



## **2025 ANNUAL SECURITY REPORT:**

The report published October 1, 2025 contains statistics for 2024, 2023 & 2022

### **EASTERN UNIVERSITY | ESPERANZA COLLEGE**

4261 North 5<sup>th</sup> Street, Philadelphia, PA 19140

#### **PREPARATION OF THIS ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS**

The Department of Public Safety publishes this report to inform the Eastern University community about campus security policies, initiatives to prevent and respond to crime and emergencies, and the occurrence of crime on campus.

This report complies with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act as amended and uses information collected by the Public Safety Department; information provided by other University offices such as Student Development, Residence Life & Student Life, Student Conduct & Community Standards, the Office of the Associate Vice President for Student Development & Title IX Office, Admissions, Human Resources, and Campus Security Authorities, Academic Affairs and information provided by the Philadelphia Police Departments. Each of these agencies provides updated policy information and crime data to the Department of Public Safety.

*A provision of the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act is that all postsecondary institutions receiving federal Title IV financial aid must publish an annual report disclosing campus security policies and three years worth of selected crime statistics.*

This report provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned, leased, or controlled by Eastern University. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol, and other drugs.

The Department of Public Safety distributes a notice of the availability of this Annual Security Report by October 1 of each year to every member of the University community. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting the Department of Public Safety at 610-341-1737 or can access an electronic copy of the Annual Security Report at the following link:

<https://www.eastern.edu/about/offices-centers/public-safety-610-341-1737/clery-compliance>

Eastern University is a nationally-recognized Christian university enrolling approximately 7,000 students in a wide array of undergraduate, graduate, professional, and seminary programs. The university's main campus is located in St. Davids, PA, with many programs also offered online. Eastern's core values of Faith, Reason, and Justice are woven into all of its educational offerings. Through dynamic programs, a vibrant campus community, and meaningful service learning opportunities, Eastern University is committed to providing students with transformative, accessible, and affordable education.

#### Esperanza Campus

Graduate and Undergraduate	215
Non Student Employees	1
Total Campus Population	216

#### THE COMMUNITY AT EASTERN UNIVERSITY | ESPERANZA COLLEGE

Esperanza College of Eastern University is part of a dynamic partnership with Nueva Esperanza, a Christian community organization serving Latino and other members of our North Philadelphia community. At Esperanza College, we believe that your security should be a team effort that involves the cooperation of all concerned: students, faculty, and staff. Esperanza College is a community of approximately 300 students. Because Esperanza College is a small community each member plays an important role in the protection of the campus. All members of the community are asked to report any suspicious person, activity or security concern directly and immediately to a security officer.

#### SECURITY PERSONNEL POLICY AND PROCEDURES

The College and Complex where it is located contracts 4 unarmed security guards of Strikeforce Security Company. These security guards are responsible for securing campus buildings both at night and day, assist in opening locked vehicles, and providing escorts upon request for safety reasons. Guards regularly request Physical Plant to repair burned-out lights, damaged property, broken door locks, and other items that may cause injury or risk to students, faculty, or staff. Campus security patrol campus on foot from 8:30 am until closing. During late evening hours, the security on duty check the building and other places where students congregate. The security guards report directly to the Facilities Manager. The department of security maintains an excellent working partnership with the Philadelphia Police 25<sup>th</sup> District. Together they provide security services to the campus 24 hours a day, 7 days a week. Crime in the area is monitored by sharing information with the police.

#### The Student/Employee Responsibility

The cooperation of all members of the community is absolutely essential to ensure the success of campus safety. Individuals must assume responsibility for their own personal safety and the security of their personal property by taking the following precautions:

- Exterior doors to the building should never be propped open.

- Room doors should be locked whenever the individual is away from the room.
- Keys should not be lent to others
- Cars should be locked at all times. Valuables should be concealed. Steering wheel locking devices are recommended.
- Suspicious individuals should be reported to Security or the Switchboard immediately.
- Do not walk alone in the surrounding neighborhood at night.
- Report any damaged lights or doors.

### **VOLUNTARY & CONFIDENTIAL REPORTING PROCEDURES**

Although we encourage the reporting of crime directly to the Security Manager in some instances members of the campus community may choose to file a report with one of the other **Campus Security Authorities**. They include any member of the Esperanza Staff, the Dean, another member of the student development offices, other Directors and Department Heads, advisors and some counselors.

