

# Keystone College

## Annual Security and Fire Safety Report: 2023



*Capwell Science Hall*

## **Keystone College**

### **Annual Security and Fire Safety Report: 2023**

#### **DEPARTMENT OF CAMPUS SAFETY**

Emergency (570) 945-8989  
Or Ext. 8989 (from an on-campus phone)

Department Office (570) 945-8997

##### Director

Michael Golay  
(570) 945-8266

##### Sergeant

Melissa Lee

##### Members

Darrin Chesner  
David Strum  
David Getz  
Jordan Hodle

Timothy Harding  
Logan Sprague  
Edward Grindall

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## FOREWORD

On behalf of the entire College Community, welcome to Keystone College, a private, coeducational residential and culturally diverse institution that is situated on a 276-acre campus. The main College campus is located in La Plume Township, Pennsylvania, 15 miles northwest of the City of Scranton.

As part of the Northeastern Pennsylvania community, Keystone College is part of a vibrant and diverse area. More than 1,200 students come to our beautiful campus from nearby states such as New York, New Jersey, and Maryland, as well as nationally and internationally.

In a relatively short period of time, Keystone College has advanced from being an excellent junior college that granted associate degrees to a fully accredited and highly respected institution, offering associate, bachelor's and master's degrees.



## NOTICE OF ANNUAL REPORT AND AVAILABILITY

The *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, commonly referred to as the *Clery Act*, mandates that all Title IV institutions without exception, prepare, publish, and distribute an annual Security and Fire Safety Report. The Annual Security and Fire Safety Report (*Clery Report*, or *Report*) is published by October 1 of each calendar year. The purpose of this Annual Security and Fire Safety Report is to comply with this mandate, in accordance with the guidelines issued by the United States Department of Education, as well as fulfill our intent to be a safe, collegial, and supportive community.

### Preparation of the Annual Security and Fire Safety Report

The Annual Security and Fire Safety Report is prepared by the Director of Campus Safety in conjunction with the VP of Student Life and the Keystone College Title IX Coordinator. Statistics related to reported crimes and offenses, arrests, and disciplinary referrals contained within this Report are aggregated from information reported by campus security authorities as well as information provided by the law enforcement agencies serving the College.

### Availability of the Report

Each year, the Report is distributed to all currently enrolled students, faculty, and staff via the College email system. Anyone - including prospective students or employees - may access the Report by visiting the Keystone College website at <http://www.keystone.edu>. Copies of the annual Report may also be obtained by visiting the Campus Safety Department office (Hollinshead Hall,

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219 Regina Way) during College business hours.

The Report is also available on the webpages of the Department of Campus Safety, the College Admissions Office (Sisson Hall, 110 Edwards Lane), and the Human Resources Department (Ward Hall, 113 Edwards Lane).

## **KEYSTONE COLLEGE 9-1-1 ADDRESSING**

When needed, the Wyoming County 9-1-1 Center dispatches emergency services to all College buildings and facilities. Each building is identified by its 9-1-1 address in this report.

Any person requesting emergency services (police, fire, or ambulance), whether for themselves or for someone else, is strongly encouraged to use the actual or closest emergency address for the location where emergency services are needed.

Emergency addresses for key buildings and facilities are noted below. The address are listed in order of a) street name and then b) address number.

*This Space  
Intentionally  
Left Blank*

<b><u>Building / Facility</u></b>	<b><u>Address</u></b>
Sabiston Hall	5 College Ave
Hibbard Campus Center	7 College Ave
Alumni Hall	9 College Ave
Sickler Hall	11 College Ave
Davis Hall	23 College Ave
Patrick Hall	31 College Ave
36 College Ave	36 College Ave
39 College Ave	39 College Ave
90 College Ave	90 College Ave
Student Housing (Non-Campus)	202 College Ave
Student Housing (Non-Campus)	204 College Ave
Student Housing (Non-Campus)	206 College Ave

<b><u>Building / Facility</u></b>	<b><u>Address</u></b>
Harris Hall	2006 College Rd
Art Center	2008 College Rd
Gambal Athletic Center	2009 College Rd
Holman Design Studio	2010 College Rd
Brooks Auditorium	2012 College Rd
Gardner Hall	2013 College Rd
Oppenheim Family Children's Center	2016 College Rd
IT Building	2018 College Rd
Koelsch House	2022 College Rd
Mathewson House	2036 College Rd
International Guest House	2037 College Rd
Tennis Courts	2042 College Rd

**Building / Facility****Address**

Capwell Science Center	109	Edwards Lane
Sisson Hall	110	Edwards Lane
Kemmerer Hall	111	Edwards Lane
Ward Hall	113	Edwards Lane
Miller Library	121	Edwards Lane
The Cottage	125	Edwards Lane
Thomas Cupillari Observatory	484	Hack Rd (Benton Twp)
Tewksbury Hall	217	Regina Way
Hollinshead Hall	219	Regina Way
Moffat Hall	242	Regina Way
Boehm Hall	253	Regina Way
Frear-Reynolds Hall	261	Regina Way

**Building / Facility****Address**

Sewage Treatment Plant	262	Regina Way
Wyoming Hall	279	Regina Way
Lackawanna Hall	281	Regina Way
Facilities / Grounds Garage	5	Woodland Campus Dr
Baseball Field	8	Woodland Campus Dr
Athletics Facility	9	Woodland Campus Dr
Ned Boehm Field	14	Woodland Campus Dr
Eckel Family Pavilion	20	Woodland Campus Dr
Athletic Field (Track) & Field House	21	Woodland Campus Dr
Trolley Trail Head (Access Path)	22	Woodland Campus Dr
Sugar Shack (Access Path)	24	Woodland Campus Dr

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# ***PART I – ANNUAL SECURITY REPORT***

## **ABOUT THE KEYSTONE COLLEGE DEPARTMENT OF CAMPUS SAFETY**

The Department of Campus Safety operates twenty-four hours a day, seven days a week, 365



**The Department of Campus Safety office is located on the ground floor of Hollinshead Hall (219 Regina Way).**

days per year in order to fulfill its mission of promoting and maintaining a safe and peaceful campus environment for all students, faculty, staff, and visitors, as well as protecting the property and assets of the College. The Department's offices are located on the ground floor of Hollinshead Hall (219 Regina Way). The Director of Campus Safety reports to the Associate Vice President for Administration.

### **Authority**

Keystone College Campus Safety Officers have the authority to ask persons for identification and to determine whether individuals have valid and lawful business at the College. Campus Safety Officers have

the authority to issue parking citations, which are billed to the respective financial accounts of students, faculty, and staff.

Members of the Keystone College Department of Campus Safety are not police officers; they do not carry firearms, and they do not have arrest powers.

### **Cooperation with Law Enforcement**

Although there are no official memoranda of understanding between the College and the law enforcement agencies that serve the College, sworn law enforcement officers may exercise full police powers on the Keystone College campus, including the power to make arrests and/or issue citations returnable to the appropriate magisterial district judge.

There are no formal agreements for police monitoring of any off-campus locations that house members of any student teams or groups.

The Keystone College Department of Campus Safety maintains professional working relationships with the Dalton Borough Police Department and the Pennsylvania State Police. Since the Keystone campus is situated in both Wyoming and Lackawanna Counties, we maintain relationships with both the Tunkhannock and the Dunmore stations of the state police, respectively.

# CRIME & OFFENSE REPORTING

## REPORTING CRIMINAL OFFENSES AND OTHER EMERGENCIES

### Reporting to a Campus Security Authority

Any member of the College community (including students, faculty, staff, and visitors) who is the victim of or, is a witness to a criminal offense or other emergency on Keystone College property is strongly encouraged to report the circumstances to the Department of Campus Safety or any campus security authority (CSA). Campus safety authorities include:

#### Campus Safety Staff

- Director of Campus Safety
- Campus Safety Officers

#### Student Life Staff

- Vice President of Student Life
- Assistant Vice President of Student Life and Director of Residence Life
- Area Coordinators
- Resident Assistants

#### Athletic Staff

- Athletic Director
- Team Coaches
- Assistant Coaches

Title IX Coordinator and/or Deputy Title IX Coordinator(s)

Faculty Advisors to Student Groups

### Reporting Directly to Law Enforcement

If you are the victim of, or a witness to a crime you may also make a report directly with the law enforcement agency concerned, whether or not you report it to the College. As stated above, Keystone College is served by the Dalton Borough Police Department, as well as the Pennsylvania State Police (PSP) at Tunkhannock (Wyoming County) and PSP at Dunmore (Lackawanna County). If requested, the Campus Safety Department can and will assist you in making a report to law enforcement.

If you (a Keystone College student or staff member) are the victim of a crime that occurred in another jurisdiction (including out-of-state), the Director of Campus Safety will, at your request, assist you in filing a report with the appropriate law enforcement agency in the other jurisdiction.

### Voluntary Confidential Reporting

If you are the victim of a crime and do not want to pursue action through either the Keystone College Department of Campus Safety or through the criminal justice system (law enforcement), you may still want to consider making a confidential report. At your request, the Director of Campus Safety can file a report of the details of an incident without revealing your identity to unauthorized persons.

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Filing a confidential crime report will allow the College to take any necessary immediate action(s) to help ensure the safety of a victim and the campus community.

Confidential reporting also allows the College to maintain accurate records of reported offenses. Offense statistics generated by confidential reports are counted and disclosed in the Annual Safety Report; however, no personally identifying information is revealed or reported.

While the College will limit the disclosure of confidentially reported information, absolute privacy cannot be guaranteed. The safety of the College community may require that an incident be reported to local and/or state law enforcement. Certain occurrences must be reported by law to local and/or state officials (for example, where a crime victim is less than 18 years of age).

### ***Pastoral Counselors and Professional Services Employees***

As allowed by the *Clery Act*, the College has certain employees that are available to provide pastoral and professional services to the campus community. These employees include the members of our campus ministry and counseling services.

When acting as professional service providers, these employees who receive confidential crime reports are not required to report them to the College for inclusion into the Annual Safety Report or for purposes of issuing any timely warning(s).

Pastoral and Professional Counselors are encouraged by the College to inform victims and witnesses - if and when they deem it appropriate - of procedures to report crimes on a voluntary, confidential basis for inclusion into the Annual Safety Report.

## **CRIMES & OFFENSES INCLUDED IN THE KEYSTONE COLLEGE ANNUAL REPORT**

Both federal and Pennsylvania law require that certain crimes and offenses be reported regularly by the College. Required reporting include crime and offenses reported under the *Clery Act*, crimes and offenses reported to the Pennsylvania State Police, and incidents involving Hazing.

### **CRIMES AND OFFENSES REPORTED UNDER THE CLERY ACT**

#### ***Clery Geography: Where Reported Offenses Have Occurred***

The *Clery Act* requires that statistical information be collected for certain crimes and offenses occurring on the College campus including on-campus student housing, on non-campus College property, and on public property immediately adjacent to and accessible from the campus. These location categories are further defined:

**On-Campus** includes any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the campus that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

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**On-Campus Student Housing** includes any student housing facility that is owned or controlled by an institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area of the campus.

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

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

### **The Campus Safety Department Daily Crime and Fire Log**

The Department of Campus Safety maintains a daily crime and fire log. The log is used to record all criminal incidents reported to the Department or a campus safety authority, as well as any fires in on-campus student housing facilities. The Crime and Fire Log contains information beyond statistics, and includes all reported crimes, not just *Clery Act* crimes (see below). The Crime and Fire Log is updated within two (2) College business days of any report received.

The Crime and Fire Log for the most recent 60-day period is open for inspection to anyone during the College's normal business hours. Crime and fire log information beyond 60 days old will be made available upon request for public inspection within two business days of such request. There is no charge to view the Crime and Fire Log, and a written request is not required.

### **Clery Offenses: Types of Offenses Recorded**

The *Clery Act* requires that statistical information be recorded for the following types of crimes and offenses:

**Criminal Offenses:** criminal homicide, including murder and non-negligent manslaughter, and manslaughter by negligence; sexual assault, including rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson.

**Hate Crimes:** 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.

**Violence Against Women Act (VAWA) Offenses:** any incidents of domestic violence, dating violence, sexual assault, and stalking. Sexual assault crimes are reported under Criminal Offenses.

**Certain Arrests and Referrals for Disciplinary Action:** for violations of laws relating to liquor, drug abuse, and the carrying, possession, etc. of weapons.

