



Wilkes University

Mesa, Arizona Branch
Annual Security and Fire Safety Report
Calendar Year Jan. 1, 2017 - Dec. 31, 2017

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Accessibility to Information and Non-discrimination Statement

Wilkes University is committed to providing a welcoming environment for all members of our community and to ensuring that all educational and employment decisions are based on individuals' abilities and qualifications.

Wilkes University prohibits discrimination in its educational programs, employment, admissions or any activities on the basis of race, color, national or ethnic origin, age, religion, disability, pregnancy, gender, gender identity and/or expression, sexual orientation, marital or family status, military or veteran status, genetic information, or any other characteristic protected under applicable federal, state or local laws. Discriminatory conduct including sexual harassment and other sexual misconduct or violence such as rape, sexual assault, sexual exploitation and coercion will not be tolerated.

Consistent with this principle, Wilkes University will comply with state and federal laws such as the Pennsylvania Human Relations Act or other applicable state law, Title IX, Title VI and Title VII of the Civil Rights Act, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Ethnic Intimidation Act of 1982 (P.L. 537-154) and other laws that prohibit discrimination.

Any member of the Wilkes University community has the right to raise concerns or make a complaint regarding discrimination under this policy without fear of retaliation. Inquiries about this policy statement may be addressed to the University's Title IX coordinator. Anonymous complaints may also be made by clicking here.

TITLE IX COORDINATOR
Mrs. Samantha Hart
10 East South Street
Wilkes-Barre, PA 18766
570-408-3842
samantha.hart@wilkes.edu

Letter from the Director of Public Safety



The Department of Public Safety and the Mesa Police Department work collaboratively at Wilkes University to bring safety and security awareness to the forefront of your daily activities because a safe and secure environment requires a commitment from all community members at all times.

Consistent with our mission, vision, and strategy, we are committed to promoting involvement in all aspects of campus safety. Students, faculty, staff, guests and visitors have the right to expect our campus to be a safe environment for them to live, learn, teach and work.

We ask that you commit to the significant responsibility that you share for your personal safety and the safety of those around you by finding time to review the crime prevention and crime awareness information contained in our Annual Security and Fire Safety Report.

On behalf of the entire Public Safety team, we thank you for making a difference.

Chief Christopher J. Jagoe
Director
Department of Public Safety

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IMPORTANT PHONE NUMBERS

EMERGENCY: CALL 911

What is a 911 emergency?

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

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

Non-emergencies

Mesa Police Dept480-644-2211
Mesa Fire Dispatch.....480-644-2400

Local Hospitals

Banner Desert Medical.....480-412-3000
Banner Baywood Medical480-321-2000
Banner Heart Hospital.....480-854-5000

Victim Services

Victim Assistance Program.....480-644-4075
 After Hours:.....480-644-2211
AZ Sexual Assault Network.....602-258-1195

Mesa Offices

Executive Director of Wilkes-Mesa, AZ570-408-4716
Admissions.....480-878-4407
Enrollment480-878-4314

Other Resources

National Domestic Violence Hotline800-799-7233
Women's Resource Center.....800-257-5765

VAWA and CAMPUS SaVE REQUIREMENTS

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

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

Under section 304(b) of VAWA, the changes made by the new law "take effect with respect to the annual security report . . . prepared by an institution of higher education one calendar year after the date of enactment" of VAWA. Thus, the first Annual Security Report that must include the new required information is the report that must be issued by each institution by October 1st. This report would include crime statistics from calendar years 2015, 2016, and 2017. These crime statistics are also reported to the Department of Education through the web-based data collection by October 1, 2017.

TITLE IX

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

Title IX Coordinator

Mrs. Samantha Hart
10 East South Street
Wilkes-Barre, PA 18766
Phone: 570-408-3842
samantha.hart@wilkes.edu

Deputy Title IX Coordinator

Philip J. Ruthkosky, Ph.D.
Associate Dean of Student Affairs
Office of Student Affairs
2nd Floor Passan Hall
Wilkes-Barre, PA 18766
Phone: 570-408-4108
philip.ruthkosky@wilkes.edu

Deputy Title IX Coordinator

Mrs. Kristin Pitarra
Human Resources Director
Human Resources Office
10 East South Street
Wilkes-Barre, PA 18766
Phone: 570-408-2034
kristin.pitarra@wilkes.edu

PREPARATION AND DISCLOSURE OF CRIME STATISTICS

The Department of Public Safety, located in Wilkes-Barre, Pa., prepares, publishes, and distributes this annual report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The "Clery Act"). The information contained in this publication is compiled in cooperation with the Department of Public Safety, the Executive Director of Wilkes-Mesa, Az., the Offices of Student Affairs, Residence Life, Facilities Services, Human Resources, Risk & Compliance, the Office of Title IX, Campus Security Authorities, and the Mesa Police Department. Each office/department/agency above is requested via email or written letter, to provide updated crime statistics and information on their educational efforts and programs to comply with the Clery Act.

In addition to Federal and State compliance, this report serves several other purposes:

- Shows how the University reports, investigates and handles crime and fire emergency situations on or near University property;
- Advises the University community of the many University resources that are available to assist it in emergencies;

- Provides tips to mitigate threats to the safety of the University community;
- Provides other safety and security information to the University community so that informed decisions may be made.

By October 1 of each year, the Department of Public Safety distributes an e-mail notification to all current students, faculty, and staff providing an electronic copy of the report along with a web link to access the report. Anyone, including prospective students and employees may obtain a written paper copy of the report at:

- The Mesa Center for Higher Education, 245 W. Second Street, Mesa, Az.
- The Department of Public Safety, 148 South Main Street, Wilkes-Barre, Pa.

Prospective students receive information about the Clery Act via an email notification regarding the submission of an application to the University. The notice is sent to the email address provided on the prospective students' application.

Prospective and new employees are notified about the Clery Act via the Wilkes University Human Resources jobs website: <http://wilkesuniversitycareers.applicantpro.com/jobs>. A notification statement and link to this report is available at the bottom of the page.

The current Annual Security and Fire Safety Report available on the Department of Public Safety website: www.wilkes.edu/safetyreport. You may also request a copy mailed to you by calling 570-408-4999.

ABOUT THE DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety in Wilkes-Barre, Pa., acts as a resource for administration and community in the Mesa Center for Higher Education. Wilkes University does not maintain its own police force or security department at the Mesa Center for Higher Education. Wilkes Mesa relies upon local police departments and sheriff's offices for law enforcement.

Law Enforcement Authority & Interagency Cooperation

The staff at the Mesa Center for Education and the Wilkes-Barre Department of Public Safety work closely with the local Mesa Police Department and Fire Departments. All emergencies, crime, fires, and suspicious activity are immediately reported to 911. While there is no written Memorandum of Understanding between Wilkes University and the Mesa Police Department, the administrative staff at the Mesa Center for Education have established strong contacts with the local police department who respond to all emergencies at the center.

Monitoring & Reporting Criminal Activity at Off-Campus Locations

When a Wilkes University student or employee is involved in an off-campus offense, the Mesa Police Department should be notified by calling 911. In general, prospective students, employees and visitors to the Mesa Center for Higher Education should know that, as with any community, criminal activity occasionally occurs both on- and off-campus, and it is important to take reasonable precautions at all times.

Crime Log

Wilkes University's Mesa Branch does not maintain a police or security department, thus maintaining a crime log is not required. Information regarding local criminal activity can be obtained through the Mesa Police Department, 130 N. Robson, Mesa, AZ 85201

REPORTING CRIMINAL ACTIVITY OR OTHER EMERGENCIES

Wilkes University encourages accurate and prompt reporting of all crimes to the appropriate police agencies when the victim of a crime elects to, or is unable to, make such a report. Primary responsibility for responding to such reports rests with local police jurisdictions and a designated individual at each campus. Please report crimes at specific campuses to the local police

and University Campus Safety Authorities identified in this report. **In any emergency, call 911.**

Whether you are a victim or a witness, you have the responsibility to report crime. If a crime occurs on or around campus, report it immediately to the Mesa Police Department.

- Emergencies: call 911
- Non-emergencies: call (480) 644-2211

Students, faculty, and staff may also utilize the Public Safety application called Wilkes Shield. This safety app includes features like emergency calling capability, FriendWatch, iReports, and access to various campus resources throughout the University. The iReport feature allows users to submit safety reports directly from the application to the Department of Public Safety Communications Center. iReports can also be submitted anonymously if the user chooses.

Response to Calls

Wilkes University community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents in a timely manner. Crimes should be reported to the Mesa Police Department by calling 911. Community members may also notify the Department of Public Safety, the Office of Student Affairs, or a Campus Security Authority to ensure inclusion in the annual crime statistics, and to aid in providing timely warning notices to the community, when appropriate.

Voluntary, Confidential Reporting

Individuals wishing to report a criminal incident, whether a victim, witness, or third party, reports may be made in confidence to the following offices where further options will be discussed with the reporting party. With your request, the Department of Public Safety will file a report on the details of the incident without revealing your identity. The purpose of this confidential report is to respect your desire to keep the incident confidential, while taking steps to ensure the safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and included in the Annual Security Report. Please note that reports of sexual violence and other violations that may be sex- or gender-based will always be reported to the University's Title IX Coordinator and cannot be held in confidence.

In addition, you may confidentially report a crime to the following areas:

Campus Advisory Reporting Extension (CARE)	570-408-2273
Health & Wellness Services	570-408-4734

Confidential Counselors are available through Health and Wellness Services to discuss harassment issues on a confidential basis. Because of the confidential nature of the counselor/patient relationship, seeking advice from a confidential counselor does not constitute reporting an incident.

Anonymous Reporting

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

Behavioral Threat Assessment Procedures

Wilkes University strives to maintain an environment that is safe from any kind of threats to the community. This requires a proactive community approach to behavioral threat assessment. If you feel that a member of the campus community (student, staff, or faculty) presents behavior or language that appears

threatening to the health and safety of himself/herself or others you should do the following:

- If the threat is imminent call 911. (ex. – you see a campus community member walking in the parking lot with a weapon)
- If you are uncertain about the immediacy of the threat, contact Public Safety. (ex. – a campus community member tells you that he saw another campus community member with a weapon)
- If the threat is viewed as less than imminent, please contact Paul Adams, Vice President for Student Affairs at 570-408-4114, who serves as the University's point of contact for the Behavioral Intervention Team. (ex. - a student writes something on his/her social media site that could be perceived as a threat to a member of the campus community)
- If you wish to report threatening behavior and want to remain anonymous, you can call the CARE line at 570-408-2273.

When a potential threat is reported to the point of contact (Vice-President for Student Affairs) he will determine the level of urgency and either refer the problem to the appropriate University professionals to resolve (non-urgent) or assemble the Behavioral Intervention Team (members include: Director of Public Safety; Campus Counselor; and one of the following based on the nature of the threat: Provost (faculty); functional Vice-President (staff); or Student Affairs representative (students). Other professionals may be included depending on the nature of the potential threat. The Behavioral Intervention Team will gather enough information to make an informed and timely decision to resolve the potential threat. Anyone who reports a potential threat will receive follow up information from the point of contact.

Once the potential threat has been assessed the appropriate action will be taken guided by University policy (i.e. – emergency action plan, student discipline process, involuntary suspension policy, etc.).

The Behavioral Threat Assessment Process is in place to proactively intervene before concerning behavior poses a real threat to the campus community. For it to be effective all campus community members should error on the side of caution and report concerns to the appropriate campus resources.



SECURITY AWARENESS, CRIME PREVENTION AND EDUCATION

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

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

The Campus Advisory Reporting Extension or "C.A.R.E." is a program designed to allow students to phone in anonymous information regarding safety and security concerns (e.g. potentially dangerous situations, suspected criminal activity, etc.) both on campus and in the community. If making the report dial 570-408-CARE (2273). All calls will be fielded by a digital answering machine, which will not be able to identify the incoming caller's extension or phone number. Each message received will be handled by the Department of Public Safety in Wilkes-Barre, Pa. Additionally, each message will be logged and given its due attention and follow-up.

EMERGENCY RESPONSE PLAN

Emergency preparedness is managed at Wilkes University under the guidelines established in the Emergency Action Plan (EAP).

The EAP is intended to establish policies, procedures, and organizational structure for response to emergencies that are of sufficient magnitude to cause a significant disruption of the functioning of all or portions of the University. The EAP describes the roles and responsibilities of departments, support units, and personnel during emergency situations. The basic emergency procedures are designed to protect lives and property through effective use of University and community resources. Since an emergency may be sudden and without warning, these procedures are designed to be flexible in order to accommodate contingencies of various types and magnitudes.

The University, through the EAP, intends to accomplish the following priorities during an emergency situation:

1. Protection of human life
2. Support of health and safety services
3. Protection of college assets
4. Maintenance of college services
5. Assessment of damages
6. Restoration of general campus operations

The EAP was developed and put into action in the spring of 2009. The EAP documents the readiness of the University Community's response in an all-hazards approach to emergency management and provide information for emergency responders to manage a crisis event as it unfolds.

The EAP is subordinate to federal, state, or local plans during a disaster declaration by those authorities. The EAP is consistent with established practices relating to coordination of emergency response. Accordingly, the EAP incorporates the use of the Incident Command System (ICS) to facilitate interagency coordination, promote the use of common emergency response terminology and command structure, and facilitate the flow of information between responding agencies.

The University's desk reference for emergency preparedness is available for download at www.wilkes.edu/about-wilkes/offices-and-administration/office-of-risk-management-and-compliance/Wilkes%20University%20-%20Emergency%20Preparedness%20Desk%20Reference%20.pdf.

