2020
ANNUAL SECURITY
AND
FIRE SAFETY REPORT

DEPARTMENT OF CAMPUS SAFETY
Manor Northeast
Office Hours: 8 a.m. – 5 p.m.
Office: (717) 815-1403  ●  Emergency: 9-1-1  or  (717) 815-1314
http://www.ycp.edu/offices-and-services/campus-safety/
Message from the Director…

Welcome to York College of Pennsylvania. It is my pleasure, along with the members of the Department of Campus Safety to welcome you. The York College community consists of more than 5,000 people working, living, and studying on a beautiful campus in historic York County, Pennsylvania. Living in a campus environment like ours can cause us to forget that crime and other problems happen here, just as they do in all communities beyond our borders. Our goal is to provide you with safety and security knowledge that will improve your quality of life, both now as a member of the York College community, and in your future as you graduate and move on to experience life beyond college. The purpose of this report is to equip you with the information you need to stay safe during your time spent here at the College.

The Department of Campus Safety is the primary department at the College charged with creating a safe and secure educational environment. This task however is not one we can accomplish alone. This responsibility is a shared partnership with all members of our community. Your active involvement in your own personal safety and the safety of your neighbors will help keep our campus a safe and desirable place to live and learn. We ask that you join us in this effort by reading this report and referring to it often.

If you should have any questions, concerns, suggestions, or would like more information, please stop by our office located in Manor Northeast or visit us online at http://www.ycp.edu/offices-and-services/campus-safety. I wish you much success in all of your endeavors here at York College of Pennsylvania and hope that your time here will be pleasant and safe.

Edward A. Bruder
Director of Campus Safety

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Policy for Preparing the Annual Security Report

The York College of Pennsylvania Clery Act and Title IX Compliance Committee is responsible for preparing and distributing this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and Pennsylvania Act 73, the Uniform Crime Reporting Act. Its purpose is to make public all reported campus crime for the previous three years and certain campus security policy statements. The crime statistics in this report include those reported to the Department of Campus Safety, College employees designated as Campus Security Authorities, and local law enforcement agencies. All crimes occurring on any property owned or controlled by the College is included with this report as well as crimes occurring on certain public property that is immediately adjacent to and accessible from the campus.

We encourage members of the York College community to use this report as a guide for safe practices on and off campus. It is available online at www.ycp.edu/campus-safety/asr. Each member of the College community receives an email announcement that describes the report and provides its Web address. For a paper copy, contact the Department of Campus Safety at 717-815-1403.

The Department Of Campus Safety

Located in Manor Northeast, the Department of Campus Safety operates 24 hours a day, 365 days a year. The telephone number for emergency calls is extension 1314 on campus, or call 717-815-1314 from off campus. For routine assistance please use extension 1403 on campus, or call 717-815-1403 from off campus.

The department consists of a professional staff of sworn campus police officers, part-time parking enforcement officers, student security officers, contract security officers, office staff, dispatchers, shuttle drivers and the campus locksmith. Officers patrol the campus and respond to calls for service in vehicles, on bikes, Segway’s, and on foot. The department also supervises the shuttle service and the Campus Information Center.

Our Vision

The Department of Campus Safety will maintain the highest professional standards of excellence and be recognized as a national leader in campus safety.

Our Values

Integrity – We expect every member of our department to uphold the highest ethical standards at all times and to adhere to our values and code of ethics.

Service – We will work in partnership with the community to identify and solve problems that affect the quality of life on campus.

Excellence – We will continually develop our knowledge, skills, and abilities to the highest levels possible to enable us to provide the finest public safety services to the York College community.

Teamwork – We will sustain a climate in which each of our members can succeed, contribute, and feel appreciated.

Our Mission

To contribute toward the quality of college life, by providing professional safety, security, law enforcement, and emergency services in a courteous, fair, and respectful manner. We are committed to improving the College’s ability to deal effectively with crime and other problems perceived by the campus community and working in partnership to resolve them.

Our Motto

Protect, Educate and Serve
Campus Safety Policies and Information

2019 Fall Semester Student Enrollment:

Undergraduate:
- Full-time – 3,685
- Part-time – 351

Graduate:
- Full-time – 43
- Part-time – 223

Number of Students Living in College Owned or Operated Residence Facilities: 2,162

Number of Non-Student Employees: 874

Administrative Office Responsible for Security: Department of Campus Safety

College Committee Responsible for Promoting Safety Awareness:

Student/Neighbor Safety Task Force - comprised of administrators, faculty, students, community residents, and local police representatives.

Type & Number of Security Personnel

The York College Department of Campus Safety is staffed with twelve professional campus police officers, four part-time parking enforcement officers, an office staff and 16-20 trained student security officers. The majority of student officers are enrolled as criminal justice majors at YCP. Training for student officers consists of over 40 hours of classroom training and approximately 40 hours of on-the-job training. Training is continually provided throughout the year.

The campus police officers are full-time employees and are required to complete Pennsylvania Act 235 Training. In addition they must complete other courses such as arrest/search/seizure, criminal law and procedure, officer safety, sexual assault response, intoxicated persons response, mental health first aid, implicit bias, Incident Command System (ICS), Management of Aggressive Behavior (MOAB) and maintain first aid/CPR/AED certification. They are also required to complete annual in-service training for legal updates, firearms training and qualification, re-certifications and other campus safety related topics.

Enforcement Authority of Security Personnel and Interagency Cooperation

The campus police officers are sworn special officers under Title 22, section 501 of the Pennsylvania Code. They have powers of arrest while on College property and on immediately adjacent public property. Campus police officers make arrests and issue citations for summary violations of the Pennsylvania crimes code and detain suspects for suspected misdemeanor or felony crimes. Student security officers do not have authority to arrest. They do have the authority to enforce all York College rules, regulations, and policies. The patrol and enforcement jurisdiction of the department includes any and all property owned by York College, all public roads and sidewalks immediately adjacent to College owned property and the campus of York Country Day School.

The Department of Campus Safety works closely with the Spring Garden Township and York City Police Departments. A written agreement with the both departments exists which outlines jurisdiction, areas of responsibility and mutual cooperation. Both the York City and Spring Garden Township Police are responsible for investigating all reported misdemeanor and felony criminal offenses that occur on campus. College officers investigate summary level crimes and support the local police in their investigations of misdemeanors and felonies. The Department of Campus Safety has immediate contact with both police departments through the use the York County public safety radio system. This allows for immediate support from these agencies. Officers from both departments frequently work at special events held on campus.
Monitoring Off Campus and Non-Campus Campus Criminal Activity by Local Police

When a York College student is involved in an off-campus criminal incident in the surrounding community, the York City and Spring Garden Township Police Departments will notify the Department of Campus Safety who will then forward the information to the Vice President of Student Affairs. The Vice President will determine if the student will be referred to the College student conduct process for possible disciplinary action. When students are victims of crime off campus, the local police will notify the Department of Campus Safety, who will notify the Vice President of Student Affairs. A “Timely Warning” notice may be issued if appropriate. Only reported off-campus crimes occurring in reportable public property areas, as defined by the Clery Act, will be included in the Annual Security and Fire Report. York College does not own or control any non-campus housing facilities used by officially recognized student organizations. The only non-campus properties owned or controlled by York College in 2019 are the Marketview Arts building on Philadelphia Street and the Center for Community Engagement on East Market Street. Both locations are in York City. The York City Police monitor criminal activity at these locations and will report any criminal act to the Department of Campus Safety. If a student is involved, the Vice President of Student Affairs will be notified.

Monitoring of Criminal Activity at Student Organization Locations

Campus officers and Residence Life staff monitor all on-campus housing facilities used by officially recognized student organizations. York College does not own or control any non-campus housing facilities used by officially recognized student organizations. There are no recognized student organizations that own or control a building or property to the knowledge of the College administration.

Policy on Reporting Criminal Incidents to State & Local Police

All felony and misdemeanor offenses of the Pennsylvania Crimes Code are referred to the Spring Garden Township or York City Police Departments for investigation unless the victim informs the College that they do not wish to report the incident to the local police. York College officials will investigate and handle all summary offenses occurring on campus. College officials will assist any student who is a victim of a crime in contacting the appropriate local law enforcement agency should they desire to file a report.

REPORTING CRIMINAL OFFENSES AND OTHER EMERGENCIES

In order to facilitate a comprehensive and accurate annual report and to aid in providing timely warnings notices to the community, all students, faculty, staff, and guests of York College are encouraged to report emergencies, crimes, and suspicious persons in an accurate and timely manner, when the victim of a crime elects to or is unable (physically/mentally) to make such a report, to the Department of Campus Safety at 717-815-1314 or to the appropriate local police department by calling 911. You may also report in person at the Campus Safety Office located in the Manor Northeast lobby, or by approaching an officer on duty. The department will conduct a thorough investigation of reported incidents when deemed appropriate. All felonies and misdemeanor offenses of the Pennsylvania Crimes Code will be reported to the appropriate local police agency unless the victim informs the College that they do not wish to report the incident to the local police.

Summary offenses are investigated and handled by College officials. Incident reports involving students are forwarded to the Vice President of Student Affairs for review and potential action by the student conduct system. Any additional information obtained via the investigation will also be forwarded to the Vice President of Student Affairs. York College community members will always have the option of reporting an incident to the local police agency and will be provided assistance doing so by a Campus Safety officer or a Residence Life official. If any crime shows evidence of being hate related, the incident will be categorized as such. A hate crime is defined as an incident where the victim is intentionally selected because of the victims’ actual or perceived race, gender, religion, sexual orientation, national origin, gender identity, ethnicity or disability.
Facilities for Reporting Criminal Actions or Other Emergencies

Any person who needs to report a criminal action or emergency should call the Department of Campus Safety at extension 1314 from a campus phone, or 717-815-1314 if using an off campus phone or cell phone. Reports may also be made in person in the Campus Safety Office located in Manor Northeast. The office is open Monday-Friday from 8:00 AM to 5:00PM.

Students, staff and faculty may download York College’s free personal safety app called LiveSafe. This app, used in conjunction with a smartphone, allows one to communicate directly with the campus safety dispatcher to call for help in emergencies, report incidents or crime tips or request a safety escort. Anonymous reports can also be sent using LiveSafe. When used to report an emergency, GPS enabled smartphones allow the dispatcher to see the location of the reporting person using a computer generated campus map. This app also contains many other useful features. For more information about the LiveSafe app, including directions on how to download it for free to your smartphone, please go to https://www.ycp.edu/about-us/offices-and-departments/campus-safety/livesafe/.

Any person may also report criminal actions or suspicious behavior online through the York College Crime Incident Reporting form at http://bit.ly/SpartansWatch. These reports can be made anonymously if desired.

There are a number of emergency call boxes located throughout campus that can be used to contact Campus Safety. Most have a blue light to indicate their presence. Pushing the emergency button will automatically place a call to the Department of Campus Safety. These call boxes are inspected weekly during academic semesters and monthly during breaks, to ensure that they are operating correctly.

Local Police, Fire, and Ambulance personnel can be contacted by dialing 911 on any College house phone.

Confidential Reporting Policy and Procedures

In cases where a student chooses to report an incident and wants to maintain confidentiality, York College of Pennsylvania does have individuals on campus that are able to maintain confidentiality regarding names and other details of an incident. Counseling Services is an available service on campus at no charge. A student can make an appointment with Counseling Services by calling 717-815-6437 or by going to the lower level of the Student Union - Room 120. Health Services is also available at no charge and can be reached by calling 717-849-1615 or by going to the lower level of the Student Union - Room 117. YWCA advocates are available on campus during academic semesters. Students wishing to speak to an advocate can contact the Intercultural and Global Programming Office by calling 717-815-1916 or stopping by the office, located in the Student Union, room 101. During semester breaks, YWCA advocates can be reached by calling 1-800-422-3204 and letting the person who answers the phone know the caller is a York College student. There is no cost for this service. The Title IX office can also assist students in connecting with a YWCA advocate. Call 717-815-1440 to reach the Title IX office or stop by the office located in the Humanities Center, room 24. A student can also make a confidential report to College Clergy or the Director of Spiritual & Jewish Life. A College Clergy member can be reached at 717-815-1446 or by going to the lower level of the Student Union, rooms 123 and 125. The Director of Spiritual & Jewish Life can be contacted at 717-815-2041. Their office is located in the Gordon Center for Jewish Student Life. These individuals are not obligated by law or policy to report any information to Campus Safety, the local police or any other college official. At the reporting person’s request, they may inform campus safety of general information (incident type, date, time location) about the report for statistical purposes, but will keep all personal information confidential. Campus clergy, health services, YWCA advocates and counseling services may assist an individual in contacting campus safety, the Title IX coordinator or the local police if the reporting person would like to make an official report. Please note that if you choose to make a confidential report with these offices, the College will not be able to pursue action under the Student Code of Conduct process.

If you are a witness to, or victim of a crime and report the incident to Campus Safety or any other College official other than counseling services, YWCA advocates, campus clergy or health services, you may request
confidentiality at the time of the report. These reports will be forwarded to the Department of Campus Safety (or the Title IX Office in cases of sexual and interpersonal misconduct). While these offices will attempt to honor your request, please know that confidentiality cannot be guaranteed and the college will be limited in its ability to investigate the incident and respond. If you wish that the incident not be pursued, the College will weigh this request against its responsibility to provide a safe environment for all students. Factors such as whether or not there have been prior complaints about the accused and the seriousness of the alleged incident will be considered. The victim or witness will be informed if the incident must be pursued further and/or if confidentiality cannot be ensured. Reports filed in this manner are included in the annual crime statistics for the institution and in the Daily Crime and Fire Log.

**Timely Warnings**

The Director of Campus Safety or a designee will develop Timely Warning Notices for the College to notify members of the community about **serious reported crimes against people** that occur on campus, on non-campus properties, or in certain locations off campus (public property within our Clery Act geography), where it is determined that the incident may pose a current and ongoing threat to members of the College community. Timely Warning Notices are usually distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: arson, criminal homicide, and robbery. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by Campus Safety. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other College community members, therefore; a Timely Warning Notice would not be distributed. Sexual Assaults are 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 Campus Safety. For example, if Campus Safety is notified of a sexual assault by a campus counselor, who met with a student victim who does not wish to pursue criminal charges or campus judicial proceedings, and does not provide detailed information about the assault, no Timely Warning will be issued due to lack of specific information about the incident. However the crime will be counted in the campus crime statistics and documented in the daily crime log. Timely Warning Notices may be distributed for other crimes or threats to persons or property as determined necessary by the Director of Campus Safety or a designee. Names of victims are withheld from Timely Warning Notices as confidential information.

Timely Warning Notices will be distributed to all students and employees via a blast email and may be posted on the MyYCP web portal under “campus announcements.” Notices are generally written by the Director of Campus Safety or a designee. Updates to Timely Warning Notices may be posted if more information becomes available. Notices are generally posted for one week.

An agreement exists with local authorities to notify the campus of crimes or other events reported to them that may warrant a timely warning notice. The York College Emergency Alert siren and electronic messaging system is activated when there is a confirmed, **serious and imminent threat occurring** that poses a threat to the campus community. Not all incidents necessitating a Timely Warning Notice represent a serious and imminent threat occurring and therefore, the Emergency Alert System will not be activated for the purpose of a Timely Warning Notice.

The College may also use the LiveSafe personal safety app to send out “push notifications” or text messages when it becomes aware of a crime that has occurred near campus, but outside of the College’s Clery Act geography. These messages provide only basic information regarding an incident. Students or employees should contact the appropriate local police department having jurisdiction over the location where the crime occurred for more information and details about the incident.
Daily Crime and Fire Log

The Department of Campus Safety maintains a Daily Crime and Fire Log that records, by the date the incident was reported, all crimes, incidents of fire, and other incidents that occur on campus, in a non-campus building or property, on public property, or within the department’s patrol jurisdiction.


The Daily Crime and Fire Log includes the report number, nature, date, time, and general location of each crime and fire reported to us, as well as the disposition of the complaint, if that is known at the time the log is created. The name and address of any person arrested on campus will also be included.

The department posts incidents in the Daily Crime and Fire Log within two business days of receiving a report of an incident. We reserve the right to exclude crime report information from the log in circumstances that may compromise an investigation.

Reporting Crimes to College Officials other than Campus Safety

Although we encourage the reporting of campus criminal activity directly to the Department of Campus Safety, or the Title IX Office in cases of sexual and interpersonal misconduct, in some circumstances, individuals choose to report to other campus officials. All employees of York College of Pennsylvania, with the exception of Counseling Services employees, Health Services employees, YWCA advocates, campus Clergy, and the Director of Spiritual & Jewish Life, are considered Campus Security Authorities for the purpose of reporting criminal incidents. Campus Security Authorities are required to report to the Department of Campus Safety all known information regarding any crime that has been reported to them, that has occurred on campus, or in certain circumstances in off campus locations. All incidents of crime and fire reported to these individuals will be investigated by the Department of Campus Safety and be included in the Annual Security and Fire Report if appropriate.

Students wishing to make a confidential report and/or seek assistance should contact counseling services, health services, a YWCA advocate, a member of the campus clergy or the Director of Spiritual & Jewish Life. These individuals are not obligated by law or policy to report any information to Campus Safety, the local police or any other college official. Please see Confidential Reporting Policy and Procedures for more information.

Confidential Advocates, Pastoral and Professional Counselor Reporting Procedures

YWCA advocates, professionally licensed counselors and campus clergy are exempt from reporting requirements. York College encourages advocates, counselors and clergy, if and when they deem it appropriate, to inform those who they counsel, of the procedures for reporting crimes on a voluntary, confidential basis for inclusion in the Annual Campus Security and Fire Safety Report.

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

York College discloses to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the college 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, York College will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested.

Policy Regarding Access to Institutional Facilities & Programs

The College encourages the use of campus facilities by students, faculty, staff, recognized organizations, and registered guests. Guidelines, reservation procedures, and security policies are implemented for the access and use of each institutional facility. Contact the Director of Campus and Special Events at Ext. 1257 to arrange for use of campus facilities. All programs must be approved by this office. The Director of Campus Safety will be notified of all events to address safety concerns and procedures. Officers will be assigned to events if needed.
Security Considerations Used in the Maintenance of Campus Facilities

Campus Safety Officers submit on a daily basis their shift “Daily Reports.” The Daily Reports list any discrepancies pertaining to outdoor lighting, inoperable exit doors, and other items that may affect the safety of students and employees. Any maintenance issues are then forwarded to the appropriate department for repair. Lighting surveys will be conducted by the maintenance department on an on-going basis. A qualified contractor completes an annual inspection of all campus sprinkler systems, fire systems, and fire extinguishers. Fire safety inspections are conducted each semester by Campus Safety staff and an annual inspection is conducted each summer by the local fire departments.

Types of Student Housing Available

Undergraduate student housing is available. On-campus housing includes traditional residence halls, suites, apartments, and houses. Single, double, and triple rooms are available with single sex and coed by floor living arrangements. Coed apartments are available at the Country Club Manor apartment complex.

Policies on Housing Assignments & Requests by Students for Assignment Changes

New student housing assignments are made from the information provided on the Housing Contract by the student. All attempts are made to honor their roommate, building, or individual habit preferences. Returning students select their own housing assignments each semester. Requests for room changes are handled on an individual basis. If the necessary change is possible, it will be granted.

Policies Concerning the Identification & Admission of Visitors in Student Housing Facilities

Visitation hours - Lobbies in traditional residence halls are secured 24 hours a day and staffed by desk assistants until the conclusion of visiting hours. Residents may access the building by swiping their College ID card at the reader on the entrance doors.

