilkes will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide the supportive measures. Wilkes will act to ensure as minimal an academic impact as possible. The University will implement measures in a way that does not unreasonably burden either party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services;
- Referral to the Employee Assistance Program;
- Referral to community-based service providers such as the Victim Resource Center and Domestic Violence Service Center;
- Visa and immigration assistance;
- Student financial aid counseling;
- Education to the community or community subgroup(s);
- Altering campus housing assignment(s);
- Altering work arrangements for employees or student-employees;
- Safety planning;
- 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.

When the Respondent is an employee, the University may, through existing provisions in the Employee Policies Manual, place the employee Respondent on administrative leave during the pendency of a Formal Grievance Process.

On and Off Campus Services for Victims

Wilkes University provides the following resources in writing for all students and employees.

On-Campus	Service	Provider	Contact Info
Health & Wellness Services	Individual Counseling, Group Counseling, Crisis Intervention, Psychiatric Services, Consultation, Outreach	Melissa A.Gaudio, Campus Counselor	570-408-4730
	Clinical Services - General health care, immunizations, TB testing, medications, sexual health Wellness Promotion - Wellness education, alcohol/tobacco/ and other drugs, nutrition services	Diane E. O'Brien, Director	570-408-4734
Student Financial Aid	Financial Aid, Work Study, Financial Literacy	Jared M. Menghini, Executive Director	570-408-3837
Title IX Office	Sexual Misconduct information	Elizabeth Leo, Esq., Title IX Coordinator	570-408-4108
University Police	Crime Reporting, Escorts, Emergency Services, Crime Prevention	Chief Michael Krzywicki	570-408-4952
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	Dr. Cathy Lee Arcuino, Executive Director	570-408-2616

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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.

Students or employees may speak with the University Police Department, the Title IX coordinator, the Office of Student Affairs, or Human Resources who can explain the process for seeking a protective order and can escort a student or employee to the Luzerne County PFA office to initiate a petition seeking a protective order.

Protection of Victims of Sexual Violence or Intimidation Act

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: www.wilkes.edu/titleix

Title IX Coordinator

Elizabeth C. Leo, Esq.
Weckesser Hall, 2nd Floor
Wilkes-Barre, PA 18766
Phone: 570-408-7788
elizabeth.leo@wilkes.edu

Deputy Title IX Coordinator

LynnMarie Shedlock
Human Resources Manager
Human Resources Office
10 East South Street
Wilkes-Barre, PA 18766
Phone: 570-408-2034
lynnmarie.shedlock@wilkes.edu

The University has determined that the following administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Coordinators listed above, these Officials with Authority listed below may also accept notice or complaints on behalf of the University. All of the following Officials with Authority will promptly report any complaints to the Title IX Coordinator:

- Title IX Coordinator/Deputy Title IX Coordinators
- President of the University
- Senior Level Administrators
- Vice Presidents
- Academic Deans
- Department and/or Division Chairs
- Student Affairs Deans
- Director of Athletics and Associate Director of Athletics
- Director of Residence Life and Area Coordinators
- Chief Human Resources Officer and Human Resources Director
- University Police Department

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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.

PROCEDURES FOR INVESTIGATING SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING; DISCIPLINARY ACTION 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

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.

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Pool Member Training

The Pool members receive annual training, which includes, but is not limited to:

- The scope of the University's Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures;
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability;
- Implicit bias;
- Disparate treatment and impact;
- Reporting, confidentiality, and privacy requirements;
- Applicable laws, regulations, and federal regulatory guidance;
- How to implement appropriate and situation-specific remedies;
- How to investigate in a thorough, reliable, and impartial manner;
- How to uphold fairness, equity, and due process;
- How to weigh evidence;
- How to conduct questioning;
- How to assess credibility;
- Impartiality and objectivity;
- How to render findings and generate clear, concise, evidence-based rationales;
- The definitions of all offenses;
- How to apply definitions used by the University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy;
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes;
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- Any technology to be used at a live hearing;
- Issues of relevance of questions and evidence;
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence;
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are University employees), and Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted here: <https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/grievance-process-pool-training.aspx>.

Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations;
- The identity of the involved parties (if known);
- The precise misconduct being alleged;
- The date and location of the alleged incident(s) (if known);
- The specific policies implicated;
- A description of the applicable procedures;
- A statement of the potential sanctions/responsive actions that could result;
- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination;
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period;
- A statement about the University's policy on retaliation;
- Information about the privacy of the process;
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor;
- Detail on how the party may request disability accommodations during the interview process;
- A link to the University's VAWA Brochure;
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have; and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice 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(es) of the Parties as indicated in official University records, or emailed to the Parties' University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. Generally, University-issued email is the primary means of communication, however alternative methods of communication may also be utilized if requested.