Allegations of campus crime that a staff member becomes aware of and that were made in good faith must be reported to the Department of Public Safety. Eastern University allows for confidential reporting of crime. Victims who do not want to pursue action within the University or the criminal justice system can make a confidential report without revealing the identity of the victim. The Philadelphia Police Department will be notified as well. The University will guide the victim through the available options and support the victim in his or her decision. Various outside resources are available for other students on a referral basis. The purpose of a confidential report is to comply with a victim's expressed wishes to keep the matter confidential, while taking steps to ensure the future safety of the victim and others.

With this information, the University can keep and disseminate accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the University.

### **ALCOHOL AND DRUG POLICIES**

It is the policy of the Eastern University to comply with the Drug-Free Schools and Communities (Campuses) Act of 1989 and Federal Anti-Drug Abuse Act of 1988. We are very serious about maintaining an alcohol- and drug-free campus. We expect our students to abide by State and Federal laws (no drinking at all if you are under 21) as well as Eastern University policy. Should you choose to violate the university policies or the laws of the state or federal government concerning drugs and alcohol, you can expect to be confronted, challenged, and when warranted, disciplined. Students who believe drugs and alcohol must be a part of their college experience should not consider Eastern. In addition, parents or guardians may be informed when underage students are involved in violating our policy.

The Drug Free Schools and Campus Regulations (34 CFR Part 86) of the Drug Free Schools and Communities Act (DFSCA) require an institution of higher education such as Eastern University to certify it has implemented programs to prevent the abuse of alcohol and use or distribution of illicit drugs both by EU students and employees, both on its premises and as a part of any of its activities. Eastern University publishes a Biennial Review of their Drug and Alcohol Abuse Prevention Programs (DAAPP).

### **Drug Abuse and Alcohol Prevention Programs (DAAPP) Biennial Review Fall 2024**

Report compiled by:

- Anne Filippone, Assistant Vice President for Student Development & Title IX Coordinator
- Christopher Wright, Director of Student Conduct & Community Standards
- Michael Bicking, Director of Public Safety
- Caroline Tate, Chief Human Resources Officer

### **Introduction**

The Drug Free Schools and Communities Act of 1989 (101-226, 20 U.S.C. § 1011i) and its implementing regulations (34 CFR Part 86.100) require an Institution of Higher Education (IHE) such as Eastern University to certify that it has implemented programs to prevent the abuse of alcohol and use, and/or distribution of illicit drugs both by Eastern students and employees either on its premises and as a part of any of its activities. At a minimum, Eastern University is required to annually distribute the following in writing to all students (anyone who is taking one or more classes for any type of academic credit excusing continuing education units) and employees:

- Standards of conduct that clearly prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- A description of legal sanctions under local, state or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and alcohol abuse;
- A description of any drug or alcohol counseling, treatment or rehabilitation or reentry programs that are available to employees or students;
- A clear statement that the institution will impose sanctions on students and employees and a description of the sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct or law.

In accordance with the Drug Free Schools and Campus Regulations, Eastern University will also:

- Conduct a biennial review of its Drug Abuse and Alcohol Prevention Program (DAAPP);
- Determine the effectiveness of its DAAPP and implement changes if needed;
- Ensure that disciplinary sanctions described within are consistently enforced.

### **Standards of Conduct**

Eastern University student and employee health and well-being are of great importance. The University wants all students and employees to know about the dangers of drug and alcohol abuse and the resources that are available to them concerning education, what to do about abuse and addiction in self and others, and other general information. To this end, the University has established programming and/or resources for students and employees appropriate to their needs.

As a Christian University and a Christian community, we are concerned with establishing standards of conduct consistent with a Christian lifestyle. We believe these standards flow from biblical values and from our commitment to be witnesses to one another. We also believe these standards are in the best interests of each individual student as well as the community as a whole.

Undergraduate students are held accountable through University alcohol policies, as listed in the Student Handbook. Students who may be abusing alcohol will be confronted and offered or required to receive alcohol education, alcohol counseling, or to otherwise get assistance with the problem.