Visitation in student rooms is not permitted beyond the hours noted below:

- Sunday - Wednesday: 10 a.m. - 1 a.m.
- Thursday - Saturday: 10 a.m. - 2 a.m.

1. All guests must be escorted in the building by a resident. If not escorted, an official warning will be issued by a staff member.
2. All guests must sign in and out at the main desk of the dormitory lobby. Identification must be submitted (College ID, driver’s license).
3. After visitation hours, the main desk of each dormitory will close. Access will be granted only to residents of the facility using proper ID.
4. Residents are responsible for the actions of their guests.
5. Excessive noise, foul language, courtesy violations, or infractions of College policies may result in referral for disciplinary action.

Measures to Secure Entrance to Student Housing Facilities

Entrance into traditional residence facilities is permitted through one set of main exterior doors. Residence desk workers monitor this entrance and check for proper student ID. All other exit doors are equipped with panic hardware allowing egress only. Most of these doors are also equipped with alarms that sound upon detecting egress or entry. Many facilities are equipped with card access security systems. Students residing in on-campus apartments are responsible for securing their own exterior door. Campus Safety officers frequently patrol these residence facilities.

Standard Security Features Used to Secure Doors & Windows in Student’s Rooms
All traditional residence halls and on-campus apartments are equipped with commercial Sergeant door locks. All windows contain window locks. All ground level windows are equipped with fire code approved security screens.

**Type & Number of Employees Residing in Student Housing Facilities**
- Four Area Coordinators - full-time, ten-month position trained in security procedures, safety, and crisis intervention.
- One Resident Director – part-time, nine-month position. Trained in security procedures, safety and crisis intervention.
- Sixty three Resident Assistants - part-time, nine-month position. Trained in security procedures, safety, and crisis intervention.

**Programs Designed to Inform Students about Housing Security & Enforcement Procedures**
- Floor Meetings - at least once per semester to review security procedures and concerns.
- Hall Meetings - same as above.
- Student-Neighbor Safety Task Force meetings held six times a year.
- Mandatory safety presentation to all freshmen held during fall and spring orientation.
- Safety Week information tables and Operation ID held during the first two weeks of September

**Procedures for Housing Students during Holidays & Vacation Periods**
Students must obtain advanced written authorization to reside on campus during holidays and vacation periods. Permission is usually granted to those who fall within one of the following categories:
- International students
- Student-Athletes
- Students employed by the College
- Students involved in an academic initiative

Housing for these students is provided exclusively in apartments. Normal security procedures are present.

**Policy on the Housing of Guests**
Students residing in the resident facilities are permitted to have overnight guests. All guests must be registered with the Area Coordinator or Resident Director of the facility and must adhere to established policies and codes of conduct.

**Missing Students Who Reside in On-Campus Housing**
If a member of the College community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify the Department of Campus Safety at 717-815-1314. Campus Safety will generate a missing person report and initiate an investigation.

After investigating the missing person report, Campus Safety will notify either the Spring Garden or York City Police Department and the student’s emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, York College will notify the student’s parent or legal guardian immediately after Campus Safety has determined that the student has been missing for more than 24 hours.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify confidentially, an individual to be contacted by York College in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the College will notify that individual no later than 24 hours after the student is determined to be missing. This contact information will be
accessible only to authorized campus officials and will not be disclosed, except to law enforcement personnel in
furtherance of a missing person investigation.

Students who wish to identify a confidential contact can do so by logging on to the YCP portal
(http://my.ycp.edu) using their username and password. Select the icon for YCP Web, and then from the main
menu select “Personal Information”. Select “Update Emergency Contacts”, click on “new Contact”, enter
appropriate information and then click on “Submit changes”.

**Policy Regarding the Possession, Use & Sale of Alcoholic Beverages & Illegal Drugs**

The York College of Pennsylvania Student Code of Conduct and employee policies strictly prohibit the unlawful
possession, use, distribution of illicit drugs and alcohol by students and employees on any college property and
at any campus sponsored activity. Unlawful possession sale, manufacture or distribution of any controlled
substance is illegal under local, state and federal laws. Such laws are strictly enforced by the Department of
Campus Safety and local law enforcement. Penalties for violations under state law are dependent upon the
classification of the offense. These can range from summary offenses punishable by monetary fines and up to 90
days in prison, to felonies punishable by up to 15 years in prison and fines up to a $250,000.

York College will impose disciplinary sanctions on students and employees, consistent with local, state and
federal law, for unlawful use, possession or distribution of illicit drugs or alcohol. Students are subject to the
student code of conduct. Students found in violation of college polices surrounding unlawful possession, use or
distribution of alcohol or illicit drugs will be referred to the Office of Student Conduct for disciplinary action.
Sanctions include Educational Assignments, Fines/Community Restitution, Loss of Privileges, Probation, and
Eviction from College Residence Halls, Suspension, and Expulsion, depending upon the nature of the violation
and/or whether or not there were previous violations. Employees are subject to Human Resources policies.
Employees who violate these policies will be sanctioned based on the severity of the violation. Sanctions include
written warnings, suspension or termination. Students and employees may also be referred for prosecution to
the Department of Campus Safety or local law enforcement depending upon the severity of the violation.

The College prohibits the use or possession of alcohol even by those who are of legal drinking age (21 years old)
on campus property with the exception of approved special events open to employees and/or guests 21 years of
age and older, or students who are 21 or older living in residence halls designated as Independent Living spaces.
Independent Living locations include Country Club Manor Apartment complex, Brockie Commons,
Springettsbury House and Richland Hall. The goal of these communities is to provide a safe on-campus living
arrangement for legal age students to remain on-campus where they may responsibly consume alcoholic
beverages. Students who are 21 or older who live in these complexes will be permitted to possess and consume
limited quantities of alcohol. No student or guest under 21 years of age will be permitted to possess or consume
alcohol, at any time. Students and guests are expected to observe all applicable laws and College policies related
to the purchase, possession and consumption of alcoholic beverages. Violations of law or College policies
pertaining to alcohol subject students, guests and organizations to college disciplinary action and/or legal
penalties. For more information on the Independent Living program, please contact the Residence Life
Department, Ext. 1281.

The College respects the privacy of students and refrains from engaging in random searches, although
inspections will be conducted when policy violations or illegal activity is suspected.

Signs which announce off-campus functions may be posted on campus but they cannot make reference to
alcoholic beverages, nor should they use language which implies the use of alcoholic beverages or use of illicit
drugs.

The use of illicit drugs and the abuse of alcohol carry significant social, physical, and emotional health risks.
Users may suffer damage to key body organs such as the heart, liver, kidneys, and central nervous system. Drugs
can kill the user, and the use of drugs and alcohol during pregnancy may cause birth defects or death of unborn babies. Drug users may experience difficulties with concentration and memory that impair learning. They can exhibit mood swings, impaired judgment, isolation, and depression, all of which can contribute to impaired driving, injuries, accidents, domestic or random violence, and sexual assault. Drugs can be instrumental in the deterioration of family units and the breakdown of friendships and other support systems.

Drug and Alcohol Education Programs

WHERE TO GET HELP AND INFORMATION ON CAMPUS

Student Wellness Committee – A team of campus administrators dedicated to improving the health and wellness of students by creating a campus environment supportive of safe, healthy and legal behavior. Reducing stress, promoting support resources and addressing concerns surrounding drug and alcohol abuse are the focus of this committee. The team attempts to accomplish this goal through policy review, student check-ups and promoting a variety of informational and educational programs tapping the resources available on campus and in the greater York College community. Contact: Assistant Director of Residence Life, Marcie Beam - Ext. 1468.

Alcohol Wise - A mandatory online program used for incoming students, Alcohol-Wise reduces risk and positively impacts campus culture. It educates about the harmful effects of alcohol, raises retention rates, and acts as a prevention tool for alcohol-related violations. Tailored to the individual, students receive personalized feedback, self-referral tools, and pre- and post-course assessments to measure behavior change and knowledge gain.

Support Groups – Referral resources for group assistance include Adult Children of Alcoholics (ACOA) and recovering alcoholics (AA) and addicts (NA) are available at the Counseling Center. Contact: Counseling Services - Ext. 6437.

Counseling Services – Individual counseling for students on personal issues is available as well as evaluation and referral resources for the YCP community. Groups are conducted that focus on substance abuse issues. Counseling Services is located on the 1st floor of the Student Union. Contact: Counseling Services - Ext. 6437.

Employee Assistance Program (EAP) – A Core Benefit to all employees. The EAP provides confidential telephonic counseling to you and your immediate family to help with a range of emotional, family and alcohol/drug related problems. The plan also provides up to 3 face to face counseling sessions per incident per calendar year. All services are completely confidential; The College will have no knowledge of who accesses the plan. Please call 1-888-293-6948 for assistance.

Student-Athlete Advisory Committee
The mission of the York College of Pennsylvania Student-Athlete Advisory Committee is to enhance the overall YCP student-athlete experience. The representatives who serve on this committee serve as a communication link between our athletic conference SAAC and their respective sports team(s). The Spartan representatives have an understanding of and are mentored on the NCAA legislation and issues that are currently present in Division III athletics. These student-athletes serve as a representative of every student-athlete at York College, and their charge is to have every student-athletes’ voice heard on the institutional and conference level. The student-athletes who serve on this committee are role models to all, and look to foster and promote good sportsmanship, healthy choices and a commitment to the one’s “total self”, all while maintaining the tenants of the Division III philosophy. Contact: Athletics, (717) 815-1780.

Alcohol Awareness and Prevention Days
Alcohol awareness and prevention programs occur throughout the school year; however National Collegiate Alcohol Awareness Week is recognized during the third week in October. This week allows York College to focus on the importance of overall health and wellness as well as the importance of awareness education around the issue of alcohol use and misuse. A variety of campus organizations as well as the Counseling Center, Student
Activities Office, and Office of Residence Life participate in coordinating social and educational activities for students during this week.
Contact: Assistant Director of Residence Life/Wellness Coordinator, (717) 815-1468.

Emergency Response and Evacuation Procedures

York College’s Emergency Procedures Guide contains information about how campus community members should respond during various potential campus emergencies. The College also has a comprehensive all hazards Emergency Operations Plan (EOP). Certain campus facilities and departments such as the Grumbacher Sport and Fitness Center and the Schmidt Library also have specific emergency plans for their buildings. The College conducts annual emergency evacuation drills in residence halls, at least one emergency exercise drill each year and tests the York College Emergency Alert System at least once each semester. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. Test announcements are sent to all members of the campus community and contain links to the campus emergency procedures and emergency alert procedures.

Campus Safety officers and supervisors have received training in the Incident Command System and in responding to critical incidents on campus. When serious incidents occur that cause an immediate threat to the campus, the first responders to the scene are usually Campus Safety Officers, the Spring Garden Township Police, The York City Police, York Area United Fire and Rescue and the York City Fire Department. They typically respond and work together to manage the incident. Depending on the nature of the incident, other York College departments and other local, state or federal agencies could also be involved in responding to the incident.

All members of the York College community are reminded that they are required to notify the Department of Campus Safety of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. Campus Safety has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, Campus Safety has a responsibility to respond to such incidents to confirm and determine if the situation does in fact, pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

Notification of an Immediate Threat

If the Department of Campus Safety confirms that there is an emergency or dangerous situation occurring that poses an immediate threat to the health or safety of some or all members of the YCP community, Campus Safety will determine the content of an emergency message and will use some or all of the systems described below to communicate the threat to the YCP community or the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. Campus Safety will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to Campus Safety, Spring Garden or York City Police, York City or York Area United Fire and Rescue or other appropriate local emergency response agency), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Campus Safety will determine how much information is appropriate to disseminate to the College community or appropriate segment of the community and determine the content of updates as information becomes available. York College has communicated with local police and other emergency response agencies and has requested their cooperation in informing the institution about situations reported to them that may warrant an emergency alert.

In the event of a serious incident that poses an immediate threat to members of the YCP community, the College has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat occurring to the campus community.
These methods of communication include the YCP Emergency Alert system which utilizes text messaging, emails, and phone call messaging (for more information or to sign up for service go to http://bit.ly/CampusSafetyemergency-alert-system) and a campus outdoor siren system which is activated by the Campus Safety Department. Campus Safety has the authority to initiate alerts upon confirmation of immediate threats to campus without having to wait for approval from the College administration. All Campus Police Officers, Dispatchers and administrative staff have the ability to activate the emergency alert system when officers in the field have determined it is necessary to do so. While most alert messages are pre-recorded and campus safety needs only to select the proper message to be sent, all campus police officers, dispatchers and administrative staff have the ability to generate customized messages if needed. College network emails, web page and portal postings and posting of notification flyers may also be used to alert the community. The College will post updates during a critical incident by using any or all of the above methods.

**Testing Emergency Response and Evacuation Procedures**

An evacuation drill is coordinated by Campus Safety each semester for all residential facilities (except Country Club Manor Apartments). The College also conducts an annual test (also containing drills) of the Emergency Operations Plan. Thus, the emergency response and evacuation procedures are tested at least twice each year. Students learn the location of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. Campus Safety does not tell residents in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Campus Safety and Residence Life staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purposes of evacuation drills are to prepare building occupants for an organized evacuation in case of fire or other emergency. At YCP, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the college an opportunity to test the operation of fire alarm system components.

Evacuation drills are monitored by Campus Safety and the Residence Life staff to evaluate egress and behavioral patterns. Reports are prepared by participating departments which identify deficient equipment so that repairs can be made immediately. A description of each exercise, the time and date, and whether it was announced or unannounced will be documented in the report. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

Students receive information about evacuation procedures during their first weekend on campus at the freshman safety orientation conducted by Campus Safety. Residence Life staff will also discuss evacuation procedures during their first floor meeting with residents. The Resident Assistants are trained in these procedures as well and act as an on-going resource for the students living in residential facilities. York College will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

**CCTV Surveillance**

The college operates a security camera network in the common areas of several buildings as well as a number of exterior locations. The purpose of these cameras is to deter crime and enhance public safety. They are for investigative purposes only and are not continuously monitored by campus safety personnel. Camera data is recorded and archived for a limited period of time. This data may be reviewed to obtain evidence in the event a crime, campus violation or other incident has occurred.
Campus Information Center

The Campus Information Center (CIC), located in the Iosue Student Union room 201, was established to provide the college community with assistance in locating and utilizing college services. The staff in the center consists of trained dispatchers who are part of the Campus Safety Department. Aside from providing information to the campus community, the staff of the CIC can provide students, faculty, staff, and visitors with parking permits and related information; information pertaining to events occurring on campus and can assist in making reservations for college fleet vehicles and other related tasks. The information center also houses the campus switchboard. Calls to the switchboard and campus safety lines are recorded for training and customer service purposes. The Campus Information Center is open seven days a week, 7:00 AM to midnight. The dispatch services provided by the CIC operate 24 hours a day, 365 days a year.

Policy Regarding the Possession & Use of Firearms and Other Weapons

York College is a private institution and prohibits all students, faculty, staff, administrators and guests to possess or use firearms on its property, even by those who possess a valid concealed carry or other permit. An exception to this policy may be made with prior approval by the Director of Campus Safety, for faculty and students taking part in authorized college classes where the presence of a firearm serves a legitimate academic purpose, such as a criminal investigation class or a living history demonstration. Sworn law enforcement officers, including the College’s Campus Police Officers, may carry their approved service weapons on campus. Officers should be in uniform or carry their law enforcement identification. Retired law enforcement officers certified under LEOSA and carrying their credentials may also carry their firearm on campus.

Other prohibited weapons include, but are not limited to: Firearm ammunition, bombs, grenades, explosive devices, fireworks, blackjacks, metal knuckles, large or illegal knives, daggers, swords, stun guns, Tasers, batons or clubs, paintball or pellet guns and other harmful instruments and devices. Pepper spray canisters are not prohibited on campus. Campus Police Officers are authorized to carry firearms, Tasers, pepper spray and MEB batons as defensive equipment once they have completed the proper training and State certification. York College student security officers are not permitted to possess any prohibited weapon. Any questions regarding whether or not an item is prohibited or any other questions about the campus weapons policy should be directed to the Campus Safety at Ext. 1403.

Policy Regarding Students or Employees with Criminal Records

York College’s employment application inquiries about past criminal convictions. Background checks are conducted on all applicants. Persons that may pose a risk to York College students and employees may be denied employment. Students applying for admission are asked if they have any felony criminal convictions. Those applicants who indicate that they have been convicted of a felony or other violent crime may be denied admission to the College. Failure to list a conviction may be grounds for expulsion. All members of the Department of Campus Safety are required to pass a criminal history and background investigation.

Crime Prevention and Safety Awareness Programming

By October 1st of each year the Annual Security and Fire Report is made available to the campus community. This includes campus crime and fire statistics for the previous three years, campus security policies, information about the Department of Campus Safety, emergency procedures, crime prevention tips and fire safety. Other safety and informational pamphlets on various topics are made available outside the Campus Safety office. York College participates in Operation Identification where students may register their property with the Department of Campus Safety and have it engraved with identifying markings. Students may also register their bike as part of the National Bike Registry on line at www.nationalbikeregistry.com.

Freshmen are required to complete a mandatory alcohol education program on-line before reporting to campus for the fall semester. Freshman students also receive a mandatory introductory safety and security presentation on the first weekend of their arrival. The presentation is provided by members of the Department of Campus
Safety and representatives from the local police departments. During the first week of class in the fall and spring semesters the Department of Campus Safety sponsors “Safety Week.” During this time Campus Safety officers set up a crime prevention display in the lobby of the student union and offer to engrave items, hand out crime prevention pamphlets and answer questions from students.

During the course of the semester, crime prevention programs are offered and include topics such as personal safety, rape and sexual assault prevention, by-stander intervention, domestic violence prevention and alcohol/drug abuse awareness. At least once each semester a RAD (Rape Aggression Defense) training class is held. For information on dates and locations for these classes, look for announcements made on the college web portal and through email, or contact the Department of Campus Safety. Students and staff are encouraged to participate in safety seminars to develop good personal safety practices and procedures and be responsible for their own security and the security of others. Safety information is posted on Campus Safety’s digital sign outside of the office in Manor Northeast.

SEXUAL MISCONDUCT POLICY
AND GRIEVANCE PROCEDURE

I. Policy’s Purpose

York College of Pennsylvania strives to eliminate sexual discrimination on campus and otherwise in its education program and activities. The College also strives to prevent the occurrence of sex discrimination and to address its effects. This policy describes how to report or file sexual misconduct allegations, how to file a formal complaint of sexual misconduct, how the College responds to allegations of sexual misconduct, and the College’s prompt, fair and equitable response to complaints in accordance with Title IX of the Education Amendments of 1972 (“Title IX”)

This purpose of this policy is to ensure compliance with the provisions of Title IX, the Violence Against Women Reauthorization Act of 2013 (“VAWA”) and related Campus SaVE Act provisions (“Campus SaVE”). Sexual harassment and sexual violence are forms of sex discrimination prohibited by Title IX. Title IX also prohibits retaliation against individuals for making or participating in complaints of sex discrimination.

This policy provides information regarding the College’s education, prevention, and response efforts related to allegations of sexual misconduct, including descriptions of prohibited conduct, the process for resolving complaints, and possible remedies and sanctions. Additional information regarding the College’s procedures for reporting and obtaining assistance in the event of sexual violence, stalking, domestic violence, or dating violence, can also be found on the Title IX section of the College’s website.