Resolution Timeline

The University will make a good faith effort to complete the resolution process within a sixty-to-ninety (60- 90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the Parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator will notify an Investigator(s) who will initiate the formal

Ensuring Impartiality

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, Investigator(s), and Decision-maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or

including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The Parties may elect to waive the full ten days;

- The Investigator(s) may elect to respond in writing in the investigation report to the Parties' submitted responses and/or to share the responses between the Parties for additional responses;
- The Investigator(s) will incorporate relevant elements of the Parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period;
- The Investigator(s) shares the report with the Title IX Coordinator for their review and feedback;
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The Parties are also provided with a file of any directly related evidence that was not included in the report.

Role and Participation of Witnesses in the Investigation

Witnesses who are employees of the University are expected to cooperate with and participate in the University's investigation and resolution process. This participation is considered within the scope of their employment with the University.

Student witnesses are also expected to cooperate with and participate in the University's investigation and resolution process.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, telephone, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross-examination at a hearing, their written statement may not be used as evidence.

Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the Parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the Parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the Parties and the Decision-maker–unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker or Decision-makers from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees will be directed to the appropriate Decision-maker depending on the context of the alleged misconduct.

Hearing Decision-Maker Composition

The University will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may (1) the 10 (l)10 (v)20fthe Rt ee25 Td(05.

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The Parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker(s) renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the Parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result;
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities;
- Any technology that will be used to facilitate the hearing;
- Information about the option for the live hearing to occur with the Parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing;
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing;
- Information on how the hearing will be recorded and on access to the recording for the Parties after the hearing;
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the Party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Title IX Coordinator or Chair may reschedule the hearing;
- Notification that the Parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The Party must notify the Title IX Coordinator if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present. There are no exceptions;
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already;
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker(s) will review during any sanction determination;
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least five (5) business days prior to the hearing;

Hearings for possible violations that occur near or after the end of an academic semester and are unable to be resolved prior to the end of the semester will typically be held immediately after the end of the semester or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal).

Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the Party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

Pre-Hearing Preparation

The Title IX Coordinator or the Chair, will provide a list of the names of the Decision-maker(s), the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the internal investigation report to the Parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have provided a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing.

If the Parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

All objections to any Decision-maker(s) must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than five (5) business days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the Parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the Parties have the opportunity for continued review and comment on the internal investigation report and available evidence. That review and comment can be shared with the Title IX Coordinator or Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Title IX Coordinator or the Chair.

Pre-Hearing Meetings

The Chair may convene separate pre-hearing meetings with the Parties and their Advisors to invite them to submit the questions or topics they wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the Parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker(s) at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias. .

Refusal to Submit to Cross-Examination and Inferences

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

- Tenure revocation
- Withhold salary increase (from one to several years)
- Removal of endowed chair
- Removal of emeritus status
- Removal of graduate school status
- Termination of research project funding
- Removal from administrative position
- Verbal reprimand
- Required participation in counseling or training
- Demotion
- Change to reporting structure
- Reinstatement of an employment probationary period

Disclosures to Alleged Victims of Crimes of Violence or Non-Forcible Sex Offenses

Wilkes University will, upon request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Wilkes University will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

Withdrawal or Resignation While Charges Pending

Students:

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent withdraw from the University, the University will typically proceed with the Formal Grievance Process.

When determining to proceed with the Formal Grievance Process after a Respondent withdraws from the University, the Title IX Coordinator will base 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,

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

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/ responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Panel may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a remand to a Decision-maker(s) cannot be appealed.
- In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the Parties and/or the campus community that are intended to stop the harassment, discrimination, and/ or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services;
- Referral to the Employee Assistance Program;
- Education to the individual and/or the community;
- Permanent alteration of housing assignments;
- Permanent alteration of work arrangements for employees;
- Provision of campus safety escorts;
- Climate surveys;
- Policy modification and/or training;
- Provision of transportation accommodations;
- Implementation of long-term contact limitations be0 (ue0 (.1 (ct to the Pa)5.1 (r)-19 tions;)]TJ-1.125 -1.25 Td(•)Tj/Span/ActualTextFEFF0009BDC ()TjEMC 1.1

The University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the University's ability to provide these services.

Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

Recordkeeping

The University will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The University will make these training materials publicly available on the University's website; and
7. Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent;
 - b. Any measures designed to restore or preserve equal access to the University's education program or activity; and
 - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

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 is available at www.pse.edu.

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 Wilkes University 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 Max Roth, second 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 contact no later than 24 hours after the student is determined to be missing and has been missing for more than 24 hours. 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 authority has already been notified.