Assessment of Emergency Plans

The University conducts regularly scheduled drills, exercises and appropriate follow-through activities designed for assessment and evaluation of emergency plans and capabilities. These include table top exercises, field exercises and tests of the emergency notification systems on campus. Emergency response and evacuation procedures are tested on an annual basis. Each test is documented by the Department of Public Safety and Risk & Compliance Management, including the date, time and whether it was announced or unannounced. Emergency response and evacuation procedures are publicized in conjunction with at least one test per calendar year.

CAMPUS SECURITY AUTHORITIES (CSA)

A Campus Security Authority (CSA) is an individual who is an official of the institution that has significant responsibility for student and campus activities, including but not limited to:

- Student Housing
- Student Discipline
- Campus Judicial Proceedings
- Directors of Athletics and team coaches
- Faculty Advisor to a student group
- Dean of Students overseeing Student Housing, a Student Center or student extracurricular activities
- Student Resident Assistant (RA) or a Graduate Assistant (RD) who monitors access to resident halls
- Physicians in the Health Services Center

The following individual is a CSA in the Mesa branch:

- Executive Director, Mesa Branch 570-408-4716

What is the role of a CSA?

CSAs are required to report all crimes reported to them, on a timely basis, to the Department of Public Safety. However, under the Clery Act, CSAs are only obligated to report Clery Act qualifying crimes which occurred on campus, in public areas bordering campus and in certain non-campus buildings owned or controlled (leased) by the University. If the reported crime is made in good faith, meaning that there is reasonable basis for believing that the information is not rumor or hearsay, then the crime is Clery reportable. CSAs should only report those crimes that have not been previously reported to the Department of Public Safety or another University CSA. The intent of including non-law enforcement personnel in the CSA role is to acknowledge that some community members and students in particular, may be hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.

Who is not a CSA?

The following non-CSA positions / functions include but are not limited to: faculty member without responsibility for student and campus activity beyond the classroom; physicians/nurses in Student Health and Wellness who only provide care for students; clerical or administrative support staff; cafeteria staff; facilities maintenance staff; information technology staff, licensed mental health or pastoral counselors, when acting within the scope of their license or certificate; and other like functions.

In accordance with the Clery Act regulations, Campus "Professional Counselors", when acting as such, are not considered to be a Campus Security Authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. Campus Counseling is a part of the Health and Wellness Services, and provides on-campus, confidential assessment and counseling for Wilkes University students that are experiencing personal problems. The counselors are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary, confidential basis for inclusion into the annual crime statistics.

CAMPUS SECURITY POLICIES AND PROCEDURES

All policies and procedures in this report are maintained in the Undergraduate and Graduate Student Handbooks. The Student Handbook is designed to provide Wilkes students with an overview of the University — its people, programs, policies, and procedures. The Handbook and other University publications provide significant information all students should know, and students are responsible for the information and regulations outlined within. The Student Handbook is published by the Office of Student Affairs, Wilkes-Barre, Pa.

Timely Warnings

Wilkes University's Department of Public Safety is responsible for developing and distributing Timely Warning messages when a Clery Act crime is reported

within the University's Clery Geography, and is determined to constitute a serious or continuing threat to the University community. These messages are intended to warn the community about certain crimes and notify it of potentially dangerous situations on or near campus. These messages inform community members about incidents that may pose an ongoing threat and provide information to promote safety and prevent similar crimes. The decision to issue a Timely Warning is based on the following criteria:

- one of the following crimes are reported to the Department of Public Safety;
 - Criminal Homicide
 - Sex Offenses
 - Robbery
 - Aggravated Assault
 - Burglaries (occupied rooms/offices/structures)
 - Hate Crimes
 - Persons with weapons with intent to use
 - Threat of violent crime
 - Situations where suspect is not known
 - Assault (physical or sexual)
- the perpetrator(s) have not been apprehended; and
- there is a substantial risk to the safety of other members of the campus community because of this crime.

A Timely Warning is sent to notify students and employees when it is determined that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on, or in some cases near campus. That Timely Warning to the campus community may contain only the information that is reasonably necessary to promote the safety of the campus community as dictated by the situation. These warnings and notifications can be delivered via two main platforms: e-mail and SMS text messaging.

Anyone with information warranting a timely warning should report the circumstances to the Public Safety Office, by phone (570) 408-4999 or to the Executive Director in the Mesa Center for Higher Education - (570) 408-4716.

Emergency Notifications

Wilkes University maintains an emergency notification system called Wilkes Alert, that allows the University to quickly notify the campus community of critical information during an emergency. This system will be used only for emergency communication and not for general information or advertisements. Wilkes University's Department of Public Safety has overall responsibility for alerting the appropriate parties of an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the University community. The Director of Public Safety, or designee, is authorized to an emergency notification.

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus, the Director of Public Safety (or designee) quickly evaluates the situation to determine if an alert is warranted, then develops the content of the notification message and determines the appropriate segment or segments of the campus community who will receive the notification.

Generally, the University's Public Safety officers are the first responders to become aware of emergency situations through reports to the local police dispatch office or during routine patrol or other assignments. Once an emergency has been confirmed by the Department of Public Safety, and it is deemed necessary to warn the university community of an impending threat or emergency situation, the Department of Public Safety shall do so without undue delay and taking into account the safety of the community through the emergency notification process. Based on the initial report and information obtained from other appropriate entities, the University Incident Commander will declare the level of the emergency.

The content of the alert will be developed using the most current and

confirmed information about the incident. In situations where an imminent threat is present, the Director of Public Safety (or designee) has the ability and authority to issue an alert without further consultation with any other University official. The University has developed a range of written template messages addressing many types of emergency situations. The individual authorizing the alert will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the present incident. In those cases, where there are no predetermined template messages in the system, the individual authorizing the alert will develop a succinct message to convey the appropriate information to the community. The goal is to ensure individuals are aware of the situation and that they know the steps to take to safeguard their personal and the community's safety. Messages are typically composed of predetermined text that requires minor modification (e.g., address). When circumstance requires a custom message, the ranking Department of Public Safety Officer is authorized create message content.

In an effort to provide for the rapid transmission of critical information in the event of an emergency, the University utilizes the Wilkes Alert system to send text messages to each registered cell phone and email address. Students, faculty and staff must register a cell phone number that has a texting plan enabled. Cell phone numbers and other personal information will not be shared with anyone. The University also uses its website to provide current and continuous updates acting as a central reference point for accurate information. This method is useful for those both on and off-campus communications.

Emergency notifications are not activated if in the professional judgment of the responsible authorities such a notification would compromise efforts to resolve the emergency. Once it is determined to send the notification, the proper message is selected from several pre-scripted messages and sent to the appropriate audience. A notification can only be sent by one of several dispatchers who are trained by the Department of Public Safety.

Should the need occur to notify the City of Mesa and the surrounding neighborhoods of an emergency at the University, the Office of Marketing and Communication will be responsible for sharing this information with appropriate city officials and neighborhoods. The Office of Marketing Communications, in collaboration with the Department of Public Safety, will post information to the following web page (www.wilkes.edu/alert). This link will be included in the text messages, emails and social media posts. The web page will contain important information that the community will need to know to stay safe, seek help, or learn about the status of the emergency. Wilkes University's emergency telephone hotline (570-408-7667) will also be updated and will refer people to this web page. The webpage and the telephone hotline will be updated when new information is available.

The University President will determine if (and when) an official statement should be prepared and released. If warranted, they will also develop answers to specific questions that may be asked by the media. All media calls will be directed to the Office of Marketing Communications or the Director of Communications.

Building Security & Access Policy

During normal business hours (8:30 a.m. to 4:30 p.m.), the Mesa Center for Higher Education will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all university facilities is by key, if issued, limited access card swipe, or by admittance via the on-site administrative staff. In the case of periods of extended closing, only those with prior written approval will be admitted into the facility.

Emergencies may necessitate changes or alterations to posted schedules. Areas that are revealed as problematic have security surveys conducted of them by members of the on-site administrative staff. Recommended improvements to help ensure the campus environment is as free of risk as possible, will be submitted to the University's Administration for consideration.

Missing Student Notification and Procedures

Wilkes University has no security department or police force at the Mesa, AZ branch. All missing student reports must be referred immediately to the local law enforcement agency that has jurisdiction in the area:

Mesa Police Department 480-644-2211

In accordance with the Higher Education Act of 2008, and in addition to registering a general emergency contact, all resident students have the opportunity to confidentially register an individual to be contacted in the event the student is determined missing for more than 24 hours. A student who wishes to identify a confidential contact can do so at any time by visiting the student portal page and clicking "Update Emergency Contacts". This contact information will be accessible only by authorized campus officials in the offices of Residence Life, Student Affairs, and Public Safety, and will not be disclosed except to law enforcement personnel in furtherance of a missing student investigation.

Reports of missing students should also be made to the Department of Public Safety at 570-408-4999. Reports of missing students who live off-campus should typically be made to the law enforcement agency in that jurisdiction. No waiting period exists for the Department of Public Safety to document information and report an individual as missing. The Department of Public Safety will ensure all reasonable and necessary investigation, notification, dissemination of information, coordination of resources and searches are conducted to resolve missing person cases.

Wilkes University will ensure:

- The listed missing person emergency contact, if registered, is contacted within 24 hours by Wilkes, a representative of the Office of Student Affairs, and is made aware of the missing student's status.
- If the student is under 18 years of age and not emancipated, Wilkes will notify the custodial parent or legal guardian and any other designated contact within 24 hours of the student being determined missing.

After investigating a missing person report, should the Department of Public Safety determine that the student has been missing for 24 hours, the University will notify the Mesa 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, the University will notify the student's parent or legal guardian immediately after the Department of Public Safety has determined that the student has been missing for 24 hours.

Firearms and Dangerous Weapons Policy

The possession or use of firearms, deadly weapons, or explosives or explosive substances on University property by unauthorized persons is strictly forbidden. CO₂ and spring-propelled guns are also prohibited.

Those who have a permit to carry a concealed firearm may not bring the firearm on campus or to University-sponsored events held off campus. Only authorized law enforcement personnel may possess a firearm while on University property.

Whistleblower Protection & Anti-Retaliation Policy

In accordance with the Higher Education Opportunity Act (Public Law 110-315) enacted into law August 14, 2008, Wilkes University establishes safeguards and protections for "whistleblowers" by prohibiting any retaliatory action against any individuals that "witness or suspect violations of laws, regulations, policies, procedures and/or standards." The University also prohibits any form of retaliation against whistleblowers, including but not limited to threats, verbal or physical abuse, harassment or any adverse employment, academic or educational consequence.

Whistleblower reports are handled with sensitivity and discretion, and will be treated confidentially to the extent allowed by the circumstances and the law. Normally, the University will only share information related to the report on a

need to know basis for the purpose of conducting a thorough and effective investigation.

Anti-Hazing Policy

Wilkes University does not condone hazing of any kind. Hazing, as defined by Pennsylvania State Law is as follows:

Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher education. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

This policy applies to all University organizations, groups and individuals and is equally applicable on and off campus.

Any alleged act of hazing brought to the attention of University officials will be fully investigated and those individuals and/or groups accused will be brought before the University's Student Affairs Cabinet for adjudication.

Anyone found in violation of the Hazing Policy will be subject to disciplinary action. The severity of the sanctions will depend on the circumstances surrounding the violation. Disciplinary action by the University will be in addition to any penalties imposed by civil authorities for violations of state law.

DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM

University regulations have consistently supported and recognized the concerns expressed in recent legislation regarding drug-free campuses and workplaces. Alcohol abuse and the use of illicit substances and drugs constitute obvious hazards to health, safety, and well-being and destroy one's ability to function in a productive and contributory fashion. Policies have been developed and adopted by the University that strictly prohibit the use, possession and/or supplying of illicit substances not only on our property, but in the larger community as well.

Wilkes University certifies its compliance with The Drug-Free Workplace Act (41 USCA 701), The Drug-Free Schools and Communities Act of 1989 (DFSCA) and their implementing criteria, the Drug and Alcohol Abuse Prevention Regulations (EDGAR Part 86). The University notifies all students and employees annually and in writing (via email) of the following information: (1) standards of conduct; (2) possible legal sanctions and penalties; (3) statements of the health risks associated with Alcohol/Drug abuse; (4) the University's Alcohol/Drug programs available to students, staff, and faculty; and (5) disciplinary sanctions for violations of the standards of conduct.

The Drug and Alcohol Abuse Prevention Program serves to further Wilkes University's mission by fostering an environment that encourages lifelong learning; enhances personal growth and provides support for each individual's overall health and well-being. Members of our campus community are responsible for their own actions and expected to respect the rights of others to

participate freely in all university activities. In the spirit of individual and shared responsibility, the University has adopted the following policies and practices to help shape healthy and informed decision making and maintain a caring and supportive learning environment.

For more information about the University's Drug and Alcohol Abuse Prevention Program and the Drug-Free Schools and Communities Act of 1989 (DFSCA), visit the following webpage: www.wilkes.edu/campus-life/student-affairs/drug-and-alcohol-prevention.aspx

Alcoholic Beverage Policy

The goals of the Wilkes University Alcoholic Beverage Policy include protection of health and safety of students, the preservation of an environment conducive to scholarship, as well as positive social interaction, the protection of personal and University property, and the prevention of abusive behaviors related to alcohol consumption.