*Prohibited Student Conduct as found in the Student Code of Conduct*

The following are specific violations of University policy for which students should expect to be held responsible and which will result in disciplinary proceedings:

- The use, sale, distribution and/or possession of all illegal drugs on or off campus. Evidence of drug use/possession such as odors, items used to mask odors, paraphernalia, and storage containers will be seen as a violation of this policy.
- Tobacco products / devices and their use are not permitted on-campus or in areas adjacent to campus.
- Beverages containing alcohol, being found with alcoholic beverages, use or possession of alcoholic beverages in or adjacent to residence halls and/or university owned or staffed properties.
- Returning to campus or university owned or staffed properties drunk or intoxicated.
- Students who host or participate in events off-campus where underage or excessive drinking occur jeopardize their enrollment at the University.
- Students participating in University-sponsored off-campus trips or activities - social, academic, or sports related - are expected to observe on-campus behavioral expectations for the duration of the off-campus activity.

*Prohibited Employee Conduct as communicated via the Staff and Administration Handbook*

Eastern University has a vital interest in maintaining a safe, healthy, and efficient working environment for all its employees. Drug and alcohol abuse, or use while at work, or immediately prior to reporting to work, are regarded as a serious problem. Employees under the influence of drugs or alcohol present safety and health risks to themselves and their fellow employees and our students and have a detrimental effect upon the University's high standards and image. It is the policy of Eastern University to:

- Maintain a safe and healthy working environment for all individuals within the University community, free from the influence of drugs and alcohol, in order to ensure that the excellent reputation of the University, its employees and the students we serve are protected and upheld;
- Provide assistance to employees who seek help in overcoming dependency upon, or problems related with, drugs or alcohol through referral to appropriate agencies;
- Ensure confidentiality to employees who seek help.

The Staff/Administration (Employee) handbook provides details regarding our DrugFree Workplace Policy. Employees may visit the Human Resources website on myEastern for specific information on drug and alcohol education and prevention. Employees who experience drug and alcohol abuse problems are encouraged to voluntarily seek assistance through the University's Employee Assistance Program (EAP) that is available to all active employees for counseling and guidance. Participation in the EAP is confidential and is encouraged by the University. However if job performance is adversely affected by drug and alcohol abuse it will not hinder disciplinary actions or relieve an employee of the responsibility of performing their job duties satisfactorily and in a safe and efficient manner.

**Alcohol and the Law, Violations and Fines**

If you are under 21 and you possess a fake ID or falsify an ID card to misrepresent your age or purchase, attempt to purchase, use, or transport alcoholic beverages, you will lose your driver's license on the first conviction.

- First offense - 90 day mandatory suspension
- Second Offense - 1 year suspension

- Third Offense - 2 year suspension

You will pay a fine of up to \$500.00 and it will cost \$25.00 to get your license back. Your parents will be notified and, if the courts stipulate, you'll be required to complete an alcohol education or counseling program.

Moreover, it is unlawful for any person to sell, furnish, or give any liquor, or permit any liquor to be sold, furnished, or given to any person visibly intoxicated or to any minors (persons less than 21 years of age). Violation carries a minimum \$1,000.00 fine for the first offense and a \$2,500.00 fine for second and further offenses. Maximum penalty: \$2,500.00 and one-year imprisonment.

### **Health Risks: Alcohol**

Alcohol is a depressant that affects the heart, liver, kidneys, and brain activity.

The National Institute on Alcohol Abuse and Alcoholism states "harmful and underage college drinking are significant public health problems, and they exact an enormous toll on the intellectual and social lives of students on campuses across the United States."<sup>1</sup> Consequences of underage college drinking can include sexual assault, assault, academic problems, Alcohol Use Disorder, in addition to other health risks.

#### Short Term Health Risks<sup>2</sup>

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions.

These are most often the result of binge drinking and include the following:

- Injuries, such as motor vehicle crashes, falls, drownings, and burns.
- Violence, including homicide, suicide, sexual assault, and intimate partner violence.
- Alcohol poisoning, a medical emergency that results from high blood alcohol levels.
- Risky sexual behaviors, including unprotected sex or sex with multiple partners.
- These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV.
- Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant women.

#### Long Term Health Risks

Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including:

- High blood pressure, heart disease, stroke, liver disease, and digestive problems.
- Cancer of the breast, mouth, throat, esophagus, liver, and colon.
- Learning and memory problems, including dementia and poor school performance.
- Mental health problems, including depression and anxiety.
- Social problems, including lost productivity, family problems, and unemployment, alcohol dependence, or alcoholism.