### **Clery Act Crimes and Offenses - Definitions**

Unless otherwise noted, the definitions below are based upon the definitions used by the Federal Bureau of Investigation (FBI) in the Uniform Crime Reporting (UCR) and the National Incident-Based Reporting Systems (NIBRS).

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## CRIMINAL OFFENSES

**Murder and Non-Negligent Manslaughter** involves the willful (non-negligent) killing of one human being by another. One (1) offense per victim is counted.

**Manslaughter by Negligence** involves the killing of another person through gross negligence. One (1) offense per victim is counted.

**Sexual Assaults (Sex Offenses)** include any of the following four (4) sexual acts directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Attempted instances of the below listed sexual assault offenses are included.

**Rape** is 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. This offense includes the rape of both males and females. Note that this reporting category includes offenses previously classified separately as Forcible Sodomy and/or Sexual Assault with an Object. One (1) offense per victim is counted.

**Fondling** is 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 or physical incapacity. One (1) offense per victim is counted.

**Incest** is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. One (1) offense per victim is counted.

**Statutory Rape** is nonforcible sexual intercourse with a person who is under the statutory age of consent. One (1) offense per victim is counted.

**Robbery** is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear. One (1) offense per incident is counted regardless of the number of victims robbed in that single incident.

**Aggravated Assault** is the 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. One (1) offense per victim is counted.

**Burglary** is the unlawful entry of a structure to commit a felony or a theft. One (1) offense per incident is counted.

**Motor Vehicle Theft** is the theft or attempted theft of a motor vehicle. One (1) offense is counted for each (attempted) vehicle theft.

**Arson** is any 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. One (1) offense is counted for each incident. Incidents where an individual willfully or maliciously burns his or her own property are included.

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## HATE CRIMES

A **hate crime** is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Hate Crimes are reported if they fall into one of the following categories: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

In addition to the crimes described above, the following crimes are reported if any of their commission is motivated by bias:

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

**Simple Assault** involves 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.

**Intimidation** is 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.

**Destruction/Damage/Vandalism of Property** is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner.

## VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES

Certain types of offenses are reported pursuant to the Violence Against Women Act (VAWA). These offenses are those involving Dating Violence, Domestic Violence, Sexual Assault, and Stalking. In addition to the four types of **Sexual Assault** described above in the Criminal Offenses section, the following definitions are provided:

**Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**Domestic Violence** is defined as a felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or 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 in which the crime of violence occurred.

**Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

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Keystone College prohibits persons from engaging in crimes involving dating violence, domestic violence, sexual assault and stalking as those terms are defined above for purposes of the *Clergy Act*.

### ***Pennsylvania Definitions Related to VAWA Offenses***

Notwithstanding the VAWA definitions provided above, the following definitions are provided as they apply to *dating violence*, *sexual assault*, and *stalking* under [Title 18](#) of Pennsylvania's Consolidated Statutes (the Crimes Code):

**Dating Violence** is not defined as a particular offense by Pennsylvania's criminal laws. Dating violence then, can be any violent offense committed against a victim depending upon his or her relationship to the offender.

**Domestic Violence** is not defined as a particular offense by Pennsylvania's criminal laws. Domestic violence then, can be any violent offense committed against a victim depending upon his or her relationship to the offender. See the section on Protection from Abuse Orders (PFA) on page 34.

**Sexual Assault** would include the following offenses as defined in the Pennsylvania Crimes Code:

**Rape** - A person commits [rape] when the person engages in sexual intercourse with a complainant:

- (1) by forcible compulsion;
- (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
- (4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; or
- (5) who suffers from a mental disability which renders the complainant incapable of consent.

**Indecent Assault** - A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine, or feces for the purpose of arousing sexual desire in the person or the complainant and:

- (1) the person does so without the complainant's consent;
- (2) the person does so by forcible compulsion;
- (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (4) the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring;
- (5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
- (6) the complainant suffers from a mental disability which renders the complainant incapable of consent;

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- (7) the complainant is less than 13 years of age; or
- (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

**Incest** - Except as provided under *incest of a minor* (below), a person is guilty of [incest] if that person knowingly marries or cohabits or has sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood.

A person is guilty of [incest of a minor] if that person knowingly marries, cohabits with or has sexual intercourse with a complainant who is an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood and:

- (1) is under the age of 13 years; or
- (2) is 13 to 18 years of age and the person is four or more years older than the complainant.

**Statutory Sexual Assault** - Except as provided in the definition of *rape* (above), a person commits [statutory sexual assault] when that person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either:

- (1) four years older but less than eight years older than the complainant; or
- (2) eight years older but less than 11 years older than the complainant.

A person commits a felony of the first degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other.

**Stalking** is committed by a person when that person either:

- (1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
- (2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

**Consent** is available as a defense as described in the Pennsylvania Crimes Code, where such consent negates an element of an offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense. Chapter 31 of the Crimes Code (relating to sexual offenses) provides that while an alleged victim need not resist an actor, nothing in that section shall be construed to prohibit a defendant from introducing evidence that the alleged victim consented to the conduct in question.

### ***Consent as Defined by Keystone College in Regard to Sexual Activity***

Consent to engage in sexual activity must exist from the beginning to the end of each instance of sexual activity. Consent consists of an outward demonstration indicating that someone has freely chosen to engage in sexual activity. In the absence of an outward demonstration, consent does not exist. Consent is informed, knowing, and voluntary. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in

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sexual activity. Consent is not effective if it results from the use of physical force, intimidation, and coercion; if incapacitation develops, there is no longer consent.

Prior to engaging in sexual activity, each participant should ask himself and/or herself this question: “Has the other person consented?” If the answer is “no,” or “I’m not sure,” then consent has not been demonstrated and hence it does not exist. Silence or the lack of resistance does not demonstrate consent. Relying upon non-verbal communication can lead to misunderstandings. The responsibility of obtaining consent rests with each person who wishes to engage in sexual activity. Students who initiate sexual activity should be able to explain the basis for their belief that consent existed. Consent to engage in sexual activity may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease. A previous sexual relationship, and/or current relationship with a partner, may not, in themselves, be taken to imply consent. Use of alcohol or drugs shall not diminish one’s responsibility to obtain consent and does not excuse an actor’s conduct.

### **College Policy Expectations with Respect to Physical Sexual Misconduct**

The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you do not. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence – without actions demonstrating permission – cannot be assumed to show consent.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. A person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, “no” always means “no,” and “yes” may not always mean “yes.” Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “no.”

### **College Policy Expectations with Respect to Consensual Relationships**

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of

applicable sections of the faculty/staff handbooks. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift the student out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes RAs and students over whom they have direct responsibility. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

### **ARRESTS AND DISCIPLINARY REFERRALS FOR VIOLATIONS OF WEAPONS, DRUG ABUSE AND LIQUOR LAWS**

Statistics are reported separately for the number of persons arrested and for the number of persons referred for disciplinary action for violations of laws involving weapons, drug abuse, and liquor.

**Arrests** are defined as *persons processed by arrest, citation or summons*. Arrests include instances where a person is taken into custody, regardless of whether any formal charge is filed; arrests also include charges that are filed through the issuance of a summons or citation.

A **referral for disciplinary action** is defined as *the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction*.

Violations of weapons, drug abuse, and liquor laws are defined as:

**Weapons Violations** are defined as *the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature*.

**Drug Abuse Violations** are defined as *the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs*.

**Liquor Law Violations** are defined as *the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including 'driving under the influence' and drunkenness*.



## CRIMES AND OFFENSES REPORTED PURSUANT TO PENNSYLVANIA LAW: CALENDAR YEARS 2022, 2021, AND 2020

Statistical information for all reported criminal incidents (those that would be recorded in the Campus Safety Daily Crime and Fire Log) are reported to the Pennsylvania State Police through the Pennsylvania Uniform Crime Reporting System (PaUCR), as required by the Pennsylvania Uniform Crime Reporting Act. Only those offenses with reportable statistics within the past three years are shown.

Statistical information collected pursuant to the *Clery Act* is shown in separate tables below.

Readers should note that the statistics reported under the PaUCR and the *Clery Act* are not the same and will appear to be dissimilar. This is because of differences in the respective mandates of the two reporting requirements.

### Table Definitions – Pennsylvania Uniform Crime Reporting

<i>Part I / Part II Offenses</i>	Pennsylvania crime categories are classified by the PaUCR as either Part I or Part II depending on the nature of the offenses.
<i>N</i>	Represents the number of reported offenses.
<i>Rate</i>	Represents the crime rate for a particular offense or group of offenses. Rates are calculated by dividing the number of reported offenses by the aggregated total number of full-time equivalent students and full-time equivalent employees, per 100,000 persons.

## Criminal Offenses Reported to the Pennsylvania Uniform Crime Reporting System

### A - Criminal Offenses Reported Via the Supplemental Reporting System (SRS):

Part I Offenses Reported	2022		2021		2020	
	N	Rate	N	Rate	N	Rate
Rape	0	0	2	137.17	1	68.59
Assault – Other Weapon	0	0	1	68.59	0	0
Assault - Other (Non-Aggravated)	6	441.18	6	411.52	12	823.05
Burglary – Forced Entry	2	147.06	1	68.59	2	137.17
Burglary - Unlawful Entry / No Force	0	0	0	0	0	0
Larceny-Theft	14	1029.41	5	342.94	16	1097.39
Motor Vehicle Theft – Other	0	0	0	0	2	137.17
<b>Subtotal: Part I Offenses Reported</b>	<b>24</b>	<b>1617.65</b>	<b>15</b>	<b>1028.81</b>	<b>31</b>	<b>2263.37</b>

Part II Offenses Reported	2022		2021		2020	
	N	Rate	N	Rate	N	Rate
Fraud	0	0	0	0	6	411.52
Vandalism	8	588.24	5	342.94	6	411.52
Sex Offenses (Except Rape)	2	147.06	2	137.17	5	342.94
Drug Possession – Marijuana	21	1544.12	5	342.94	18	1234.57

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Liquor Law	5	367.65	0	0	1	68.59
Drunkenness	0	0	0	0	0	0
Disorderly Conduct	0	0	8	548.70	4	274.35
All Other Offenses	1	73.53	4	274.35	11	754.46
<b>Subtotal: Part II Offenses Reported</b>	<b>37</b>	<b>2573.54</b>	<b>21</b>	<b>1646.10</b>	<b>50</b>	<b>3497.95</b>
<b>All Reported Offenses</b>	<b>61</b>	<b>4191.19</b>	<b>39</b>	<b>2674.91</b>	<b>81</b>	<b>5761.32</b>

**B - Criminal Offenses Reportable Under the National Incident-Based Reporting System (NIBRS)**  
Statistics are only those reported by Keystone College Campus Safety. No law enforcement statistics are included.

	2022	2021	2020
<b>Total Reportable Group A Offenses</b>	<b>N</b>	<b>N</b>	<b>N</b>
Forcible Fondling	0	1	0
Simple Assault	1	1	0
Burglary/Breaking & Entering	0	0	5
Shoplifting	0	0	0
Theft from Building	0	2	0
Theft from Motor Vehicle	0	0	0
All Other Larceny	2	1	5
Motor Vehicle Theft	0	0	0
False Pretenses/Swindle/Confidence Game	0	0	0
Stolen Property Offenses	0	0	0
Destruction/Damage/Vandalism of Property	7	5	6
Drug/Narcotic Violations	2	2	5
Drug Equipment Violations	1	3	0
<b>Group A Offenses</b>	<b>13</b>	<b>15</b>	<b>21</b>
<b>Group B Offenses</b>	<b>-</b>	<b>-</b>	<b>-</b>

No NIBRS information was recorded for offenses prior to 2020.

Law enforcement agencies are mandated to begin reporting criminal statistics via the NIBRS no later than January 2022.

Only arrests for Group B offenses are reported.  
Campus Safety officers do not have arrest powers.