The possession, sale or the furnishing of alcohol on the University campus is governed by the University Alcoholic Beverage Policy and Arizona state liquor laws. Laws regarding the possession, sale, consumption or furnishing of alcohol is controlled by the Arizona Department of Liquor Licenses and Control. The University cooperates fully with law enforcement agencies in support of these regulations.

Wilkes University does not encourage the use of alcoholic beverages by students. The University respects the rights of individuals who are 21 years old who decide to use alcoholic beverages, but is greatly concerned about the misuse and abuse of alcohol. Students of legal age who choose to drink must drink responsibly. Arizona State law (A.R.S. § 4-241.) prohibits the consumption, possession or purchase of alcohol by anyone under the age of 21. It is also unlawful to sell, furnish or provide alcohol to a person under the age of 21.

Violators of University alcohol/drug policies or State law are subject to University disciplinary action, criminal prosecution, fine and imprisonment. Anyone who purchases, consumes, possesses or transports alcoholic beverages while being under the age of 21 can be charged with a summary offense. Penalties upon conviction of a first offense can include fines up to \$300 and will involve the suspension of driving privileges for 90 days. Anyone found to be furnishing alcohol to minors can be charged with a misdemeanor offense. Penalties upon conviction can include fines of no less than \$1,000.

Illicit Drugs Policy

Wilkes University is opposed to the use of any illicit substances. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment.

Additionally, any misuse and/or abuse of prescription or over-the-counter medications will not be tolerated. Any drugs, or drug combination (legal or illegal), deemed by the University to be detrimental to the health and safety of community members are not allowed on campus. This would include, but is not limited to: synthetic cannabinoids (synthetic marijuana), mephedrone (street name "bath salts"), and party powders. Possession of drug paraphernalia is also illegal, particularly when there is evidence of drug use. Students who are charged with possession, use, transfer, or sale of these substances will be subject to disciplinary action that may result in penalty charges, suspension, or dismissal from the University independent of any external legal action.

Wilkes University is committed to maintaining a drug free workplace and regularly informs all employees about policies and available assistance with respect to drug and alcohol issues. Additionally, the Office of Human Resources co-sponsors an annual health fair open to all employees where dozens of community resources are available to raise awareness regarding a myriad of issues. Finally, staff and faculty are welcome to attend and participate in all student sponsored drug and alcohol programs and most

extra-curricular activities.

Substance Abuse Education Programs

MyStudentBody.com is a comprehensive approach to reducing the risk of drug and alcohol abuse and sexual violence among college students. MyStudentBody.com engages students and parents in effective, evidence-based prevention and gives administrators the data to target, evaluate, and strengthen prevention initiatives. Every incoming, first year student is required to complete the MyStudentBody.com program within the allotted timeframe. An email is sent to each student at the beginning of the school year with directions to participate. Failure to successfully complete the program will result in a \$100 penalty charge and required participation in a Choices alcohol education class.

Employees are required to adhere to the University's Drug-Free Workplace Policy which strictly prohibits the unlawful manufacture, distribution, dispensation, sale, possession or use of drugs by its employees in the workplace. Those who violate these policies may be subject to disciplinary procedures or may be required to participate in alcohol or other drug rehabilitation programs. In support of this policy, the University has available through the Employee Assistance Program (EAP) and the Counseling Center, therapeutic education and referrals to appropriate therapy programs dealing with drug abuse. The Human Resources department, as well as individual departments, will refer faculty and staff to the EAP or the Counseling Center. Student employees will be referred to the Counseling Center. The EAP or Counseling Center will make referrals for treatment as appropriate. An employee may be given the opportunity to choose between corrective action, which may include termination or professional intervention, diagnosis, and/or treatment.

Wilkes University and the Employee Assistance Program offer information on drug abuse assistance programs, individual counseling and referrals, and periodic educational programs on the dangers of drug abuse and managing drug related problems. Further information regarding these programs and services can be obtained from the EAP by calling 570-823-5144, or contacting Health and Wellness Services which has extensive resource materials and which sponsors many educational seminars, lectures and other events which are designed to increase drug and alcohol awareness among members of the University community.

SEXUAL MISCONDUCT POLICY AND PROCEDURES

Sexual misconduct in any form is prohibited by and will not be tolerated at Wilkes University. By University policy, sexual misconduct includes sexual assault, dating violence, domestic violence and stalking, as those terms are defined by applicable federal and state law. These acts constitute the deepest affront to University standards and will not be tolerated in any form. The University has in place: programs to educate the campus community regarding prevention and issues surrounding sexual misconduct; training programs for staff and faculty to provide student victims with direction for assistance; conduct policies and procedures to adjudicate cases involving sexual misconduct; and, most importantly, support systems for victims.

Prohibited Conduct

Sexual Harassment and Sexual Misconduct offenses include, but are not limited to:

Sexual Harassment: Any unwelcome sexual or gender-based conduct such as sexual advances (verbal or physical), requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- (1) submitting to or participating in the conduct is either explicitly or implicitly a term or condition of an individual's employment or educational achievement; or
- (2) the conduct interferes with or is intended to interfere with work or education; or
- (3) if the conduct creates an intimidating, hostile or offensive educational or work environment. A single instance of sexual misconduct may be sufficiently severe to create a hostile learning environment.

Sexual Assault: defined as any non-consensual attempted or completed sexual contact and/or intercourse. Sexual Assault consists of (1) Non-Consensual Sexual Intercourse and (2) Non-Consensual Sexual Contact.

(1) Non-Consensual Sexual Intercourse - A person commits sexual assault when that person engages in sexual intercourse with a complainant without the complainant's consent. This includes the penetration of the vagina or anus of another individual with any body part or object without consent, or makes oral penetration with a sex organ without consent.

(2) Non-Consensual Sexual Contact - Includes the deliberate touching of a person's intimate parts (including genitalia, groin, breast or buttocks), or using force to cause a person to touch his or her own or another person's intimate parts.

Sexual Exploitation: Conduct that exploits another person in a sexual and non-consensual way, including but not limited to a visual or auditory recording of sexual activity that is made without explicit consent; sharing such a recording without explicit consent; exposure of one's body in an indecent manner; inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity; allowing others to view sexual activities without the consent of all the participants; and voyeurism (observing the naked bodies or sexual acts of others, especially from a secret vantage point without consent).

Intimate Partner Violence: Includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate Partner Violence may include any form of the prohibited conduct under this Policy.

Stalking: A course of conduct or repeatedly committed acts or communications toward another person, including following the person without proper authority under circumstances which demonstrate either an intent to place the other person in reasonable fear of bodily harm or causing substantial emotional distress.

Examples: unwelcome and persistent electronic messages, phone calls, gifts, and other forms of observation.

Retaliation: acts or attempts to retaliate or seek retribution against anyone involved in or connected to an allegation and/or resolution of sexual harassment or sexual misconduct.

Definitions Specific to the Sexual Misconduct Policy

Accused: An individual(s) who has been named by a complainant to have allegedly committed an act of sexual misconduct; otherwise referred to as respondent or responding party.

Administrative Committee on Sexual Misconduct: The primary adjudicating body that hears cases involving sexual misconduct.

Complainant: An individual(s), whether it be an alleged victim or witness to sexual misconduct, who reports an incident to University officials resulting in an investigation and adjudication. A complainant may come from outside of the University.

Complicity: Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of prohibited conduct under this Policy by another person.

Consent: Words or actions that demonstrate an affirmative and voluntary agreement to engage in a sexual activity. Consenting persons act freely and demonstrate a knowledge and understanding that they are engaging in a sexual activity.

• No response or lack of a response is NOT sufficient to be considered consent.

- An individual's failure to protest or resist is NOT considered consent.
- A current or previous sexual relationship is NOT sufficient to constitute consent.
- An individual who is incapacitated (see definition provided below) CANNOT give consent.
- An individual who says yes to a sexual activity due to coercion or intimidation is NOT considered to have given consent.
- Any condition on consent imposed by a consenting party must be respected, or the interaction may not be considered consensual.

Example: Consent to engage in one form of sexual activity does not imply consent to engage in any other sexual activity.

Dating Violence: Controlling, abusive, and/or aggressive behavior in a romantic relationship typically used to exert power and control over a dating partner. This includes verbal, psychological/emotional, physical, or sexual abuse, or a combination. It may occur in person or electronically; in a gay or straight relationship; between a current or former dating partner.

Examples of controlling behavior include: attempts to control what you wear, where you are, whom you are with, and what you are doing. Verbal and emotional abuse may include: name calling, belittling, and threats. Aggressive physical or sexual abuse ranges from: slapping, kicking, or choking, to unwanted touching or kissing, forced sex or other sexual acts, and/or not allowing the use of birth control.

Dean of Students: Considers appeal requests and grants an appeal hearing based on specified criteria.

Designated Hearing Officer: The official in charge of convening and leading a sexual misconduct hearing and notifying parties of the outcome of a hearing.

Domestic Violence: is defined as one or more of the following acts (including the attempt to commit one or more of the following acts) between family or household members, or protected persons*:

- bodily injury, rape, or incest
- putting a protected person in reasonable fear of immediate, serious bodily injury
- false imprisonment
- physical or sexual abuse of a child, and
- other actions that repeatedly put a protected person in reasonable fear of serious bodily injury, such as stalking or harassment.

*"household members" include individuals who live (or have lived) with the complainant. However, despite the term "household member," the complainant does not actually need to reside in the same house as the abuser for the abuser to qualify as a "household member." For example, a protected person could be a sibling who does not live with the complainant as well as a former or current sexual partner that never lived with the complainant.

Formal Resolution: Process designed to eliminate any hostile environment, prevent its recurrence and remedy its effects. This process is utilized to resolve allegations of sex discrimination that cannot be resolved informally (voluntary resolution) and includes a fair, impartial and thorough investigation and hearing.

Gender-based harassment: Any act of verbal or non-verbal aggression, intimidation, stalking or hostility based on gender stereotyping. As with sexual harassment, the conduct exhibited must interfere with a person's work or education (see sexual harassment definition).

Hostile Environment: A hostile environment is created when sexual harassment is:

- severe; or
- persistent or pervasive; and

- objectively offensive, such that it: unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the University's educational or employment programs.

Incapacitation: The physical and/or mental inability for individuals to make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g. to understand the "who, what, when, where, why or how" of their sexual interaction). Incapacitation is a state beyond drunkenness or intoxication when an individual is under the influence of drugs or alcohol to the degree that judgment is significantly impaired.

Example: In evaluating consent in cases of alleged incapacitation, the University asks two questions: (1) Did the person initiating sexual activity know that the other party was incapacitated? and if not, (2) Should a sober, reasonable person in the same situation have known that the other party was incapacitated? If the answer to either of these questions is "YES," consent was absent and the conduct is likely a violation of this policy.

Investigator: Once the decision is made to commence an investigation of a report of sexual harassment and/or violence, the Title IX Coordinator, in consultation with the Deputy Title IX Coordinator, will appoint an investigator(s) (typically a team of two) from the University's pool of trained investigators and/or a trained outside investigator to conduct an investigation.

Respondent: an individual(s) who has been named by a complainant to have allegedly committed an act of sexual misconduct.

Sexual Misconduct: A broad term which includes non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, partner violence, dating violence, domestic violence, stalking and any other behavior of a sexual nature that is non-consensual and used for the purpose of coercing, intimidating or threatening another person. Sexual misconduct can occur between people of the opposite sex or people of the same sex.

Sexual Misconduct Review Team: Although a report of sexual misconduct may come in through many sources, the report will be promptly referred to a Sexual Misconduct Review Team ("SMRT") to ensure consistent application of this Policy and Procedures to all individuals and allow the University to respond promptly and equitably to eliminate harassment, prevent its recurrence and remedy its effects.

Members of this interdepartmental Sexual Misconduct Review Team may include: (1) the Title IX Coordinator (facilitator); (2) the Deputy Title IX Coordinator for Students (and/or Deputy Title IX Coordinator for faculty/staff depending on the circumstances reported and the status of the complainant and the respondent); (3) the Director of Public Safety (or other designated representative); and (4) the Vice President for Student Affairs or the Provost (or other University administrators deemed necessary depending on the circumstances).

In addition to meeting to discuss a report made under this Policy, the SMRT will meet periodically at pre-determined times to stay abreast of the current campus culture and address patterns, issues and concerns that may arise.

Title IX: A federal law that prohibits sex-based discrimination in education programs and activities at public and private educational institutions that receive federal assistance. Sexual harassment, including sexual violence, is a form of sex discrimination that is covered under Title IX.

Title IX Coordinator: The person, specially trained, and responsible for oversight of University policies and practices related to sexual harassment and sexual violence.

The Deputy Title IX Coordinator assists in providing oversight for the Student Conduct Process for Sexual Misconduct and also serves as the Associate Dean for Student Development.

University Judicial Council (UJC): The adjudicating body that considers appeals of Sexual Misconduct case decisions. The option for an appeal is available to both complainant and respondent.

Victim: Any person who is subject to sexual harassment, sexual misconduct, sexual assault, or other prohibited conduct under this Policy; otherwise referred to as complainant or reporting party.

Voluntary Resolution: An informal resolution process that may include mediation and an agreed upon outcome by all parties and the University. Allegations that are violent in nature, including but not limited to sexual assault, cannot be resolved utilizing the voluntary resolution process.