### **Health Risks: Drugs**

"Drugs are chemicals that affect the body and brain. Different drugs can have different effects. Some effects of drugs include health consequences that are long-lasting and permanent."<sup>3</sup>

#### Drug Abuse Health Risks

Both short term and long-term health risks occur with drug abuse. Many health risks may vary depending on the type of drug and how often it is taken. Health risks can include:

- A weakened immune system, increasing the risk of illness and infection.
- Heart conditions ranging from abnormal heart rates to heart attacks and collapsed veins and blood vessel infections from injected drugs.
- Nausea and abdominal pain, which can also lead to changes in appetite and weight loss.
- Increased strain on the liver, which puts the person at risk of significant liver damage or liver failure.
- Seizures, stroke, mental confusion and brain damage.
- Lung disease.
- Problems with memory, attention and decision-making, which make daily living more difficult.
- Global effects of drugs on the body, such as breast development in men and increases in body temperature, which can lead to other health problems.

### Drug Abuse Effects on Behavior

All drugs impact brain chemistry affecting the limbic system and cerebral cortex. Substance use disorders can lead to short-term and long-term behavioral problems. Drug effects on behavior may include:

- Paranoia
- Aggressiveness
- Hallucinations
- Addiction
- Impaired Judgment
- Impulsiveness
- Loss of self-control

## **Drug Abuse and Alcohol Prevention Programs**

### Education and Prevention Program Initiatives for Students

The Division of Student Development, in conjunction with the Cushing Center for Counseling and Psychological Services, the University Health Center, and the Department of Public Safety, provides direction and leadership in the development of health education and alcohol abuse prevention efforts at Eastern University.

- **Bystander Intervention Training:**
  - During New Student Orientation in August of 2023 and August of 2024, the Director of Public Safety and Vice Provost for Student Development presented workshops on Bystander intervention to new students.
- **Mental Health and Wellness Awareness Programming:**
  - Mental Health Awareness Week- Hosted in Spring of 2023 and 2024, offered lectures and events designed to promote positive pro-social behaviors as well as provide health education with specific components related to drugs and alcohol.
  - Coping Mechanisms- This workshop was created to help students explore healthy and effective strategies for managing stress, anxiety, and other emotional challenges common in college life. Various coping techniques—including mindfulness, journaling, physical activity, and time management—were introduced and discussed. Emphasis was placed on recognizing personal triggers and building resilience through consistent

self-care practices. The session was intended to promote emotional well-being and support academic and personal success. Two workshops were held per year (1 in the Fall and 1 in the Spring for 2023 and 2024).

- *Family Dynamics* – This workshop was created to explore the influence of family relationships on substance use attitudes, behaviors, and patterns. Discussions included the impact of growing up in environments affected by addiction, as well as how family expectations and communication styles can shape individual choices. Students were encouraged to reflect on their own experiences while learning coping strategies and boundary-setting tools. The session aimed to promote self-awareness, resilience, and healthier decision-making.
- *Harm Reduction*- This workshop was designed to introduce students to harm reduction principles as practical strategies to minimize the negative consequences associated with substance use. Topics included safer use practices, recognizing risky behaviors, and accessing support services and resources. The session emphasized non-judgmental approaches aimed at promoting health, safety, and informed choices. The goal was to empower students to make safer decisions and reduce potential harms in various social contexts.

- **Prevention and Awareness Programming:**

- *Marijuana Use and Effects*- This workshop was designed to provide students with a clearer understanding of marijuana and its effects on the brain, body, and academic performance. Key topics included the short- and long-term consequences of cannabis use, as well as the impact of evolving legislation and social perceptions. Common misconceptions were addressed, and students were given an opportunity to engage in open, non-judgmental discussion. The session aimed to support informed decision-making and promote overall well-being. Four workshops were held per year (2 in the Fall and 2 in the Spring).
- *Party Drugs* - This workshop was developed to raise awareness about the use and risks associated with common party drugs, including MDMA, LSD, and synthetic substances. Information was provided on how these drugs affect physical and mental health, as well as their potential legal and academic consequences. Harm reduction strategies were introduced to encourage safer decision-making in social settings. The session aimed to equip students with accurate information in a supportive and judgment-free environment. Two workshops were held each year (1 in the Fall and 1 in the Spring).
- *Prescribed Medication*- This workshop was designed to educate students on the safe and appropriate use of prescribed medications, including those for mental health, pain management, and chronic conditions. Topics covered included the importance of following medical guidance, potential risks of misuse or sharing prescriptions, and how to store and dispose of medications properly. Emphasis was placed on reducing stigma and encouraging responsible health practices. The session aimed to support informed and respectful use of prescription treatments within the campus community. One workshop was held in the Fall each year.
- *General Addictions Awareness*- This workshop was developed to broaden awareness of addictions beyond substance use, including those related to gambling, technology, social media, and shopping. Information was presented on how these behaviors can impact mental health, academic performance, and relationships. Signs of problematic use were discussed, along with available campus and community resources for support and



recovery. The session aimed to foster understanding, reduce stigma, and encourage healthy behavioral patterns among students. Two workshops were held each year (1 in the Fall and 1 in the Spring).