**C – Reports Involving Violations of Keystone College’s Anti-Hazing policy**

Academic Year and Number of Violations Reported

2022-2023 – 0	2019-2020 - 0
2021-2022 – 0	2018-2019 - 0
2020-2021 – 0	2017-2018 - 0

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### Clery Act: Criminal Offenses Reported

	On-Campus Offenses Reported			On-Campus Student Housing <sup>1</sup>			Non-Campus			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
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
Sexual Assault:	Rape	0	2	1	0	0	0	0	0	1	0	0
	Fondling	0	3	0	0	0	0	0	0	0	0	0
	Incest	0	0	0	0	0	0	0	0	0	0	0
	Statutory Rape	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	2	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

<sup>1</sup> Student Housing figures are included in the On-Campus Figures

### Clery Act: Hate (Bias-Motivated) Crimes Reported

**2022** No bias-related incidents were reported.

**2021** No bias-related incidents were reported.

**2020** No bias-related incidents were reported.

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**Clery Act: Offenses Reported Under the Violence Against Women Act (VAWA)**

VAWA Offenses <sup>2</sup>	On-Campus Reported Offenses			On-Campus Student Housing <sup>1</sup>			Non-Campus			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	2	0	0	2	0	0	0	0	0	0	0
Sexual Assault	0	2	0	0	2	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

**Clery Act: Arrests and Disciplinary Referrals for Violations of Liquor, Drug Abuse, and Weapons Laws**

	On-Campus Reported Offenses			On-Campus Student Housing <sup>1</sup>			Non-Campus			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Arrests - Weapons Law Violations	0	0	0	0	0	0	0	1	0	0	1	0
Arrests - Drug Law Violations	2	1	0	2	1	0	19	1	0	0	1	0
Arrests - Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Referrals – Weapons Law Violations	0	0	0	0	0	0	0	1	0	0	1	0
Referrals - Drug Law Violations	2	1	0	2	1	0	0	1	0	0	1	0
Referrals - Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0

<sup>1</sup> Student Housing figures are included in the On-Campus figures

<sup>2</sup> These offenses may have been included in the Criminal Offenses tables above.

# EMERGENCY RESPONSE AND EVACUATION PROCEDURES

## FIRES AND OTHER EMERGENCIES

Each Keystone College building is equipped with smoke detection devices. Manual devices (pull stations) are also located within most buildings. These devices provide for internal notification to the Campus Safety Department; they do not cause immediate notification to emergency services. In the event of a fire, all individuals within a building should immediately leave the building by way of the nearest safe exit.

### Emergency Call Boxes

There are 16 working emergency call boxes located throughout the campus. Each call box is tested by members of the Campus Safety Department three (3) times each month, to ensure that they are functioning properly.

Emergency call boxes are located at these buildings and facilities:

Sabiston Hall	5	College Avenue	
Hibbard Campus Center	7	College Avenue	1 <sup>st</sup> Floor Patio
Davis Hall	23	College Avenue	
Student Residence	39	College Avenue	
Brooks Theatre	2012	College Road	Main Entrance
Tennis Courts	2042	College Road	
Ward Hall	113	Edwards Lane	Main Entrance
Tewksbury Residence Hall	217	Regina Way	College Ave Entrance
Hollinshead Residence Hall	219	Regina Way	Ground Floor
Moffat Residence Hall	242	Regina Way	Main Entrance
Boehm Residence Hall	253	Regina Way	Main Entrance
Frear-Reynolds Residence Hall	261	Regina Way	Campus Center side
Frear-Reynolds Residence Hall	261	Regina Way	Circle / Boehm side
Baseball Field	8	Woodland Campus Drive	on College Rd
Maintenance Garage	9	Woodland Campus Drive	
Athletic Field Complex	21	Woodland Campus Drive	Blue Field House

### Keystone College Emergency Action and Response Plan

Keystone College has developed an emergency action and response plan (Plan), and that plan is reviewed regularly so as to ensure that it meets the current needs of the College. Plan activities are carried out through the activation of the Campus Response Team (CRT). The Campus Response Team is made up of key staff members, representing multiple College constituencies.

Should it become necessary to respond to an emergency situation or dangerous situation involving an immediate threat to the health or safety of our students or employees, the Campus Response Team will be activated and the Plan will be implemented. The Campus Response Team is normally activated by the Campus Response Coordinator upon confirmation of the existence of an emergency or dangerous condition, but it may be activated by any of its members.

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As part of the College response to emergencies, the Campus Response Team is assisted by a number of building coordinators that can help with building evacuation or lock-down.

Emergencies might include for example: criminal incidents, chemical spills, extreme weather, and earthquakes. An emergency does not have to be located on our campus to be considered an immediate threat to the campus.

As part of the Plan, appropriate measures will be taken according to the situation. These measures may include the evacuation of a building(s), or they may require securing a building(s) for use as shelter.

Depending on the nature of the situation, emergency services will be notified to respond and assist the College in mitigating the emergency. The College is served by several emergency services: the Dalton Borough Police Department, the Pennsylvania State Police, and the Factoryville Fire Department.

Upon a report of an on-campus emergency situation, Campus Safety personnel will respond to the reported location so as to evaluate the situation and take any necessary action. Upon confirmation of a serious emergency, the Director of Campus Safety will confer with appropriate members of College administration (including but not limited to the Associate Vice President for Administration and the Director of Physical Facilities) to coordinate any additional response.

### **Notification to the Campus Community**

Should the emergency be of a particularly serious nature, the Campus Safety Department will ensure that notification is made to the persons affected. The scope of such notification will be commensurate with the nature of the situation (campus-wide, a single building, etc.).

Notification to the campus community of a serious emergency will be made via the College's Wireless Emergency Notification System (WENS). The Director of Campus Safety will request activation of the WENS through the College's Chief Information Officer.

The content of the WENS message will be determined by taking into account the safety of the community. The WENS will be activated without delay, unless issuing the notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

All students, faculty, and staff are urged to sign up for WENS alerts through the [MyKC Portal](#) on the College website as early as possible.

### **Notification to the Community at Large**

Should an on-campus emergency be of such a nature that it affects the larger community, the Director of Campus Safety will confer with the Associate Vice President for Administration and public safety officials so that a determination may be made concerning notification to the community at large. If such a determination is made to make a community notification, a decision will also be made as to how that notification will be made (College website, news media, etc.)

### **Building Evacuation**

The first person who becomes aware of any type of an emergency or criminal situation should notify

the Department of Campus Safety by the most direct means available, or call 9-1-1 directly if he or she feels that the situation warrants it. **The Campus Safety emergency telephone number is (570) 945-8989, or extension 8989 (from a campus telephone).**

In the event of an actual or suspected fire or other emergency that would necessitate a building evacuation, all persons should proceed to their designated predetermined assembly point and shall remain at the assembly point to await further detailed instruction. **AT NO TIME WILL ANYONE RE-ENTER A BUILDING UNTIL AN “ALL CLEAR” ANNOUNCEMENT HAS BEEN MADE BY A MEMBER OF THE CAMPUS SAFETY DEPARTMENT.**

The Residence Life staff and Campus Safety Officers are made aware of residence hall rooms designated as those with “special accommodations.” These rooms have fire alarm/horn/strobe units installed therein that are connected to the fire alarm system within the building. When a fire alarm is activated, the alarms will strobe, and a very loud audible alarm will sound.

### **Campus Lock-Down Procedures**

If a building or campus lockdown becomes necessary:

- a WENS alert email message will be sent indicating that a LOCKDOWN is in effect
- all buildings will initiate lockdown procedures
- exterior doors will be secured by building coordinators and/or Campus Safety
- if you are in a hallway or other open area, proceed to the nearest interior room
- close and lock all doors and windows
- if a door does not lock, barricade it with a large, heavy object
- close any blinds or drapes
- turn off lights and any unnecessary equipment
- set cell phones / tablets to silent
- move to a wall location within the room, on the same wall as the door
- receive students, staff, etc. from hallways if it is safe to do so
- remain calm and as quiet as possible
- refrain from the use of electronic / social media; doing so may compromise safety
- if gunshots are heard, assume a prone position (face-down) on the floor

**AT NO TIME SHOULD ANYONE LEAVE A SECURED BUILDING UNTIL AN OFFICIAL “ALL CLEAR” ANNOUNCEMENT HAS BEEN TRANSMITTED VIA THE EMERGENCY NOTIFICATION SYSTEM (WENS).**

### **TIMELY WARNINGS**

When the Department of Campus Safety is made aware that a *Clery Act* crime occurring within the College's *Clery* geography has been reported to a campus security authority or a local police agency, which represents a serious or continuing threat to students and employees of the College, the Director of Campus Safety will ensure that a timely warning is issued via the College WENS.

Timely warnings are intended to provide information so as to allow members of the College community to protect themselves. Warnings will include known information such as the nature of the crime, the location, and the date/time of occurrence. The aim is to promote safety and help to prevent similar crimes.

The WENS system is tested annually.

## **SECURITY CONSIDERATIONS AND ACCESS TO CAMPUS FACILITIES**

### **ACCESS TO RESIDENTIAL AND OTHER CAMPUS FACILITIES**

During business hours, the College (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, restricted access to College facilities is granted through the Department of Campus Safety or Residence Life staff, as appropriate. During periods of extended College closings, the College will admit only those with prior written authorization to its facilities.

Residence halls are secured twenty four (24) hours a day, seven (7) days a week, year round. Access to residence halls is limited to students and their guests. Non-emergency access to residence halls by College employees is granted on an as-needed basis.

Other facilities may have individual hours which may vary at different times of the year. Examples include the Gambal Athletic Center, the Hibbard Campus Center, and the Miller Library. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility.

### **CAMPUS FACILITIES: SECURITY CONSIDERATIONS**

College facilities are private property; it is expected that visitors will abide by College rules and regulations. Safety and security within the residence halls is the combined responsibility of the Department of Campus Safety, the Department of Residence Life, and the students that reside within.

Entrances to residence halls are equipped with closed circuit cameras (CCTV), which have the capability to be monitored by the Department of Campus Safety.

Entrances to the residence halls are locked at all times. Access to residence halls is by use of College *KeyKards*. Card access is determined on an individual, documented basis.

Resident students are responsible for helping to maintain security in their respective buildings and rooms by keeping doors and windows secured. Resident students can also help to ensure that residence halls are free from uninvited individuals by reporting any unauthorized individuals to on-duty Residence Life or Campus Safety staff. Resident students are responsible for the actions and behavior of their respective guests.

While campus facilities are patrolled by Campus Safety staff, any student or employee is urged to report any unsafe condition or occurrence of which they become aware.

Keystone College students, faculty, and staff enjoy access to academic, recreational and administrative facilities on campus. The general public may attend public cultural, athletic, or recreational events on campus; however, their access is limited only to the facilities in which these events are held.

## CRIME PREVENTION AND CAMPUS SECURITY

The Department of Campus Safety will provide information from time-to-time for students and employees concerning crime prevention and to encourage them to be responsible for their own and others' personal safety.

This information will be presented through the Campus Safety webpage, literature made available at the Department of Campus Safety, and/or group instruction.

Students and employees can take steps to help increase their own safety. Such measures include

- being aware of your surroundings
- travelling in groups when possible; walk in well-lighted areas
- telling a friend where you are going, and when you expect to return
- locking your door when you leave your room or office
- not providing building access to someone you do not know or that you know does not belong there
- calling the campus safety department if you need assistance

## KEYSTONE COLLEGE POLICY STATEMENTS: ALCOHOL AND ILLEGAL DRUGS

### STUDENT ALCOHOL POLICY

Article VII of the Student Handbook provides information on Keystone College's student alcohol policy.

Students, faculty, staff, and contractors are hereby advised that Keystone College, as a recipient of federal funds, supports and complies with the provisions of the Drug Free Work Place Act of 1988 and the Drug Free Schools and Communities Act of 1989. The unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs and alcohol by employees or students on the College campus are prohibited and violations of this policy will result in appropriate disciplinary action.

**Keystone College has a zero tolerance for alcohol policy violations. A student's presence where any aspect of the Student Alcohol Policy is being violated, even if he/she is not directly involved in the specific act, constitutes a violation of the Student Alcohol Policy. A student who actively, or passively, supports another's violation of College policy is in violation of their duty to uphold community standards, including the Student Code of Conduct.**

The College recognizes that there are serious health risks, behavioral problems, and legal consequences associated with the abuse, irresponsible use, and/or illegal use of alcohol. Therefore, all members of the campus community are expected to understand that alcohol use is inconsistent with the mission of the College. All students are expected to abide by local, state and federal laws along with the Student Alcohol Policy of Keystone College.

All alleged violations of the Student Alcohol Policy will be referred to a formal meeting with the Coordinator of Student Conduct or to an All-College Student Conduct Board hearing. Violations of this policy are cumulative in nature. **If a student is found to be in violation of the Student Alcohol**

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**Policy, minimum sanctions may include, but are not limited to:**

**A. Open Canister**

Keystone College does not permit the use of open or empty alcoholic beverage canisters for any reason (decorative or otherwise) on campus. Anyone found in violation of this policy will be sanctioned under the College's alcohol policy. This includes all cans, bottles, shot glasses and other drinking paraphernalia.