II. Definitions

The following definitions apply to the use of these terms in this policy:

A. College: means York College of Pennsylvania.

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1 20 U.S.C. § 1681 et seq.
B. **Student**: Includes,

1. An individual taking courses at the College as a student (in either full time or part time status, undergraduate, graduate, or professional studies programs), as well as those participating in non-credit or off campus programs;

2. Any individual who is not enrolled for a particular term but who has a continuing relationship with the College; and

3. Students who have been notified that they have been accepted for admission and have paid a tuition deposit.

C. **Faculty Member**: Any individual hired by the College to conduct teaching activities or whom the College otherwise considers a member of the faculty. For the purpose of this policy, the term “faculty” does not include any individual who would qualify as a “student” under the definition of that term in this policy.

D. **College official**: Includes any individual employed by the College, performing assigned administrative or professional responsibilities.

E. **Member of the College community**: Includes any individual who is a student, faculty member, College official, any other person employed by the College, any member of the College’s Board of Trustees, or anyone who is participating or attempting to participate in the College’s education programs or activities.

F. **College property**: Includes all land, buildings, facilities, and other property in the possession of or owned, leased, used, or controlled by the College (including adjacent streets and sidewalks).

G. **Complainant**: An individual alleged to be the victim of conduct that could constitute “sexual misconduct,” as that term is defined in this policy.

H. **Formal complaint**: A document filed by a complainant or signed by the College’s Title IX Coordinator alleging sexual misconduct against a respondent and requesting that the College investigate the allegation of sexual misconduct. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the College’s education program or activity. The Title IX Coordinator may not be considered a “complainant” under this policy, even in those situations when the Title IX Coordinator signs the formal complaint.

I. **Respondent**: An individual who has been reported to be the perpetrator of conduct that could constitute “sexual misconduct,” as that term is defined in this policy.

J. **Sexual misconduct**: Discrimination on the basis of sex that takes the form of sexual harassment, sexual assault, sexual violence, domestic violence, dating violence, and sex-based stalking.

K. **Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

1. A College employee conditions the provision of aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct that a reasonable person would consider to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education programs or activities; or

3. “Sexual assault,” “domestic violence,” “dating violence,” or “stalking” as defined in this policy.

L. **Sexual assault:**

1. Any anal or vaginal penetration of another against that person’s will or without that person’s consent;

2. Any oral penetration of another by a sexual organ against that person’s will or without that person’s consent;

3. Any insertion of one’s genitals into another’s mouth, anus, or vagina against that person’s will or without that person’s consent;

4. Any attempt to make or the making of physical contact with another for the purpose of sexual gratification, against that person’s will or without that person’s consent; or

5. The use of physical force, coercion, intentional impairment, or threat of harm to commit any of these acts.

M. **Coercion:** Occurs when a sexual initiator engages in sexually pressuring or oppressive behavior that causes the behavior’s target to engage in unwanted sexual behavior.

N. **Domestic violence:** An act of violence committed against an individual,

1. By a current or former spouse or intimate partner of that individual;

2. By a person with whom the alleged victim shares a child in common;

3. By a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner;

4. By a person similarly situated to a spouse under the domestic or family violence law of the jurisdiction in which the act of violence allegedly occurred; or

5. By any other person against the alleged victim, if the relationship is such that the alleged victim is protected from that person’s acts under Pennsylvania law regarding domestic or family violence.

O. **Dating violence:** An act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. Whether such a relationship existed must be determined by taking into consideration the relationship’s length, type, and frequency of interaction between the persons involved in the relationship.

P. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

1. Fear for his or her safety or the safety of others; or
2. Suffer substantial emotional distress.

Examples of conduct qualifying as stalking include the following:

(a) Following a person without proper authority, under circumstances that a reasonable person would believe demonstrate an intention to cause physical harm or emotional distress to the person being followed; and

(b) Repeatedly communicating with a person under circumstances that a reasonable recipient of such communications would believe demonstrate an intention to cause physical harm or emotional distress to the recipient of such communications.

Q. Retaliation: Intimidation, threats, coercion, or other materially adverse action against a person for the purpose of interfering with any right or privilege provided by this policy, or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing regarding sexual misconduct allegations.

R. Supportive measures: Non-disciplinary, non-punitive individualized services offered—as appropriate, and if reasonably available, and without fee or charge—to the complainant or respondent before or after the filing of a formal complainant or if no formal complaint has been filed. Such measures are designed to restore or preserve equal access to York College of Pennsylvania’s education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment, or to deter sexual harassment. “Supportive measures” may include the following:

- Counseling services;
- Changes to room assignments;
- Deadline extensions or other course-related adjustments;
- Modifications of work or class schedules;
- Campus escort services;
- Mutual restrictions on contact between the parties;
- Changes in working conditions;
- Leaves of absence;
- Increased security and monitoring of certain campus areas; and
- Other similar measures.

York College will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality does not impair the College’s
ability to provide supportive measures. The Title IX Coordinator is responsible for coordinating effective implementation of supportive measures.

S. Title IX Coordinator: The College official responsible for coordinating implementation and compliance with this policy and Title IX. Currently, the College’s Title IX Coordinator is:

Holly Morreels  
441 Country Club Road  
HUM 24  
York, PA 17403  
Email: titleix@ycp.edu  
Office: 717.815.1440

T. Hearing: A formal hearing before the Sexual Conduct Hearing Board. Such a hearing must comply with Part X.C of this policy.

U. Sexual Conduct Hearing Board or the Hearing Board: The group of College officials selected, trained, and designated by the Dean of Student Development and Campus Life to hear and decide allegations that a student or employee has violated the College’s Sexual Misconduct Policy. Each Sexual Conduct Hearing Board panel will have three members. The Title IX Coordinator shall not serve as a member of the Sexual Conduct Hearing Board. The Sexual Conduct Hearing Board will decide whether an accused individual is responsible for violating this policy and, if so, what remedy to impose as a result. No person may serve on the Sexual Conduct Hearing Board if that person has a conflict of interest.

V. Sanction: Requirements imposed by the Sexual Conduct Hearing Board on a respondent found responsible for violations of the College’s Sexual Misconduct Policy. The scope of permissible sanctions is discussed at Part X.F of this policy.

W. Appeal Board: The group of College officials selected, trained, and designated by the Dean of Student Development and Campus Life to hear and decide appeals from decisions made by the Sexual Conduct Hearing Board. Each Appeal Board will have three members. The Title IX Coordinator shall not serve as a member of the Appeal Board. No member of the Sexual Conduct Hearing Board may serve as a member of the Appeal Board for that matter. No person may serve on an Appeal Board if that person has a conflict of interest.

X. Preponderance of the evidence: Evidence demonstrating that it is more likely than not that a violation of the Sexual Misconduct Policy has occurred. The College will apply the preponderance of the evidence standard when evaluating whether a violation of the Sexual Misconduct Policy has occurred.

Y. Advisor: A support person for a student or employee involved in an investigation or hearing of allegations that the Sexual Misconduct Policy has been violated. Both the complainant and the respondent are entitled to be accompanied by an advisor during any investigation or hearing regarding allegations that the Sexual Misconduct Policy has been violated. If the complainant or respondent does not have an advisor, the College will provide a trained advisor, free of charge. The advisor may be anyone who the party believes will help him/her during the investigation, hearing, and appeal of allegations that the Sexual Misconduct Policy has been violated. The complainant and the respondent must notify the Title IX Coordinator of the name, phone number, and email address of their selected advisor and, if applicable, must agree to permit
disclosure of the party’s FERPA-protected information for the purposes of this policy. Individuals may select an attorney as an advisor. The College, however, will not pay for the services of an attorney as an advisor.

Z. Consent: A knowing and voluntary agreement to engage in specific sexual activity at the time of the activity. To be valid, consent must be knowing, voluntary, active, present, and ongoing. Consent must also be clear and unambiguous, expressed in mutually understandable words or actions. Individuals should keep the following principles in mind:

- Consent may be expressed verbally or nonverbally.
- Consent may be withdrawn at any time.
- An individual may consent to certain sexual activities, but not others.
- The College will consider all of the circumstances of the relationship between the parties when determining whether consent has occurred. But the fact that an individual has previously engaged in consensual sexual activities does not mean that all future sexual activities qualify as consensual.
- A person who is in incapacitated is unable to consent to sexual activity.

AA. Incapacity, incapacitated, and incapacitation: Refer to a person who is unable to consent to sexual activity. Individuals are unable to consent to sexual activities if they are mentally incapacitated, cognitively limited, unconscious, or incapacitated due to the use of alcohol or other drugs. Likewise, an individual may be incapacitated due to the person’s age. For example, individuals who are under the age of 14 are unable to consent to sexual activity under any circumstances. Similarly, individuals who are ages 14 and 15 are unable to consent to sexual activities with individuals who are at least four years older than they are. When alcohol is involved, incapacitation is a state beyond drunkenness or mere intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs affect each individual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide consent, York College of Pennsylvania will consider whether a sober and reasonable person in the same circumstances would have known that the other party could or could not consent to sexual activity.

BB. Responsible College Employee: The Title IX Coordinator, the College President, the Provost, the Chief Financial Officer, Vice President of Enrollment Management, the Vice President of Campus Operations, the Vice President of Development, the Chief Communications and Marketing Officer, the Chief Information Officer, the Dean of Student Development and Campus Life, the Associate Provost of Student Success, any dean of any academic school at the College, the Assistant Dean of Athletics and Recreation, the Director of Residence Life, the Director of Human Resources, the Director of Campus Safety, the Campus Safety Sergeant, the Campus

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5 “FERPA” is the Family Educational and Privacy Act, 20 U.S.C. § 1232g.
6 The following are the current academic schools at the College: the Center for Community Engagement; the School of the Arts, Communication and Global Studies; the Kinsley School of Engineering, Sciences and Technology; the School of Nursing and Health Professions; the School of Behavioral Sciences and Education; and the Graham School of Business.
III. Prohibited Conduct

A. The College prohibits any individual from engaging in sexual misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

B. The College prohibits any individual from retaliating against any individual for making a report, filing a formal complaint, testifying, assisting, participating, or refusing to participate in any manner in an investigation, proceeding, or hearing regarding allegations of sexual misconduct.

1. Prohibited retaliation may include threatening to or actually filing charges against an individual alleging non-sexual misconduct violations that arise out of the same facts or circumstances as a report or complaint of alleged sexual misconduct, if such actions are undertaken to punish a person for exercising his/her rights under this policy or Title IX.

2. Nothing in this policy prohibits the College from taking disciplinary action against any individual for a materially false statement made in bad faith in a formal complaint or during an investigation, hearing, or appeal concerning allegations of violations of this policy.

(a) A determination of responsibility alone, however, is not sufficient to conclude that a party made a false statement in bad faith.

3. Allegations of violation of Part III.B are subject to the same grievance procedure as allegations of sexual misconduct under this policy.

4. The exercise of rights protected under the First Amendment to the United States Constitution does not constitute prohibited retaliation under Part III.B of this policy.

IV. Scope of Sexual Misconduct Policy’s Application

A. This policy’s prohibitions apply to conduct that occurs in the College’s educational programs or activities. To occur “in the College’s educational programs or activities,” the conduct must satisfy one of the following criteria:

1. The conduct is alleged to have occurred on campus or on other property owned, controlled, used, or managed by the College;

2. The conduct occurs in any building owned or controlled by a student organization that is officially recognized by the College; or

3. The conduct occurs in any other location, event, or circumstance over which the College exercised substantial control over both the respondent and the context in which the conduct is alleged to have occurred.

B. Conduct that occurs off-campus or online is covered under this policy if the conduct meets the definition of Part IV.A.3 of this policy.

C. This policy’s prohibition of sexual misconduct applies only if the person alleged to be the victim of such misconduct was located within the United States when the alleged conduct occurred.
D. If the conduct in question occurred in the College’s educational program or activities, this policy’s prohibition of sexual misconduct applies regardless of whether the conduct in question is directed at a member of the College community or someone outside the College community, such as a visitor, guest, vendor, or contractor.

E. Nothing in this policy prevents the College from taking disciplinary action against an individual under other College policies, provided that the conduct—if proven—would fall outside the scope of prohibited conduct under this policy.

V. Presumption of Non-Responsibility

A person accused of violating the Sexual Misconduct Policy is presumed to be not responsible for violating the policy, unless and until the person is found responsible through the grievance process described in Part X of this policy. The mere fact that an allegation has been made or that a formal complaint has been filed will not result in any presumption that the accused is responsible for the alleged violations. The determination regarding responsibility is made at the completion of the grievance process.

VI. Reporting Allegations

A. Any individual may make a good faith report alleging violation of the College’s Sexual Misconduct Policy.

1. That report may be provided to any “Responsible College Employee.”

2. York College encourages all members of the College community to always lean on the side of safety when deciding whether to seek emergency help. Accordingly, a student who seeks emergency medical intervention for that student or another student will not be subject to disciplinary action based solely on the consumption of alcohol or drugs. Similarly, a student who wishes to report sexual misconduct will not be subject to discipline if the report of sexual misconduct also involves disclosing that the reporting student or the alleged victim has consumed alcohol or drugs in violation of the rules in the Student Code of Conduct or other College policies.

(a) To be eligible for this amnesty, a reporting student must remain with the person in need of medical attention until the Department of Campus Safety or emergency personnel arrive to provide emergency treatment.

(b) The student may be required to participate in a non-disciplinary, follow-up meeting with a Student Conduct Administrator as a condition for receiving amnesty from disciplinary action.

(c) Nothing in Part VI.A.2 of this policy entitles a student to amnesty from discipline for any of the following conduct:

(i) The sale or distribution of a controlled substance;

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7 See definition at Part II.BB.
(ii) Using drugs or alcohol to incapacitate a person for the purpose of engaging in non-consensual sexual activity;

(iii) Operating a vehicle while under the influence of a drug or while intoxicated;

(iv) Manufacturing any type of drugs on or off campus;

(v) Violating the College’s prohibitions regarding weapons, explosives, and other prohibited items;

(vi) Physical assault;

(vii) Violation of the College’s sexual misconduct policy;

(viii) Bomb threats; or

(ix) Engaging in deception or dishonesty.

B. Any Responsible College Employee who receives an allegation of violation of Part III of this policy must directly communicate the substance of that report to the Title IX Coordinator as soon as practicable.

1. As a matter of College policy, all College employees—except those named in Part VI.B.2 below—are responsible for reporting to the Title IX Coordinator any allegations that they receive suggesting that a violation of the Sexual Misconduct policy has occurred. All College employees have that responsibility, even if a College employee’s position does not fall within the definition of a “responsible College employee” under this policy. Failure to do so could result in disciplinary action, including termination of employment in appropriate circumstances.

   (a) College employees in the following departments may not report allegations of violation of the Sexual Misconduct Policy, unless the alleged victim or respondent permits them to do so, or unless otherwise required by law:

   (i) Health Services;

   (ii) Counseling Services; and

   (iii) Spiritual Life.

C. Upon receipt of an allegation of violation of the prohibition against sexual misconduct, either the Title IX Coordinator or the complainant may sign a formal complaint requesting an investigation.

1. To file a formal complaint, the complainant must provide the Title IX Coordinator with a document that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint and wishes for an investigation to be conducted.

2. A complainant may file a formal complaint with the Title IX Coordinator in person, by mail, or by email.
D. Regardless of whether a formal complaint is filed, the Title IX Coordinator must contact the complainant for the following purposes:

1. To discuss the availability of supportive measures;
2. To consider the alleged victim’s wishes regarding supportive measures;
3. To inform the alleged victim that supportive measures are available regardless of whether a formal complaint is filed; and
4. To explain to the alleged victim the process for filing a formal complaint.

VII. Supportive Measures

A. Upon receipt of a report of sexual misconduct, the Title IX Coordinator will offer appropriate supportive measures to both the complainant and the respondent, without fee or charge to the party.

B. If the Title IX Coordinator determines that a requested supportive measure is inappropriate, the Title IX Coordinator must document the reasons for denying the requested accommodation.

C. Upon a finding of responsibility, the remedies and sanctions in the written determination will normally replace supportive measures that have been provided.

D. Supportive measures may be continued even after a dismissal of a formal complaint or a finding of non-responsibility. A party may request continued supportive measure by submitting a written request to the Title IX Coordinator.

VIII. Emergency Removals and Administrative Leave

A. At any time following receipt of information suggesting that a violation of the prohibition against sexual misconduct may have occurred, the Title IX Coordinator, in consultation with the Campus Safety Director or her/his designee, may remove a respondent—entirely or partially—from the College’s education programs and activities on an emergency basis, provided that the Title IX Coordinator,

1. Has undertaken an individualized safety and risk analysis regarding the respondent,
2. Has determined that the emergency removal is justified based on an immediate threat to the physical health or safety of any member of the College community arising from the allegations of sexual misconduct, and
3. Provides the subject of the emergency removal with notice of the emergency removal decision and an opportunity to lodge an immediate challenge of the removal decision.

   (a) The respondent must provide the Title IX Coordinator with written notice of such a challenge. The respondent bears the burden of demonstrating that the emergency removal decision was incorrect.

   (b) The College’s Director of Human Resources will decide any challenges of removal orders filed by non-student employees of the College. The College’s
Dean of Student Development and Campus Life will decide all other challenges of removal orders.

B. After the filing of a formal complaint, the College may place a non-student employee respondent on administrative leave (with or without pay) during the pendency of an investigation, hearing, or appeal process under this policy.

C. Any emergency removal or administrative leave decisions may be amended or removed during the pendency of the grievance procedure described in Part X. Any emergency removal or administrative leave decision will expire upon the conclusion of the grievance procedure.

D. Nothing in Part VIII of this policy restricts the College’s rights under either Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973.

E. Nothing in this policy restricts the College’s ability to implement or continue an emergency removal or administrative leave order (even after conclusion of the grievance process), if the reason the respondent poses an immediate threat is unrelated to the allegations of sexual misconduct.

IX. Informal Resolution Process

A. The College will make available an informal resolution process for sexual misconduct formal complaints. That process will not involve a full investigation and adjudication. The process will only be utilized in accordance with the following restrictions:

1. The complainant and respondent must provide voluntary, written consent to the informal process; and

2. The parties must receive written notification disclosing the following:

   (a) The allegations;

   (b) The requirements of the informal resolution process, including any circumstances under which a party would be precluded from resuming a formal complaint arising from the same allegations;

   (c) That at any point before agreeing to a resolution, either party may withdraw from the informal process and resume the grievance process; and

   (d) That documentation of any resolution agreed upon by the parties will be maintained in the College’s records for at least seven years and could become part of the parties’ permanent education records.

B. The informal resolution process may not be utilized for situations involving allegations that a College employee engaged in sexual misconduct toward a student.

C. To utilize the informal resolution process, both parties must provide the Title IX Coordinator with their written consent to participate no later than 14 days after receipt of the written notice of investigation mentioned in Part X.A.3.
D. Unless terminated by either party earlier, the informal resolution process must be completed within 21 days after the Title IX Coordinator receives written consent from both complainant and respondent to participate in the informal resolution process.

E. The College will not condition employment, enrollment, or any other right on the waiver of an adjudication under this policy.

X. Grievance Procedure

A. Investigations

1. If the complainant files a formal complaint, the Title IX Coordinator will ensure that an appropriate investigation of those allegations occurs.

2. The Title IX Coordinator must also order an investigation even in the absence of a formal complaint signed by a complainant, if the Title IX Coordinator is in possession of information suggesting that a violation of the College’s prohibition against sexual misconduct may have occurred.