Sexual Assault Educational and Prevention Programs

As part of the Wilkes University community, students and employees are provided with programming that highlights the University's prohibition of sexual assault, stalking, dating and domestic. We are committed to the prevention of sexual misconduct through education and awareness. Upon enrollment to the University, students are provided with an in-person training session during Welcome Weekend. This session is conducted by the local Victim's Resource Center prevention outreach and education specialist and it promotes awareness of dating violence, domestic violence, sexual assault, and stalking while also providing information on risk reduction to recognize warning signs of abusive behavior.

Bystander Intervention:

Additionally, students are provided with in-person bystander intervention training ("Colonel's Don't Stand By") during their first semester. This training includes a video and discussion format in which various intervention techniques and skills are explored by the students through a peer facilitated program.

"Colonel's Don't Stand By" educates on safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking.

For instance, bystander intervention includes recognizing situations of potential harm, understanding cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Our programming includes tangible examples, such as:

- (1) Confronting people who seclude, hit on, or try to engage in sexual activity with people who are incapacitated;
- (2) Ways to distract an individual who may become involved in a risky situation;
- (3) Speaking up against someone bragging or joking about taking sexual advantage of another person;
- (4) Refer friends or others to on or off-campus resources for support in health, counseling, or with law enforcement; and
- (5) Watching out for friends.

Furthermore, bystander intervention education teaches information on risk reduction. Risk reduction includes options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Employee-Specific Training:

Likewise, as part of the new-employee employment paperwork, staff and faculty are provided with a two-part online training through United Educators which is entitled "Prevent Discrimination and Harassment Together," and "Prevent Sexual Violence Together." This training educates employees on how to recognize and respond to sexual misconduct including sexual assault, stalking, dating and domestic violence. Moreover, this training, coupled with a written resource guide provided to all employees, assists them in understanding institutional reporting requirements and identifying safe and effective bystander intervention options.

Red Flag Campaign:

A Red Flag Campaign is implemented during the spring semester and targets the entire University community to highlight warning signs of intimate partner violence, stalking, sexual exploitation, and sexual assault. This program educates on “red flags” in abusive relationships and teaches individuals how to recognize those signs in their own relationship or the relationships of their friends. Most importantly, the campaign encourages the members of our community to take steps to reduce risk and safely intervene.

The Red Flag Campaign programming encourages our community to recognize the following warning signs of abusive behavior:

- (1) Being afraid of your partner;
- (2) Constantly watching what you say to avoid a “blow up;”
- (3) Feelings of low self-worth and helplessness about your relationship;
- (4) Feeling isolated from family or friends because of your relationship;
- (5) Hiding bruises or other injuries from family or friends;
- (6) Being prevented from working, studying, going home, and/or using technology (including your cell phone);
- (7) Being monitored by your partner at home, work or school; and
- (8) Being forced to do things you don’t want to do.

Reducing Risks:

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

1. Get help by contacting the Title IX Coordinator or Health and Wellness Service Center for support services;
2. Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners;
3. Consider making a report with the Office of Public safety;
4. Consider reaching out to the Title IX Coordinator to ask for a “no contact” directive from the University to prevent future contact;
5. Consider getting a protection from abuse order or no contact order from a local judge;
6. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported;
7. Trust your instincts—if something doesn’t feel right in a relationship, speak up or end it.

The following are prevention and training programs and campaigns that are continuously offered, which includes programming intended to end sexual assault, dating violence, domestic violence, and stalking and address bystander intervention:

1. Training programs on how to recognize and appropriately report allegations of sexual harassment and sexual misconduct to those who may meet students in crisis situations or serve in an advisory or adjudicating capacity, such as resident assistants, Title IX officers, public safety officers, first-year student mentors, department supervisors, student affairs emergency on-call staff, and members of the Administrative Committee on Sexual Misconduct and Judicial Council.
2. An online, health-education and self-assessment program administered to all incoming first-year students, which addresses their choices related to drugs and alcohol along with the connection between alcohol/drug use and sexual violence.
3. A mandatory Welcome Weekend workshop on sexual harassment and violence presented by the Victim’s Resource Center of Wilkes-Barre, Pa.
4. A Red Flag Campaign in the spring semester that is a community-wide awareness initiative designed to highlight the red flags of dating violence, domestic violence, stalking, sexual exploitation and sexual assault; and encourages our community members to speak up when they recognize these warning signs.
5. A written sexual harassment and violence brochure disseminated to all first-year students and explained in depth to all victims when they make a report. In addition to highlighting the support and reporting

options, this brochure explicitly directs students in the importance of preserving evidence; where and whom to report alleged offenses; options for assistance in reporting to local law enforcement; the institution’s authority to issue “no-contact” orders (and assistance in obtaining a protection from abuse or sexual violence order from the court); and the choice to request or deny notification to law enforcement authorities.

6. A sexual harassment and violence resource guide disseminated to all faculty and staff. This written guide informs employees on their reporting responsibilities; whom allegations should be reported to; how to respond to reports of sexual misconduct; confidential and off-campus reporting options; and support resources offered by the institution.
7. On duty uniformed Public Safety Officers, 24 hours a day/7 days a week.
8. A Bystander Intervention program designed to provide students with the skills and confidence to intervene safely and effectively when witness to situations where individuals may be at risk of sexual violence.
9. An emergency on-duty Student Affairs professional, 24 hours a day/7 days a week.
10. A “Safe Escort” from a Public Safety officer anywhere on campus from dusk until dawn.
11. An emergency community notification system comprised of several communication methods including, text messaging, printed fliers, and the Wilkes Portal.
12. A mobile device application to communicate directly with Public Safety and receive campus safety alerts sent directly to your phone.
13. An anonymous support line to provide counseling resources to students: 570-408-CHAT (2428).
14. Self-Defense Awareness & Familiarization Exchange (S.A.F.E.) – a voluntary educational awareness program designed to provide basic self-defense skills along with information to reduce the risk of sexual violence.

Staff Responsibilities and Contact Information

Role of Staff and Faculty: “Responsible Employee”

All faculty and staff members who do not work within the Health and Wellness Services Office are designated by Wilkes University as “responsible employees.” Title IX requires all responsible employees “who know or reasonably should know of possible sexual violence” to report the information to the appropriate designated officials.

Responsible employees who become aware of an alleged episode of sexual misconduct are obligated to report all of the relevant facts pertaining to the incident (including names, dates, times, and locations) to the Title IX Coordinator, or a Deputy Title IX Coordinator. Once an incident is reported, confidentiality will be respected based on the reporting party’s wishes, however, there may be situations when confidentiality cannot be guaranteed depending on the nature of the incident and potential threat to the campus community.

Role of Health and Wellness Services Staff: “Confidential Employee”

Employees who work in the Health and Wellness Service Center, which include Campus Counselors, are designated as “confidential employees.” These individuals, when acting in their role as clinical and/or mental-health professionals, or other related support for such health care providers, will not disclose information about prohibited conduct under this Policy to the University’s Title IX office, without a student’s permission.

Role of the Dean of Students:

The Dean of Students (or designee) will, upon request of an appeal, determine if there is merit for an appeal of a sexual misconduct decision to be granted. If there is merit to the appeal, based on established criteria, the Dean will notify all parties involved as to their respective responsibilities in the process and provide required notification of outcomes.

Role of the Assistant Vice President & Chief Human Resources Officer:

The Assistant Vice President & Chief Human Resources Officer in conjunction and cooperation with the Title IX Coordinator will investigate employee related cases; inform the complainant (alleged victim) and respondent (accused) of

rights and processes; prepare all documents relative to the case; and notify involved parties of the outcome of the investigation. A designee will serve in this role in the Assistant Vice President & Chief Human Resources Officer's absence.

Role of other University Officials:

Various other individuals employed by the University are continuously trained to assist in the processing and adjudication of this Policy and Procedures. These roles entail investigating reports of sexual harassment or sexual misconduct, serving on the Administrative Committee for Sexual Misconduct (hearing panel), and the University Judicial Council (appeal board). Individuals who serve in any of these roles receive annual training that is a combination of online and in-person and focuses on how to conduct investigations, hearings, and issue sanctions that protects the safety of the complainant/university community, and promotes accountability.

Role of Title IX Coordinator:

The Title IX Coordinator has ultimate oversight responsibility over all Title IX complaints. The Deputy Coordinator will provide direct guidance and supervision in allegations of sexual harassment and sexual misconduct involving students. More specifically, the responsibilities of the Deputy Coordinator are as follows:

- Be available to meet with student and employee complainants and those individuals who are accused of sexual harassment and violence as needed to discuss the University's grievance procedures and support services.
- Review all evidence and administrative notes pertaining to reports of sexual harassment and violence involving students and closely monitor all investigations and conduct proceedings to ensure a fair and comprehensive process.
 - Note: The Title IX Coordinator and Deputy Coordinator do not have any job responsibilities that would create a conflict of interest in cases brought to a student conduct hearing.
- Create educational materials and training programs on sexual harassment and violence for dissemination to the campus community.

The Title IX Coordinator acts with independence and authority free of conflicts of interest. To raise any concern involving a conflict of interest/bias by the Title IX Coordinator, contact the Special Assistant to the President, External Affairs. To raise concerns regarding a potential conflict of interest/bias with any other administrator involved in the Sexual Misconduct Policy and Procedures (investigators, hearing panel members, Designated Hearing Officer, Deputy Title IX Coordinator etc.), please contact the Title IX Coordinator. If it is determined that the individual cannot perform their responsibilities fairly and impartially, they will be recused on the basis of demonstrated bias and/or conflict of interest.

MAKING A REPORT OF SEXUAL MISCONDUCT

Reports of sexual misconduct, including dating violence, domestic violence, sexual assault and stalking are to be reported to the Department of Public Safety, the Office of Student Affairs or Human Resources. There is no time limit with regard to reporting; however, complainants are encouraged to proceed as quickly as possible. Evidence, witnesses, and even the accused may not be available after a period of time.

Reporting the incident to local law enforcement and campus authorities is up to the victim, but is strongly encouraged. If the victim requests, a University staff member will assist the victim in notifying law enforcement authorities. The victim may also choose to decline to notify law enforcement as well as campus authorities. If additional counseling services (beyond those identified below) are requested, the University will assist in identifying off-campus counseling or mental health services.

Victims will:

- Have their complaints taken seriously, subject to a full and prompt

investigation as required by civil rights laws and University authorities, policy and procedures;

- Have access to legal assistance and representation as also allowed by the accused;
- Have cooperation from campus personnel in the collection of evidence;
- Have access to independently obtained counseling services;
- Be entitled to changes in academic and living environments; and
- Not be subject to pressure from University and/or police authorities.
- Receive a written explanation of all rights and notifications.

Reports of sexual misconduct can be reported as follows:

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

A. Emergency Services and Immediate Care

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

- Get yourself or the alleged victim to a safe place as soon as possible;
- Seek immediate medical attention;
- Call 911;
- Notify the Public Safety Office at 570-408-4999, Human Resources at 570-408-2034; Title IX Coordinator at 570-408-3842;
- File a report with the Office of Public Safety Office, Human Resources, or the Title IX Coordinator.
- Preserve any evidence (paper bags are best). Once a feeling of safety is achieved, every effort to save anything that might contain the offender's DNA. Therefore, a victim should not:
 - Bathe or shower
 - Use the restroom
 - Change clothes
 - Comb hair
 - Clean up the crime scene
 - Move anything the offender may have touched

After an incident of sexual assault, it is important to seek medical attention as soon as possible. The hospital is trained through SANE (sexual assault nurse examiner) nurses to conduct specific forensic exams of sexual assault victims. In Pennsylvania, forensic evidence may be collected even if a victim chooses not to make a report to law enforcement. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University investigators; hearing panels; or the Office of Public Safety. Victims of sexual assault, domestic violence, stalking and dating violence are also encouraged to preserve physical and medical evidence as may be necessary for the proof of criminal domestic violence, dating violence, sexual assault or stalking charges or in obtaining a protection order.

B. Report to the University

Reports of sexual harassment, including sexual misconduct can be reported to the Title IX Coordinator or Deputy Coordinator, the Department of Public Safety, the Office of Student Affairs or the Office of Human Resources. There is no time limit with regard to reporting; however, reporting parties are

encouraged to proceed as quickly as possible. Evidence, witnesses, and even the responding party may not be available after a period of time.

- Online Anonymous Reporting

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

- Confidentiality

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

Additionally, the University maintains confidentiality consistent with the complainant's wishes when issuing accommodations and protective measures by only notifying those individuals on campus that have a legitimate educational interest in the information or on a need-to-know basis to uphold the accommodations. Moreover, when confidentiality is requested, non-identifying information is provided for purposes of Clery Act reporting. All publicly available record-keeping maintained per Clery is without the inclusion of personally identifiable information.

Students who wish to seek confidential on-campus support may contact a professional staff member in the University's Health and Wellness Services Office located on the first floor of Passan Hall (Wilkes-Barre) at 570-408-4730.

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

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

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

Students and employees may also seek confidential counseling off-campus at:

The Center for Prevention of Abuse
800-559-7233

- Amnesty

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

complainants or witnesses for personal consumption of drugs or alcohol where such disclosures are made in connection with a good faith report or investigation related to a sexual misconduct incident.

- Statement Against Retaliation

Retaliation against a person who files a complaint or participates in an investigation is prohibited by University policy, and by state and federal law. Any type of retaliation against the complainant, the respondent (other than discipline that may be imposed by this policy), witnesses, members and others associated with the process will be considered a conduct violation.

C. Report to the Police

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

- Coordination with Law Enforcement

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

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

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

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

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

D. Filing A Complaint with the Office of Civil Rights

The Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972, which prohibits sex discrimination in programs or activities that receive federal financial assistance from the Department of Education.