- *Alcohol Use DWI/DUI* - This workshop was developed to inform students about the legal, safety, and personal consequences associated with driving under the influence (DUI) or driving while intoxicated (DWI). The session covered the effects of alcohol on judgment and motor skills, as well as the potential academic, financial, and legal repercussions of impaired driving. Preventative strategies and alternatives to driving under the influence were also discussed. The workshop aimed to promote responsible decision-making and enhance campus safety.
  - *Cocktails vs Mocktails* - This workshop was created to educate students about responsible beverage choices, including both alcoholic cocktails and non-alcoholic mocktails. Information on ingredient selection, preparation techniques, and flavor combinations was provided to encourage creativity and inclusivity in social settings. Emphasis was placed on promoting safe consumption and offering appealing alternatives to alcohol. The session aimed to support student engagement while fostering a balanced and mindful approach to social drinking.
  - *Drug and Alcohol Fair* - October 27th, 2023. Students had stations to learn trivia facts about drugs and alcohol, wear drunk goggles to try and do everyday tasks, provided resources for on and off campus, information about BAC for different drinks to drink safely. Information was provided to students regarding drinking safety, information about drug abuse, local resources for assistance, information about BAC for different drinks, and how to party safely.
  - *Mental Health Mondays* - Fall & Spring-2023 & Fall & Spring 2024. Students had the opportunity to connect with mental health professionals during a workshop to learn about various subjects like grieving, addiction & substance abuse, trauma, mental health & racism, mental health and vulnerable communities, and coping skills.
- **Annual Resident Assistant and Chaplain Student Leader Trainings-**
    - In August of 2023 and August of 2024, RA's received specific trainings entitled, "Student Conduct & Policy Enforcement 101," "Student Conduct Reporting," "How the RA Responds: Alcohol, Drug, & Mental Health Transports," and general assessment, referral, and crisis response skills. In addition, RA's are trained through role playing scenarios, entitled "Between the Walls," on how to respond to incidents involving binge drinking, public intoxication, and suspected use of marijuana. Student chaplains were also trained on student conduct policies, drug and alcohol counseling referrals, and general crisis response skills.
- **Residence Life Programming and Prevention:**
    - Both paraprofessional staff (RAs) and full-time professional staff (RDs) strive to address and reduce problems and transgressions related to alcohol and other drugs. Residence Life staff submit student conduct referrals about residents who are involved in alcohol or other drug infractions via an incident report. Residence Life staff also submit referrals for counseling services for students who may be experiencing problems with abuse or misuse of alcohol or other drugs via a personal concern report. Prevention programming efforts for Academic Years 2023 and 2024 included:

- Passive Programming - University Resident Assistants posted alcohol education fliers and bulletin boards in each of the six residence halls.
  - Hall Meetings: Resident Directors reviewed campus policy rules with residential students which included how to party safely, resources to get help, and immunity policies.
  - Vector Solutions Videos- Fall 2023 and Fall 2024. The University required students to complete educational videos on drug and alcohol awareness, bystander intervention, and healthy relationships.
- **Athletics Programming:**
    - In the Fall of 2023 the Athletics Department facilitated the One Love Training, *Behind the Post*, for all of the student athletes. This training focused on healthy relationships, signs of dating violence, how to support a teammate/friend experiencing dating violence, bystander intervention, and resources specific to our campus that are available to support students with Title IX related concerns. The Student Athlete Handbook, which includes alcohol, drug, and Title IX information, policies, and potential sanctions was also discussed during compliance meetings.
- **Individual Counseling -**
    - The Cushing Center for Counseling and Psychological Services provides short-term counseling or referrals to counseling for students interested in talking about their own or their family members' drinking or drug use.
- **Health Center Assessments -**
    - The University Health Center will also provide wellness assessments and referral of community resources.
- **Addiction Recovery Services-**
    - *Addiction Recovery Specialist*- An addiction recovery specialist was hired to work in the University Health Center. The addictions specialist's role was utilized to help students overcome substance use disorders and behavioral addictions through a variety of methods, including assessment, treatment planning, therapy, and relapse prevention. They helped students to identify triggers, develop coping mechanisms, and address any co- occurring mental health conditions. This was in addition to offering training and workshops around alcohol and drug safety.
    - *Addiction and Recovery Tips Workshop*- This workshop was designed to provide practical guidance and encouragement for students navigating recovery from substance use or supporting someone who is. Key topics included recognizing triggers, building healthy routines, and accessing support networks both on and off campus. Emphasis was placed on progress over perfection, with tools shared for maintaining motivation and fostering self-compassion. The session aimed to normalize the recovery journey and promote a