9. The mission of Wilkes University's Bystander Intervention program is to empower students to take on active leadership roles in preventing sexual harassment and violence. Following completion of a training course, a select group of peer trainers will engage first-year student groups in interactive presentations designed to develop the skills and confidence to intervene safely and effectively when witness to situations where individuals may be at risk of sexual violence. This program is presented in every First-Year Foundation course.
10. All first-year students must complete an online course where they learn about the Student Handbook and the university's code of conduct. Each student must complete a quiz with a passing grade of 80% or higher. This teaches students about alcohol and drug use/misuse, computer software use/misuse, academic integrity, sexual misconduct, and other key concepts to help them better adjust to university life. Students who fail the quiz, or do not attempt to take it, are required to attend a session which covers all Student Handbook topics.
11. CHOICES and Wyoming Valley Alcohol & Drug sessions. These are sessions meant to educate the student regarding the violation so as not to have a repeat offense in the future. They will be imposed in addition to other sanctions and may include, for example, a CHOICES alcohol education class or a session with Wyoming Valley Alcohol and Drug Services. Choices is a one-hour class facilitated by University campus counselors. The WVAD session is a 3-hour session held on campus and facilitated by a staff member from WVAD. Both are scheduled regularly in the semester and students are informed of upcoming dates for sessions.
12. During Welcome Weekend, first year students are required to attend an on-campus workshop facilitated by the Title IX Office. This program teaches students how to recognize signs of sexual misconduct, dating violence and stalking and on the importance of consent. It also provides students with the information they need to connect with local resources to obtain medical and legal assistance as well as confidential counseling.
13. In the spring semester, the University hosts a "Red Flag Campaign" that is a community-wide awareness initiative designed to highlight the red flags of dating violence, domestic violence, stalking, and sexual misconduct and encourages our community members to speak up when recognizing those signs.
14. In compliance with the Drug-Free Schools and Communities Act (DFSCA) the University distributes, annually, to all student, staff, and faculty the Drug and Alcohol Abuse Prevention Program at the University.

PENNSYLVANIA UNIFORM CRIME REPORTING ACT STATISTICS (TABLE 1)

January 1, 2020 through December 31, 2022

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 campus. These statistics reported reflect crimes as reported to the Wilkes University Police Department and are compiled in accordance with the Pennsylvania College and University Security Act of 1988.

ANNUAL CLERY CRIME SUMMARY AND STATISTICS

The Clery Act (20 U.S.C. § 1092(f)) is a federal law that requires colleges and universities to disclose information about crime on and around their campuses. The Clery Act requires institutions to include four general categories of crime statistics:

Criminal Offenses, including

- Criminal Homicide
 - Murder/Non-Negligent Manslaughter
 - Negligent By Manslaughter
- Sexual Assault, including
 - Rape
 - Fondling
 - Incest
 - Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

Hate Crimes

VAWA Offenses

- Domestic violence
- Dating violence
- Stalking

Arrests & Referrals

- Weapons Law Violations
- Drug Law Violations
- Liquor Law Violations

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

Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

VAWA CRIMES

Dating Violence: The term “dating violence” means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship (ii) The type of relationship (iii) The frequency of interaction between the persons involved in the relationship.

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

Stalking: The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

SEX OFFENSES

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

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

HATE CRIMES

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

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, injure, damage, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

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

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

Geography Definitions from the Clery Act

The Clery Act requires institutions to disclose statistics for reported Clery Act crimes that occur (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or property that your institution owns or controls. The definitions for these geographic categories are Clery Act-specific and defined as:

Campus: “any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and property within the same reasonably contiguous geographic area of the institution and is owned by the institution but controlled by another person, is used by students, and supports the institutional purposes, such as a food or other retail vendor.”

On-Campus Residential: a sub-category of Campus that reflects the number of on-campus incidents that occur “in dormitories or other residential facilities for students on campus.”

Non-Campus: “any building or property owned or controlled by a student organization recognized by the institution; and any building or property, other than a branch campus, owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purposes, is used by students, and is not within the same reasonable contiguous geographic area of the institution.”

Public Property: “all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare or parking facilities (for purposes of 20.1 (c), is used by) 10 (o) 1i9or oat25 Tdsdv(g)10.1esidence halls; area of the institution.”

University Residence Hall Addresses

40 West (YMCA) - 40 . Northampton St. ilkes-Barre, PA 18701

77 West - 77 est Northampton St. ilkes-Barre, PA 18766

134-136 S. Main - 134-136 S. Main St. ilkes-Barre, PA 18701

Catlin Hall - 92 S. River St. ilkes-Barre, PA 18766

Doane Hall - 56 . River St. ilkes-Barre, PA 18766

Fortinsky Hall - 225-227-229 S. Franklin St. ilkes-Barre, PA 18766

Michelini Hall - 80 . River St. ilkes-Barre, PA 18766

Pearsall Hall - 109 S. Franklin St. ilkes-Barre PA 18766

Rifkin Hall - 80 S. River St. ilkes-Barre, PA 18766

Ross Hall - 251 S. River St. ilkes-Barre, PA 18766

Roth Hall - 68-74 . Northampton St. ilkes-Barre, PA 18766

Schiowitz Hall - 217-219 S. Franklin St. ilkes-Barre, PA 18766

Slocum Hall - 27 1 -1.286 locum 66 IA 18766

CAMPUS FIRE SAFETY RIGHT TO KNOW ACT