Individuals who believe they were discriminated against on the basis of race, color, national origin, sex, disability, or age can file a complaint with the Office of Civil Rights at the information provided below:

Mail or Facsimile:

Office for Civil Rights,
Philadelphia Office
U.S. Department of Education
The Wanamaker Building

100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
Facsimile: 215-656-8605
Email: OCR.Philadelphia@ed.gov

Online: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

For more information on OCR's grievance procedures, please visit their website at: <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Resources and Support Services

Wilkes University offers in writing and explained in more detail verbally, support services for students and employees which include, but are not limited to the following:

- Accompaniment to the hospital for medical care (if desired).
- Access to ongoing information including criminal and University policy options as well as support and advice from campus and/or off-campus counselors. (Please note that information shared with campus and off campus counselors is confidential; however, alleged sexual misconduct cases brought to the attention of the University through non-confidential sources must be addressed and/or investigated. Efforts will be made to honor confidentiality but cannot be guaranteed.)
- Students who wish to seek confidential on-campus support may contact a professional staff member in the University's Health and Wellness Services Office located on the first floor of Passan Hall. Phone: 570-408-4730.
- Students may utilize an after-hours support line, 570-408-CHAT (2428), to access counselors who will provide support for individuals who may be experiencing any mental health issue as well as emergency situations.
- Access to the Employee Assistance Program.
- Students & Employees may also seek confidential counseling off campus at:

Victim Assistance Program	480-644-4075
After Hours:	480-644-2211
Arizona Sexual Assault Network	602-258-1195
- Assistance in reporting the incident to the local police department (if desired).
- Assistance on how to obtain a Protection from Abuse or Sexual Violence Protection Order.
- Accommodations to minimize contact with the alleged assailant.
- Protection from retaliation. Retaliation against a person who files a complaint or participates in an investigation is prohibited by University policy, and by state and federal law.
- A full explanation of the investigation and adjudication process (including timelines, hearing procedures, and the appeals process).
- Changes to academic, living, transportation, and working situations, such as changing residence hall rooms, changing work offices/spaces, alternative transportation options, adjustment to course schedules, or a leave of absence. Requests for such changes should be made to the Title IX Coordinator; Deputy Title IX Coordinator for Students; or Deputy Title IX Coordinator for Employees accordingly. This information is provided to students and employees in writing through resource guides (brochures) distributed via email.
- Access to a Title IX Coordinator. The Title IX Coordinator will serve as an impartial observer to assist students, faculty and staff with any questions or concerns that they may have beginning from the time immediately following the alleged assault, through the investigation and to the outcome of hearings and appeals.
- Assistance with financial aid.
- Assistance in seeking legal assistance within the community.
- Assistance in seeking relevant information on visa and/or immigration status.

Interim Protective Measures

Upon receipt of a report of sexual harassment or sexual misconduct, the University notifies all victims via written resource guides that the institution may implement reasonable and appropriate interim measures to protect the parties involved and reduce further risk for members of the campus community. These remedies are intended to redress harm and are available regardless of whether the victim chooses to report the allegations to law enforcement or move forward in the University's formal process. Interim measures may be imposed at any time, regardless of whether formal disciplinary action is sought or has been issued.

Examples of such measures explained and provided to the victim in writing include the following:

Students:

- Academic accommodations
- Alternative transportation or working arrangements
- Referral to counseling and/or medical services
- Referral to campus and community support resources
- No-contact orders – orders governed solely by the University that direct students to refrain from contacting one another directly, electronically, or by third parties. When possible, the University endeavors to limit the burden on the victim in issuing no-contact orders. To request a University-issued no contact directive, individuals may contact the Title IX Coordinator, (570-408-3842 or samantha.hart@wilkes.edu) or the Office of Student Affairs located on the 2nd Floor of Passan Hall.
- Arranging for escorts .

Furthermore, the University may interim suspend a student or student organization pending the completion of an investigation initiated under the Sexual Misconduct Policy and Procedures, particularly when in the judgement of University administration, the safety or well-being of any member(s) of the campus community may be at risk by the presence on-campus of the responding party or the ongoing activity of a student organization whose behavior is in question.

In all cases in which interim suspension is imposed by an appropriate University official, the student or student organization will be given the option to meet with the Sexual Misconduct Review Team ("SMRT") prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The SMRT (in consultation with the administrator who imposed the interim suspension) has the discretion to implement or stay an interim suspension and to determine its conditions and duration.

During interim suspension, a student may be denied access to all campus locations or events. However, at the discretion of the SMRT, alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.

When implementing interim measures, the University will seek to minimize the burden on the victim. The Office of Student Affairs (or other designated official) will work in conjunction with other University offices to accommodate necessary interim measures as described above.

Employees:

- Imposition of a No-Contact Directive against an employee or student (i.e., an order directing one or both of the parties to refrain from contacting the other, directly or through proxies);
- Arranging a meeting with police to discuss or report Prohibited Conduct and/or safety planning;
- Providing contact information for available counseling services;
- Providing contact information for available medical and mental health services;
- Modifying an employee's work schedule and/or work location;
- Modifying an employee's parking privileges;

- Changing an employee's office phone number;
- Assistance in enforcement of protective orders in an employee's work environment;
- Imposing an Interim Disciplinary Suspension and/or predisciplinary leave, with or without pay, on the responding party, pending resolution of the matter;
- Any other measures that may be arranged by the University (to the extent reasonably available) to ensure the safety and well-being of an employee who has been affected by Prohibited Conduct;
- Assistance in seeking legal assistance within the community;
- Assistance in seeking relevant information on visa and/or immigration status.

Arizona Protective Orders

In Mesa, Az. there are two types of Protection Orders: an Order of Protection and an Injunction Against Harassment. Both types are initiated by filing a petition at the Mesa Municipal Court, 250 E 1st Avenue Mesa, AZ 85210. Court staff will provide the appropriate petition forms at no charge. The person filing the Petition is called the PLAINTIFF. The person against whom the order is requested is called the DEFENDANT. There is no fee to file a Petition for an Order of Protection or an Injunction Prohibiting Harassment. The Petition forms are filled out and given to the Court staff. The plaintiff will see the judge right after the Petition is filed.

If the judge grants the Petition and issues an Order of Protection or an Injunction Prohibiting Harassment, the Order will be effective when the defendant is served with a copy of the Order. There are fees to serve the defendant only for Injunctions Prohibiting Harassment when there was not a dating relationship between the parties. The judge may waive or defer these fees.

The Order must be served within one (1) year of issuance and is valid for one year from the date the defendant is served a copy of the Order.

Order of Protection (ARS 13-3602)

There are specific criteria which must be met for an Order of Protection to be issued. For the judge to issue an order, there must be reasonable cause to believe the defendant has committed or may commit an act of domestic violence.

Domestic Violence (ARS 13-3601)

For Victim services: Mesa Family Advocacy Center (480-644-4075)

An act of domestic violence includes:

- any act which is a dangerous crime against a child under fifteen
- recklessly endangering another person with a substantial risk of imminent death or physical injury.
- threatening or intimidating by word or conduct
- assault and aggravated assault
- custodial interference
- unlawful imprisonment
- kidnapping
- trespass in the first, second, or third degree
- criminal damage
- disorderly conduct
- harassment
- stalking
- interfering with judicial proceedings
- suspicious photographing, videotaping, filming or digitally recording
- use of telephone terrify, intimidate, threaten, harass, annoy or offend
- child or vulnerable adult abuse

Relationship of the Parties

An Order of Protection is used for a "family" relationship between you and the Defendant. To obtain an Order of Protection one of the following must apply:

1. Married now or in the past.
2. Live together now or lived together in the past.

3. Parent of a child in common.
4. One of you is pregnant by the other.
5. You are a relative (parent, in-law, brother, sister, or grandparent).
6. Current or previous romantic or sexual relationship. Also, you must state how an act of domestic violence was threatened or committed against you within the last year.

If one of these six relationships do not apply to your circumstances then an Injunction Prohibiting Harassment may be appropriate.

Third Party Request

If a person is either temporarily or permanently unable to personally request an order, a third party may make the request on behalf of the plaintiff.

Where to file

Any person may file a Petition in any Justice Court, Municipal Court or Superior Court in the state. Court staff will provide assistance and provide the appropriate form for filing the Petition for an Order of Protection. There is no fee for the forms or for filing the Petition. If there is an action for maternity, paternity, annulment, legal separation or dissolution of marriage pending between the parties, The Petition must be filed in the Superior Court.

Possible Orders

If the judge issues an Order of Protection, the judge may order:

- the defendant to not commit an act of domestic violence
- one party the use and exclusive possession of the parties' residence
- the defendant to not contact the plaintiff or other designated persons
- the defendant to not go near the residence, place of employment or school of the plaintiff or other designated person
- the defendant to not possess or purchase a firearm for the duration of the order
- relief necessary for the protection of the plaintiff and other designated persons

Emergency Orders

If an emergency exists and an Order of Protection is required during hours the court is closed, contact the local police department.

Injunction Against Harassment (ARS 12-1809)

There are specific criteria which must be met for an Injunction Against Harassment to be issued. For the judge to issue an order, there must be evidence of harassment during the past year or that irreparable harm to the plaintiff would result if the order is not issued.

Definition of Harassment

Harassment is defined as: A series of acts over any period of time that is directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms, annoys and harasses the person and serves no legitimate purpose.

Third Party

If a person is either temporarily or permanently unable to personally request an Injunction, a third party may make the request on behalf of the plaintiff.

Injunction Against Workplace Harassment is a civil order issued to protect employees at an employer's place of business. Only an employer or an authorized agent of an employer may file an injunction prohibiting workplace harassment.

Where to file

Any person may file a petition in any Justice Court, Municipal Court or Superior Court in the state. Court staff will provide assistance and provide the appropriate form for filing the Petition for an Injunction Against Harassment. There is no fee for the forms or to file the Petition.

Possible Orders

If the judge issues an Injunction Prohibiting Harassment, the judge may order:

- the defendant to not commit an act of harassment;
- the defendant to not contact the plaintiff or other designated persons;
- the defendant to not go near the residence, place of employment or school of the plaintiff or other designated persons;
- relief necessary for the protection of the plaintiff and other designated persons.

Effective Date of the Order/Injunction

When Is It Effective?

The Order is effective only after a copy of the order has been served on the defendant.

How Long Is It Effective?

An Order expires, one year from the date the defendant is served with a copy of the order.

An Order must be served within one year from the date it is issued. If the order is not served within one year from the date the order is issued, the order expires and cannot be served.

Modified Order

If the original Order is modified, the Order as modified is effective upon service and expires one year from the date the original order was served.

Service

Information you provide on the process server information sheet is used by the person who is serving the defendant with a copy of the order.

Service of the Protection Order must be completed by a licensed process server or law enforcement agency. There is no charge by law enforcement agencies to serve Orders of Protection. There is no charge by law enforcement agencies to serve Injunctions Prohibiting Harassment when the Court has found that a dating relationship existed.

There is a fee to serve Injunctions Prohibiting Harassment when no dating relationship existed. The Court may waive or defer this fee.

Request a Hearing

The defendant is entitled to request a hearing on the order.

Hearings are held within ten days of the request. If exclusive use of the home is included in the Order of Protection, the hearing will be held within five days of the request.

At the conclusion of the hearing, the judge will decide whether the order will remain in effect, be modified, or vacated.

Violation of the Order/Injunction

A peace officer may arrest a person for disobeying or resisting an Order of Protection or an Injunction Prohibiting Harassment.

Forms for Protection Orders

Court staff will provide the petition form free of charge at the Court, or you can download and print a copy below. The address and process server information sheets need to be completed in addition to the petition. All forms are included in the petition packet.

Students or employees may speak with the Mesa Police Department, the Department of Public Safety, the Title IX coordinator, the Office of Student Affairs, or Human Resources who can explain the process for seeking a protective order and can arrange for an escort to court house to initiate a petition seeking a protective order.

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

Wilkes University's disciplinary process provides a prompt, fair, and impartial investigation and resolution process. The proceedings are conducted by officials who receive annual in-person and online training on issues related to sexual assault, domestic violence, dating violence, and stalking, and how to conduct an investigation and to ensure a process that protects the safety of victims and promotes accountability. All investigations and subsequent findings as applicable use the "preponderance of the evidence standard," which means whether it is more likely than not that the conduct occurred.

To initiate a complaint, an individual can notify the Title IX Coordinator (University Towers Suite A); the Office of Student Affairs (Passan Hall); the office of Public Safety; or anonymously online here: www.wilkes.edu/campus-life/student-affairs/sexual-misconduct/gender-based-discrimination-and-harassment-reporting-form.aspx.

Procedures for Students

Review, Investigation and Resolution

Initial Assessment

Upon report of an alleged violation under this Policy by a student, the Sexual Misconduct Review Team ("SMRT") will meet to make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report.

Additionally, the SMRT will engage in a preliminary inquiry to review the report and seek to reach a resolution that will eliminate harassment, prevent its recurrence, and address its effects. The assessment will begin with a preliminary meeting between the complainant and appropriate member of the SMRT. In the course of this assessment, the University will consider the interest of the victim and the victim's expressed preference for manner of resolution: 1) Formal Investigation; 2) Voluntary Resolution or 3) Not moving forward. Where possible and supported by an assessment of the facts and circumstances, the University will seek action consistent with the victim's request.