**B. Suspicion of Alcohol**

If a College Official smells alcohol emanating from a student's person, any residence hall room, or any other location on the College campus, or finds empty alcohol containers, the student will be found in violation of the Student Alcohol Policy. This also provides the College with sufficient probable cause to search the student's room (or area involved) for alcohol.

**C. Off Campus Gatherings / Parties**

Keystone College recognizes that students above the legal drinking age of 21 are allowed to responsibly obtain, consume and possess alcohol in off-campus properties not associated or leased by the College. In cases where students are cited and/or arrested by local law enforcement for furnishing, providing, or selling alcohol to minors, the student will be immediately placed on disciplinary probation and social probation until a formal meeting or student conduct board hearing can be held.

**D. 21 and Over Policy**

1. One (1) 750 ml bottle of wine or one (1) six-pack of beer per student is permitted at the student activity at any given time.
2. Drinks are permitted to be consumed in clear containers only; no red solo cups, shot glasses, or beer bongs/ balls.
3. ID must be presented when asked for or at registration/check-in table.
4. Alcoholic beverages are only allowed in the 21 designated areas. There will be zero tolerance of any alcohol consumption outside of this area.
5. Students may not display or consume alcohol in outside areas surrounding the determined location. This includes, but is not limited to: porches, lawns, sidewalks, vehicles and parking areas.
6. If there is any indication that alcohol is being misused by one or more persons at the location, it will be viewed as irresponsible use. Ultimately, evidence of a policy violation will be based on the quantity of alcohol present, as well as the activity (or intended activity) occurring at that time.
7. Drinking games are strictly prohibited.
8. The Office of Residence Life and the Office of Campus Safety reserve the right to conduct compliance searches at any given time.
9. Any student that is visibly intoxicated may be found in violation of the policy.
10. Alcohol poisoning is a serious problem; should any student show signs of alcohol poisoning, the proper authorities must be contacted immediately.
11. Students must not operate a vehicle while intoxicated.



12. Intoxication and impairment begins with the first drink.
13. Reasonable suspicion of furnishing to minors will result in immediate revocation of privilege to be in the designated areas or to be at the student activity.

### **Enforcement of State Alcohol Laws**

In cases where students are cited and/or arrested by local or state law enforcement for unlawful possession of alcoholic beverages, or for furnishing, providing, or selling alcohol to minors, those students are also subject to the disciplinary procedures outlined above.

### **STUDENT DRUG POLICY**

Article VIII of the Student Handbook provides information on Keystone College's student drug policy.

Students, faculty, staff, and contractors are hereby advised that Keystone College, as a recipient of federal funds, supports and complies with the provisions of the Drug Free Work Place Act of 1988 and the Drug Free Schools and Communities Act of 1989. The manufacture, distribution, dispensation, possession or use of illegal drugs or other legal mind-altering synthetics drugs including, but not limited to, "Spice," "K2," "Salvia," or "Bath Salts" by employees or students on the College campus are prohibited, and violations of this policy will result in appropriate disciplinary action.

**Keystone College has a zero tolerance for drug policy violations. A student's presence where any aspect of the drug policy is being violated, even if he/she is not directly involved in the specific act constitutes a violation of the Drug Policy. A student who actively, or passively, supports another's violation of College policy is in violation of their duty to uphold community standards, including the Student Code of Conduct.**

The College recognizes that there are serious health risks, behavioral problems, and legal consequences associated with the abuse, irresponsible use, and/or illegal use of illicit drugs. Therefore, all members of the campus community are expected to understand that the illegal use is inconsistent with the mission of the College. All students are expected to abide by local, state and federal laws along with the Student Drug Policy of Keystone College.

All alleged violations of the Student Drug Policy will be referred to a formal meeting with the Coordinator of Student Conduct or to an All-College Student Conduct hearing. Violations of this policy are cumulative in nature

#### **Suspicion of Illegal Substances**

If a College Official smells illegal substances emanating from a student's personal belongings, any residence hall room, or any other location on the College campus, or finds drug paraphernalia, the student will be found in violation of the Drug Policy. This also provides the College with sufficient probable cause to search the student's room (or area involved) for illegal or controlled substances.

#### **Suspicion of Dealing, Distributing or Selling Illegal Substances**

If a College Official searches a residence hall room or other student property on Keystone

College premises (automobile, etc.) and sees indications of possible dealing, distribution or selling of illegal substances on Keystone College property, the student could face immediate suspension and/or expulsion from the College along with other legal consequences including, but not limited to, being reported to the appropriate law enforcement agencies. Indications of dealing, distribution or selling of illegal substances can include, but are not limited to, the possession of several baggies and/or scales and/or a significant amount of an illegal drug or substance.

### **Enforcement of Federal and State Drug Laws**

If a College Official smells illegal substances emanating from a student's personal belongings, any residence hall room, or any other location on the College campus, or finds drug paraphernalia, the student may be found in violation of the Drug Policy. This also provides the College with sufficient cause to search the student's room (or area involved) for illegal or controlled substances.

If a College Official searches a residence hall room or other student property on Keystone College premises (automobile, locker, etc.) and sees indications of possible dealing, distribution or selling of illegal substances on Keystone College property, the student could face immediate suspension and/or expulsion from the College along with other legal consequences including, but not limited to, notification to appropriate law enforcement agencies. Indications of dealing, distribution or selling of illegal substances can include, but are not limited to, the possession of several baggies and/or scales and/or a significant amount of an illegal drug or substance.

### **Drug & Alcohol Abuse Education Programs**

Keystone College provides campus-wide programming available to students and employees aimed at the prevention of drug and alcohol abuse. These programs have included:

- Seminars featuring speakers on pertinent topics
- Mock-tail gatherings / non-alcoholic bar nights
- Mentoring programs for resident assistants
- Activities to promote positive stress reduction strategies

## **KEYSTONE COLLEGE POLICY STATEMENT: MISSING RESIDENT STUDENTS**

As an institution that provides on-campus student housing facilities, the following is the Keystone College statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities.

### **POLICY: MISSING RESIDENT STUDENT**

This policy has been established by Keystone College in order to be in compliance with the *Higher Education Opportunity Act of 2008*. The policy applies to all Keystone College resident students (those living in on-campus housing or housing properties leased by the College). The policy does not cover students other than resident students.

For the purpose of this policy, a missing student is considered to be a resident student whose absence

from campus is contrary to his or her normal pattern of behavior and/or there is a concern that unusual circumstances may have caused the student's absence from campus. Such unusual circumstances may include, but are not limited to:

- a report or suspicion that the person may be a victim of foul play, or
- the person has expressed suicidal thoughts, or
- the person is drug or alcohol-dependent, or
- the person is in a life threatening situation, or
- the person has been with persons who may endanger the student's welfare or,
- the person is overdue to return to campus and has not been heard from after giving a specific return time to friends or family.

In the event of a missing resident student, College Officials will refer to the student's emergency contact information. Students are responsible for updating their emergency contact information on a regular basis and should update their emergency contact information at least once each semester by logging onto [MYKC](#). Responsibility for the accuracy of emergency contact information belongs solely to the student. Keystone College faculty and staff remind the students of this important task at the beginning of each semester.

#### **Procedure – Missing Resident Student:**

**Anyone – including students, faculty, and staff – who has reason to believe that a resident student has been missing for twenty-four (24) hours should immediately report the occurrence to an on-duty resident assistant (R.A.), the Director of Residence Life, or an on-duty member of the Department of Campus Safety. The emergency number for Campus Safety is 570-945-8989 or 8989 from a campus phone.**

#### **Definition - Missing Resident Student**

A resident student is determined to be missing when a report comes to the attention of a Keystone College Official and the report is determined to be credible. Circumstances used in determining credibility may include, but are not limited to establishing that:

- a student is out of unexplained contact after reasonable efforts to reach that student by phone/text, email, and/or in-person attempts to establish contact have failed;
- circumstances indicate that an act of criminality may be involved, even lacking twenty-four (24) hours in time;
- circumstances indicate that the student's physical safety is in danger, even lacking twenty-four (24) hours in time;
- circumstances become known that medicine dependence may affect the student's life or health, even lacking twenty-four (24) hours in time;
- the existence of a physical or mental disability indicates that the student's physical safety is in danger, even lacking twenty-four (24) hours in time.

#### **Missing Persons Contact (Optional for Students)**

Each student has the option to identify a *missing person* contact person or persons whom Keystone College will notify within Twenty-four (24) hours of the determination being made by the Department of Campus Safety or any of our local law enforcement agencies, that the student is missing.

The missing person contact person or persons may include, be the same as, or be different from the student's emergency other contact information.

The missing person contact information provided by a student will be registered confidentially. This contact information will be accessible only to authorized campus officials, and it will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

### ***Action the College Will Take***

Any official report of a missing resident student requires that the Department of Campus Safety be notified immediately.

The Department of Campus Safety will be responsible to notify local law enforcement, within 24 hours of the determination that the student is missing (unless the local law enforcement agency was the entity that made the determination that the student is missing).

The Department of Campus Safety / Residence Life staff will notify the contact person or persons (pre-identified by the student at his or her option) within 24 hours of the determination that the student is missing.

If a missing resident student is under the age of eighteen (18) and not emancipated, a custodial parent or guardian will also be notified within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

The Department of Campus Safety will continue the investigation, in conjunction with Residence Life staff and make a determination whether the student has been missing for more than twenty-four (24) hours and has not returned to campus. If a resident student is still missing after 24 hours, notifications will again be made as indicated above.

During the investigation, efforts will be made to establish and document the following information:

- Name, location, and contact information of the person reporting the missing student
- Name and vital information of the student reported to be out of contact
- Nature of the circumstances supporting the determination that the student is out of contact
- Steps taken to establish that the student remains out of contact
- Dates and times of notifications made

The Vice President of Student Life, the Assistant Vice President of Student Life and Director of Residence Life will be kept informed by the Department of Campus Safety of attempts to contact the student and the results thereof.

During regular business hours, the Vice President of Student Life may also involve other Keystone College faculty, staff or administrators to assist in establishing contact with the missing student.

## **KEYSTONE COLLEGE POLICY STATEMENTS: DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING**

Article XII of the Student Handbook provides information on Keystone College's student sex/gender-based misconduct policy.

### **SEXUAL MISCONDUCT POLICY**

Members of the College community, guests and visitors have the right to be free from all forms of gender and sex-based discrimination, examples of which can include acts of sexual violence, sexual harassment, intimate partner violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. College believes in a zero tolerance policy for gender-based misconduct. When an allegation of misconduct is brought to an appropriate administration's attention, and a responding party is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence--without actions demonstrating permission-- cannot be assumed to show consent.

#### **Sexual Misconduct Offenses Include, But Are Not Limited To:**

1. Sexual Harassment
2. Non-Consensual Sexual Contact (or attempts to commit same)
3. Non-Consensual Sexual Intercourse (or attempts to commit same)
4. Sexual Exploitation

#### **1. Sexual Harassment**

Sexual Harassment is:

- unwelcome, gender-based verbal or physical conduct that is,
- sufficiently severe, persistent or pervasive that it,
- unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's educational program and/or activities, and is
- based on power differentials (quid pro quo), the creation of a hostile environment or retaliation

Three Types of Sexual Harassment—

- A. Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the reporting party's) and an objective (reasonable person's) viewpoint.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

- B. Quid pro quo sexual harassment exists when there are:

1. unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
2. submission to or rejection of such conduct results in adverse educational or employment action

- C. Retaliatory harassment is any materially adverse employment or educational action taken because of the person's participation in an investigation or resolution of discrimination or sexual misconduct.

## 2. Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- of a person upon another person,
- that is without consent and/or by force

Sexual Contact includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

## 3. Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is:

- any sexual intercourse
- however slight,
- with any object,
- of a person upon another person,
- that is without consent and/or by force.

Intercourse includes vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.



#### 4. Sexual Exploitation

Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another student;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism;
- Knowingly transmitting a sexually transmitted infection (STI) or human immunodeficiency virus (HIV) to another student;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation
- Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.
- The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.