3. Upon initiation of an investigation, the Title IX Coordinator must issue a written notice to the parties who are known at that time. That notice must contain the following:

   (a) A statement notifying the parties that an investigation of violation of the College’s Sexual Misconduct Policy has been initiated;

   (b) A copy of the College’s Sexual Misconduct Policy and Grievance Procedure;

   (c) A statement of the alleged conduct potentially constituting sexual misconduct with sufficient details including the following, if known at the time:

      (i) The identities of the party allegedly involved; and

      (ii) The date and location of the alleged incident;

   (d) A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

   (e) A statement that the parties may utilize the services of an advisor of their choice, who may be—but is not required to be—an attorney;

   (f) A statement that the party will be permitted to inspect and review any evidence gathered during the investigation that directly relates to the incident that is the subject of the investigation; and

   (g) A statement that the College’s Code of Conduct prohibits any person from knowingly making a false statement or knowingly submitting false information during the investigation and grievance process.

4. During the investigation, both the complainant and the respondent will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory or exculpatory evidence. “Inculpatory evidence” is evidence that tends to suggest that the respondent is
responsible for the alleged sexual misconduct. “Exculpatory evidence” is evidence that tends to suggest that the respondent is not responsible for the alleged sexual misconduct.

5. The College may not restrict the ability of either the complainant or the respondent to discuss the allegations under investigation or to gather and present evidence.

6. The Title IX Coordinator will provide a party whose participation is invited or expected with written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings.

   (a) **Such notice will be provided sufficiently in advance of such events to provide the party with sufficient time to prepare.**

7. Once the initial investigation is complete, the Title IX Coordinator will provide the parties and their advisors with all evidence gathered during the investigation that directly relates to the allegations in the formal complaint, including the evidence that the College does not intend to rely upon in reaching a determination regarding responsibility and regardless of whether the evidence was obtained from a party or other source.

   (a) **Some evidence gathered during an investigation might contain information normally protected from disclosure under FERPA or which is otherwise confidential. The College, therefore, will require that the parties and their advisors must sign a non-disclosure agreement as a condition for reviewing and accessing the evidence gathered during the investigation.**

   (b) **The evidence gathered will be provided in either hard copy or electronic format.**

   (c) **Notwithstanding the requirements in Part X.A.7, no information will be provided to the respondent regarding the complainant’s sexual predisposition or prior sexual behavior unless,**

      (i) Such evidence addresses the issue of whether someone other than the respondent committed the conduct alleged by the complainant, or

      (ii) Such evidence concerns specific incidents of the complainant’s prior sexual behavior with respect to the respondent and addresses whether respondent had consent to engage in the alleged conduct.

8. If, during the course of an investigation, the Title IX Coordinator decides to investigate allegations about the complainant or the respondent that were not included in the original notice to the parties, then the Title IX Coordinator must provide notice of the additional allegations to the parties whose identities are known at that time.

9. The Title IX Coordinator, or her/his designee, is responsible for gathering evidence sufficient to reach a determination regarding responsibility. The parties are not responsible for gathering evidence.
10. Upon receipt of the directly related evidence, the parties will have ten days to submit to the Title IX Coordinator a written response, which the Title IX Coordinator will consider before completing the investigative report.

11. The Title IX Coordinator will create an investigative report that fairly summarizes the relevant evidence gathered during the investigation.

   (a) The investigative report will be provided to the complainant and respondent at least ten days before any hearing occurs before the Sexual Conduct Hearing Board regarding the allegations addressed in the investigative report.

B. Dismissal Decisions

1. Upon completion of the investigation, the Title IX Coordinator will decide whether a formal complaint should be forwarded to the Sexual Conduct Hearing Board for a hearing or whether the formal complaint should be dismissed.

2. The Title IX Coordinator must dismiss the formal complaint if the Title IX Coordinator determines any of the following situations apply:

   (a) The alleged conduct, even if proved, would not satisfy the definition of “sexual harassment” in this policy;\(^8\)

   (b) The alleged conduct did not occur in the College’s education programs or activities;\(^9\) or

   (c) The alleged conduct did not harm a person located in the United States when the alleged conduct occurred.

3. The Title IX Coordinator may, but is not required, to dismiss a formal complaint at any time during the investigation or hearing process, under the following circumstances:

   (a) The complainant withdraws the formal complaint, in a writing that also expresses the complainant’s desire to conclude the grievance process;

   (b) The respondent is no longer enrolled as a student or employed by the College; or

   (c) The Title IX Coordinator determines that specific circumstances prevent the College from gathering or presenting sufficient evidence to reach a determination regarding the allegations in the formal complaint.

4. Any party may file an appeal of the Title IX Coordinator’s decision either to forward the formal complaint to the Sexual Conduct Hearing Board or to dismiss a formal complaint.

   (a) Any such appeal must be filed, in writing, with the Title IX Coordinator within three days of the issuance of the Title IX Coordinator’s decision.

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\(^8\) See Part II.K above.
\(^9\) See Part IV.A.
(i) The appeal may contain a written statement explaining the reasons why the appealing party believes the Title IX Coordinator’s decision should be reversed.

(b) The Title IX Coordinator must notify all other parties of any appeal filed challenging the Title IX Coordinator’s decision to proceed with a formal hearing or dismiss the formal complaint.

(i) All other parties may file a written statement supporting or opposing such an appeal.

(A) That written statement must be provided to the Title IX Coordinator and all other parties no later than three days of receipt of the appeal from the Title IX Coordinator.

(c) The basis for the appeal are the same as those listed in Part X.G.1.(a)-(c).

(d) If the respondent is a non-student employee, the College’s Director of Human Resources will decide the appeal of the Title IX Coordinator’s decision. The Dean of Student Development and Campus Life will decide all other appeals of the Title IX Coordinator’s decision.

(e) The decision regarding such an appeal must be in writing and must describe the rationale for the result.

(f) The Title IX Coordinator will provide all parties with simultaneous notice of this appeal’s outcome.

5. Even if a formal complaint is dismissed in accordance with Part X.B of this policy, the College may pursue discipline against the respondent for violations of other College policies arising out of the same event.

C. Hearings

1. Hearing Roles

(a) The Sexual Conduct Hearing Board will decide formal complaints containing allegations of sexual misconduct, unless such complaints are dismissed in accordance with Part X.B of this policy. The Sexual Conduct Hearing Board will first conduct a live hearing before deciding the formal complaint.

(i) The Hearing Board will decide both whether the respondent is responsible or not responsible for the alleged violation of the Sexual Misconduct Policy and, if responsible, what remedies or sanctions will be required.

(ii) Hearing Board members are permitted to question witnesses in the manner that the hearing officer deems appropriate.
(A) If a witness or party refuses to answer a question posed by a Hearing Board member (and not prohibited by the hearing officer), any party to the hearing may submit a prior statement from that witness or party that addresses the topic of the question that the witness refused to answer.

(B) If a complainant or respondent refuses to answer a question posed by a Hearing Board member (and not prohibited by the hearing officer), the Hearing Board may—but is not required to—determine that the answer to the question would be adverse to the refusing party’s position in the matter.

1) The Hearing Board, however, may not find the respondent responsible or not responsible based solely on a witness’s refusal to answer a question.

(b) A hearing officer will preside over hearings regarding alleged violations of the Sexual Misconduct Policy. The hearing officer will decide procedural questions and any challenges to evidence and testimony. The hearing officer must exclude evidence that is irrelevant, duplicative, or is prohibited from consideration under this policy. The hearing officer may participate in the Sexual Conduct Hearing Board’s deliberations as a non-voting member of that board.

(c) The complainant, the respondent, and a representative of the College will be permitted to attend the entire hearing before the Hearing Board, other than Hearing Board deliberations. Only the Hearing Board members and the hearing officer may participate in those deliberations.

(d) Advisors

(i) The complainant, the respondent, and the College are permitted to utilize an advisor during the hearing, subject to the following restrictions:

(A) The party’s advisor must agree to comply with the Rules of Decorum for Sexual Misconduct hearings. No party’s advisor may participate in the hearing unless she/he signs an agreement indicating willingness to abide by the Rules of Decorum.

(B) The person selected as a party’s advisor must sign a non-disclosure agreement, provided by the College, to participate as an advisor at the hearing.

(C) The College may impose other restrictions related to an advisor’s participation in a hearing to comply with privacy considerations under the Family Educational Rights & Privacy

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10 See Rules of Decorum, attached as Exhibit A.
Act ("FERPA"), provided those restrictions apply equally to the complaint’s and the respondent’s advisors.

(ii) The party’s advisor will be permitted to attend the entire hearing before the Sexual Conduct Hearing Board, other than Board deliberations, if the advisor complies with the Rules of Decorum. The hearing officer may exclude an advisor who fails to comply with the Rules of Decorum.

(iii) The parties are permitted to have their advisors participate as much or as little as the party deems necessary or appropriate. The parties may permit their advisors to present information or argument directly to the Hearing Board on behalf of that party.

(iv) The advisor may be any person, including a licensed attorney. The Title IX Coordinator, however, may not serve as an advisor for the complainant or the respondent.

(A) Unless the College receives advanced notice that a party intends to retain her/his own advisor, the College will assign an advisor to assist the party during the hearing.

1) Such advisor will be provided to the party at no charge to the party.

2) Any advisor provided by the College will be trained in accordance with the requirements in Part XII.B of this policy.

(B) The complainant and the respondent must notify the Title IX Coordinator of the identity of any attorney the party intends to use as the advisor at a hearing before the Sexual Conduct Hearing Board. Such notice must be provided at least seven days before the scheduled hearing.

1) If a complainant or respondent fails to provide that notice, the hearing officer will, upon request of the Title IX Coordinator, permit the re-scheduling of the hearing to allow the College to retain an attorney to represent its interests during the hearing.

2. The Title IX Coordinator, in her/his discretion, is permitted to require that allegations of sexual misconduct against multiple respondents are presented in a single hearing before the Sexual Conduct Board, if the Title IX Coordinator determines that the allegations against the respondents arise from the same incident.

(i) The Title IX Coordinator’s decision to consolidate or not consolidate allegations against multiple respondents is not subject to appeal before the hearing. A party, however, may challenge such a decision through the appeal process provided in Part X.G of this policy, which occurs after the Hearing Board issues its decision.
3. The College will create an audio or audiovisual recording or written transcript of all hearings under this policy.

(a) By participating in the hearing, all parties consent to the recording of their voices or image.

(b) The College will retain the recording or transcript for a period of at least seven years following the hearing.

4. Witnesses

(a) All parties will have equal opportunity to present fact and expert witnesses during the hearing.

(i) A complainant or respondent wishing to present a fact witness during the hearing must provide all other parties and the Title IX Coordinator with the identity and contact information of all fact witnesses that the party wishes to address the Hearing Board. That notice must be provided at least seven days before the scheduled hearing.

(ii) Any party wishing to present expert witness testimony must provide all other parties and the Title IX Coordinator with notice of that intention.

(A) That notice must be provided to all other parties and the Title IX Coordinator no later than seven days before the scheduled hearing date.

(B) That notice must include,

1) The name, telephone number, and email address of such expert witness,

2) The curriculum vitae or resume of such expert witness (including a statement of the witness’s qualifications and all publications authored during the previous ten years),

3) A statement of the compensation (if any) that the expert witness is receiving related to her/his testimony, and

4) A complete statement of all opinions that the expert witness intends to offer during the hearing, the facts and data that the expert witness considered in forming those opinions, and any exhibits that the expert witness intends to use as part of her/his testimony.

(C) The hearing officer will exclude the testimony of any expert witness if the required disclosures have not been provided in accordance with Part X.C.4.(a).(1 and 2) of this policy, unless the hearing officer determines that,
1) The party had good cause for failing to provide the required disclosures, and

2) The other parties to the hearing will not be unfairly prejudiced due to the failure of the party to comply with the expert disclosure requirements.

(b) The hearing officer may require a party to provide an explanation regarding the expected statement of any witness before that witness is permitted to address the Hearing Board.

(i) The hearing officer will exclude any witness from addressing the Hearing Board or limit the scope of that witness’s statement if the hearing officer determines that the proposed statement (or any portion of the proposed statement) is irrelevant.

(ii) The hearing officer will not exclude any witness from testifying regarding a matter relevant to the issue under consideration. But if the probative value of the witness’s proposed testimony would be outweighed by the dangers of unfair prejudice, confusion of the issues, or misleading the Hearing Board, the hearing officer may take any or all of the following actions:

(A) Instruct the Hearing Board to consider the evidence only for its relevant purpose;

(B) Instruct the Hearing Board to evaluate objectively whether that evidence warrants a high-level or low-level of weight or credibility;

(C) Require the introduction of evidence sufficient to establish the relevant purpose of the witness’s statement; and

(D) Place reasonable limits on the timing of the presentation of the witness’s statement to ensure that it is considered only for a relevant purpose.

1) For example, a witness’s statement that is relevant only to the issue of what remedy should be imposed should not be presented to the Hearing Board unless and until the Hearing Board finds that the respondent is responsible for the allegations.

(iii) The hearing officer must instruct a witness not to answer a question if the hearing officer determines that the question is irrelevant or would violate the Rape Shield rules.11

11 See Part X.C.5.(e) below.
(iv) The hearing officer may exclude testimony that would involve the needless presentation of cumulative evidence.

(c) Witnesses who address the Hearing Board at the hearing are subject to direct cross-examination.

(i) No party, however, may cross-examine any witness. Instead, any cross-examination of a witness must be conducted by that party’s advisor, never the party herself/himself.

(ii) Each party’s advisor will have the right to conduct appropriate direct examination and cross-examination of any witness who addresses the Hearing Board.

(A) The party’s advisor will be permitted to conduct such examinations (and any necessary follow up questions) orally and in real time.

(B) Only questions regarding relevant topics are appropriate for cross-examination.

(C) Appropriate cross-examination includes questions challenging a party’s or witness’s credibility.

(d) Witnesses must provide honest statements to the Hearing Board. Any witness who knowingly provides a false statement to the Hearing Board is subject to discipline by the College.

5. Evidentiary Rules

(a) Standard of Proof: The Preponderance of Evidence

In all hearings related to allegations of violation of the Sexual Misconduct Policy, the Sexual Conduct Board will apply a preponderance of the evidence standard. That means that a respondent will not be found responsible for violating the Sexual Misconduct Policy unless the College demonstrates that it is more likely than not that the respondent violated the Sexual Misconduct Policy.

(b) Burden of Proof

The College bears the burden of demonstrating that the respondent is responsible for violating the Sexual Misconduct Policy. The respondent is not required to prove non-responsibility, and the complainant is not responsible for proving responsibility. The College must demonstrate that the respondent is responsible in order to impose sanctions for violation of the Sexual Misconduct Policy.

(c) Only relevant evidence may be presented to the Hearing Board.

(i) Evidence is relevant if,
(A) The evidence has any tendency to make a fact more or less likely to have occurred than it would without the evidence; and

(B) That fact, if proven, would,

1) Make it more or less likely that the respondent is responsible for violating the Sexual Misconduct Policy, or

2) Demonstrate the appropriate remedy (if any) to be imposed for the alleged violation of the Sexual Misconduct Policy.

(ii) The hearing officer must exclude from the Hearing Board’s consideration any irrelevant evidence.

(iii) The hearing officer may not exclude evidence that is relevant to the issue under consideration. As a result, evidence of a party’s character or prior bad acts may not be excluded if that evidence is relevant. But if the probative value of any evidence is substantially outweighed by the dangers of unfair prejudice, confusion of the issues, or misleading the Hearing Board, the hearing officer may take any or all of the following actions:

(A) Instruct the Hearing Board to consider the evidence only for its relevant purpose;

(B) Instruct the Hearing Board to evaluate objectively whether that evidence warrants a high-level or low-level of weight or credibility;

(C) Require that the proponent of such evidence introduce evidence establishing the evidence’s relevant purpose; and

(D) Place reasonable limits on the timing of the presentation of evidence to ensure that it is considered only for a relevant purpose.

1) For example, evidence that is relevant only to the issue of what remedy should be imposed should not be presented to the Hearing Board unless and until the Hearing Board finds that the respondent is responsible for the allegations.

(d) In reaching a decision regarding responsibility, the Hearing Board must not rely on any statement of a party or witness unless that party or witness submits to cross examination at the live hearing.
Subject to Part X.C.1.(a).(ii).(A) above, the Hearing Board may not rely on any statement of a party or witness who is not subject to cross-examination in reaching a determination regarding the respondent’s responsibility.

The Hearing Board must not draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

(e) Rape Shield Rules

(i) Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant unless,

(A) Such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or

(B) Such questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

(f) The Hearing Board may not base credibility determinations upon a person’s status as a complainant, a respondent, or a witness.

6. The hearing officer will not permit questions or evidence that contain or seek disclosure of information protected under a legally recognized privilege, unless the person holding that privilege has waived it.

D. Virtual Hearings

1. At the request of the complainant or the respondent, the College will conduct the hearing with the parties located in separate rooms.

2. Any technology that the College utilizes to conduct hearings in this manner must enable the Hearing Board, hearing officer, the parties and their advisors (if any) to simultaneously see and hear the party or witness answering questions.

E. Hearing Board’s Findings

1. The Hearing Board must issue a written decision regarding whether the respondent is responsible for the alleged violations of the Sexual Misconduct Policy. The written decision must include the following:

   (a) A description of the allegations that could potentially constitute sexual misconduct, as defined in Part II.J of this policy;

   (b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the
parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

(c) The Hearing Board’s factual findings supporting its determination;

(d) Conclusions regarding the application of the Hearing Board’s factual findings to the relevant definitions of “sexual misconduct” in this policy; and

(e) A statement of, and rationale for, the result as to each allegation, including the following:

(i) A determination of responsibility or non-responsibility regarding each alleged violation of the Sexual Misconduct Policy;

(ii) Any disciplinary sanctions the Hearing Board decides to impose on the respondent and whether remedies designed to restore or preserve equal access to the College’s educational programs or activities will be provided to the complainant; and

(iii) The procedures and permissible bases for the complainant and respondent to appeal.

2. The Hearing Board’s decision must be issued within five days of conclusion of the hearing, unless extenuating circumstances require additional time and the hearing officer notifies the Title IX Coordinator, complainant, and respondent of the need for additional time.

3. The Title IX Coordinator will ensure that the written determination is provided to the parties simultaneously.

4. The determination regarding responsibility becomes final either on the date that the Title IX Coordinator provides the parties with the written determination of the result of the appeal, if an appeal has been filed, or—if an appeal is not filed—within three days after the Hearing Board’s written determination is provided to the parties.

F. Remedies and Sanctions

1. If a respondent is found responsible for any violation of the Sexual Misconduct Policy, any remedy or sanction imposed through the grievance process must be designed to restore or preserve the complainant’s equal access to the College’s education programs and activities. Any such remedy may include any of the supportive measures listed in Part II.R of this policy.

2. If the respondent is a student and is found responsible for violating the Sexual Misconduct Policy, the student may receive a sanction in the form of a written warning, loss of privileges, no-contact directive, mandatory training, mandated counseling, other educational sanctions, disciplinary probation, suspension, expulsion, or any combination of these.

3. If the respondent is a non-student employee and is found responsible for violating the Sexual Misconduct Policy, the respondent may receive a written reprimand, final written warning, change in work assignment, demotion, loss of privileges, no-contact directive, mandatory training, mandatory counseling, suspension (with or without pay), termination of employment, non-renewal
of employment contract, or any combination of these. When the respondent is a tenured faculty member who is found responsible for a violation of this policy, the Hearing Board may not order termination of employment or non-renewal of an employment contract. The Hearing Board, however, may recommend termination of employment or non-renewal of a tenured faculty member’s employment contract. If the Hearing Board issues such a recommendation, the ultimate decision regarding whether to terminate employment or refrain from renewing the tenured faculty member’s employment contract will be made in accordance with the dismissal or grievance procedure in the Faculty Handbook.