As part of the initial assessment of the facts, the University will provide information to the victim regarding protection measures the institution can offer. Furthermore, the SMRT will:

- Address immediate physical safety and emotional well-being
- Assess the nature and circumstances of the report
- Discuss the victim's expressed preference for manner of resolution
- Notify the victim of the right to contact or decline to contact law enforcement if the conduct is criminal in nature, and if requested, assist them with notifying law enforcement
- Promptly notify the appropriate county agency if the University receives an allegation of sexual misconduct involving an individual who is under the age of 18
- Notify the victim of the availability of medical treatment to address physical and mental health concerns and to preserve evidence
- Enter the report into the University's crime log, if applicable, as required by the Clery Act
- Assess the reported conduct for the need for a timely warning under the Clery Act
- Provide the victim with information about on-and off-campus resources
- Notify the victim of the range of interim measures available
- Implement interim measures as necessary
- Provide the victim with an explanation of the procedural options, including voluntary resolution and formal resolution
- Inform the victim and responding party they may have a support person to assist them throughout the investigation and resolution of the complaint, and that the support person may accompany them to any meeting or proceeding under this Policy
- Assess for pattern evidence or other similar conduct by the responding party(ies)

- Explain the University's policy prohibiting retaliation

The University will make every reasonable effort to protect the confidentiality of the victim; however, confidentiality may be compromised if it is determined that an investigation should move forward based on several factors including but not limited to: the seriousness of the infraction; the victim's age; and whether there have been previous complaints about the responding party. Furthermore, the victim will be informed that the University's ability to respond will be limited when there is a request for the complaint to remain confidential. If the victim does not wish to move forward with a formal Sexual Misconduct Proceeding and/or requests confidentiality, Title IX may require the University to investigate and take reasonable action in response to the information.

If the victim decides to move forward with the complaint, and from the preliminary inquiry, the SMRT determines there is cause to proceed (i.e. there is reasonable cause to believe the sexual misconduct policy has been violated), the process will proceed to either a voluntary resolution or a formal investigation and hearing. The chosen resolution process will be utilized to determine whether the alleged sexual misconduct occurred and created a hostile environment, and to determine what actions the University will take to eliminate the hostile environment and prevent its recurrence.

At the conclusion of the preliminary review/inquiry, both the victim and the responding party will receive a notice of investigation or notice to engage in voluntary resolution, instructing each on how the complaint will proceed. The victim will be referred to as "complainant" and the responding party will be referred to as "respondent" during the resolution processes described below.

Voluntary Resolution

Voluntary resolution will be utilized only when the Title IX Coordinator in consultation with the Deputy Title IX Coordinator, has determined this is a suitable option for resolving the concern, and both the complainant and respondent agree to use this form of resolution. Reports of sexual assault cannot be resolved using this process.

Voluntary resolution is used where, based upon the prohibited conduct at issue, the likely outcome would not alter the student's status with the University. Voluntary Resolution may include mediation with a member of the Title IX team, Student Affairs, and/or Human Resources Department, and with the expectation of amicable and respectful discussion by all parties participating. The resolution achieved will be agreed upon by all parties and the University and is therefore not appealable.

If the parties are unable to agree on the outcomes of the voluntary resolution proceeding, any party may request that the matter be resolved through the Formal Investigation Process. Additionally, if one of the parties fails to comply with the terms of the Voluntary Resolution, the matter may be referred for a Formal Investigation Process. Any statements or disclosures made by the parties during the course of the Voluntary Resolution may be considered in a subsequent investigation and hearing.

Finally, all parties have the right to have an advisor present during all stages of a Voluntary Resolution. The same guidelines for advisors as described in the Formal Investigation process will apply.

Formal Investigation

After it is determined that the Formal Resolution Process will be applied, the Title IX Coordinator will notify an investigator (typically two) who will initiate the formal investigation. Investigators will be chosen from a pool of trained University employees or may be a trained outside investigator.

Both the respondent and complainant will be informed that each is allowed to be accompanied to all meetings, hearings, and interviews by an advisor of their choice. Advisors are allowed solely for the purpose of support and may not serve as representatives of the complainant or respondent. The advisor may

be any person including (but not limited to) a friend, mentor, family member, victim advocate, or attorney. All advisors are subject to the same campus rules. All advisors are expected to adhere to the same following guidelines:

- Advisors are only present to guide their advisee, not to represent them, speak for them, or play an active role of any kind in the process.
- Advisors should therefore not address campus officials in a meeting, interview, or hearing, unless invited to.
- During the course of a hearing, advisors are not allowed to cross examine or actively engage in the discussion.
- Advisors are permitted to speak with their advisee as necessary, privately or during campus meetings to fully perform their advising role.
- Advisors will typically be given an opportunity to meet (or discuss) in advance of any interview or hearing with University Administrators. All questions regarding the Sexual Misconduct Process should be addressed to the University Title IX Coordinator or Deputy Title IX Coordinator.

Both the complainant and the respondent will be asked to provide a written summary of the event. Both parties will also have an equal opportunity to provide a list of witnesses, along with contact information for the witnesses. Once the lists have been received, the investigators will begin to interview witnesses.

The information gathered by the investigators through interviews and written statements will become part of the Investigative Report. The parties will receive copies of this report and have an equal opportunity to review the draft report, to submit additional comments and information to the investigator, to identify any additional witnesses or physical evidence for the investigator to pursue, and to submit questions that they believe should be directed by the investigator to any witness.

Investigations will typically be completed within 30-45 calendar days, unless extenuating circumstances arise. These circumstances will be reviewed, documented, and any required extension of time will be approved by the Vice President of Student Affairs.

A final Investigative Report will be issued to both parties and the Administrative Committee on Sexual Misconduct preceding the hearing. This report will include, but not be limited to, written statements; notes from interviews with the complainant, the respondent and any witnesses; supporting documents and/or images such as text messages, photos, and reports filed with Public Safety.

Acceptance of Responsibility

The respondent may, at any time, elect to resolve the Formal Investigation Process by accepting responsibility for the prohibited conduct, in which case the Title IX Coordinator will refer the matter to the Administrative Committee on Sexual Misconduct to determine the appropriate sanction(s).

The Hearing

The hearing will take place before the Administrative Committee on Sexual Misconduct, a representative group trained in the areas of sexual misconduct and adjudication. A minimum of three (3) voting members of the Committee must be present to conduct a sexual misconduct hearing. The voting members may include staff members from the Office of Student Affairs, the Athletics Department, the Office of Student Development, Residence Life, the Center for Global Education and Diversity, University College, and faculty members.

A Designated Hearing Officer of the Administrative Committee on Sexual Misconduct will serve as the official in charge of convening and leading the hearing. The Designated Hearing Officer serves as a non-voting member of the process, but will be present throughout the hearing and deliberations to facilitate the hearing process.

Additionally, the Title IX Coordinator and/or the Deputy Title IX Coordinator serve as non-voting members, who attend sexual misconduct hearings to address procedural and policy questions.

The hearing will typically take place within sixty (60) calendar days of the initial decision to move forward with the formal resolution process, unless extenuating circumstances, as reviewed and approved by the Vice President of Student Affairs, requires an extension of time. Extenuating circumstances (events that will compromise the process unless an extension is given) will vary depending on the complexity of the investigation and the severity and extent of the alleged conduct. Any departure from timeframes that are designated in this Policy, will be communicated to both parties through periodic updates.

Both the complainant and the respondent will be given, at a minimum, at least five (5) calendar days' notice of the hearing. All parties will be informed that the proceedings will be audio recorded to be used for the appeals process. The parties may not record the proceedings and no other unauthorized recordings are permitted. It is an expectation that confidentiality among members of the Administrative Committee on Sexual Misconduct be maintained with regard to any and all aspects of the hearing.

The standard of proof used by the Administrative Committee on Sexual Misconduct in determining policy violations will be based on "preponderance of evidence," meaning that it is more likely than not the Policy violation occurred.

A typical hearing format will be as follows:

- A review of the hearing process and introduction of the Administrative Committee on Sexual Misconduct.
- The complainant and respondent are given an opportunity to offer commentary relative to the Investigative Report and each other's statement.
- The complainant and respondent are questioned by the Administrative Committee on Sexual Misconduct.
- Witnesses or the investigator may give testimony and are questioned by the Administrative Committee on Sexual Misconduct.
- The complainant gives a closing statement.
- The respondent gives a closing statement.
- All but the Committee are excused and deliberation begins.

The complainant and/or the respondent may request to participate via Skype or other electronic means. This allows for questioning without confrontation or additional distress. The complainant or the respondent must request this accommodation two (2) days prior to the hearing in order to allow adequate time to prepare the technology. Requests for accommodations that are not made within the two-day designated timeframe may result in a postponement of the hearing.

Both parties will have an equal opportunity to present witnesses at the hearing. Witnesses must have observed the conduct in question or have information relevant to the incident and cannot be called solely to speak about an individual's character. In general, neither party will be permitted to call as a witness anyone who was not interviewed by the investigator as part of the investigation.

The Administrative Committee on Sexual Misconduct will determine what information they need to make an informed decision on whether the Sexual Misconduct Policy was violated. Thus, the panel members may play an active role in questioning both parties and witnesses involved in the case.

At no time will the complainant or the respondent be permitted to directly question one another verbally or in written format. However, no later than forty-eight (48) hours prior to the hearing, each party may submit questions they would like the Designated Hearing Officer to consider asking the witnesses. These questions must be in writing and submitted to the Designated Hearing Officer, who will determine whether potential questions are irrelevant, duplicative, or otherwise inappropriate. Both parties will have an opportunity to address and comment on one another's testimony, as well as the testimony of all witnesses during their closing statements. All evidence and/or witness names that either the complainant or respondent intends to present at the hearing shall be provided, in writing, to the Designated Hearing Officer no later

than forty-eight (48) hours prior to the hearing.

The Designated Hearing Officer will determine time restrictions and questions of relevance, enforce rules prohibiting advisors from actively engaging in the discussion, and other procedural matters as required. Although formal rules of evidence do not apply, the Designated Hearing Officer may exclude irrelevant or immaterial evidence and may ask the hearing committee to disregard evidence lacking in credibility or that is improperly prejudicial.

The outcome of the hearing will be shared simultaneously, in writing, with both the respondent and the complainant within three to five (3-5) calendar days of the hearing.

If a responding party or an organization is found responsible by a majority of the Administrative Committee on Sexual Misconduct, the panel will impose appropriate sanctions. Sanctions levied against a student who has violated the Sexual Misconduct Policy will vary according to the severity of the action as more fully described in the Sanctions section below.

Both the respondent and the complainant have the right of appeal. Appeals must be submitted, in writing, to the Dean of Students within five (5) academic days of notification in accordance with the Appeal Procedure described below.

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

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

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

Withdrawal

If a student accused of sexual misconduct withdraws from the University prior to a pending adjudication, the sexual misconduct hearing will still proceed.

Additionally, neither party is required to participate in the investigation or any form of resolution under these Procedures, and the investigator or hearing panel will not draw any adverse inference from a decision by either of the parties not to participate. However, the University reserves the right to move forward with the Formal Investigation process when it is deemed necessary.

Appeal Procedure

In cases that are adjudicated using the Sexual Misconduct Process both the complainant and the respondent are notified simultaneously in writing that they have an opportunity to request an appeal with the University's Judicial Council. The student must request a review of their case within five (5) business days of written notification to the student of the Administrative Committee on Sexual Misconduct's decision.

The Dean of Students and another member of the University Judicial Council (UJC) will review the student's reason(s) to request an appeal along with any relevant documentation involving the original decision. An appeal will be granted only if there appears to be: **(1) new evidence (not available at the time of the determination) of significance relative to the original outcome; (2) procedural error in the original hearing that was detrimental to the outcome; or (3) an inappropriate sanction relative to the policy violation.** Within ten (10) business days of the appeal request, all parties will be notified of the decision on whether the request meets one of the three above-listed grounds for appeal.

If an appeal is granted, the UJC will give written notice to all parties concerned

of the nature of the appeal and the date and time of the appeals session. All appeals sessions will be held within ten (10) business days of the approval to grant an appeal. Appeal sessions will be closed for UJC members only.

The UJC will ask the student initiating the appeal to provide a detailed, written statement, describing their position relative to the case. The other party will have the opportunity to review this statement and provide a written response.

The Administrative Committee on Sexual Misconduct (adjudicating body who heard the original case) will provide rationale for making the initial decision. Upon request from the UJC, the Administrative Committee on Sexual Misconduct will provide any documentation relevant to the case. Both parties will have the opportunity to review the Administrative Committee on Sexual Misconduct's rationale, along with supporting documentation, prior to submitting their statement. Both parties will be notified simultaneously of any changes to the result and when the result becomes final.

The UJC will not hold any regular or special sessions without at least three (3) members present of which there shall be at least one (1) member of the faculty and Office of Student Affairs staff. The Council uses a preponderance of the evidence standard in making a decision relative to appeals. Notification of the decision of the UJC is sent to the complainant, and the respondent simultaneously. If an appeal is successful the UJC will require a re-hearing of the case by the original adjudicating body, or a new hearing by a new adjudicating body, and that outcome is final.

All sessions of the UJC, in its discretion, are closed. The Council has the power to govern its own internal proceedings and establish its procedures.