#### Sanctioning For Sexual Misconduct

- Any person found responsible for violating the policy on Non-Consensual Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary violations.\*
- Any person found responsible for violating the policy on Non-Consensual Sexual Intercourse will likely face a recommended sanction of suspension or expulsion (student) or suspension or termination (employee).
- Any person found responsible for violating the policy on sexual exploitation or sexual harassment will receive a recommended sanction ranging from warning to expulsion or termination, depending on the severity of the incident, and taking into account any previous disciplinary violations.
- The decision-making body reserves the right to broaden or lessen any range of sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

The Keystone College Department of Student Life engages in a number of programs and activities to promote the awareness of sexual violence. These activities include:

- ❖ Presentations for first-year students; these presentations also include information on options for bystander intervention
- ❖ Discussions related to consent and alcohol-facilitated sexual violence
- ❖ Providing information relating to risk education and personal protection
- ❖ Participation in the *It's On Us* Campaign
- ❖ Keynote speakers

## **IF YOU HAVE BEEN THE VICTIM OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING**

*If someone you know has been the victim of dating violence, domestic violence, sexual assault or stalking, you can help them by urging them to consider the information below.*

Any person reporting an incident involving dating violence, domestic violence, sexual assault, or stalking can expect to be treated with dignity. Reports will be taken seriously and with the well-being of the victim as the first priority.

The College will assist victims in seeking medical attention. We will inform victims of available resources and will review reporting options available to the victim.

### **What You Should Do**

Crime victims are not powerless. There are actions that one can take to reduce the possibility of further harm or injury, as well as to bring criminal action against an offender. These actions, at a minimum, will also be helpful in obtaining a protective order.

- Try to get to a safe location.
- Try to remain as calm as possible.
- Call 9-1-1 if you feel you are in immediate danger. See 9-1-1 addressing on pages 2-4.
- Seek medical attention as needed.
- Consider telling someone you trust what happened.
- Report the occurrence to Campus Safety, the on-call Resident Assistant, and/or the police.
- Preserve evidence of the occurrence.

### **Preserving Evidence**

Evidence can take several forms, including your physical self, your clothing, and electronic devices.

If you have been the victim of a physical attack, you should make every attempt to preserve evidence of the occurrence, even if you are not sure if you want to report it:

- Avoid drinking, eating, showering, brushing your teeth, combing your hair or changing your clothes following the incident.
- If you have already changed your clothes, place them in a paper bag (plastic may destroy evidence).
- Try not to urinate. Urinating may reduce the ability to detect “date rape” drugs.
- Do not erase any electronic messages (voicemail, text, photos, etc.) from any of your electronic devices.

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- If you have been threatened via social media, try to capture a screenshot(s) of any threat(s).
- Consider having a trusted friend take pictures of any injuries.

### ***Reporting Crimes: Victims' Options***

Crimes involving dating violence, domestic violence, sexual assault or stalking - as with any crime or offense - should be reported as soon as possible to the Department of Campus Safety or any campus security authority, or to the police. The emergency telephone number for Campus Safety is (570) 945-8989, or 8989 from a campus phone.

The Department of Campus Safety can help you seek immediate medical attention and will assist you in reporting a crime to the police, should you choose to do so.

Victims have the option as to whether or not they report the occurrence of any crimes. If a victim is not sure whether he or she wants to pursue criminal charges through the criminal justice system (the police) a confidential report can still be made through the Department of Campus Safety or any campus security authority.

### ***Confidentiality***

In cases of voluntary confidential reporting by a victim to the campus safety department, the College will honor a victim's and/or reporter's request to have his or her personal information remain confidential. The College will keep all personally identifying information (name, age, residence, etc.) confidential and will reveal that information only to those directly connected with any subsequent investigation.

Statistical information will be included in annual reporting, even though no identifying information will be reported. What this means to the victim is that a statistic of the occurrence will be reported, but no information intended to jeopardize the confidentiality of the victim will be disclosed by the College.

Keystone College will proceed in a manner that is consistent with applicable law, with the principles of thorough investigation, and the safety of the campus community.

### **INFORMATION THAT WILL BE PROVIDED TO VAWA CRIME VICTIMS**

The Violence Against Women Act (VAWA) recognizes offenses that involve dating violence, domestic violence, sexual assault, and stalking. Despite its title, both males and females can be victims of VAWA offenses.

When a student or employee reports to the College that he or she has been a victim of dating violence, domestic violence, sexual assault or stalking, whether the offense occurred on or off campus, he or she will be provided with a written explanation of the student's or employee's rights and options.

The College will provide written notification to VAWA crime victims about available protective measures as well as how to request any available accommodations for academics or, on-campus living situations (resident students). The College will provide such protective measures or make accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to officially report the crime to Campus Safety or law enforcement.

The College will provide written information to VAWA crime victims about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other available services, both from the College and from within the community.

## PROTECTIVE ORDERS AVAILABLE TO VICTIMS

There are several kinds of protective orders that might be available to victims. In addition to no-contact agreements that can be made at the College level, there are different types of court-issued orders that may be issued, depending upon the circumstances involved.

**No Contact Agreement** – an agreement generated at the College level, between two or more students that restricts for example, in-person, electronic, and/or third-party communication or contact.

In addition to no-contact agreements, there are several different types of court-issued protective orders that can help protect persons from abuse. Depending upon one's home state, these orders might be known as Orders of Protection, Protection from Abuse Orders (PFA), Temporary Restraining Orders (TRO), or simply Protective Orders.

In Pennsylvania, there are three (3) basic types of protective orders; they are: Protection from Abuse Orders (PFA), Sexual Violence Protection Orders (SVP), and Protection from Intimidation Orders (PFI).

**Protection from Abuse Orders (PFA)** may be sought by those victims where a household or family-type relationship exists between the victim and the offender:

- Spouses, former spouses, or persons living as spouses
- Current or former sexual, intimate, or dating partners
- Parents and children
- Family members related by blood (consanguinity)
- Family members related by marriage (affinity)

and where the plaintiff alleges abuse, including sexual abuse and intimidation.

**Sexual Violence Protection Orders (SVP)** may be sought by those victims where no family/household relationship exists, as described above and where the plaintiff alleges sexual violence, as described by state law.

**Protection from Intimidation Orders (PFI)** may be sought by those victims where no family/household relationship exists, as described above and where the plaintiff alleges intimidation (harassment or stalking). These Orders are only available where the plaintiff is under 18 years of age and the perpetrator is over 18 years of age. A parent or legal guardian must file on behalf of the minor.

## RESOURCES AVAILABLE TO VICTIMS

**24-Hour Resources** *Campus Safety can assist in providing 24-hour access to services.*

- Keystone College Department of Campus Safety 570-945-8989 \*
- Women's Resource Center (Scranton) 570-346-4671 or 800-257-5765
- Victims' Resource Center (Tunkhannock) 570-836-5544 or (866) 206-9050

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- Scranton Counseling Center (Scranton) 570-348-6100
- Geisinger Community Medical Center (CMC: Scranton) 570-703-8000

\* Campus Safety will file an official report for Keystone College's use and will make the victim aware of his or her right to report to law enforcement and aid him or her in this process if he or she chooses.

- Dalton Police Department (Local Police) 570-836-6161 or 911 \*\*
- Pennsylvania State Police (Tunkhannock) 570-836-2141 or 911 \*\*

\*\* Police MUST investigate and file an official police report for injuries and/or offenses reported.

- ChildLine (PA Department of Human Services) 800-932-0313  
*ChildLine should be used to report incidents for students under the age of 18*

### **Daytime On-Campus Resources (8:30 a.m. – 5:00 p.m.)**

- Director of Campus Safety Michael Golay 570-945-8266
- Office of Campus Safety 570-945-8997
- Student Life Department 570-945-8400
- Keystone Counseling Center 570-945-8309
- Title IX Coordinator Lucilia McConkey 570-945-8278

### **Judicial Resources Applicable to the College Campus**

- Magisterial District Court 44-3-01 (Wyoming Co.) (570) 945-3038
- Magisterial District Court 45-3-01 (Lackawanna Co.) (570) 587-1909

## **EMPLOYEE TRAINING**

Keystone College employees receive training in several areas related to protecting our students. New employee orientation includes discussion of College policies related to sexual harassment. All employees are mandated to complete annual training related to sexual harassment.

In addition, employees are invited to attend training sessions offered periodically on current issues. For example, employees and students have participated in *Safe Zone* (relating to LGBTQ) and *Green Zone* (relating to returning military veterans).

# KEYSTONE COLLEGE POLICY STATEMENT: VIOLATIONS OF THE STUDENT CODE OF CONDUCT

Articles V and VI of the Keystone College Student Handbook outline the procedures that have been established to address alleged violations of student conduct complaints.

The procedures established for investigating violations of the student code of conduct include both formal and informal procedures, and are outlined below.

## INFORMAL CONDUCT PROCEDURES

### Preliminary Inquiry

When an incident occurs, the College conducts a preliminary inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved. In order to support the growth and development of our students, educational conferences may be utilized as a part of our preliminary inquiry.

The preliminary inquiry may lead to:

1. A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Code of Student Conduct, (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code).
2. A more comprehensive investigation, when it is clear more information must be gathered
3. A formal complaint of a violation and/or an educational conference with the respondent student.

When an initial educational meeting/conference is held, the possible outcomes include:

1. A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter should be closed and records should so indicate;
2. A decision on the allegation, also known as an “informal” or “administrative” resolution to an uncontested allegation (see immediately below);
3. A decision to proceed with additional investigation and/or referral for a “formal” resolution.

If a decision on the allegation is made and the finding is that the respondent student is not responsible for violating the Code, the process will end. The party bringing the complaint may request that the Coordinator of Student Conduct and the Title IX Coordinator reopen the investigation and/or grant a hearing. This decision will be in the sole discretion of the Coordinator of Student Conduct and the Title IX Coordinator and will only be granted for extraordinary cause. If the College's finding is that the respondent student is in violation, and the respondent student accepts this finding within three days, the College considers this an “uncontested allegation.” The



administrator conducting the initial educational conference will then determine the sanction(s) for the misconduct, which the respondent student may accept or reject. If accepted, the process ends.<sup>1</sup>

If student accepts the findings, but rejects the sanction, the College will conduct a sanction-only hearing, conducted by a student conduct board, which recommends a sanction to the Coordinator of Student Conduct. The sanction is then reviewed and finalized by the Coordinator of Student Conduct and is subject to appeal by any party to the misconduct. Once the appeal is decided, the process ends.

If the administrator conducting the educational conference determines that it is more likely than not that the respondent student is in violation, and the respondent student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves Formal Conduct Procedures.

### **Review and Finalize Sanction(s)**

If the student is found in violation(s), sanctions will be recommended by the Coordinator of Student Conduct and Title IX Coordinator when applicable, who will review and finalize the sanctions, subject to the College appeals process by any party to the complaint.

<sup>1</sup> In cases of minor misconduct, both steps in this paragraph can be accomplished in one meeting.

## FORMAL CONDUCT PROCEDURES

### College as Convener

The College is the convener of every action under this code. Within that action, there are several roles. The respondent student is the person who is alleged to have violated the Code. The party bringing the complaint, who may be a student, employee, visitor, or guest, may choose to be present and participate in the process as fully as the respondent student. There are witnesses, who may offer information regarding the allegation. There is an investigator(s) whose role is to present the allegations and share the evidence that the College has obtained regarding the allegations.

#### 1. Amnesty

##### a. For Complainants

The College provides amnesty to complainants who may be hesitant to report to College officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result.<sup>2</sup>

##### b. For Those Who Offer Assistance

To encourage students to offer help and assistance to others, the College pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Coordinator of Student Conduct, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.

##### c. For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the College are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.

*Abuse of amnesty requests can result in a decision by the Coordinator of Student Conduct not to extend amnesty to the same person repeatedly.*

##### d. Safe Harbor

Safe Harbor can provide immunity for students who are involved in violations of the College policies. Specifically, this rule applies to students who act on behalf of themselves or another student to prevent bodily injury or harm while engaged in an activity that violates College policies, federal, and state laws related to drugs, alcohol, and hazing. If any College student brings their own use, addiction, or dependency to the attention of College officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow

the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

The College's Safe Harbor rule also applies to students who act on behalf of others to prevent bodily injury or harm while engaging in an alleged act of hazing. Students are eligible from immunity from student conduct sanctions as long as the individual reports that another individual needs immediate medical attention due to a hazing incident to a College official, Campus Safety, police, or first responder. The reporting individual must provide their own name to the 911 operator, Campus Safety, or college official and remain with the individual requiring medical assistance until a Campus Safety officer, police, or emergency services personnel has arrived and the need for the individual's presence has ended.

Individuals who personally require a medical response related to drug, alcohol, or hazing violations are also provided immunity through the College's Safe Harbor rule.