4. The Hearing Board may take into account any previous violations of the Student Code of Conduct, the Sexual Misconduct Policy, or any other College policy or procedure when determining the appropriate remedy to impose.

5. The Title IX Coordinator is responsible for ensuring implementation of any remedies ordered.

   (a) No punitive measures may be implemented against a respondent until a final determination has been made.\(^\text{12}\)

G. Appeals of the Hearing Board’s Decisions

1. Any party may file an appeal of the Hearing Board’s decision on any or all of the following basis:

   (a) Procedural irregularity that affected the outcome of the matter;

   (b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and which could affect the outcome of the matter;

   (c) The Title IX Coordinator, the investigator, or the members of the Sexual Conduct Hearing Board had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the matter’s outcome; and

   (d) The Board’s remedies decision, if any, was inappropriate.

2. Any such appeal must be filed, in writing, with the Title IX Coordinator within three days of the issuance of the Hearing Board’s written decision.

3. The party appealing the Hearing Board’s decision may submit a written statement explaining the reasons why the appealing party is challenging the Hearing Board’s decision. That written statement must be provided to the Title IX Coordinator within seven days of the issuance of the Hearing Board’s written decision.

4. The Title IX Coordinator must notify all other parties of any appeal filed challenging a Hearing Board’s decision and must provide the other parties with the appealing party’s statement in support of appeal, if any.

\(^{12}\text{See Part X.E.4.}\)
(a) All other parties may file a written statement supporting or opposing the appeal or hearing outcome.

(i) That written statement must be provided to the Title IX Coordinator and all other parties no later than 14 days of receipt of the issuance of the Hearing Board’s written decision.

5. The Appeal Board will decide any appeal challenging a Hearing Board’s decision.

   (a) The Appeal Board must issue a written decision explaining the rationale for the result.

   (b) That written decision must be provided to the parties and the Title IX Coordinator within five days of expiration of the period in Part X.G.4.(a).(i) for submitting statements in support of, or opposition to, the appeal.

6. The Title IX Coordinator will simultaneously provide all parties with the written decision regarding the appeal.

XI. Confidentiality

   A. Hearings before the Sexual Conduct Board will be conducted in private.

   B. The College may not access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity or assisting in that capacity, if the records are made and maintained in connection with the provision of treatment to the party.

1. If the party provides voluntary, written consent, then the College may access, consider, disclose, or otherwise use a party’s confidential treatment records during the grievance process.

   C. If the hearing officer is not a College official, then the hearing officer will be required to sign a reasonable non-disclosure agreement as a condition for participating in the grievance process. Even if the hearing officer is not a College employee, the hearing officer must follow the same confidentiality restrictions as College employees.\(^\text{13}\)

   D. All College employees involved in any aspect of the grievance process (reporting allegations, filing of formal complaints, investigations of formal complaints, implementation of emergency removals or supportive measures, hearings, or appeals) are subject to the following confidentiality rules:

1. The identity of the following individuals must be kept confidential:

   (a) Any individual who has made a report or complaint of sexual misconduct;

   (b) Any alleged victim of sexual misconduct;

\(^{13}\) See Part X.I.D below.
(c) Any individual who is alleged to be the perpetrator of sexual misconduct;

(d) Any respondent; and

(e) Any witness.

2. Notwithstanding these restrictions, the identities of the individuals mentioned in Part XI.D.1.(a)-(d) may be disclosed if,

   (a) Such disclosure is permitted under FERPA,

   (b) Such disclosure is required by law, or

   (c) Such disclosure is necessary to conduct any investigation, hearing, or appeal under this policy.

XII. Miscellaneous

A. Conflicts of Interest

   No person may serve as the Title IX Coordinator, an investigator, the hearing officer, a member of the Hearing Board or Appeal Board, or as a facilitator for the informal resolution process if that person has a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent in the particular matter.

B. Training

1. The College will ensure that the Title IX Coordinator and any investigator, hearing officer, Hearing Board or Appeal Board member, and facilitator of the informal process receive training on the following topics:

   (a) The definition of sexual harassment in this policy, including the College’s definition of “consent”;

   (b) The preponderance of the evidence standard;

   (c) The presumption of non-responsibility;

   (d) Confidentiality rules under this policy;

   (e) The scope of the College’s education programs and activities;

   (f) How an appropriate investigation is conducted;

   (g) The College’s Sexual Misconduct Policy and Grievance Process, including the College’s processes regarding,

      (i) Hearings,

      (ii) Appeals, and

      (iii) The informal resolution process
(h) The scope of potential remedies for violations of the Sexual Misconduct Policy.

(i) Available supportive measures.

(j) How to serve impartially, including the importance of avoiding prejudgment of the facts, conflicts of interest, and bias.

2. The College will ensure that any hearing officer, the Title IX Coordinator, and the members of the Hearing Board and Appeal Board receive training regarding the following topics:

(a) Any technology used at a live hearing;

(b) Relevant questions and evidence; and

(c) The Rape Shield Rules.

3. The College will ensure that the Title IX Coordinator and any investigator receive training regarding responsibilities associated with the creation of an investigative report that fairly summarizes the relevant evidence.

4. No training provided in accordance with Part XII.B of this policy will rely on sex stereotypes.

5. All training provided in accordance with Part XII.B of this policy must promote impartial investigations and adjudications of formal complaints.

C. Record Keeping

1. The College must maintain the following records for a period of seven years:

   (a) Each sexual misconduct allegation, including any determination regarding responsibility, the recording or transcript of any hearings, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the College’s education programs and activities;

   (b) Any appeals filed under this policy and the written decisions regarding those appeals;

   (c) Any informal resolution process and the result of such informal resolution process;

   (d) Documentation of any actions the College takes in response to a report or formal complaint of sexual misconduct, which must include the following:

      (i) Any supportive measures provided;

      (ii) Measures that the College has taken to restore or preserve equal access to its education program or activity; and

      (iii) The basis for the College’s determination that its response was not deliberately indifferent.
(e) If the College does not provide the complainant with supportive measures, the College must document the reasons why its response to the complaint or report was not clearly unreasonable in light of the known circumstances.

(f) All non-privileged materials used to train the Title IX Coordinator, investigators, members of the Sexual Conduct Hearing Board, the Appeal Board, and the hearing officer will be posted on the College’s website.

D. Singular/Plural

When required by the context, use of the singular in this policy also refers to the plural. Likewise, reference to the plural refers to the singular.

E. Deadlines for Completing Process

1. The initial notice to the parties\textsuperscript{14} will be provided no later than three days after the formal complaint is filed.

2. The disclosure of the evidence gathered during the investigation\textsuperscript{15} will be provided to the parties no later than 45 days after the formal complaint is filed.

3. The Title IX Coordinator’s investigative report\textsuperscript{16} will be provided to the parties no later than 60 days after the formal complaint is filed.

4. The live hearing,\textsuperscript{17} if any, will occur no later than 75 days after the formal complaint is filed.

5. The written decision of the Sexual Conduct Hearing Board\textsuperscript{18} will be issued no later than 80 days after the formal complaint is filed.

6. The written decision regarding any appeal\textsuperscript{19} will be issued within 100 days after the filing of the formal complaint.

7. The entire grievance process\textsuperscript{20} will conclude within 100 days after the filing of the formal complaint.

8. Any time related to the informal resolution process\textsuperscript{21} will not count toward any deadline in Part XII.E of this policy.

F. Extensions of Time

\textsuperscript{14} See Part X.A.3 above.
\textsuperscript{15} See Part X.A.7 above.
\textsuperscript{16} See Part X.A.11 above.
\textsuperscript{17} See Part X.C.1.(a) above.
\textsuperscript{18} See Part X.E.1 above.
\textsuperscript{19} See Parts X.G.5.(a) above.
\textsuperscript{20} See Part X above.
\textsuperscript{21} See Part IX above.
1. If feasible, the Title IX Coordinator will work with the Hearing Board members, the parties, their advisors, the hearing officer, and any witnesses to arrange for a mutually convenient time for conducting the hearing.

2. Extensions of time and requests to reschedule or delay hearings must be directed to the Title IX Coordinator. No such requests, however, will be granted absent a demonstration of good cause. The Title IX Coordinator’s decision to grant or deny such an extension is not subject to appeal through the appeal process outlined in Part X.B of this policy.

(a) Good cause may include considerations such as,

(i) The absence of a party, the party’s advisor, or a witness,

(ii) Concurrent law enforcement activity,

(iii) The filing of an appeal of a dismissal decision,

(iv) The need for foreign language assistance, or

(v) Disability-related accommodations.

3. If any deadline in this policy falls on a Saturday, Sunday, or recognized College holiday, or if the College is closed due to unforeseen circumstances, then the deadline for compliance will be the next business day that the College is open.

G. Nothing in this policy is designed to inhibit any party’s rights under Title IX of the Educational Amendments Act, the Pennsylvania Human Relations Act, the Pennsylvania Fair Educational Opportunities Act, or any other similar federal, state, or local law. To the extent there is any conflict between these laws and this policy, those legal requirements prevail and must be adhered to.

Investigative Process/Procedures Related To Sexual and Interpersonal Misconduct

A reporting person may choose to initiate a complaint through the college Sexual Misconduct Policy and Grievance Procedure, proceed with criminal prosecution with the assistance of law enforcement, or they may choose to pursue action through both systems. In a situation where the person accused of sexual and/or interpersonal misconduct is not a member of the York College community, the reporting person is only able to pursue charges through the legal system with law enforcement assistance. York College will assist the survivor in contacting the appropriate law enforcement agencies when requested.

In cases where a reporting person chooses to pursue legal action through criminal charges and through the College sexual misconduct policy and grievance procedure, the College shall not wait for the conclusion of a criminal investigation or criminal proceeding to begin a College investigation as described in the Sexual Misconduct Policy and Grievance Procedure. When a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, whether the offense occurred on or off campus, the procedures below will be followed:

Sexual Assault:

1. Depending on when reported (immediate vs. delayed report), the College will provide the reporting person with access to medical care.

2. The College will assess the immediate safety needs of the reporting person.
3. The College will assist the reporting person with contacting the local police if they request AND the reporting person will be provided with contact information for the local police department.
4. The College will provide referrals to on and off campus mental health providers.
5. The College will assess the need to implement interim or long-term protective measures, such as housing changes, change in class schedule, “No-Contact” directive between both parties.
6. The College will provide a “Notification against Trespass” directive to the responding person if deemed appropriate.
7. The College will provide written instructions on how to apply for a protective order.
8. The College will provide a copy of the Sexual and Interpersonal Misconduct Policy to the reporting person and inform them of timeframes for inquiry, investigation and resolution.
9. The College will inform the reporting person of the outcome of the investigation, whether or not the responding person will be administratively charged and what the outcome of the hearing is.
10. The College will address any retaliatory behavior through the Student Code of Conduct and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation or the adjudication of these cases.

Stalking:
1. The College will assess immediate safety needs of reporting person.
2. The College will assist the reporting person with contacting local police if they request AND the reporting person will be provided with contact information for the local police department.
3. The College will provide written instructions on how to apply for a protective order.
4. The College will provide written information to the reporting person on how to preserve evidence.
5. The College will assess the need to implement interim or long-term protective measures to protect the reporting person, if appropriate.
6. The College will provide a “Notification against Trespass” directive to the responding party if deemed appropriate.
7. The College will provide a copy of the Sexual and Interpersonal Misconduct Policy to the reporting person and inform them of timeframes for inquiry, investigation and resolution.

Dating Violence:
1. The College will assess immediate safety needs of reporting person.
2. The College will assist the reporting person with contacting the local police if they request AND the reporting person will be provided with contact information for the local police department.
3. The College will provide written instructions on how to apply for a protective order.
4. The College will provide written information to the reporting person on how to preserve evidence.
5. The College will assess the need to implement interim or long-term protective measures to protect the reporting person, if appropriate.
6. The College will provide a “Notification against Trespass” directive to the responding party if deemed appropriate.
7. The College will provide a copy of the Sexual and Interpersonal Misconduct Policy to the reporting person and inform them of timeframes for inquiry, investigation and resolution.
Domestic Violence:

1. The College will assess immediate safety needs of reporting person.
2. The College will assist the reporting person with contacting local police if they request AND the reporting person will be provided with contact information for the local police department.
3. The College will provide written instructions on how to apply for a protective order.
4. The College will provide written information to the reporting person on how to preserve evidence.
5. The College will assess the need to implement interim or long-term protective measures to protect the reporting person, if appropriate.
6. The College will provide a “Notification against Trespass” directive to the responding party if deemed appropriate.
7. The College will provide a copy of the Sexual and Interpersonal Misconduct Policy to the reporting person and inform them of timeframes for inquiry, investigation and resolution.

The complete Student Code of Conduct can be found at: https://catalog.ycp.edu/index.php

In cases where a student chooses to report an incident to York College of Pennsylvania, yet requests no action or further investigation, the College will work to reasonably respect the reporting person’s wishes. However, in certain circumstances, the College may need to take action in cases where a reporting person requests that no further action be taken. These circumstances include, but are not limited to:

- Circumstances that suggest there is an increased risk of the responding person committing additional acts of sexual and/or interpersonal misconduct or other violence (i.e. whether there have been other complaints about the same responding person, whether the responding person has a history of arrests or records from a prior school indicating a history of violence, whether the responding person threatened further violence against the reporting person or other students, and whether the sexual misconduct was committed by multiple violators).
- Circumstances that suggest there is an increased risk of future acts of sexual and/or interpersonal misconduct under similar circumstances [i.e. whether the student’s report reveals a pattern of behavior (i.e. via illicit use of drugs or alcohol) at a given location or by a particular group].
- Whether the act of sexual and/or interpersonal misconduct was committed with a weapon;
- The age of student involved in the act of sexual and/or interpersonal misconduct; and
- Whether the school possesses other means to obtain relevant evidence (i.e. security cameras or personnel, or other types of physical evidence).

When a reporting person requests that no action or further investigation be made regarding a report of sexual and/or Interpersonal Violence the student will need to sign a form entitled “Acknowledgement Form.” This form verifies a reporting person’s request to not participate in an on campus investigation, to not testify or participate during the Student Conduct process, verify that the reporting person has been provided information regarding emotional and physical support (i.e. counseling services, survivor’s advocacy, medical care, etc.), and notice that a reporting person may change their decision to file an official report at any time. A student’s request for confidentiality in cases of sexual and interpersonal misconduct will be reviewed utilizing the above outlined circumstances by one or more of the following College personnel: The Vice President of Student Affairs, Title IX Coordinator, Director of Campus Safety, and/or the Office of Student Conduct.

In cases where a student chooses to report an incident and wants to maintain confidentiality, York College of Pennsylvania does have individuals on campus that are able to maintain confidentiality regarding names and other details of an incident. Counseling Services is an available service on campus at no charge. A student can
make an appointment with Counseling Services by calling 717-815-6437 or by going to the lower level of the Student Union - Room 120. Health Services is also available at no charge and can be reached by calling 717-849-1615 or by going to the lower level of the Student Union- Room 117. YWCA advocates are available on campus during academic semesters. Students wishing to speak to an advocate can contact the Intercultural and Global Programming Office by calling 717-815-1916 or stopping by the office, located in the Student Union, room 101. During semester breaks, YWCA advocates can be reached by calling 1-800-422-3204 and letting the person who answers the phone know the caller is a York College student. There is no cost for this service. The Title IX office can also assist students in connecting with a YWCA advocate. Call 717-815-1440 to reach the Title IX office or stop by the office located in the Humanities Center, room 25. A student can also make a confidential report to College Clergy or the Director of Spiritual & Jewish Life. A College Clergy member can be reached at 717.815.1446 or by going to the lower level of the Student Union, rooms 123 and 125. The Director of Spiritual & Jewish Life has an office in the Gordon Center for Jewish Student Life. These individuals are not obligated by law or policy to report any information to Campus Safety, the local police or any other college official. At the reporting person’s request, they may inform campus safety of general information (incident type, date, time location) about the report for statistical purposes, but will keep all personal information confidential. Campus clergy, health services, The Director of Spiritual & Jewish Life and counseling services may assist an individual in contacting campus safety, the Title IX coordinator or the local police if the reporting person would like to make an official report. Please note that if you choose to make a confidential report with these offices, the College will not be able to pursue action under the Student Code of Conduct process.

York College of Pennsylvania works to respect the privacy of all students. In cases of alleged violations of the Sexual Misconduct Policy, to the extent of the reporting person’s cooperation and consent, College offices, including the Office of Student Affairs, Office of Student Conduct, Office of Residence Life, Department of Campus Safety, Health Services, and Counseling Services, and Office of Academic Services will work cooperatively to ensure that the reporting person’s health, physical safety, work, and academic status are protected, pending the outcome of the College formal investigation of the complaint. Personal identifiable information about the reporting person will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the reporting person. The College does not publish the names of reporting persons nor house identifiable information regarding victims in campus publications, such as the Department of Campus Safety Daily Crime Log, Timely Warnings or online information.

Compliance with these provisions does not constitute a violation of section 444 of the General Educational Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

**Assistance for Persons Reporting Sexual and Interpersonal Misconduct**

Regardless of whether a reporting person elects to make a report to the Title IX Office, the Department of Campus Safety or local police, the College will assist the reporting person by providing them with a written explanation of their rights. This notification will also include information about counseling, health services, mental health services, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available on and off campus, as well as available assistance in changing academic, living, transportation, parking, and working situations if the requested changes are reasonably available.

After an incident of sexual and/or interpersonal misconduct, the reporting person should consider seeking medical attention as soon as possible and attempt to preserve any physical evidence that may be present. The reporting person can receive medical care at:

York Hospital  
1001 S George St  
York, PA 17403
The hospital has the facilities and expertise to conduct medical-legal examinations at no charge. Seeking medical attention is important so that the reporting person receives proper assessment and treatment of any physical injuries sustained in an act of sexual violence and/or interpersonal misconduct. This step is also necessary to gather information and preserve evidence for the case even if the person reporting prefers to not prosecute criminally. The reporting person has the right to report the incident to local law enforcement, (York City Police Department or Spring Garden Police Department), to the York College Department of Campus Safety and/or the College Title IX Coordinator, or to report to both local and campus authorities. College officials will assist the reporting person in making contact with the appropriate local law enforcement agency. The reporting person may also choose to seek support services and not pursue action through either the legal system or the campus student code of conduct. The reporting person is under no obligation to report an incident of sexual or interpersonal misconduct. The reporting person may and can change his/her mind at any time and choose to make a report.

- In Pennsylvania, evidence of an act listed under the York College Sexual and Interpersonal Misconduct Policy may be collected even if you choose not to make a report to law enforcement.
- It is important that a person reporting sexual and/or interpersonal misconduct, specifically in the circumstances of sexual assault, not bathe, douche, smoke, change clothing, or clean the bed/linen/area where the incident took place if the offense occurred within the past 96 hours so that evidence can be preserved.
- If the reporting person does not opt for a forensic evidence collection, the health care providers can assist in treating injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease and offer local resources for emotional support.
- Although they cannot perform medical-legal or forensic exams, York College Health Services can provide general medical assistance and consultation. A student can make an office appointment free of charge.