Sanctions

Where there is a finding of responsibility, the Administrative Committee of Sexual Misconduct will impose one or more sanctions/responsive actions. The Title IX Coordinator/Deputy Title IX Coordinator may provide guidelines to the Administrative Committee of Sexual Misconduct regarding sanctions. Factors considered when determining sanctions may include:

- The nature, severity of, and circumstances surrounding the violation.
- An individual's disciplinary history.
- Previous allegations involving similar conduct.
- Any other information deemed relevant by the hearing panel.
- Whether the respondent has accepted responsibility for the violation.
- The need for sanctions/responsive actions to bring an end to gender discrimination, harassment and/or retaliation.
- The need to remedy the effects of the gender discrimination, harassment and/or retaliation on the complainant and campus community.

The following are sanctions that may be imposed upon students (or organizations) individually or in combination:

1. **Official Reprimand:** In instances of less serious deviation from the University norms of conduct the student is formally warned regarding the misconduct. The student is also notified that the consequences of such continued behavior could result in more serious disciplinary action.
2. **Disciplinary Probation:** This action is a formal admonition on behalf of the University and is intended to clearly document to a student that his/her behavior has been deemed unacceptable. This action requires that students demonstrate, during a stipulated period of time, they are capable of functioning in such a way so as not to be in conflict with standards of behavior expected of students at Wilkes. Disciplinary probation alerts the students involved, and all concerned, that further conduct may result in curtailment of activities or suspension of residential and academic privileges.
3. **Denial of Privileges:** This penalty precludes the student's participation in specified activities (e.g., student offices, student activities, use of University facilities or access to University facilities) for a period of time.
4. **Restitution/Penalty Charges:** Charges will be assessed where restitution is due for damage to University or student property or property of an

agent outside of the University. The charges assessed will be equal to the value of the property and any incurred labor charges. Charges will be paid to the Bursar's Office, 32 W. South St., Wilkes-Barre, Pa.

5. **Residential Weekend Suspension:** Residential students may be required to vacate their assigned residence hall space if deemed appropriate. The student would not be allowed in the residence hall from 5 p.m. on Friday to 8 p.m. on Sunday for a determined amount of time.
6. **Residential Suspension and Expulsion:** Any student who has been suspended/expelled from the residence halls may not enter any University-owned residence halls without the express permission of the Dean of Students.
7. **Deferred Suspension:** This action is invoked in severe cases that might generally call for suspension, but consideration of mitigating circumstances warrants the student not be suspended at this time. If this sanction is invoked, it is understood that any further violation of University policy, even of a minor nature, could call for suspension from the University. A student who has been given a deferred suspension from the University may, at the discretion of the Student Affairs Council, be restricted from representing the University in any official capacity.
8. **Interim Suspension:** The Dean of Students, with the advice and consent of the Vice President of Student Affairs may call for an interim suspension of a student while a judicial case is pending. In such cases, the interim suspension is based on the determination of the health, safety, welfare, and well-being of the University community is at risk. During this period of interim suspension, the student is not permitted on campus until the date of the Student Affairs Council hearing. This hearing will occur as quickly as reasonably possible following the invoking of the interim suspension.
9. **Disciplinary Suspension:** This penalty involves the involuntary separation of the student from the University for a specified period of time. It is invoked when a student, as a result of his/her actions, has forfeited the privilege of attending the University. Suspension from the University may range for a period of time up to 2 years, including summer sessions and inter-sessions. Students who have been suspended may be required to meet certain conditions during the period of their suspension and must submit a letter to the Dean of Students requesting readmission to the University. Students who have been suspended may not attend classes, be on University property, or participate in University-sponsored functions on or off campus during the period of suspension. Any exceptions require the explicit approval of the Dean of Students.
10. **Indefinite Suspension:** This sanction suspends the student from the University for a period of more than two years.
11. **Disciplinary Dismissal:** This action is one of involuntary separation of the student from the University and is permanent. It is the most severe disciplinary sanction imposed by the University.
12. **Group Action:** Disciplinary action may be invoked against groups as the situation warrants.
13. **Off-Campus Offenses:** The University may implement disciplinary action when a Wilkes University student violates rules and regulations at another college or university or in the community.
14. **Aid:** University-generated and supplied financial aid funds may be denied to students who are involved in disciplinary action.
15. **Counseling Intervention:** Counseling may be recommended, and in some cases required, when behavior indicates it may be beneficial to the student. Specific circumstances will determine an appropriate mental health service referral, which may include drug, alcohol and other educational services.
16. **Involuntary Leaves and Withdrawals:** The Health and Wellness Services Director and/or a campus counselor, with the Office of Student Affairs, may determine that a leave of absence, withdrawal, or exception to the academic or residential regulation based on behavioral factors is warranted if it would be in the best interest of the University. This action may be taken if, in the opinion of either a counselor or the Director, a student exhibits behavior that creates a significant disruption or clear and present danger to the physical or mental health of students or others

in the community. This mandatory leave or withdrawal will be processed through the Office of Student Affairs and is subject to administrative appeal to the Vice President of Student Affairs. The Health and Wellness Services Director and a campus counselor will typically also be involved in the readmission of any student who is granted or placed on an involuntary leave or withdrawal.

17. Educational Sanctions: These are sessions meant to educate the student regarding the violation so as not to have a repeat offense in the future. They will be imposed in addition to other sanctions and may include, for example, a Choices alcohol education class, a session with Wyoming Valley Alcohol and Drug Services. These sanctions are not the only sanctions that may be levied, but are the most commonly invoked. All sanctions are communicated in writing to the student. Copies of disciplinary letters are maintained by the Student Affairs Office. If a student withdraws or is suspended or dismissed for disciplinary reasons, the disciplinary letters are maintained for an indefinite period of time depending on the circumstances.

All sanctions are communicated in writing to the student. If a student withdraws or is suspended or dismissed for disciplinary reasons, the disciplinary letters are maintained for reference when the student applies for readmission under the guidelines provided in the letter.

Sanctions may also include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, harmful to the individuals involved or so deleterious to the educational process that it requires severe sanctions, including suspension or permanent dismissal from the University.

The imposition of sanctions is designed to eliminate prohibited conduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and values. Additionally, interim measures such as no-contact orders, University housing modifications, academic modifications etc., may be extended as appropriate to prevent gender discrimination from recurring.

Sanctions are effective immediately, unless otherwise specified by the Administrative Committee on Sexual Misconduct or the Title IX/Deputy Title IX Coordinators.

Records

In implementing this Policy, records related to the investigation and resolution of reported incidents of Sexual Misconduct will be kept by the Title IX Coordinator indefinitely. The Office of Student Affairs will also maintain records related to discipline or remedies in accordance with the University's record-keeping policies and protocols as described in the Student Handbook.

Procedures for Employees

Review, Investigation and Resolution

When the responding party is a member of Wilkes University, the Sexual Misconduct Policy and Procedures are applicable regardless of the status of the reporting party.

Where the Respondent is a Student:

The Sexual Misconduct Policy and Procedures for Students will be utilized to process the report of gender discrimination. These procedures can be found in the Student Handbook, or on the web here.

Where the Respondent is a Faculty/Staff Member:

The Policies and Procedures outlined below will be utilized to resolve the complaint in a prompt and equitable manner.

Where the Respondent is a Third-Party:

The University's ability to take appropriate corrective action against a Third-Party will be determined by the nature of the relationship of the Third-Party to the University. The Title IX Coordinator and Deputy Title IX

Coordinator(s) will determine the appropriate manner of resolution consistent with the University's commitment to a prompt and equitable process consistent with federal law, guidance, and this Policy.

This policy applies when the conduct takes place while on University property, at University sponsored events and activities, and at off-campus programs including but not limited to study abroad programs, internships, athletic events and travel. Additionally, this policy applies to off-campus conduct that violates the policy and has the effect of interfering with or limiting one's ability to participate in or benefit from an educational or work-related program/activity, or if the conduct has the potential to adversely affect a substantial University interest.

When a report of sexual harassment and/or sexual misconduct is brought to an appropriate University official's attention, the University will take prompt, effective, and thorough steps to stop the harassment, eliminate any hostile environment, prevent its recurrence and as appropriate, remedy its effects. Complaints may be filed through the Title IX Coordinator (University Towers, Suite A); the Human Resources Department (University Towers, Suite A); the Office of Public Safety; or anonymously online at: https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=17812.

Resolution Process

Initial Assessment

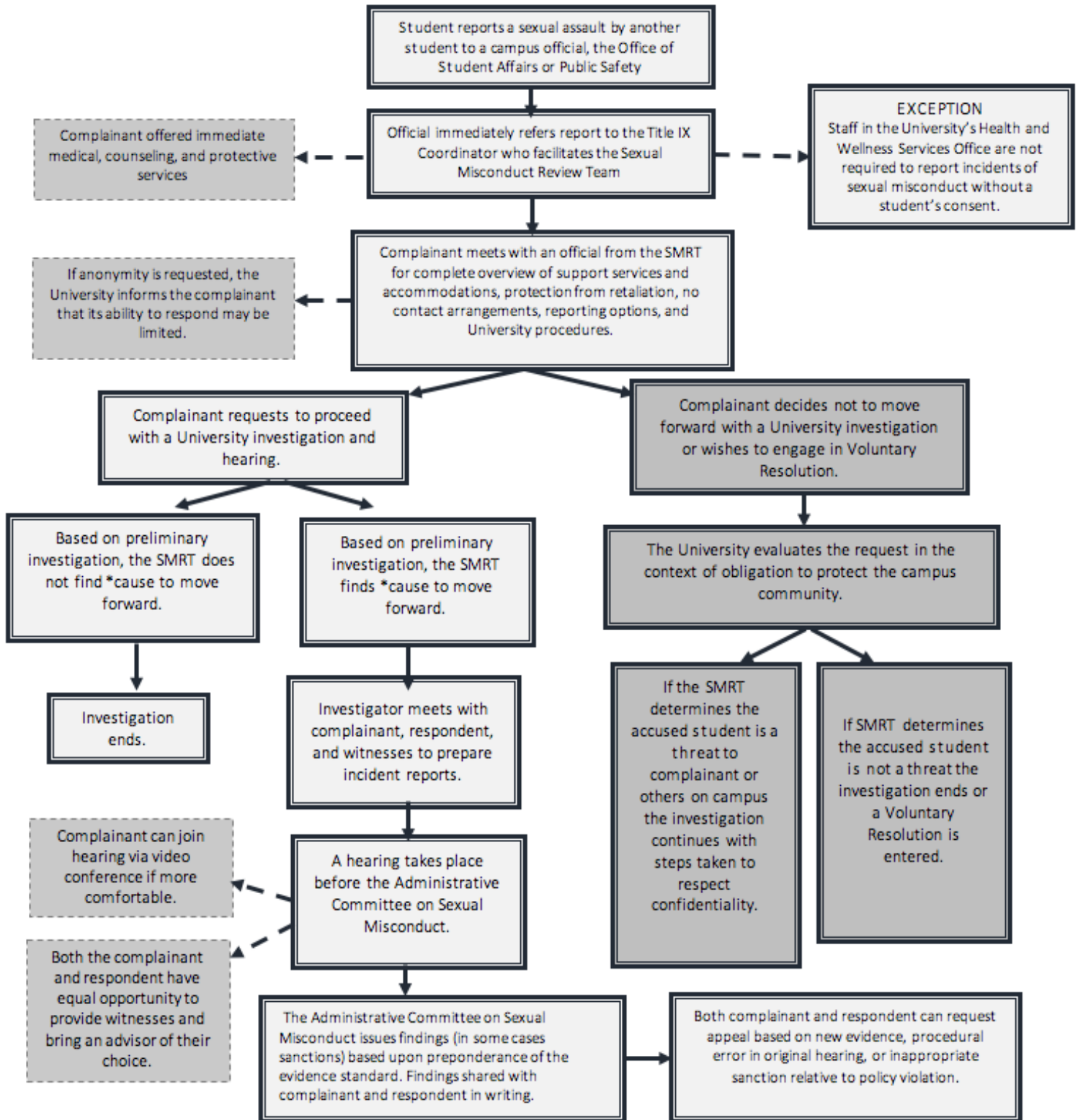
Upon report of an alleged violation under this Policy by an employee of this University, the Sexual Misconduct Review Team ("SMRT") will meet to make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report.

Additionally, the SMRT will engage in a preliminary inquiry to review the report and seek to reach a resolution that will eliminate harassment, prevent its recurrence, and address its effects. The assessment will begin with a preliminary meeting between the victim and appropriate member(s) of the SMRT. In the course of this assessment, the University will consider the interest of the victim and the victim's expressed preference for manner of resolution: 1) Formal Investigation; 2) Voluntary Resolution or 3) Not moving forward. Where possible and supported by an assessment of the facts and circumstances, the University will seek action consistent with the victim's request.

As part of the initial assessment of the facts, the University will provide information to the victim regarding protection measures the institution can offer. Furthermore, the SMRT will:

- Address immediate physical safety and emotional well-being
- Assess the nature and circumstances of the report
- Discuss the victim's expressed preference for manner of resolution
- Notify the victim of the right to contact or decline to contact law enforcement if the conduct is criminal in nature, and if requested, assist them with notifying law enforcement
- Promptly notify the appropriate county agency if the University receives an allegation of sexual misconduct involving an individual who is under the age of 18
- Notify the victim of the availability of medical treatment to address physical and mental health concerns and to preserve evidence
- Enter the report into the University's crime log, if applicable, as required by the Clery Act
- Assess the reported conduct for the need for a timely warning under the Clery Act
- Provide the victim with information about on-and off-campus resources
- Notify the victim of the range of interim measures available
- Implement interim measures as necessary
- Provide the victim with an explanation of the procedural options, including voluntary resolution and formal resolution
- Inform the victim (and responding party) they may have a support person to assist them throughout the investigation and resolution of the complaint, and that the support person may accompany them to any meeting or proceeding under this Policy

Student Process Flow Chart



*A determination of "no cause" would be made in situations that include: a) The mutual accounts of the episode do not meet the criteria for the University's definition of sexual misconduct, b) Preliminary evidence is uncovered to positively repudiate the sexual misconduct allegation.