## Investigation

The Coordinator of Student Conduct will appoint an investigator(s) for allegations under this Code of Conduct.<sup>3</sup> The investigator(s) will take the following steps, if not already completed by the Coordinator or designee:

1. Initiate any necessary remedial actions on behalf of the complainant (if any);
2. Determine the identity and contact information of the party bringing the complaint, whether that person is the initiator of the complaint, the alleged complainant, or a College proxy or representative;
3. Conduct an immediate preliminary investigation to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint.
  - a. If the complainant is reluctant to pursue the complaint, determine whether the complaint should still be pursued and whether sufficient independent evidence could support the complaint without the participation of the complainant.
  - b. Notify the complainant of whether the College intends to pursue the complaint regardless of their involvement, and inform the complainant of their rights in the process and option to become involved if they so choose.
  - c. Preliminary investigation usually takes between 2-7 business days to complete.
  - d. If indicated by the preliminary investigation and authorized by the Coordinator of Student Conduct, conduct a comprehensive investigation to determine if there is reasonable

<sup>3</sup> For any complaint that falls under Title IX (e.g. sexual misconduct) or involves any other form of discrimination, the Coordinator of Student Conduct will work under the supervision of the Title IX Coordinator.

cause to believe that the respondent student violated College policy, and to determine what specific policy violations should serve as the basis for the complaint.

- e. If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action.
  - f. A comprehensive investigation usually takes between two days and two weeks.
4. Meet with the party bringing the complaint to finalize their statement, drawn up by the investigator or designee because of this meeting.
  5. Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the respondent student, who may be given notice of the interview prior to or at the time of the interview.

Prepare the notice of alleged policy violation(s) on the basis of the reasonable cause determination, which may be delivered prior to, during or after the respondent student is interviewed, at the discretion of the investigator(s).

6. Interview all relevant witnesses, summarize the information they are able to share and have each witness sign the summary to verify its accuracy.
7. Obtain all documentary evidence and information that is available.
8. Obtain all physical evidence that is available.
9. Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline.
10. Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not).
11. Present the investigation report and findings to the respondent student, who may:
  - a. accept the findings,
  - b. accept the findings in part and reject them in part,
  - c. or may reject all findings;
12. Share the findings and update the party bringing the complaint on the status of the investigation and the outcome.

### **Notice of Alleged Violation**

Any member of the College community, visitor or guest may allege a policy violation(s) by any student for misconduct under this Code by reporting it to the Office of Campus Safety or the Coordinator of Student Conduct.

Notice may also be given to the Coordinator of Student Conduct (or designee) and/or to the Title IX Coordinator, when appropriate. Additionally, administrators may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a complainant or a third party, and should be submitted as soon as possible after the offending event occurs. The College has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

The Coordinator of Student Conduct (or designee) will assume responsibility for the investigation of the alleged violation as described in the sub-section below. The Technology Services Department is the designated contact for and principal investigator of copyright violation claims.

## Findings

The following options (1-3) describe how to proceed depending on whether the respondent student is found responsible and whether the respondent student accepts or rejects the findings and/or the sanctions either in whole or in part.

### 1. The Respondent student is Found “Not Responsible”

Where the respondent student is found not responsible for the alleged violation(s), the investigation will be closed. The party bringing the complaint, if any, may request that the Title IX Coordinator and/or Coordinator of Student Conduct, as applicable, review the investigation file to possibly re-open the investigation or convene a hearing. The decision to re-open an investigation or convene a hearing rests solely in the discretion of the Title IX Coordinator or the Coordinator of Student Conduct in these cases, and is granted only on the basis of extraordinary cause.

### 2. The Respondent student Accepts a Finding of “Responsible”

Should the respondent student accept the finding that they violated College policy, the Investigator will recommend appropriate sanctions for the violation, having consulted with Coordinator of Student Conduct and/or Title IX Coordinator, as appropriate. In cases involving discrimination, recommended sanctions will act to end the discrimination, prevent its recurrence, and remedy its effects on the complainant and the College community. If the respondent student accepts these recommended sanctions, the sanctions are implemented by the Coordinator of Student Conduct and the process ends. There will be a three-day period for review between the date of acceptance and when the resolution becomes final. Should the respondent student decide to reject the sanctions within that time period, Option 2B, below, will apply. This outcome is not subject to appeal.

### 3. The Respondent Student Accepts a Finding of “Responsible” and *Rejects* the Sanctions Recommended.

If the respondent student accepts the “responsible” findings, but rejects the recommended sanctions, there will be an administrative conference on the sanction, only.

### 4. Respondent Student Rejects the Findings Completely

Where the respondent student rejects the finding that they violated College policy, a formal hearing will be convened within seven business days, barring exigent circumstances.

At the hearing, the investigator(s) will present their report to the panel, the panel will hear from the parties, and any necessary witnesses. The investigation report will be considered by the panel, which renders an independent and objective finding. Full panel procedures are detailed below.

If the panel finds the respondent student not responsible for all violations, the Coordinator of Student Conduct will expeditiously inform the parties of this determination and the rationale for the decision in writing. This determination is subject to appeal by any party to the complaint. Appeal review procedures are outlined below.

If the panel finds a violation, it will recommend a sanction/responsive action to the Coordinator of Student Conduct, who will confer with the Title IX Coordinator as necessary and, render a decision within 7 days of the hearing and timely notify the parties in writing. An appeal of sanction(s) may be filed by any party to the complaint as detailed below.

#### 5. Respondent Student Accepts the Findings in Part and Rejects in Part

Where the respondent student rejects in part the finding that they violated College policy, there will be a panel hearing solely on the disputed allegations within seven days, barring exigent circumstances. For all findings holding a respondent student responsible for a violation, the College will follow the sanctioning process detailed in sub-sections

K(8) and K(9), below. If the Panel finds the respondent student “Not Responsible” on any of the contested allegations, the process will move to the Sanctioning Phase on only the uncontested allegations, as detailed in sub-section 14b below.

#### 6. Special Hearing Provisions for Sexual Misconduct, Discrimination and Other Complaints of a Sensitive Nature

All hearings under this sub-section will be conducted by a three-member administrative panel drawn from the panel pool. For sexual misconduct, discrimination and other complaints of a sensitive nature, whether the alleged complainant is serving as the party bringing the complaint or as a witness, alternative testimony options may be provided, such as placing a privacy screen in the hearing room or allowing the alleged complainant to testify from another room via audio or audio/video technology. While these options are intended to help make the alleged complainant more comfortable, they are not intended to work to the disadvantage of the respondent student.

The past sexual history or sexual character of a party will not be admissible by the other parties in hearings unless such information is determined to be highly relevant by the panel Chair. All such information sought to be admitted by a party or the College will be presumed irrelevant until a showing of relevance is made, in advance of the hearing, to the Chair. Demonstration of pattern, repeated, and/or predatory behavior by the respondent student, in the form of previous findings in any legal or campus proceeding, or in the form of previous good faith allegations, will always be relevant to the finding, not just the sanction. The



parties will be notified in advance if any such information is deemed relevant and will be introduced in the hearing.

The party bringing any complaint alleging sexual misconduct, other behavior falling with the coverage of Title IX and/or a crime of violence will be notified in writing of the outcome of a hearing, any sanctions assigned and the rationale for the decision.

## 7. Notice of Hearing

Once a determination is made that reasonable cause exists for the Coordinator of Student Conduct (or designee) to refer a complaint for a hearing, notice will be given to the respondent student. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Coordinator of Student Conduct (or designee); mailed to the local or permanent address of the student as indicated in official College records; or emailed to the student's College-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice will:

- a. Include the alleged violation and notification of where to locate the *Code of Student Conduct* and College procedures for resolution of the complaint; and
- b. Direct the respondent student to contact the Coordinator of Student Conduct (or designee) within a specified period of time to respond to the complaint. This time period will generally be no less than two days<sup>4</sup> from the date of delivery of the summons letter.

A meeting with the Coordinator of Student Conduct (or designee) may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the respondent student may indicate, either verbally or in writing, to the Coordinator of Student Conduct (or designee), whether they admit to or deny the allegations of the complaint.

## 8. Interim Action

Under the *Code of Student Conduct*, the Chief Student Affairs Officer or designee may impose restrictions and/or separate a student from the community pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct* when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve College property and/or to prevent disruption of, or interference with, the normal operations of the College. Interim actions can include separation from the institution or restrictions on participation in the community for no more than ten (10) business days pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct*. A student who receives an interim suspension may request a meeting with the Chief Student Affairs Officer or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the College may still proceed with the scheduling of a campus hearing.

<sup>4</sup> "Day", used throughout this document, refers to normal business days Monday-Friday when the College is in operation.

During an interim suspension, a student may be denied access to College housing and/or the College campus/facilities/events. As determined appropriate by the Coordinator of Student Conduct, this restriction may include classes and/or all other College activities or privileges for which the student might otherwise be eligible. At the discretion of the Coordinator of Student Conduct and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent student.

## 9. Hearing Options & Preparation

The following sub-sections describe the College's conduct hearing processes. Except in a complaint involving failure to comply with the summons of the Coordinator of Student Conduct (or designee), no student may be found to have violated the Code of Student Conduct solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Coordinator of Student Conduct, AHO or panel presiding over the hearing.

Where the respondent student admits to violating the Code of Student Conduct, the Coordinator of Student Conduct (or designee) may invoke educational conference procedures to determine and administer appropriate sanctions without a formal hearing. In an educational conference, complaints will be heard and determinations will be made by the Coordinator of Student Conduct or designee.

Where the respondent student denies violating the Code of Student Conduct, a formal hearing will be conducted. This process is known as a panel hearing. At the discretion of the Coordinator of Student Conduct (or designee), a request by one or more of the parties to the complaint for an educational conference may be considered. Students who deny a violation for which a panel hearing will be held will be given a minimum of four days to prepare unless all parties wish to proceed more quickly. Preparation for a formal hearing is summarized in the following guidelines:

- a. Notice of the time, date and location of the hearing will be in writing and may be delivered by one or more of the following methods: in person by the Coordinator of Student Conduct (or designee); mailed to the local or permanent address of the student as indicated in official College records; or emailed to the student's College-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. If a student conduct hearing is scheduled, the respondent student will be informed of the alleged violation(s), the date(s), time(s), and location(s) of the alleged violation(s), and a summary of the action which led to the alleged violation(s). Notification of the alleged violations against the respondent student will also include, but not be limited to, the following information:
- b. The date, time, and location of the hearing.
- c. The members of the All-College Student Conduct Board. The respondent student will be provided with the names of the hearing body members prior to the scheduled hearing, except in cases involving emergency hearing body appointments. The respondent

student has the right to challenge the inclusion of any member at least 24 hours prior to the scheduled hearing. The challenge must be in writing and be based on cause that clearly provides evidence of a conflict of interest, bias, pressure, or influence that could preclude a fair and impartial hearing. The Coordinator of Student Conduct will rule on all such challenges and his/her decision is final.

- d. Information regarding student rights afforded the student prior to and during the hearing.
- e. A student will be given a minimum of four calendar days' notice prior to appearing before the All-College Student Conduct Board.

The respondent student and complainant may select an advisor to advise him/her at the conduct hearing. The advisor may consult and interact privately with the respondent student or complainant during conduct proceedings. The advisor is not permitted, however, to represent the respondent student or complainant.

The respondent student may waive in writing his/her right to a hearing and accept one or more sanctions as determined by the Coordinator of Student Conduct; however, the Coordinator of Student Conduct may refuse to honor the waiver and require a hearing. The sanction(s) will reflect the severity of the current alleged violations(s) against the student, as well as any previous disciplinary record. A student who waives his/her right to a hearing forfeits any right to appeal the sanction(s) as determined by the Coordinator of Student Conduct.