York College Health Services
717-815-1615
Student Union building – lower level

- Persons reporting domestic violence, stalking, or dating violence are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents that would be helpful to the College investigation and/or Student Conduct process.
- A student who has reported of an act of sexual and/or interpersonal misconduct is encouraged to seek confidential, emotional support services available at no charge at the campus Counseling Services Office.

Counseling Services at York College: 717-815-6437

Clergy at York College: 717-815-1446

- The YWCA in York operates a Victim Services center that is located off campus and provides legal advocacy and support services, information and referral, individual and group therapy and legal options counseling.

YWCA Victim Services Center: 717-854-3131 or 1-800-422-3204

- In the local community, The Pennsylvania Coalition against Rape can offer resources of support and guidance to persons reporting sexual violence.
The Pennsylvania Coalition Against Rape: 1-888-772-7227

York College of Pennsylvania works diligently to create a safe and comfortable environment for all persons on campus. Unfortunately, acts of sexual and/or interpersonal misconduct could be committed by a member of our college community, including an YCP faculty or staff member, student, or outside person who comes onto campus. York College strives to protect all students from all forms of violence and encourages any student who is a survivor of an act of sexual and/or interpersonal misconduct to file an official report immediately. In order to report an incident involving sexual and/or interpersonal misconduct including sexual harassment, sexual assault, domestic violence, dating violence, stalking, please contact any of the following:

College Title IX Coordinator
Holly Moreels
717-815-1440
titleix@ycp.edu
Humanities Center – Room 24

Department of Campus Safety
717-815-1314
Manor Northeast

These offices will assist students by providing them information regarding support resources found on or off campus, including working with local law enforcement agencies (if applicable). All investigations made regarding an official report will be completed with the utmost of professionalism and respect. Investigations into a report of a violation of the Student Code of Conduct can be expected to be prompt, fair, honest, and impartial. The Department of Campus Safety will assist any reporting person with notifying local police if they so desire. Notice: When filing a criminal complaint with the local police, a student has the right to file a report simultaneously with the College Title IX Coordinator. The Title IX Coordinator is the individual assigned as the official contact for Title IX complaints at the York College of Pennsylvania. The local law enforcement agencies that assist the College are the York City Police Department and Spring Garden Township Police Department. A student can choose to report to these agencies directly at:

York City Police Department
50 West King Street
York, PA 17401
Phone: 717-846-1234

Spring Garden Township Police Department
340 Tri Hill Road
York, PA 17403
Phone: 717-843-0851

Safety Planning for Reporting Persons

In cases where a student chooses to report an incident of sexual and/or interpersonal misconduct to York College of Pennsylvania or to local law enforcement, the Title IX Coordinator, the Department of Campus Safety and all other applicable offices will meet with the student to develop a Safety Action Plan. A Safety Action plan strives to make the complainant more comfortable within reasonable expectation and availability when traveling around the local and campus community while the Student Conduct and/or legal process moves through its different stages. The Safety Action Plan will include compliance with any legal orders of protection issued by a recognized legal entity (i.e. court system). This action plan will require the Department of Campus Safety, the Title IX Coordinator, the reporting person, and other York College Offices (i.e. Office of Residence
Life, Office of Academic Affairs, Office of Academic Services, etc.) to collaborate and discuss resources and accommodations including, but not limited to:

- Escorts
- Special Parking and Transportation Arrangements
- Academic accommodations
- Changing Residence Hall Assignment (if a residential student)
- Modification of work schedules and other special arrangements for campus employment situations
- Creating a “No Contact Directive” or issuing a Notification Against Trespass Order when appropriate

York College complies with Pennsylvania law in recognizing protection from abuse orders. In Pennsylvania, a protection from abuse order is a civil order that provides protection from harm by family or household members, sexual or intimate partners or persons who you have a child in common with. If you are an adult (person 18 or over) or emancipated minor, you can seek legal protection from acts of domestic abuse done to you or your minor child by a family or household member, which includes: Your husband or ex-husband, your wife or ex-wife, A person who lives or lived with you as a spouse, Your brother or sister, Your parent or child, A family member related to you by blood or marriage, a current or former sexual or intimate partner; and someone you have a child in common with. You can apply for a protection from abuse order against a current or former same-sex partner. Minors (a person under the age of 18), will need a parent, adult household member or guardian ad litem to file the protection from abuse order on your behalf. You will not be required to pay any fees when you file a petition for a protection from abuse order. If you are granted a PFA, the judge may require the defendant to pay all the fees of filing and service as well as an additional $100, which goes towards enforcement of domestic violence laws. You do not need a lawyer to file for a protection from abuse order, but it is generally better to have one if you can, especially if the abuser has an attorney. The prothonotary, or courthouse official in charge of records, should also be able to give you some forms and information. Please keep in mind that courthouse officials and domestic violence advocates who are not lawyers cannot give you legal advice or represent you in court.

The Sexual Violence Victim Protection Act went into effect on July 1, 2015. This law offers victims an additional option with the creation of Sexual Violence Protection Orders. A Sexual Violence Protection Order (SVPO) is designed to protect victims of sexual violence from further abuse and/or intimidation by their abuser, regardless of whether or not criminal charges have been filed against the perpetrator. Similar in many ways to a Protection From Abuse Order (PFA), the key difference lies in the relationship between the abuser and the victim. While PFAs require an intimate or household relationship between the two parties, a SVPO does not and is available to victims of sexual violence who are at continued risk of harm from their perpetrator. SVPOs offer civil protection to any victim of sexual violence who is at risk of further harm by the perpetrator. Parents or guardians may seek SVPOs on behalf of minor children. Protections can be extended to other designated persons who are also shown to be at risk of harm. SVPOs prohibit an offender from having any contact with the victim. Protections can include preventing the offender from entering a victim’s home, workplace, or school. SVPO protection can also be expanded to prevent intimidation/contact from a third party on behalf of the offender or to extend protection to related parties, such as parents, siblings, or children of the victim. Other appropriate relief also may be granted, depending on the circumstances of the sexual assault. SVPOs offer protection for up to 36 months. There is no cost associated to file for a SVPO. (Information adapted from Pennsylvania Coalition against Rape)

You can file your petition for a protection from abuse order or sexual violence protection order with the Court of Common Pleas in York County:
Remember to bring some form of identification (a driver’s license or a picture I.D.) with you to court. You may also want to call the courthouse in advance (if you can) to see if there are certain times that petitions are presented to the judge. If you come after the scheduled time-slots, your petition may be referred to a magisterial judge for an emergency order and then you would have to return to courthouse the next day to file for the temporary PFA order. If you need to file for an order immediately and the county courthouse is closed, call 911 to speak to the appropriate local police department to see which magisterial district judge is on-call. They may be able to grant you an emergency order that will last until the next business day when you must go to the judicial center to file for a protection from abuse order. Any person who obtains an order of protection should provide a copy to the Department of Campus Safety to further discuss a Safety Action Plan.

Individuals with existing protection orders are encouraged to provide a copy to the Department of Campus Safety and discuss a Safety Action Plan.

For more information, contact:

The York County District Attorney’s Office
Victim/Witness Coordinator
45 North George Street
York, PA 17401
717.771.9600
www.yorkda.com

For campus community members that need assistance with visa and immigration services, The Pennsylvania Immigration Resource Center is located locally and can be contacted by phone, fax, Email or in person at their office.

Pennsylvania Immigration Resource Center (PIRC)
294 Pleasant Acres Rd., Ste. 202, York PA, 17402
Phone: 717-600-8099
Fax: 717-600-8044
Email: info@pirclaw.org

For those students who need assistance with financial aid issues, please contact the York College Financial Aid Office:

York College Financial Aid Office
Miller Administration Building, Room 138
Monday-Friday, 8:00 a.m.-5:00 p.m.
Phone: 717-849-1682
Email: financialaid@ycp.edu
**Assistance for Responding Person(s) of Sexual and/or Interpersonal Violence**

Our local resources for the accused include:

1. York College Counseling Services, 717-815-6437, Student Union, rm. 120
2. York College Clergy 717-815-6524, Student Union rm. 123

Additional supportive measures will be offered to respondents. These include, but are not limited to:

1. Academic accommodations
2. Changing housing accommodations
3. Changes to work schedules
4. Other accommodations as appropriate

**Educational Programming**

The College is committed to providing educational programming to increase awareness of and to help prevent acts of sexual and interpersonal misconduct. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
b. Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
c. Defines what behavior and actions constitute consent to sexual activity in the Commonwealth of Pennsylvania
d. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other that the bystander;
e. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks;

The College offered the following primary and ongoing prevention and awareness programs for student for the 2019 academic year:

**Primary Programming:**

**Sex Signals: 8/24/2019, Waldner Performing Arts Center, 4pm and 6pm**

During August Orientation, all first-year students are required to attend this interactive program on sexual assault awareness including topics regarding sexual assault, sexual harassment, rape, dating violence, domestic violence, by-stander intervention, stalking, party scene/alcohol use. This program is put on by Catharsis Production and meets all requirements for primary educational programming as required by the Violence against Women Act.

**College Safety & Community Expectations: 8/26/2019, 10am and 11:15am, WPAC, and 1/22/2019, Admissions Welcome Center, 11:00 am-12:00pm**

During January and August Orientation, Campus Safety, local police, Counseling Services and the Student Conduct Office conduct a mandatory program that covers topics related to alcohol and drug awareness
and policies, security, general safety, emergency alerts and Timely Warnings, active shooter procedures, sexual assault prevention, by-stander intervention techniques, dating violence, domestic violence, stalking education/prevention and campus response, and Title IX awareness for all new students. This program meets all requirements for primary educational programming as required by the Violence against Women Act.

**Healthy Relationships: 1/15/2019, 2/2/2019 Student Union Welcome Center, 1:00-2:30 pm**
A presentation to all incoming freshman and transfer students on sexual violence prevention including active bystander training. Stalking, domestic violence and dating violence prevention and awareness are also covered.

**Consent and Respect: A mandatory online course that all new students must complete in August 2019**
This course includes training on bystander intervention, reporting and health relationships.

**Alcohol Wise: An online program which all new resident students must complete prior to starting in August 2019**
This online program consists of a consent and respect portion. This is coordinated through our Residence Life Office.

**On-going Prevention Programming:**

**Alexis Jones: 9/22/2019, 7pm-9pm, Grumbacher Sport and Fitness Center**
Having spent years working intimately with male athletes, Alexis Jones is redefining “manhood” one locker room at a time. After growing up a Texas tomboy with four older brothers and working in “the lion’s den of dudes” at Fox Sports and ESPN, Alexis takes an inspiring, hysterical and at times inappropriate approach to empowering young men to better respect and protect the girls and women in their lives with her exclusive locker room curriculum.

**Title IX Overview for Students: 11/26/2019, podcast, 12/3/2019 WVYC Radio Station broadcast,**
Overview of Title IX, the Title IX Coordinator role and how people can make a report.

**Title IX Overview for Employees: 10/14/2019, Waldner Performing Arts Center, 11/4/2019, Grumbacher Center, 12/4/2019, Lecture in Campbell Hall**
Overview of Title IX, how and when to contact the Title IX Office, how to support students who report sexual misconduct, and reporting requirements.

**Title IX Overview for Students with Disabilities: 11/8/2019, 11/21/2019, Humanities Center**
Program for student employees covering Title IX, how and when to contact the Title IX Office, how to support students who report sexual misconduct, and reporting requirements. This program focuses on risk factors for students with disabilities, what to look for, how to report sexual misconduct and other support services available to this population.

**Stand There or Prepare: Your Choice, (Bystander Intervention Leadership Session) 11/21/2019, Keystone Room, 5:30 pm**
This session focuses on how bystander intervention and leadership intertwine. Going beyond the basics of bystander intervention, the focus is on using leadership to challenge problematic norms to influence and create culture change.

**One Love Foundation Escalation Workshops, 2/4/2019, 9/8/2019, 10/1/2019, in the Grumbacher Sport and Fitness Center**
The One Love Foundation is dedicated to ending relationship abuse by educating, empowering, and activating young people in a movement for change. This workshop consists of a 40 minute film followed by a 40 minute guided discussion geared towards helping students understand the warning signs of abuse, while also promoting healthy relationships. Many faculty and staff were trained to provide these workshops. Student leaders were offered the training so that they could lead student peer to peer workshops. Many staff members and student organizations utilized this training to host workshops throughout the year within their own organization or as requested.

Take Back the Night Week of Action, 4/1/2019 through 4/5/2019
Take Back the Night Week of Action was a campus wide collaboration between College departments, Student Senate, Greek Life, Psychology Club, Access York (local victim’s assistance unit) and the local community to promote sexual assault awareness and education, including a focus on bystander intervention and social norming. Several programs were held throughout the week which included the annual Take Back the Night event on 4/3/19.

Greek New Member 101, Multiple Session the weeks of 9/23/2019 & 2/4/2019, William Walker Room, Student Union
All newly accepted Greek Students are required to attend this session which discusses their new member process and covers topics surrounding hazing, alcohol/drug use, and briefly touches on sexual assault (in relation to alcohol use/hazing). This occurs every semester.

Training Orientation Leaders on “Sex Signals” Debrief, 8/22/2019, Alumni Hall, 1:00 pm- 2:30 pm
Counseling Services lead a program to train student orientation leaders on how to peer debrief with new students after viewing the “Sex Signals” training program. The debrief includes sexual violence prevention, consent and active bystander strategies.

Greek Life Sexual Assault Awareness PSA, Year Round
The Greek community, comprised of 11 national sororities and fraternities, worked together to create a sexual assault awareness PSA which was promoted through social media and heavily during It’s On Us week.

RAD: 11/5-11/12/2019, Grumbacher Sport and Fitness Center
R.A.D. stands for Rape Aggression Defense. A self-defense and safety class for women that serves to educate women about risk awareness, reduction, recognition and avoidance. The course instills dependency on self, fosters a self-realization of physical power and a growth in self-confidence as a result. Rape, sexual assault and stalking awareness, violence prevention and response are covered.

S.A.F.E.: Classes held throughout the academic year upon request, Grumbacher Sport and Fitness Center
Self-defense Awareness & Familiarization Exchange is an educational program that shares vital information about personal safety, increases awareness of crime prevention and introduces the feasibility of self-defense training. Rape, sexual assault and stalking awareness, prevention and response are covered.

Safe Colleges Title IX and Campus Security Authority Employee Training: Various dates and times (on-line program)These on-line training programs are completed annually by York College employees who are either designated as Campus Security Authorities and/or Title IX mandated reporters. The programs educate our employees about their responsibilities.
Residence Life Hall Programs
The Residence Life Department organizes educational programs relating to consent, healthy relationships, sexual assault, interpersonal violence prevention and applicable campus policies and resources available. Some programs target specific communities. The following programs were presented in 2019:

Making Healthy Decisions: Alcohol/Sex Facts/Myths, 10/21/2019, Codorus Hall
Consent is Sexy, 10/18/2019, Manor West
Drag Up Your Life, 3/24/2019, Alumni Hall
Love and Lollipops, 2/17/2019, Manor North Lobby
Safe Sex Trivia, 2/22/2019, Alumni Hall
Welcome to the Love Shack, 2/13/2019, Penn/Beard Hall Complex
LGBTQ+ A, 2/1/2019, Little Run Lodge

Other Programming
Protect Your Heart, 2/14/2019
Domestic Violence Awareness tabling, 2/19/2019
UnMASCed, 3/21/2019
How Not to Be a Jerk, 3/27/2019
Victim’s Rights Coalition March, 4/9/2019
ExCEL Bystander Awareness, 4/24/2019

Important Definitions Regarding Educational Programming
Primary prevention: The term primary prevention refers to programming, initiatives and strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs to prevent initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs. Efforts to change behavior and social norms, and promote healthy relationships, healthy sexuality and egalitarian gender roles, or efforts to understand risk factors and protective factors for bystander inaction and change social norms around bystander inaction are all examples of primary prevention.

Awareness programs: The term awareness programs refers to programs, campaigns, or initiatives that increase audience knowledge of the issues of sexual assault, domestic violence, dating violence and stalking and share information and resources to prevent interpersonal violence, promote safety, and reduce perpetration. These efforts can include campus communitywide mobilizations as well as targeted audience specific programming (including both students and employees). Awareness month campaigns, “Speak Outs,” rallies or marches, informational poster campaigns or resource websites, and educational programming that focuses on sharing resources and information about these issues are examples of awareness programs.

Bystander intervention: The term bystander intervention refers to safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene in situations of potential harm when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the individual. Effective bystander intervention training prepares participants to recognize situations of potential harm, overcome barriers to intervening, identify safe and effective intervention options, and take action.
Risk reduction: The term **risk reduction** refers to approaches that seek to mitigate risk factors that may increase the likelihood of perpetration, victimization, or bystander inaction. Risk reduction focuses on helping individuals and communities address the institutional structures or cultural conditions that facilitate sexual violence, domestic violence & stalking to increase safety. Examples of risk reduction may include but are not limited to general crime prevention education, campus escort programs, programs that educate on how to create individual and community safety plans and strategies, and bystander intervention programs that educate the campus on how to recognize and interrupt situations of harm, or implementing a communication system that can notify the entire campus community of immediate threats to security.

Ongoing awareness and prevention campaigns: The term **ongoing awareness and prevention campaigns** refers to campaigns that are sustained over time focusing on increasing awareness or understanding of topics relevant to sexual assault, domestic violence and stalking prevention. These programs will occur at different levels throughout the institution (i.e. faculty, athletics, and incoming students) and will utilize a range of strategies. Ongoing awareness and prevention campaigns may include information about what constitutes sexual assault, dating violence/intimate partner abuse, and stalking, changing social norms, promoting recognition of perpetrator tactics, enhancing understanding of consent, and advancing prosocial behaviors of individuals and communities. Effective ongoing awareness and prevention campaigns will include developmentally appropriate content for the specific audience and their knowledge and awareness level and provide positive and concrete ways for individuals to get involved.

**Relationship Violence—Warning Signs and How to Get Help (Adapted from the National Center for Victims of Crime)**

Relationship violence can happen to anyone of any race, age, sexual orientation, religion or gender. It can happen to couples who are married, living together or who are dating. Relationship violence affects people of all socioeconomic backgrounds and education levels.

Abuse is a repetitive pattern of behaviors used to maintain power and control over an intimate partner. These are behaviors that physically harm, arouse fear, prevent a partner from doing what they wish or force them to behave in ways they do not want. Abuse includes the use of physical and sexual violence, threats and intimidation, emotional abuse and economic deprivation. Many of these different forms of abuse can be going on at any one time.