- Assess for pattern evidence or other similar conduct by the responding party(ies)
- Explain the University's policy prohibiting retaliation

The University will make every reasonable effort to protect the confidentiality of the victim; however, confidentiality may be compromised if it is determined that an investigation should move forward based on several factors including but not limited to: the seriousness of the infraction; the victim's age; and whether there have been previous complaints about the responding party. Furthermore, the victim will be informed that the University's ability to respond will be limited when there is a request for the complaint to remain confidential. If the victim does not wish to move forward with a formal Sexual Misconduct Investigation and/or requests confidentiality, Title IX may require the University to investigate and take reasonable action in response to the information.

If the victim decides to move forward with the complaint, and from the preliminary inquiry, the SMRT determines there is cause to proceed (i.e. there is reasonable cause to believe the sexual misconduct policy has been violated), the process will proceed to either a voluntary resolution or a formal investigation. The chosen resolution process will be utilized to determine whether the alleged sexual misconduct occurred and created a hostile environment, and to determine what actions the University will take to eliminate the hostile environment and prevent its recurrence. The victim will be referred to as "complainant" and the responding party will be referred to as "respondent" during the resolution processes described below.

Voluntary Resolution

Voluntary resolution will be utilized only when the Title IX Coordinator in consultation with the Deputy Title IX Coordinator, has determined this is a suitable option for resolving the concern, and both the complainant and respondent agree to use the process. Reports of sexual assault cannot be resolved using this process.

Voluntary resolution is used where, based upon the prohibited conduct at issue, the likely outcome would not alter the employee's status with the University. Voluntary Resolution may include mediation with a member of the Title IX team, Human Resources Department, or other relevant office, and with the expectation of amicable and respectful discussion by all parties participating. The resolution achieved will be agreed upon by all parties and is therefore not appealable.

If the parties are unable to agree on the outcomes of the voluntary resolution proceeding, any party may request that the matter be resolved through the Formal Investigation process. Additionally, if one of the parties fails to comply with the terms of the Voluntary Resolution, the matter may be referred for a Formal Investigation Process. Any statements or disclosures made by the parties during the course of the Voluntary Resolution may be considered in a subsequent investigation and hearing.

Finally, all parties have the right to have an advisor present during all stages of a Voluntary Resolution. The same guidelines for advisors as described in the Formal Investigation process will apply.

Investigation

The Human Resources Department, in conjunction with the Title IX Coordinator, appropriate division head(s), legal counsel (when necessary) and legal authorities (when necessary), will investigate all alleged sexual misconduct and take appropriate actions at the conclusion. The University may also utilize a trained outside investigator under certain circumstances as determined by appropriate University administration. Investigations are conducted by individuals who are trained to provide prompt, fair, and impartial investigations of the conduct prohibited under this Policy. The standard of proof used by the investigator in determining Policy violations will be based on "preponderance of evidence," meaning that it is more likely than not the Policy violation occurred.

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

Both the respondent and complainant will be informed that each is allowed to be accompanied to all meetings and interviews by an advisor of their choice. Advisors are allowed solely for the purpose of support and may not serve as representatives of the complainant or respondent. The advisor may be any person including (but not limited to) a friend, mentor, family member, victim advocate or attorney. All advisors are subject to the same campus rules.

All advisors are expected to adhere to the same following guidelines:

- Advisors are only present to guide their advisee, not to represent them, speak for them, or play an active role of any kind in the process.
- Advisors should therefore not address campus officials in a meeting or interview unless invited to.
- During the course of an interview or meeting, advisors are not allowed to cross examine or actively engage in the discussion.
- Advisors are permitted to speak with their advisee as necessary, privately or during campus meetings to fully perform their advising role.
- Advisors will typically be given an opportunity to meet (or discuss) in advance of any interview with University Administrators. All questions regarding the Sexual Misconduct Process should be addressed to the University Title IX Coordinator or Deputy Title IX Coordinator.

The investigation will provide all individuals involved with the opportunity to submit evidence relevant to the complaint, and suggest witnesses for the investigator to interview. The investigator will inform both parties at regular intervals of the status of this investigation and give each party an opportunity to respond to the other's statement, witnesses, and evidence. The investigator will provide a final report detailing the investigation which will be reviewed by the designated Human Resources Officer and/or the Provost who will make the final determination on whether the policy was violated. This individual(s) will also determine the appropriate sanction to any violation found.

During the process of investigating the alleged sexual misconduct, additional policy violations may evolve. The University reserves the right to question and sanction those involved in other violations following the outcome of the sexual misconduct investigation. The use of alcohol and drugs is not considered a defense against violations of the sexual misconduct policies.

Following the investigation, the complainant and respondent will be simultaneously notified of the determination in writing.

Both parties will be notified simultaneously in writing of their right to appeal the adjudication findings. Either party may appeal the decision by writing to the Vice President for Student Affairs within seven (7) calendar days of receiving the decision. Moreover, both parties will be notified upon decision of the appeal, any changes to the initial decision, and when the decision is final. The Vice President for Student Affairs will issue a final decision on the appeal. The Human Resources department and/or the Title IX Coordinator will maintain all investigatory records.

The University will provide a prompt, fair and impartial investigation and resolution process. Therefore, we will endeavor to conclude an investigation within sixty (60) calendar days of the initial decision to move forward with the process. However, there may be extenuating circumstances requiring the University to extend this time-frame. The Title IX Coordinators have the right to extend the timeline when necessary and will notify the parties involved during such extensions.

Sanctions

Any Wilkes University employee that has violated this Policy will be subject to the following range of disciplinary action:

- Employee termination from the University

- Unpaid suspension
- Restrictions from all or portions of campus
- Change in working facility
- Mandated education
- Written reprimand in personnel file
- Removal from classroom teaching
- Tenure revocation
- Withhold salary increase (from one to several years)
- Removal of endowed chair
- Removal of emeritus status
- Removal of graduate school status
- Termination of research project funding
- Removal from administrative position
- Verbal reprimand
- Required participation in counseling or training
- Demotion
- Change to reporting structure
- Reinstatement of an employment probationary period

- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

Hate Crimes

VAWA Offenses

- Domestic violence
- Dating violence
- Stalking

Arrests and Referrals

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

Information Regarding Registered Sex Offenders

The Federal Campus Sex Crimes Prevention Act (CSCPA), enacted on October 28, 2000, provides for the tracking of convicted sex offenders enrolled as students at, or employed by, institutions of higher education.

The CSCPA amends the Clery Act by adding a new provision to require institutions of higher education to include a statement in their annual security reports that advises the campus community where information on registered sex offenders, provided by a State, pursuant to the federal Violent Crime Control Law Enforcement Act of 1994, may be obtained.

The CSCPA also amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, to require sex offenders who are already required to register in a State to provide notice to each institution of higher education at which the offender is employed, carries on a vocation, or is a student (and each change in enrollment or employment status at that institution of higher education). The amendment requires state law enforcement agencies (in Arizona, it is the Arizona State Police) to provide Wilkes University with a list of registered sex offenders who have indicated that they are enrolled, employed, or carrying on a vocation at Wilkes University.

The CSCPA further 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.

A link to the Arizona Sex Offender Registry can be found at: http://www.azdps.gov/Services/Sex_Offender/. This information can also be located through the Arizona State Police web site at <http://www.azdps.gov/>. Public Safety frequently search the Arizona State Police web site for registered sex offenders living off campus, in the general vicinity of the University and as a matter of preemptive intelligence gathering.

ANNUAL CLERY CRIME SUMMARY AND STATISTICS: MESA, ARIZONA BRANCH

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

Criminal Offenses, including

- Criminal Homicide
 - Murder & Non-negligent Manslaughter
 - Negligent Manslaughter
- Sexual Assault, including
 - Rape

Under the Clery Act, for the purposes of counting and disclosing Criminal Offense, Hate Crime, arrest and disciplinary referral statistics institutions must do so based on definitions provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program. For the categories of Domestic Violence, Dating Violence, and Stalking, the Clery Act specifies that institutions must use the definitions provided by the Violence Against Women Act of 1994 and repeated in the Department's Clery Act regulations.

The law requires the release of statistics by category of prejudice concerning the occurrence of hate crimes in the crime classifications listed above, and for other crimes involving bodily injury to any person in which the victim is selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, disability, gender identity or national origin of the victim. Hate Crimes are any of the above-mentioned offenses, and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias.

The statistics presented on the following pages are provided in compliance under federal law with the specific time periods, classifications, geographic categories, and arrest data. (Please note that incidents shown in the On-Campus Residential category are also counted in the statistics shown in the Campus category).

Clery Act Crime Definitions

Murder/Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

Negligent Manslaughter: The killing of another person through gross negligence.

Robbery: The taking or attempting to take anything from value of 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 means likely to produce death or great bodily harm. NOTE: It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For

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

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned — including joy riding.

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

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; all attempts to commit any of the aforementioned.

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

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

VAWA CRIMES

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

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

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

SEX OFFENSES

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

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

Rape: The penetration, no matter how slight, of the vagina or anus with any

body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. NOTE: This offense includes the rape of both males and females.

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

HATE CRIMES

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

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

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

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

Geography Definitions from the Clery Act

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

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

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

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

Public Property – "all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes."

CLERY CRIME RATES AND STATISTICS

January 1, 2015 through December 31, 2017

CRIME CLASSIFICATION	CAMPUS			ON-CAMPUS RESIDENTIAL			NON-CAMPUS			PUBLIC PROPERTY		
	2017	2016	2015	2017	2016	2015	2017	2016	2015	2017	2016	2015
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses												
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	1	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offense												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Arrests												
Liquor-Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Drug-Related Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals												
Liquor-Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Drug-Related Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes

2017 There were no reportable hate crimes.

2016 There were no reportable hate crimes.

2015 There were no reportable hate crimes.

In 2017, 2016, and 2015, no Clery Act Crimes were “unfounded” and subsequently withheld from the crime statistics presented in this report.

FIRE SAFETY

Wilkes University's *Semester in Mesa* program utilizes the Phoenix Mesa Marriott Hotel, 200 N. Centennial Way, Mesa, AZ 85201 as housing for students in the program. The facility is equipped with modern, interior fire alarm systems with horns and strobe lights, which are monitored 24 hours per day, 7 days per week. The hotel is equipped with automatic full sprinkler and smoke detection systems, fire extinguishers, and evacuation placards. These systems are tested at least once per year.

Campus Fire Safety Right To Know Act

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

Fire Emergency and Evacuation Procedures

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

BEFORE a fire:

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

UPON DISCOVERING a fire:

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

UPON HEARING the fire alarm:

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

IF YOU CAN'T LEAVE the room:

1. Put on shoes and coat. Take a wet towel and cover your face.
2. Close all doors as you exit. Move to the designated stairway.
3. Do not use an elevator.
4. Meet at the designated area outside the building.
5. If the designated area is blocked due to fire, heat, or smoke, find an alternate route. If an alternate route is unavailable, find a window and signal for help.
6. Return to your room if all exits are blocked. Close the door, and take action as outlined above.

Fire Alarm Systems

If an alarm activates inside a building, all persons in that building must vacate using the closest available exit. This procedure reflects both the law and common sense. It is imperative that every person respond to a fire alarm and vacate a building in which an alarm is sounded. This procedure reflects both the law and common sense. Persons failing to vacate a building when a fire alarm activates are subject to disciplinary action.

Tampering with fire extinguishers and other fire equipment, or the sounding of false alarms is a serious threat to the safety of all, is against the law, and strictly prohibited. Violations of this policy will result in serious disciplinary action by the University.

Electrical Devices, Open Flames, and Smoking

Wilkes University will permit the use of some small electrical appliances as long as the circumstances are consistent with good safety and health considerations. In order that safety standards are met, all appliances containing a heating-type element must have that element fully enclosed. Both the appliance and electrical cord must have Underwriter Laboratory approval.

Property and safety considerations prevent the authorization of the use of toaster ovens, electric skillets, hot plates, or similar appliances. Because of the high potential for damage and fire, electric blankets, halogen lamps, and sunlamps may not be used in student rooms. Candles, incense or other open flame devices are prohibited in and around residence halls.

Smoking is prohibited in all University-owned buildings, shuttles and vans. The University's Smoking Policy also established a "Smoke Free Zone" of twenty (20) feet from any university building door, window, or ventilating system.

Any of the aforementioned prohibited items may be confiscated by appropriate University personnel.

Fire Safety Tips

University Buildings are equipped with a variety of features that are designed to detect, stop, and/or suppress the spread of a fire. A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells of residence halls, are designed to stand up to fire longer than those of an individual room. It is important that these doors are CLOSED for them to work. Additionally, if a door has a device that automatically closes the door, it should NOT be propped open.

Sprinklers are 98% effective in preventing the spread of fire when operating properly. DO NOT obstruct the sprinkler heads with materials like clothing hanging from the piping.

Smoke detectors cannot do their job if they are disabled or covered by the occupant, which is a violation of University Policy.



Wilkes University

Wilkes University does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The following person has been designated to handle inquiries regarding the University's non-discrimination policies: Mrs. Samantha Hart, Title IX Coordinator, 10 East South St., Wilkes-Barre 570-408-3842.