- f. Students who are considered an immediate or substantial threat to themselves, others, and/or property **may** be issued an interim suspension by the Chief Student Affairs Officer.
- g. If there is a complainant of the conduct in question, the complainant may serve as the party bringing the complaint or may elect to have the College administration serve as the party bringing the complaint forward. Where there is no complainant, the College administration will serve as the party bringing the complaint forward.
- h. If a respondent student fails to respond to notice from the Coordinator of Student Conduct (or designee), the Coordinator of Student Conduct (or designee) may initiate a complaint against the student for failure to comply with the directives of a College official and give notice of this offense. Unless the student responds to this notice within two days by answering the original notice, an administrative conference may be scheduled and held on the student's behalf. As a result, the student may be administratively withdrawn from attending classes or a disciplinary hold may be placed on their College account, deeming them ineligible to register for courses or College housing until such time as the student responds to the initial complaint.
- i. At least three (3) days before any scheduled formal hearing, the following will occur:

- i) The respondent student will deliver to the Coordinator of Student Conduct (or designee) a written response to the complaint;
- ii) The respondent student will deliver to the Coordinator of Student Conduct (or designee) a written list of all witnesses for the College to call at the hearing;
- iii) The respondent student will deliver to the Coordinator of Student Conduct (or designee) all physical evidence the student intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Coordinator of Student Conduct can arrange for its presence;
- iv) The party bringing the complaint will deliver to the Coordinator of Student Conduct (or designee) a written list of all witnesses for the College to call at the hearing;
- v) The party bringing the complaint will deliver to the Coordinator of Student Conduct (or designee) all items of physical evidence needed at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Coordinator of Student Conduct can arrange for its presence;
- vi) The party bringing the complaint and the respondent student will notify the Coordinator of Student Conduct (or designee) of the names of any advisors/advocates who may be accompanying the parties at the hearing;
- vii) The Coordinator of Student Conduct (or designee) will ensure that the hearing information and any other available written documentation is shared with the parties at least two (2) days before any scheduled hearing. In addition, the parties will be given a list of the names of all the panelists in advance. Should any party object to any panelist, that party must raise all objections, in writing, to the Coordinator of Student Conduct immediately. Hearing officers will only be unseated if the Coordinator of Student Conduct concludes that their bias precludes an impartial hearing of the complaint. Additionally, any panelist who feels they cannot make an objective determination must recuse themselves from the proceedings.

#### 10. Student Conduct Board Hearing Overview

- a. Hearings will be conducted by the All-College Student Conduct Board on a case-by-case basis at the discretion of the Coordinator of Student Conduct. Hearings will be held according to the following guidelines, upon conclusion of which a decision will be tendered to the Coordinator of Student Conduct.
  - i) The hearing will be held at least four (4) calendar days after notice is received by the respondent student and complainant.
  - ii) The hearing will be conducted in private, with only the participants present.
  - iii) The Student Conduct Board hearing is conducted by an impartial body composed of at least one student, one staff, and one faculty member.

- iv) In hearings involving more than one respondent student, the hearing may be held jointly or separately, at the discretion of the Coordinator of Student Conduct and/or the Title IX Coordinator, as appropriate.
- v) The complainant and the respondent student have the right to be assisted by an advisor. The parties are responsible for presenting their own information regarding the alleged violation and, therefore, advisor(s) are not permitted provide evidence in any hearing before the All-College Student Conduct Board.
- vi) The complainant and the respondent student will have the privilege of presenting witnesses subject to questioning by the parties, the All-College Student Conduct Board and/or the Coordinator of Student Conduct.
- vii) The hearing body will call appropriate witnesses to provide information in support of the alleged violation(s) if needed.
- viii) Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the All-College Student Conduct Board and/or the Coordinator of Student Conduct.
- ix) All procedural questions are subject to the final decision of the Coordinator of Student Conduct.
- x) After the hearing, the All-College Student Conduct Board will determine by majority vote whether the student has violated each section of the code that the student is alleged to have violated.
- xi) The All-College Student Conduct Board's determination will be made on the basis of preponderance of evidence, which is defined as being more likely than not that the respondent student has violated the code.
- xii) There will be a single verbatim record, such as a digital recording, of all hearings before the All-College Student Conduct Board. The record will be the property of the College.

## 11. Student Conduct Board Procedures

- a. Presentation of Evidence – The following order of presentation will be followed in formal hearings:
  - i) Opening statement by Coordinator of Student Conduct. This must include presentation of alleged violation(s).
  - ii) Statement of complaint by complainant or Coordinator of Student Conduct.
  - iii) Presentation of witnesses and/or evidence supporting the alleged violations(s), including questions directed to the witnesses.
  - iv) Statement of the respondent student.

- v) Presentation of witnesses and/or evidence by the respondent student, including questions directed to the witnesses and follow-up questions directed to the respondent student.
  - vi) Closing statement by complainant.
  - vii) Closing statement by respondent student.
  - viii) The Coordinator of Student Conduct brings hearing to closure.
  - ix) The Coordinator of Student Conduct will have the final decision on what evidence may be presented and the tone/format of the questioning, and may place limits on length of testimony at any time.
- b. Deliberation
- i) The All-College Student Conduct Board will decide in closed deliberations if a preponderance of the evidence exists that the respondent student violated the stated provision(s) of the Student Code of Conduct.
  - ii) Deliberation is not part of the hearing; no verbatim record will be kept and no witnesses will be present.
  - iii) The hearing body's determination of "in violation" or "not in violation" will be based solely on the information presented at the hearing using the standard of "preponderance of evidence."
  - iv) Prior records of disciplinary action and complainant impact statements are considered by the hearing body only in the sanctioning phase of deliberations, except in the case of pattern evidence of sexual misconduct.
  - v) A formal decision email and letter will be sent to the parties within ten (10) calendar days of the conclusion of the hearing body's deliberation.
- c. Sexual Misconduct
- a. For any complaint that falls under Title IX (e.g. sexual misconduct) or involves any other form of discrimination, the Coordinator of Student Conduct will work under the supervision of the Title IX Coordinator

## 12. Violation of Law and College Discipline

If a student is charged with an off-campus violation of federal, state, or local laws, disciplinary action may be taken and sanctions imposed for misconduct which demonstrates flagrant disregard for the College community.

- a. Proceedings under this student code may be carried out prior to, simultaneously with, or following civil or criminal proceedings.
- b. When a student is charged by local, state, or federal authorities with a violation of law, code, or ordinance, the College will not request or agree to special consideration for that



individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a conduct body under the student code, however, the College may advise off-campus authorities of the existence of the student code and of how such matters will be handled internally. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and with the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

### 13. Conflict Resolution Options

The Coordinator of Student Conduct has discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to conflict resolution and to be bound by the decision with no review/appeal. Any unsuccessful conflict resolution can be forwarded for formal processing and hearing; however, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The Coordinator of Student Conduct may also suggest that complaints that do not involve a violation of the Code of Student Conduct be referred for mediation or other appropriate conflict resolution.

#### a. Mediation

All cases processed through the Office of Student Conduct are not required to go through formal hearings or informal resolution meetings. Mediation is a learning process which entails understanding and respecting the rights of others. It is an informal and confidential process to resolve minor conflicts, disputes, or disagreements without going through formal conduct proceedings.

Mediation cases may not be identified or filed as a conduct case. Mediation records will be maintained in a file and database separate from conduct files, and will not be recorded or reported as part of a student's record. All mediation files are confidential and will not be released without written consent, except in cases where the conduct or behavior is a repeat offense. In repeat cases, this information is only released to the hearing officer or committee conducting a formal hearing, and only used if found responsible for a violation of the Student Code of Conduct.

Alleged violations of the Student Code of Conduct which the College believes to be serious in nature are not subject to the mediation process. Such serious violations can include, but are not limited to: sexual misconduct, endangerment, physical assault, hazing, harassment, illegal drugs, alcohol, weapons, or certain violations of local, state, and federal laws.

Mediation files are expunged after a student graduates or after four (4) years after the date of the incident, whichever comes first. A request to have a mediation file expunged prior to this time must be sent in writing. The other person(s) involved in the case must agree, through signed consent, to the expungement of the file. The Chief Student Affairs

Officer reserves the right to deny any request for the expungement of a file prior to graduation or the 4-year time frame.

#### 14. Sanctions

- a. Any of the following sanctions may be imposed on a student, a group of students, or a student organization. Violations of the Student Code of Conduct may result in one or more of the following sanctions:
  - i) Warning – A notice in writing to the student that the student is violating or has violated the Student Code of Conduct or other College policies or regulations.
  - ii) Probation – Probation is for a designated period of time and includes the deferment of more severe disciplinary sanctions. If the student is found to be violating any College policies or regulations during the probationary period, more severe disciplinary sanctions will be automatically applied by the Coordinator of Student Conduct.
  - iii) Loss of Privilege – Denial of specified privileges for a designated period of time.
  - iv) Restitution – Full payment for the cost of material(s) and labor for repair or replacement of damaged, destroyed, stolen property, etc.
  - v) Fines – Monetary sanction for violations.
  - vi) Educational Sanction – An assignment such as a public presentation and/or researched paper on a designated topic.
  - vii) Formal Apology – A written and/or verbal expression of one's regret, remorse or sorrow for having insulted, failed, injured or wronged another.
  - viii) Community Service – A specified number of service hours performed by the student.
  - ix) Social Suspension – A separation of the student from all non- academic activities and functions for a specified period of time.
  - x) Social Expulsion – The permanent separation of the student from all non-academic activities and functions.
  - xi) Residence Hall Warning – A notice in writing that a student will lose housing privileges and be suspended from the residence halls if the student is found in violation of another major violation of the Student Code of Conduct.
  - xii) Residence Hall Suspension – Separation of the student from any of the residence halls and immediate vicinity of any of the residence halls for a definite period of time, after which the student is eligible to return. Residence hall suspension prohibits visitation within the residence halls. Students placed on residence hall suspension are not eligible for any housing refunds and are responsible for paying any outstanding charges during this time.

- xiii) Residence Hall Expulsion – The permanent separation of the student from the residence halls and in the immediate vicinity of any College residence hall. Residence hall expulsion results in permanent revocation of visitation rights. Students placed on residence hall expulsion are not eligible for any housing refunds and are responsible for paying any outstanding charges during this time.
- xiv) College Suspension – The separation of the student from the entire College and all College premises for a specified period of time or until certain conditions are met as specified by the College. College suspension will result in administrative withdrawal from courses and immediate removal from the residence halls, pending appeal. Students who are suspended are not eligible for any housing refunds and are responsible for paying any outstanding charges during this time.
- xv) College Expulsion – The permanent separation of the student from the entire College and all College premises. College expulsion will result in administrative withdrawal from courses and immediate removal from the residence halls, pending appeal. Students who are expelled are not eligible for any housing refunds and are responsible for paying any outstanding charges during this time.
- xvi) Lowering of Grade or Failing Grade – a reduction of a grade for a paper, assignment, quiz, exam, project, etc., or a reduction of the grade for a particular course.
- xvii) Any other type of sanction(s) at the discretion of the Coordinator of Student Conduct.
- xviii) Penalties for copyright violations escalate from a fine to expulsion, based on the number and scope of offenses. Devices for which copyright violations received may be subjected to intensified monitoring and/or disconnection from College network services.

b. Proof of sanction(s)

Proof of completion must be provided to the Coordinator of Student Conduct by the specified deadline date given to the student at the end of their informal/formal meeting or following the All-College Student Conduct Board hearing. It is the responsibility of the respondent student to ensure that proof of completion is provided by the specified date. **Failure of the respondent student to provide proof by the specified date will result in a violation of noncompliance and lead to further sanctions and fines.**

**NOTE:** Disciplinary sanctions will not be recorded in the student's permanent transcript, but will become part of the student's educational record, which is maintained privately in accordance with the Family Educational Rights and Privacy Act.

Upon graduation, a student may petition the Chief Student Affairs Officer to have disciplinary actions other than residence hall expulsion, College suspension, or College expulsions expunged from the student's educational record.

15. Interim Suspension

Interim suspension will be imposed:

- i) to ensure the safety and well-being of members of the College community or preservation of College property;
- ii) to ensure the student's own physical or emotional safety and well-being; or
- iii) to prevent disruption or interference of the normal operation of the College where a student poses a specific identifiable threat.

During the interim suspension, students may be denied access to:

- i) Residence halls
- ii) College premises (including classes)
- iii) College activities
- iv) Privileges for which the student might otherwise be eligible

#### Grounds for Interim Suspension

- i) In situations where the Chief Student Affairs Officer has reasonable cause to believe a student presents an immediate threat or danger to the health, safety, or general welfare of the campus community, an interim (temporary) suspension will be imposed. Immediate threats or dangers may include, but are not limited to, sexual assault, physical assault, hazing, possession of a firearm or explosives, or serious drug violations.
- ii) Interim suspensions will be imposed immediately upon determination that a student poses an immediate threat or danger to the health, safety, or general welfare of the campus community.
- iii) A student under interim suspension will not be allowed on campus except with the permission of the Chief Student Affairs Officer or the Coordinator of Student Conduct, unless a student is permitted full or limited continued academic access.
- iv) The respondent student will be provided information regarding his/her student rights and procedures used in a student conduct hearing. The terms of the interim suspension will be crafted to minimize the impact on the student's academic progress as much as possible under the circumstances. The student may request a meeting with the Chief Student Affairs Officer to show cause why an interim suspension should not be imposed, or should be lifted. That determination lies in the sole discretion of the Chief Student Affairs Officer.
- v) Student organizations will be suspended by the Chief Student Affairs Officer (or designee) in circumstances involving actions related to that group that may affect the health, safety, or general welfare of its members or the College community. This includes, but is not limited to, sexual misconduct, physical assault, hazing, possession of a firearm or explosives, or serious drug violations.