You may be experiencing physical abuse if your partner has done or repeatedly does any of the following tactics of abuse:

- Pulling your hair, punching, slapping, kicking, biting or choking you
- Forbidding you from eating or sleeping
- Damaging your property when they’re angry (throwing objects, punching walls, kicking doors, etc.)
- Using weapons to threaten to hurt you, or actually hurting you with weapons
- Trapping you in your home or keeps you from leaving
- Preventing you from calling the police or seeking medical attention
- Abandoning you in unfamiliar places
- Driving recklessly or dangerously when you are in the car with them
- Forcing you to use drugs or alcohol (especially if you’ve had a substance abuse problem in the past)

You may be in an emotionally abusive relationship if your partner exerts control through:

- Calling you names, insulting you or continually criticizing you
- Refusing to trust you and acting jealous or possessive
• Trying to isolate you from family or friends
• Monitoring where you go, who you call and who you spend time with
• Demanding to know where you are every minute
• Punishing you by withholding affection
• Threatening to hurt you, your family or your pets
• Humiliating you in any way
• Blaming you for the abuse
• Accusing you of cheating and being often jealous of your outside relationships
• Serially cheating on you and then blaming you for his or her behavior
• Cheating on you intentionally to hurt you and then threatening to cheat again
• Cheating to prove that they are more desired, worthy, etc. than you are
• Attempting to control your appearance: what you wear, how much/little makeup you wear, etc.
• Telling you that you will never find anyone better, or that you are lucky to be with a person like them

How to get help:
• Contact the Spring Garden or York City Police by calling 911, Campus Safety at 717-815-1314, the Domestic Violence Hotlines (national: 800.799.7233; York County: 800-262-8444) or York College Counseling Service at 717-815-6437, to get information on campus and local resources as well as your legal options.
• Identify your partner’s use and level of force so that you can assess the risk of physical danger to you and others before it occurs.
• If possible, have a phone accessible at all times and know what numbers to call for help. Know where the nearest public phone is located. Know the phone number to your local battered women’s shelter. If your safety is at risk, call the local police at 911, or if you are on campus, call Campus Safety at 717-815-1314
• Let trusted friends and neighbors know of your situation and develop a plan and visual signal for when you need help.

What to Do If You Have Been a Bystander to an Incident of Sexual and/or Interpersonal Misconduct

If you have been a witness or a bystander to an incident of sexual and/or interpersonal misconduct it is imperative that you seek out resources and information to help yourself and to support the person to whom the behavior of sexual and/or interpersonal violence is directed. A bystander is an individual other than the person to whom the behavior is directed who is present when an act of sexual and/or interpersonal misconduct is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent an act of sexual and/or interpersonal misconduct. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Examples of active bystander intervention include, but are not limited to:

• not leaving an intoxicated friend in a party/bar alone
• walking a classmate to his/her car after night class
• calling the Department of Campus Safety (on campus incidents) or local law enforcement (off campus) when a potentially violent situation is unfolding
• not leaving an unconscious person alone (alerting an RA, Department of Campus Safety, local law enforcement, etc.)
- intervening when someone is being belittled, degraded, or emotionally abused (walking the individual away from the situation or calling for help)

As a York College of Pennsylvania community, we want to help each other to be successful both inside and outside of the classroom. If you believe you have been a bystander of an act of sexual and/or Interpersonal misconduct, please report the issue right away to a College Official (i.e. Resident Assistant, an Officer with the Department of Campus Safety, Title IX Coordinator, Faculty Member, Administrator, a member of YCP Staff).

**Risk Reduction Tips**

Sexual violence, dating violence, and stalking is never the victim’s fault. The tips outlined below are offered in the hope that recognizing patterns can help men and women to reduce the risk of victimization and assault.

Reducing Risk of Non-Consensual Acts:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are questioning a decision. Respect them when they do.

Reducing Risk of Committing Unwanted Sexual Act:

If you find yourself in the position of being the initiator of sexual behavior, you owe respect to yourself and your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct.

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- Don’t make assumptions: About consent, about someone’s sexual availability, about whether they are attracted to you, about how far you can go or about whether they are physically and/or mentally able to consent or if there are any questions or ambiguity, then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading each other. Your partner may not have figured out how far he or she wants to go with you yet. You must respect the timeline for sexual behaviors with which your partner is comfortable.
- Don’t take advantage of someone’s drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender, size, or position in a club or organization. Don’t abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and nonverbal communication and body language.
Pennsylvania State Victims’ Rights Statute

York College is obligated under federal law to inform reporting persons (referred to as victims in PA law) of sexual assault or harassment of their rights under Pennsylvania state law. Please note that the College Student Conduct Process is not a criminal or civil process; however, the College will provide certain information to reporting persons and responding students under the Student Code of Conduct. Under Pennsylvania law, a victim of domestic violence, dating violence, sexual assault or stalking have the rights as outlined under the Pennsylvania Crime Victims Act (TITLE 18. CRIMES AND OFFENSES- CHAPTER 2. CRIME VICTIMS ACT- CHAPTER - 2. CRIME VICTIMS - SUBCHAPTER A. BILL OF RIGHTS - 18 P.S. § 11.201 (2009) § 11.201. Rights). Victims of crime have the following rights:

- To receive basic information concerning the services available for victims of crime.
- To be notified of certain significant actions and proceedings within the criminal and juvenile justice systems pertaining to their case. This paragraph includes all of the following:
  - Access to information regarding whether the juvenile was detained or released following arrest and whether a petition alleging delinquency has been filed.
  - Immediate notification of a juvenile's pre-adjudication escape from a detention center or shelter facility and of the juvenile's subsequent apprehension.
  - Access to information regarding the grant or denial of bail to an adult.
  - Immediate notification of an adult offender's pretrial escape from a local correctional facility and of the offender's subsequent apprehension.
- To be accompanied at certain criminal and all juvenile proceedings in accordance with 42 Pa.C.S. § 6336(d) (relating to conduct of hearings) by a family member, a victim advocate or other person providing assistance or support.
- In cases involving a personal injury crime or burglary, to submit prior comment to the prosecutor's office or juvenile probation office, as appropriate to the circumstances of the case, on the potential reduction or dropping of any charge or changing of a plea in a criminal or delinquency proceeding, or, diversion of any case, including an informal adjustment or consent decree.
- In cases involving a personal injury crime, to receive notice and provide comment to the sentencing court when the prosecutor's office requests an eligibility requirements waiver as part of Recidivism Risk Reduction Incentive (RRRI) sentence (61 Pa.C.S. § 4504).
- To have opportunity to offer prior comment on the sentencing of a defendant or the disposition of a delinquent child, to include the submission of a written and oral victim impact statement detailing the physical, psychological and economic effects of the crime on the victim and the victim's family. The written statement shall be included in any predisposition or pre-sentence report submitted to the court. Victim-impact statements shall be considered by a court when determining the disposition of a juvenile or sentence of an adult (18 P.S. § 11.201).
- To have notice and to provide prior comment on a judicial recommendation that the defendant participate in a motivational boot camp (61 Pa.C.S. § 3905), known as the Motivational Boot Camp Act.
• To have notice of and to provide comment on defendant's medical release petition submitted to the court and to receive notice of final adjudication (42 Pa. C.S. Section 9777).

• Upon request of the victim of a personal injury crime, to have the opportunity to submit written comment or present oral testimony at a disposition review hearing, which comment or testimony shall be considered by the court when reviewing the disposition of the juvenile.

• To be restored, to the extent possible, to the precrime economic status through the provision of restitution, compensation and the expeditious return of property which is seized as evidence in the case when in the judgment of the prosecutor the evidence is no longer needed for prosecution of the case (18 Pa. C.S. 1106(c)).

• In personal injury crimes where the adult is sentenced to a State correctional facility, to be:
  • Given the opportunity to provide prior comment on and to receive State post-sentencing release decisions, including work release, furlough, parole, pardon or community treatment center placement;
  • Provided immediate notice of an escape of the adult and of subsequent apprehension; and
  • Given the opportunity to receive notice of and to provide prior comment on a recommendation sought by the Department of Corrections that the offender participate in a motivational boot camp pursuant to the Motivational Boot Camp Act.

• In personal injury crimes where the adult is sentenced to a local correctional facility, to:
  • receive notice of the date of the release of the adult, including work release, furlough, parole, release from a boot camp or community treatment center placement (42 Pa. C.S. Section 9813); and
  • be provided with immediate notice of an escape of the adult and of subsequent apprehension.

• If, upon the request of the victim of a personal injury crime committed by a juvenile, the juvenile is ordered to residential placement, a shelter facility or a detention center, to:
  • Receive prior notice of the date of the release of the juvenile, including temporary leave or home pass.
  • Be provided with:
    • immediate notice of an escape of the juvenile, including failure to return from temporary leave or home pass; and
    • Immediate notice of re-apprehension of the juvenile.
  • Be provided with notice of transfer of a juvenile who has been adjudicated delinquent from a placement facility that is contrary to a previous court order or placement plan approved at a disposition review hearing and to have the opportunity to express a written objection prior to the release or transfer of the juvenile.

• If the adult is subject to an order under 23 Pa.C.S. Ch. 61 (relating to Protection From Abuse Act) and is committed to a local correctional facility for a violation of the order or for a personal injury crime against a victim protected by the order, to receive immediate notice of the release of the adult on bail (18 P.S. Section 11.201).

• To receive notice if an adult is committed to a mental health facility from a State correctional institution and notice of the discharge, transfer or escape of the adult from the mental health facility.

• To have assistance in the preparation of, submission of and follow-up on financial assistance claims to the bureau.

• To be notified of the details of the final disposition of the case of a juvenile consistent with 42 Pa.C.S. § 6336(e) (relating to conduct of hearings).
Upon the request of the victim of a personal injury crime, to be notified of the termination of the courts' jurisdiction.

Anti-Discrimination/Ethnic Intimidation Policy

All students are encouraged to participate in College activities regardless of sex, race, color, creed, national origin, religion, sexual orientation, disability, social affiliation or age. York College does not tolerate and takes a firm position against all forms of discrimination as noted. Intimidation includes, but is not limited to: threats or bullying of any kind, physical harm or threats thereof, defacing or destruction of campus property or an individual's personal property. Any student, who feels that he or she is a victim of discrimination or ethnic intimidation, or any such harassment, may initiate a complaint through the student grievance procedure and legal channels. Contact: Campus Safety, Manor Northeast, (717) 815-1314, Student Affairs, Administration Building, (717) 815-1461 or Intercultural Student Life and Global Programming, Student Union, (717) 815-1916.

Consensual Relationships

York College's policy on sexual harassment includes prohibition of consensual romantic or sexual relationships between York College employees (faculty, staff, or administration) and any traditional undergraduate student and/or any supervisee. Further, such relationships are prohibited between said employees and any nontraditional student (over 25 years of age) or graduate student for whom the employee has or is likely to have an evaluative or supervisory responsibility.

If a situation is potentially in violation of this policy, the employee is required to disclose it to the Title IX Coordinator. Anyone subjected to acts of sexual harassment should immediately report it to the Title IX Coordinator. Student workers or students in the classroom should also report to the Title IX Coordinator.

Sexual Harassment and Title IX Compliance

York College is an equal opportunity employer and institution of higher education. We support legislation that protects College personnel and students against unlawful discrimination of any kind, including sexual harassment, and affirm the commitment of York College to ensure a fair, humane, and respectful environment for all employees and students.

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 and is illegal, sex-based discrimination under Title IX of the Education Amendments Act of 1972. It is against the policy of York College of Pennsylvania for any person (faculty, administrator, staff member, or student), male or female, to engage in sexual harassment of another person (faculty, administrator, staff member, or student). Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and/or other conduct of a sexual nature. Sexual harassment can be verbal (sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats), non-verbal (sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures), and/or physical (unwanted physical contact including touching, pinching, brushing the body, coerced sexual intercourse, assault). This conduct constitutes sexual harassment in the following circumstances:

1. When it is made either explicitly or implicitly a condition of an employee’s employment, or a student’s academic assessment, or progress, or participation in college activities.
2. When submission to or a rejection of such conduct is made the basis for employment decisions or decisions affecting academic assessment, progress or status, or participation in other college activities.
3. When such conduct creates an intimidating, hostile, or offensive working or learning environment.

All personnel including faculty, administrators, staff members, and students will be expected to comply with this policy and take appropriate measures to ensure that sexual harassment does not occur. Appropriate disciplinary action, up to and including termination or expulsion, will be taken against anyone who violates this policy in
accord with relevant York College disciplinary procedures for that person’s cohort group (faculty, administrators, staff members, or students).

York College has a designated Title IX coordinator who is responsible for overseeing all Title IX complaints and identifying and addressing any patterns or systematic problems that arise during the review of such complaints. The Title IX coordinator is available to meet with students and employees as needed.

York College Title IX Coordinator: Holly Morreels. Phone: 717-815-1440. Office Location: Humanities Center room 24, Email: titleix@ycp.edu.

Sex Offender Registration Information

The Campus Sex Crimes Prevention Act of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The Act is an amendment to the Jacob Wetterling Crimes against Children and Sexually Violent Offender Act. The federal law requires state law enforcement agencies to provide York College with a list of registered sex offenders who have indicated that they are enrolled, employed or carrying on a vocation at York College of Pennsylvania.

In accordance with Pennsylvania State Law, known sex offenders must register in the community in which they reside. York College also requires that the student or employee register with The Department of Campus Safety. Failure to register may result in immediate expulsion or dismissal from the College. York College reserves the right to dismiss a student or employee if it is deemed necessary in the interests of public safety, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

The Department of Campus Safety will maintain this list and make it available in its office in the Manor Northeast. In addition, a list of all registered sex offenders in Pennsylvania is available from the Pennsylvania State Police at http://www.pameganslaw.state.pa.us.

The Campus Sex Crimes Prevention Act amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

Confidentiality

All personally identifiable information related to particular students used to make decisions about students or for transmittal to others outside the College other than directory information as defined above is considered confidential information. This information includes, but is not necessarily limited to: academic evaluations, disciplinary records, financial aid records, letters of recommendation, health or medical records, counseling records, advising records, transcripts, test scores, social security number, employment records, and other academic records. Note: Confidential letters of recommendation are those to which students have waived access.

Third parties do not have access to confidential records without the written consent of the student specifying the records to be released and to whom the records are to be released. Exceptions to this restriction are:

1. Parental rights of access to educational records depend on the student’s financial status, either dependent or independent as defined above.
2. College employees who require access on an internal need-to-know basis for legitimate educational purposes.
3. Records released pursuant to judicial order.
4. Records released in connection with the student’s application for or receipt of financial aid.
5. York College of Pennsylvania’s Counseling Services are confidential and in accordance with the American Counseling Association’s Code of Ethics. Except as provided above, no information will be released to any person without the student’s written permission.

**Parental Notification of Student Records and College Matters**

Parents or legal guardians of financially dependent students may be notified by the Student Affairs Office/College officials when their son or daughter has been responsible for a violation of the College’s Student Code of Conduct, especially when a violation of the College Alcohol or Drug Policy has occurred, or when a student has been suspended/expelled from the College. Students and parents are encouraged to discuss these disciplinary matters to assist in the attainment of behavioral improvement.

**Child Abuse Reporting Policy**

All faculty, staff, administrators, student health employees, members of the Campus Safety Department, and any individual who may come into contact with children through any college sponsored program, activity, camp, conference, retreat, academic presentation or any other college programs are required to report incidents of child abuse when they have witnessed and/or have reasonable cause to suspect that a child (under 18 years old) under the care, supervision, guidance or training of any adult on our campus is being or has been abused. If your responsibility is not listed above, but you come into contact with children in the course of your employment, you have a mandatory reporting obligation. Students, guests and other members of the College community are strongly encouraged to follow the same procedures.

Make a report as soon as possible utilizing the following procedure:

- First, immediately report the matter to the York College Department of Campus Safety at (717) 815-1314 and the Director of Campus Safety at ebruder@ycp.edu. Campus Safety is available 24 hours daily; if for some reason you are unable to contact the Campus Safety Department, contact the Title IX Coordinator at (717) 815-1440, titleix@ycp.edu, HUM, room 24. Upon a receipt of a report, the Campus Safety Department must immediately notify the Campus Safety Director, or in his or her absence, his designee.

- Employees must also inform their immediate supervisor. An initial oral report to your supervisor is acceptable, but written detail should be supplied upon request. For athletic staff, reports must also be made to the Director of Athletics.

- College employees, who are also registered medical professionals, must concurrently report all injuries caused by suspected child abuse to the local or state police.

- The Director of Campus Safety or his/her designee within the Campus Safety Department is responsible and has the obligation to report suspected child abuse to the Department of Public Welfare. Reports must be made orally, and immediately, to the Department of Public Welfare’s ChildLine at (800) 932-0313. The Director of Campus Safety shall notify the reporting employee that the report was made after making the initial oral report to ChildLine. Within 48 hours of reporting to ChildLine, the Director of Campus Safety or his/her designee in the Campus Safety Department must make a written report on forms provided by the Department of Public Welfare (Report of Suspected Child Abuse [CY-47] to the county children and youth agency in the county where the suspected child abuse occurred. The Department of Campus Safety shall maintain records of all reports made under this Policy. In cases where the Director of Campus Safety cannot or is not involved, the Title IX Coordinator shall be the designated person for purposes of the reporting and recordkeeping obligations hereunder.

- Any person who makes a good faith report of child abuse may not be subjected to retaliation in employment.

*There are four categories of child abuse covered under the law:*
• Any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury to a child.
• An act or failure to act by a perpetrator which causes non-accidental serious mental injury to or sexual abuse or sexual exploitation of a child.
• Any recent act, failure to act or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
• Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child’s life or development or impairs the child’s functioning.
• No child shall be deemed physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child’s welfare, such as inadequate housing, furnishings, income, clothing, and medical care.

Note: The York College Department of Campus Safety reserves the right to change or cancel without notice-policies, regulations, procedures, or any of the following information, based on the needs of the York College community and new compliance standards enacted by the Department of Education for the Student Right to Know and Campus Security Act.

CAMPUS CRIME STATISTICS DEFINITIONS

• Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.
• Manslaughter by Negligence: The killing of another person through gross negligence.
• Sex Offenses: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  o Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim. Rape also occurs when a person engages in sexual intercourse with a person by forcible compulsion or the threat of forcible compulsion that would prevent resistance by a person of reasonable resolution, or when a person is unconscious or where the person knows that the victim is unaware that the act is occurring. This definition includes any gender of victim or perpetrator.
  o 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.
  o Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  o Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.
• Dating Violence: Violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length and type of relationship; and the frequency of interaction between the persons involved in the relationship. Dating violence is currently not specifically defined by Pennsylvania State statute.
• Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by
a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA), 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. Domestic Violence is currently not specifically defined by Pennsylvania state statute, however family abuse is. Abuse is defined as the occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:(1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.(2) Placing another in reasonable fear of imminent serious bodily injury.(3) The infliction of false imprisonment pursuant to 18 Pa.C.S. §2903 (relating to false imprisonment).(4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).(5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or to suffer substantial emotional distress. A person commits the crime of stalking when the person either:
  1. engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
  2. engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

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

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

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

- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

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

- **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.

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

- **Hate Crimes**: Any of the above offenses, and any other crime involving bodily injury, committed against a person or property which is motivated, in whole or in part, by the offender’s bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, national origin, or disability.

- **Liquor Law Violations**: The violation of state or local laws/ordinances prohibiting the manufacture, sale, purchase, possession, transportation, or use of alcoholic beverages.

- **Drug Law 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).

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

**Definitions of reportable locations**

- **On Campus**: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including Residence halls. This also includes any building or property that is within or reasonably contiguous to the institution, that is owned by the institution, but controlled by another person, is frequently used by students, and supports institutional purposes.

- **Residential Facilities**: A subset of the on campus category that specifies the incidents reported in campus owned or controlled dormitories, apartments, houses, or other facilities used to house students.

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

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

- **Unfounded**: If a crime is reported as occurring On Campus, in On-Campus Residential Facilities, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by law enforcement authorities and through the investigation determined to be false or baseless, the crime is considered to be “unfounded”. Only sworn or commissioned law enforcement personnel may unfound a crime.
## Criminal Offenses

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<th>Offense</th>
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<th>Residential Facility**</th>
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### Disciplinary Referrals

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### Arrests

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* - Non-Campus property includes the Marketview Arts Center, the Center for Community Engagement and temporary off-campus residential accommodations.

** - This is a subset on the Total On-Campus category.
## Clery Hate Crime Statistics

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* - Non-Campus property includes the Marketview Arts Center, the Center for Community Engagement and temporary off-campus residential accommodations.

** - This is a subset on the Total On-Campus category.
## Hate Crimes by Race

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* - Non-Campus property includes the Marketview Arts Center, the Center for Community Engagement and temporary off-campus residential accommodations.

** - This is a subset on the Total On-Campus category.
### Hate Crimes by Religion

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* - Non-Campus property includes the Marketview Arts Center, the Center for Community Engagement and temporary off-campus residential accommodations.

** - This is a subset on the Total On-Campus category.
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### 2017 - 2019 Campus Crime Rates and Statistics

This report is presented in compliance with the Pennsylvania College and University Security Information Act. This report requires the inclusion of a broader range of reportable crimes than federal requirements. Crime rates for each individual offense are also included. In certain circumstances the number of reported crimes may appear to differ when comparing this report to Clery statistics due to slightly different reporting requirements.

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<th>2017</th>
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The table above provides a detailed breakdown of the number of incidents reported for various categories over the years 2017 to 2019. Each cell represents the number of incidents reported per full-time equivalent (FTE) students or employees, providing insights into the prevalence of different crimes on campus.
Annual Fire Safety Report, 2020

Procedures to Follow If There Is a Fire

If you discover fire or smoke, your first thought should be to get to a safe place and warn others.

- Pull the nearest fire alarm.
- Call 9-1-1; state the nature of the emergency (fire or smoke), location, and your name. Although this is important, never call from a place where you are in danger.
- Evacuate the building immediately by way of the nearest exit and proceed to the designated assembly area for your building (see below).
- Building occupants should use the stairs to exit the building. Elevators will be recalled to the first floor in the event of an alarm and will be inoperable.
- You can help to confine the fire if possible, by closing doors and windows while exiting.
- Assist anyone who needs help evacuating.
- Remain outside at your assigned assembly area until directed to re-enter by the fire department or Campus Safety personnel.

### Residence Hall Evacuation Assembly Areas

<table>
<thead>
<tr>
<th>Building</th>
<th>Assembly Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arnold House</td>
<td>Side faculty lot</td>
</tr>
<tr>
<td>Beard Hall</td>
<td>Parking lot by foot bridge</td>
</tr>
<tr>
<td>Chapel</td>
<td>Lawn area southwest of Chapel</td>
</tr>
<tr>
<td>Codorus Hall</td>
<td>Parking bay #10</td>
</tr>
<tr>
<td>Country Club, Spring Garden, Brockie Commons, Richland Hall</td>
<td>Quad Area Lawn</td>
</tr>
<tr>
<td>Curry House</td>
<td>Wolf Hall parking lot</td>
</tr>
<tr>
<td>Newberry House</td>
<td>Back lawn of Beard Hall</td>
</tr>
<tr>
<td>Keiffer House</td>
<td>Wolf Hall parking lot</td>
</tr>
<tr>
<td>Little Run Lodge</td>
<td>Quad Area Lawn</td>
</tr>
<tr>
<td>Manor North, Northeast</td>
<td>Lawn area by tennis courts</td>
</tr>
<tr>
<td>Manor South, East &amp; West</td>
<td>Lawn area by tennis courts</td>
</tr>
<tr>
<td>Northside Commons</td>
<td>Mall area south of Northside Commons</td>
</tr>
<tr>
<td>Penn, Willow, Laurel, Evergreen</td>
<td>Third and fourth parking bays</td>
</tr>
<tr>
<td>Pershing House</td>
<td>Front lawn</td>
</tr>
<tr>
<td>Springdale House</td>
<td>Running track</td>
</tr>
<tr>
<td>Springettsbury House</td>
<td>Pershing house front lawn</td>
</tr>
<tr>
<td>Susquehanna Hall</td>
<td>Parking bay #11</td>
</tr>
<tr>
<td>Tyler Run 360 &amp; 380</td>
<td>Jackson Street lot</td>
</tr>
<tr>
<td>Tyler Run III</td>
<td>Lower level of parking garage</td>
</tr>
<tr>
<td>Wenger House</td>
<td>Rear Campbell Hall parking area</td>
</tr>
</tbody>
</table>
Campus Safety Policies and Information

Fire Prevention Is Our Best Defense

Smoking and Tobacco Use Policy
The College strives to provide a productive, healthy, safe, and comfortable working environment for all employees, students, and visitors. York College of Pennsylvania is a smoke and tobacco free campus. Smoking, and the use of smokeless tobacco is strictly prohibited in all buildings and on all outdoor properties of the College. Employees are permitted to leave their workspace to smoke off campus property only during scheduled break times.

Those who violate this policy are subject to disciplinary actions.

Rules for Portable Electrical Appliances
Due to the limited electrical capacity of each area, and for reasons of fire safety, the student is required to observe the following:

1. All electrical devices must carry the approval label of the Underwriters Laboratory.

2. Use of multi-plug extension cords is limited to surge protector devices only, and should be only used one per outlet.

3. Use of any kitchen/cooking appliance is prohibited in all traditional and suite style student rooms except for microwave ovens rented through the service provided. Microwaves in apartments must be 700 watts or less and refrigerators as listed below. Residents of Little Run Lodge are limited to a coffee pot with automatic shut-off. No cooking devices will be allowed.

4. Refrigerators that are rated greater than 1.5 amps and/or 3.6 cubic feet are prohibited. No more than one refrigerator is allowed per bedroom.

5. Air Conditioners are prohibited

Be careful not to overload the electrical outlets by plugging too many items into one outlet. Use only approved heavy-duty extension cords. Never run cords under carpets or under heavy objects that may crush and break the cord.

Open Flames
Open flames, fire or smoke producing articles such as candles (lit or unlit), incense, Bunsen burners, portable grills or stoves, kerosene lamps and cut trees are prohibited in campus residential facilities. Storage of any flammable liquids or materials in or around the residence facilities is also prohibited. Violators are subject to campus judicial action.

Reporting a Fire Occurrence
All students and employees of York College are required to report evidence of a fire by calling 9-1-1. The local fire department will be dispatched and Campus Safety will investigate and document the incident.

Fire Safety and Education Programs
Every freshman student is required to attend a safety presentation conducted by the Department of Campus Safety during the first weekend of their arrival to campus in the fall. Fire safety procedures and prevention strategies are discussed.
Resident Assistants discuss fire safety and prevention issues during regular floor meetings. They also conduct safety inspections to detect fire hazards and will educate students about issues they may discover.

All Resident Assistants, Student Security Officers, Residence Life professional staff and Campus Safety Officers receive training in fire safety and prevention as well as the use of fire extinguishers. This training is available to all employees by request.

Every October the College conducts mandatory training for staff and administrators. Fire safety, security and emergency procedures are usually presented to update employees on any changes and to remind them existing policies.

**Fire Drills**

Campus Safety will perform at least one fire evacuation drill each semester at all resident facilities with the exception of the Country Club Manor Apartments. These apartments have individual smoke detectors and are not conducive to performing a drill, although the detectors are tested twice each year.

All students and their guests are required to exit any building where a fire alarm has activated and follow all evacuation procedures. The fire department or Campus Safety will inform residents when they may re-enter their facility. Failure to exit is a code of conduct violation.

**Fire Alarm Systems**

All of York College’s buildings are equipped with automatic fire detection and/or annunciating systems. With the exception of Country Club Manor Apartments, all of York College’s fire alarm systems are either connected directly to the 9-1-1 York County control system or monitored by a certified-outside monitoring company. All of the College’s residential facilities have smoke detectors on each floor and most have a detector in each room.

**Sprinkler Systems**

All of York College’s residential facilities have automatic fire suppression sprinkler systems. Caution should be exercised to ensure that the sprinkler discharge heads and supply pipes are not tampered with or disturbed. No objects should be attached or hung from the systems pipes or sprinkler heads.

Tampering with fire extinguishers, sprinkler systems and fire alarm systems is a crime – punishable by fines and/or imprisonment and loss of housing.

**Fire Definitions**

- **Fire**: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.
- **Cause of Fire**: The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure or act of nature.
- **Fire-related Injury**: Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in a fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, employees, visitors, firefighters, or any other individuals.
- **Fire-related Death**: Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire. Dies within 1 year of injuries sustained as a result of the fire.
- **Value of Property Damage**: The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.
## Reported Fires for 2019 for York College of Pennsylvania

<table>
<thead>
<tr>
<th>On-Campus Residence Halls</th>
<th>Total Fires in Each Building</th>
<th>Date</th>
<th>Time</th>
<th>Cause of Fire</th>
<th>Number of Injuries that Required Treatment at a Medical Facility</th>
<th>Number of Deaths Related to Fire</th>
<th>Value of Property Damage Caused by Fire</th>
<th>Case Number</th>
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<tr>
<td>Richland Hall</td>
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</table>
### Reported Fires for 2018 for York College of Pennsylvania

<table>
<thead>
<tr>
<th>On-Campus Residence Halls</th>
<th>Total Fires in Each Building</th>
<th>Date</th>
<th>Time</th>
<th>Cause of Fire</th>
<th>Number of Injuries that Required Treatment at a Medical Facility</th>
<th>Number of Deaths Related to Fire</th>
<th>Value of Property Damage Caused by Fire</th>
<th>Case Number</th>
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<tbody>
<tr>
<td>Arnold House</td>
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Frequently Asked Questions

Is There Crime On Campus?
Yes. Crime is a nationwide problem occurring in all cities, suburban and rural areas and campuses of all colleges and universities. Fortunately, York College experiences a relatively low crime rate.

What Is the Most Common Crime Occurring On Campus?
The most common crimes on campus are liquor law violations and marijuana possession.

What Can I Do To Protect Myself?
• Avoid walking alone at night, especially off campus. Use the buddy system. On campus, use the campus shuttle or request an escort.
• Lock your room door when sleeping. Always lock your door.
• Never prop open exterior doors to academic buildings or residence halls. A door propped open may be an invitation to a criminal.
• On campus, Desk Workers are assigned in residence halls. Comply with the rules, show ID, and sign in visitors. Never allow anyone other than your guests to enter the residence hall with you or allow anyone to follow you into a building after swiping in.
• Call the Department of Campus Safety or notify the Resident Assistant if there is an un-escorted guest in a residence hall.
• Never hitchhike and do not pick up hitchhikers.
• When driving, lock your doors and keep windows rolled partially up whenever possible. Always check the rear seat before entering your automobile.
• Never dress in front of a window. Draw blinds or curtains after dark. If you live on the ground floor, call the Department of Campus Safety immediately if you believe there may be someone outside your window.
• Stay in well-lit areas, walk mid-point between curbs and buildings, away from alleys, entries, and bushes.
• Stay near people. Avoid short-cuts through parks, vacant lots and alleys.
• Carry only necessary credit cards, money and ID.
• Do not stop to give directions or other information to strangers.
• If you are followed, act suspicious. Keep looking behind you and you may discourage the follower.
• If someone is following you on foot, cross the street, change directions, vary your pace, or proceed to a more public area.
• If you are followed by someone in a car, turn around and walk in the opposite direction. If they persist, record the license number and call the police.
• If you must carry a purse or handbag, keep it close to your body. This will minimize the chances of theft.
• If you purse is snatched, don’t fight. Turn it over, rather than risk personal injury. Report the incident.
• Keep an accurate inventory of your possessions. Engraving tools may be borrowed from the Department of Campus Safety for inscribing your driver’s license number.
• If you return to your residence and suspect that it has been illegally entered, do not enter. Call the Department of Campus Safety.
• Always keep your keys in your possession. Never place them under mats, over doors, or in any other obvious “hiding” places.
• If someone asks for permission to enter your residence and you don’t know the person, do not permit entry. If someone you know tries to enter a building behind you, or asks to go past the security checkpoint with you for any reason, respond with an emphatic “NO!” By using good judgment, you can help insure your own safety and that of others.
• If you see a suspicious person in a corridor or lounge, or if someone knocks on your door to solicit, call the Department of Campus Safety or your Resident Assistant. Never confront or ignore a stranger.
• In a residence, screaming could sound like horseplay. In an emergency, be specific by shouting, “Help,” “Police,” or “Fire.” In all activities, use common sense and be conscious of your surroundings. Don’t ignore hazardous situations and don’t create them for others.

• Participate in an educational program offered by the Department of Campus Safety such as Rape Aggression Defense (R.A.D.).

• Report lost or stolen College ID Cards to the Department of Campus Safety immediately. College ID cards should be deactivated immediately from the flex card website (http://www.ycp.edu/flex/) so that the card is disabled. Once found or replaced, cards may be reactivated at the flex card website.

What Can I Do To Protect My Property?

Residence halls are especially rich targets for thieves. Students often have easily moveable, salable items and can be careless about securing them.

LOCK YOUR DOOR WHENEVER YOU LEAVE YOUR ROOM. Ninety-five percent of all the room thefts reported to Department of Campus Safety occurred when a room was left open. A few simple common sense crime prevention habits can save you a lot of grief and money:

• Do not leave expensive valuables exposed on desks or dressers.
• Do not leave keys exposed while showering.
• Do not sleep with your door unlocked. Always lock your door.
• If you are on the first floor be sure to close and lock all windows when you leave the room.
• Do not leave notes on your door advertising your absence or when you will return.
• Call Campus Safety if you notice a suspicious stranger in your hall. All York College employees and students are required to carry IDs. Student security officers wear gray and black uniforms. Campus Police Officers wear black uniforms with identifying badges and patches.
• Inventory personal possessions making a record of make, model, and serial number on the items. You may borrow an engraver from Campus Safety to mark your possessions with your driver’s license number. The Crime Prevention officer will be in the residence halls at the beginning of each semester with an engraver.
• Take valuables such as stereos, computers, and jewelry home with you at break times.
• In libraries, recreational facilities, classrooms, and dining halls, property such as textbooks, book bags, and purses should never be left unattended. To facilitate recovering stolen textbooks, you should mark the inside cover with your name and address and mark one or more pages with your initials or other markings known only to you. Report book thefts to Campus Safety immediately.
• When using lockers in recreational areas always secure your property by locking the locker. Do not leave the locker unsecured while showering or exercising. If possible, avoid keeping money or valuables in lockers.

How Do I Learn More About Personal Safety?

The Department of Campus Safety presents a mandatory safety seminar during the new student orientation. During the first week of classes each semester, the Department of Campus Safety conducts “Safety Week”. During this time a crime prevention display is set up in the lobby of the student union and officers are on hand to engrave items, hand out crime prevention information and answer questions. During the semester the department offers crime prevention programs and Rape Aggression Defense (R.A.D.) training. Campus Safety will post crime prevention tips and articles on the campus portal from time to time.

Students who have concerns or questions can always stop by the Department of Campus Safety Office and talk with the director or an officer during office hours, or call Ext. 1403.

What Is Operation ID?

Operation ID is a national crime prevention program designed to prevent property from being stolen and assists in identifying property that is stolen. At the beginning of each semester the York College Crime Prevention officer will come to each resident’s room and engrave personal property with the owner’s driver’s license.
number. A dual record of what was engraved will be made for the owner and for the Department of Campus Safety files. An engraver may be borrowed from the Department of Campus Safety Office at any time. Please fill out and return the last page of this booklet.

What If I Become A Victim Of Crime?

Every effort will be made by York College’s Student Affairs Department and the Department of Campus Safety to support and assist anyone who has been affected by a criminal act. The College has many resources to assist you and can provide referrals to assistance agencies in the area.

How Do I Contact Campus Safety?

Campus Safety can be contacted 24 hours a day.

<table>
<thead>
<tr>
<th>By Campus Phone</th>
<th>Off Campus or By Cellular Phone</th>
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<tbody>
<tr>
<td>For Routine Business – Ext. 1403</td>
<td>For Routine Business – 717.815.1403</td>
</tr>
<tr>
<td>Emergencies or calls for service – Ext. 1314</td>
<td>EMERGENCIES ONLY, call 717-815-1314 or 9-1-1.</td>
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</tbody>
</table>

By Call Box

Press the button and you will be connected to the campus dispatcher.

By Email

campussafety@ycp.edu

Office Location

Manor Northeast lobby. The office is open from 8 a.m. to 5 p.m., Monday through Friday.

How Do I Request An Escort On Campus?

You can request a walking escort by contacting the Department of Campus Safety by phone, using the LiveSafe app, or activating a call box. The College operates a shuttle that transports students around campus from 7:30 a.m. to 1:30 a.m. Monday through Wednesday and 7:30 a.m. to 2:30 a.m. on Friday, Saturday and Sunday. The shuttle picks up and drops off at Wolf Hall, the foot bridge, Spring Garden Apartments, the Richland Hall parking lot, Grantley Hall, Northside Commons, and the Grumbacher Sport and Fitness Center.

Can I Get An Escort Off Campus?

York College Department of Campus Safety personnel cannot perform escorts off campus.

All students are encouraged to walk with a “buddy” or have someone drive them when they go off campus to visit friends. If you must walk off campus alone, call ahead to your destination so they can be expecting you and follow the common sense self-protection steps. Students who have downloaded the LiveSafe app may also use the Safewalk feature to “virtually” escort a friend to their destination.

When Should I Call Campus Safety?

- For any emergency
- To report a crime
- To report a suspicious person
- To ask questions about parking regulations
- To request an escort on campus
You are discouraged from taking action yourself if you witness a crime being committed. You should contact the Department of Campus Safety immediately and inform them of the situation, be able to give a location, description of the person(s), direction of travel and a license plate number if appropriate.

Students are encouraged to be an extra set of eyes for the Campus Safety Department. Officers cannot be everywhere but with the active support and vigilance of all members of the College community, we can make the campus a safer place. Remember, Department of Campus Safety can’t react if they don’t know about it. If you see a crime, report it!

**What If I Have A Compliment or Complaint About A Campus Safety Officer?**

Any compliments or complaints about York College Campus Safety officers should be brought to the attention of the on-duty supervisor or the Director of Campus Safety. A formal employee complaint process exists and all reports will be thoroughly and fairly investigated. All complainants will be notified of the outcome of the investigation.

**Are Campus Police Officers Real Police?**

There are twelve Campus Police Officers who are sworn special officers under Title 22, section 501 of the Pennsylvania Code. They have law enforcement authority on all College property including the power to arrest. Generally, minor incidents involving students will be handled through the campus judicial system. In the rare instance of a violent crime or felony level offense, law enforcement action may be necessary.

The student security officers do not have authority to arrest. However, they are authorized to enforce all College policies and regulations and can make disciplinary referrals to the Dean of Student Affairs. All students must show identification to ALL Campus Safety personnel upon request.
IMPORTANT TELEPHONE NUMBERS AND EMAIL ADDRESSES

EMERGENCY
9.1.1 for local police, EMS, or fire department OR 717.815.1314 for Campus Safety

NON-EMERGENCY
Ext. 1403 or 717-815-1403 from off campus

**Director of Campus Safety**
Edward A. Bruder
717-815-1951
ebruder@ycp.edu

**Lieutenant Tim Langletz**
717.815.1496
tlanglet@ycp.edu

**Spring Garden Township Police**
717.843.0851

**York City Police**
717.846.1234

**Grantley Fire and EMS**
717.843.4112 or
717.845.4114

**York Hospital**
717.851.2345

**Crisis Intervention**
717.845.2718

**YWCA Victim Services Center**
(24 Hours)
1.800.422.3204

Submit Anonymous Tips

SPARTANS WATCH
bit.ly/SpartansWatch
campussafety@ycp.edu
717.815.1314