## 16. Appeal Requests

- a. Decisions of the All-College Student Conduct Board or by the Coordinator of Student Conduct may be appealed to the Chief Student Affairs Officer within five (5) business days, as described immediately below;
- b. Appeals must be in writing and must state the reasons for why an appeal should be considered. A written request must be submitted by the student to the Chief Student Affairs Officer within five (5) business days of the receipt of the hearing decision.
  - i) The written request must state the reason(s) for appeal and the supporting facts.
  - ii) Failure to describe the nature of the evidence in full detail in the appeal letter will result in the denial of an appeal.
- c. Appeal considerations are limited to:
  - i) Errors involving violations of the respondent student's rights that substantially affected the outcome of the initial hearing. Appeals based on this consideration will be limited solely to a review of the record of the first-level hearing.
  - ii) New evidence that was not available at the time of the original hearing and could have substantially affected the outcome. The nature of the evidence must be described in full detail in the appeal letter.
  - iii) The severity of the sanction is substantially disproportionate to the nature of the offense or the student's cumulative conduct record.

If a first-level disciplinary action is not appealed, that decision becomes final.

## 17. Appeal Review

- a. The Chief Student Affairs Officer will review the written appeal, recording (if applicable), and documentation from the original hearing or meeting and determine if there is a basis for appeal.
- b. If the Chief Student Affairs Officer determines there is no basis for appeal, the Chief Student Affairs Officer will notify the Coordinator of Student Conduct of his/her decisions. A written decision will be sent to the student stating appeal denial and basis for the denial.
- c. If an appeal is granted, the Chief Student Affairs Officer will send the Coordinator of Student Conduct the decisions and/or changes to the sanction(s).

## 18. Appeal Decisions

- a. The Chief Student Affairs Officer may uphold the first-level decision, may change it, or remand it for reconsideration and/or further investigation.

- b. The Chief Student Affairs Officer may modify any sanction(s).
- c. The decisions made regarding the appeal will be sent in writing to the student within ten (10) calendar days of an appeal review, unless notification is given that additional time is necessary for consideration of the record on appeal.
- d. Decisions of the Chief Student Affairs Officer are final.
- e. Except in the case of an interim suspension, all sanctions are typically placed on hold during the appeal process.

## 19. Interpretation and Revision

The Coordinator of Student Conduct will develop procedural rules for the administration of hearings that are consistent with provisions of the Code of Student Conduct. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the parties involved, either by posting online and/or in the form of written communication. The Coordinator of Student Conduct may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Code. The Coordinator of Student Conduct may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the Code of Student Conduct will be referred to the Chief Student Affairs Officer, whose interpretation is final. The Code of Student Conduct will be updated under the direction of the Coordinator of Student Conduct with a comprehensive revision process being conducted every 5 years. This Code creates no rights beyond the background laws which frame such codes generally.

## 20. Non-Compliance:

Students who fail to comply with final decisions or sanctions of a conduct body and/or the Coordinator of Student Conduct will result in the following penalties:

- a. The Coordinator of Student Conduct will attempt to contact the student via email or letter to find out what is going on or set up another meeting to discuss the past due sanctions and establish a new timeline. If the student does not respond to any communications or if no progress on the past due sanctions is made within five (5) business days after the original deadline, the student will be found in violation of Failure to Comply / Non-compliance.
- b. Once the student is found in violation of Failure to Comply / Non-compliance, additional sanctions and fines will be added to the past due sanctions at the discretion of the Coordinator of Student Conduct.
- c. The student remains responsible for the completion of all original sanctions regardless of the additional sanctions or fines imposed.
- d. Non-compliance with final decisions or sanctions of a conduct body or the Coordinator of Student Conduct result in automatic penalties and will not be scheduled for further conduct hearings on this issue.



## **KEYSTONE COLLEGE POLICY STATEMENT: ADVISING THE CAMPUS COMMUNITY ABOUT REGISTERED SEX OFFENDER INFORMATION**

### **HOW TO OBTAIN INFORMATION ABOUT REGISTERED SEX OFFENDERS**

Individuals convicted of sex crimes may be required by law or court order to register their respective statuses with state law enforcement agencies. These laws are often referred to as “Megan’s Laws.” If registered sex offenders are enrolled at or employed at a postsecondary institution, the offenders must also provide this information to the state.

The Pennsylvania State Police maintains its Megan’s Law Website, which is available at URL <https://www.pameganslaw.state.pa.us>. Members of the College community can access information regarding registered sex offenders.

Please note that due to the state police website restrictions as to an individual’s access to and use of information contained therein, College employees, including Campus Security Authorities will not look up or disseminate information about registered offenders.

If an individual does not have access to the Internet, he or she may contact the Director of Campus Safety; the Director will assist the individual in locating the telephone number for the appropriate law enforcement agency.

## ***PART II – ANNUAL FIRE SAFETY REPORT***



### **PROCEDURES FOR REPORTING FIRES**

Fire emergencies within campus buildings are reported through the automatic detection and suppression systems or through any manual alarm system (fire pull-stations) present nearby. Alternatively, fires may be reported by dialing 911 or through the Campus Safety emergency number at (570) 945-8989 or extension 8989 from a campus telephone. In the event that a fire or smoke condition is identified, individuals are instructed to activate the manual fire alarm system and leave the building by the closest exit. Building doors and windows will be closed when evacuating for fire purposes.

Any fire that occurs or that has occurred within a residence hall must be reported to the Director of Campus Safety and/or the Director of Residence Life. This includes any fire no matter how small, and regardless of whether it was extinguished before spreading.

### **EVACUATION OF RESIDENCE HALLS IN THE EVENT OF A FIRE**

**WHEN AN ALARM SOUNDS, EVACUATE THE BUILDING IMMEDIATELY!** Failure to evacuate in a timely and orderly manner may lead to disciplinary action. Fire drills are conducted by members of the Residence Life staff.

Although there are some false alarms from time-to-time, each student should treat every fire alarm as if a real fire were occurring and evacuate the building promptly. The Residence Life staff and Campus Safety Officers will check all rooms to ensure the building is clear and everyone is out safely.

### **What to Do**

- Feel your room door and doorknob. If either is hot, do not open the door. Call 911 or Campus Safety. Attempt to signal emergency or rescue personnel from your window.
- Take keys, shoes and a towel, if possible. Walk – do not run – to the nearest safe exit. Make sure to close your door behind you.
- Do not enter areas if thick or heavy smoke is present.
- Exit the building and go immediately to the location designated by Campus Safety or Residence Life staff.
- DO NOT RETURN to your room or building until told that it is safe to do so by Campus Safety or a Residence Life staff member.

### **FIRE HAZARDS**

The college is very concerned about the safety and well-being of its students. In the event of a fire, if any of the following items are found in the residence hall rooms and found to be the origin of the fire, the student(s) responsible may be suspended or expelled from the Residence Halls. If the fire causes significant damage, the student(s) may be suspended or expelled from the College. If a resident has a specific question about an item, they should contact a Residence Assistant or Area Coordinator. Residence Life will conduct random and unannounced safety inspections throughout the course of the year. At least two (2) safety inspections will be conducted each semester.

### **Smoking and Open Flames**

Smoking and/or the possession of, or using candles or incense in any residence hall is prohibited.

### **Prohibited Items**

The following items are not permitted in residence hall room under any circumstances:

- |  |   |
|--|---|
| • ordinary household extension cords     | • open burners                            |
| • power strip without surge protectors   | • electric potpourri burners              |
| • holiday lights (including rope lights) | • <i>George Foreman</i> –type grills      |
| • incense                                | • toasters                                |
| • halogen lamps                          | • black lights                            |
| • toaster ovens                          | • fireworks                               |
| • electric frying pans                   | • lava lamps                              |
| • hot plates                             | • Refrigerators larger than 2.0 ft.       |
| • indoor grills                          | • more than one (1) refrigerator per room |
| • heaters                                | • coffee makers without auto shut-off     |

- covering light fixtures
- candles (burning or decorative)
- microwaves (except in micro-fridge unit)

## **FIRE SAFETY EQUIPMENT INSPECTIONS & TESTING**

Members of the Campus Safety Department inspect and/or test safety equipment and devices

- Emergency call boxes are tested three (3) times per month
- Fire extinguishers are inspected once per month
- Emergency exit signs and lighting are tested once per month

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## DISCLOSURE OF FIRE-RELATED STATISTICS FOR CALENDAR YEARS 2022, 2021, AND 2020

### On-Campus Student Housing Facilities: Fire Statistics for Calendar Year 2022

Street Address	Housing Facility	Number of Fires	Nature/ Cause	Persons Injured	Related Deaths	Property Damage (Value Range)
23 College Avenue	Davis Hall	0	-	-	-	-
39 College Avenue	Student Residence Hall	0	-	-	-	-
90 College Avenue		0	-	-	-	-
217 Regina Way	Tewksbury Hall	0	-	-	-	-
219 Regina Way	Hollinshead Hall	0	-	-	-	-
242 Regina Way	Moffat Hall	0	-	-	-	-
253 Regina Way	Boehm Hall	0	-	-	-	-
261 Regina Way	Frear-Reynolds Hall	0	-	-	-	-

### On-Campus Student Housing Facilities: Fire Statistics for Calendar Year 2022

Street Address	Housing Facility	Number of Fires	Nature/ Cause	Persons Injured	Related Deaths	Property Damage (Value Range)
23 College Avenue	Davis Hall	0	-	-	-	-
39 College Avenue	Student Residence Hall	0	-	-	-	-
217 Regina Way	Tewksbury Hall	0	-	-	-	-
219 Regina Way	Hollinshead Hall	0	-	-	-	-
242 Regina Way	Moffat Hall	0	-	-	-	-
253 Regina Way	Boehm Hall	0	-	-	-	-
261 Regina Way	Frear-Reynolds Hall	0	-	-	-	-

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### On-Campus Student Housing Facilities: Fire Statistics for Calendar Year 2022

Street Address	Housing Facility	Number of Fires	Nature/ Cause	Persons Injured	Related Deaths	Property Damage (Value Range)
23 College Avenue	Davis Hall	0	-	-	-	-
39 College Avenue	Student Residence Hall	0	-	-	-	-
217 Regina Way	Tewksbury Hall	0	-	-	-	-
219 Regina Way	Hollinshead Hall	0	-	-	-	-
242 Regina Way	Moffat Hall	0	-	-	-	-
253 Regina Way	Boehm Hall *	0	-	-	-	-
261 Regina Way	Frear-Reynolds Hall	0	-	-	-	-

\* Keystone Commons was renamed Boehm Hall in 2017

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## On-Campus Student Housing Facility Fire Safety Systems

Street Address	Housing Facility	On-Site Fire Alarm Monitoring by Campus Safety	Partial Sprinkler System <sup>1</sup>	Full Sprinkler System <sup>2</sup>	Smoke Detection	Fire Extinguishers	Evacuation Plans/Placards	Number of Fire Drills		
								2022	2021	2020
23 College Avenue	Davis Hall	X		X	X	X		2	2	2
39 College Avenue	Student Residence Hall	X		X	X	X		2	2	2
90 College Avenue								0	0	0
217 Regina Way	Tewksbury Hall	X		X	X	X		2	2	2
219 Regina Way	Hollinshead Hall	X		X	X	X		2	2	2
242 Regina Way	Moffat Hall	X		X	X	X		2	2	2
253 Regina Way	Boehm Hall <sup>3</sup>	X		X	X	X		2	2	2
261 Regina Way	Frear-Reynolds Hall	X		X	X	X		2	2	2

<sup>1</sup> A partial sprinkler system is defined as having sprinklers in the common areas only

<sup>2</sup> A full sprinkler system is defined as having sprinklers in both the common areas and individual rooms

<sup>3</sup> Keystone Commons was renamed Boehm Hall in 2017



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