message of hope and resilience. Three workshops were held annually (two in the Fall and one in the Spring).

#### Education and Prevention Program Initiatives for Employees

Employees currently participate annually in the online Drugfree Workplace training module through Vector Solutions and are invited to any University sponsored events that are open to students on the same subject matter. Employees who are struggling with drug and alcohol use are also encouraged to schedule an appointment with our Benefits Specialist to receive referrals for further educational programming and recovery resources.

- *Achieve Well-being Program & Incentives* - Employees who are enrolled in health benefits through the University have access to smoking cessation education, alcohol education, nutritional education, and other health education programs through the Achieve Well Being program free of charge. This program provides gift card promotions for completion of these educational programs.
- *Employee Assistance Program*- Eligible employees are able to receive unlimited telephonic Tobacco Cessation Coaching as well as counseling, rehabilitation program, and healthcare referrals through Eastern's employee assistance program with Guardian.

#### **Eastern University Student Conduct Response**

Eastern University is very serious about maintaining an alcohol and drug-free campus. We expect our students to abide by State and Federal laws (no drinking at all if you are under 21) as well as Eastern University policies. Students who are alleged to have violated the stated alcohol and other drug policies set forth by the University are referred to the Dean of Students or his/her designee. Student conduct meetings are held for every alleged alcohol or other drug violation during which clarification and rationale of policies is provided in addition to assessing responsibility and disciplinary sanctions. Students found in violation of the alcohol or drug policies are subject to sanctions ranging from warnings, growth initiatives, or loss of privileges to probation, suspension, or expulsion. Student conduct sanctions could include alcohol or other drugs web-based programs.

#### **General Disciplinary Action Matrix for Drug and Alcohol Use**

Students engaging in multiple offenses in one incident may receive multiple sanctions for each applicable offense type (i.e. possession and distribution of alcohol may result in two sanctions for one incident). Students seeking support for abuse of alcohol or other drugs are referred to the Cushing Center for Counseling and Psychological Services or to community resources.

#### **Annual Policy Notification Process**

##### Student Notification Process

Students are informed of drug and alcohol policies through a variety of methods described below:

- Policies are explained in residence hall floor meetings hosted in August, October, and January. Policies are shared in the Student Handbook, publicly available at:  
<https://www.eastern.edu/student-life/student-development/eu-student-handbook>
- Policies are communicated during the New Student Orientation Program.
- Policy rationale and clarification is provided during student conduct meetings.

##### Employee Notification Process

Employees are informed of drug and alcohol policies through a variety of methods described below:

- Policies are explained in the New Hire Welcome Packet.

- Policies are shared in the Staff/Administration Handbook located on my.Eastern.

## **Analysis of Alcohol and Other Drug Programs**

### *Student Conduct Data*

Eastern University recognizes that possession and consumption of alcoholic beverages by those under the age of 21 and the illegal possession and use of controlled substances by any member of the University community violates the laws of the Commonwealth of Pennsylvania in addition to University policy. Eastern University also acknowledges that the use of alcohol and other drugs may pose serious health and safety risks to individuals who engage in these behaviors as well as potential impact to the University community. The Department of Public Safety and the Dean of Students track all calls and referrals made for alcohol or drug related conduct concerns.

During the 2023-2024 academic year there were 49 student conduct referrals for alcohol or other drugs. As a result of student conduct meetings, 15 written warnings, 14 disciplinary fines, 10 education sanctions, and 1 referral for on-campus coaching sessions.

### **Drug and Alcohol Related Violations and Fatalities**

As required by the Higher Education Act, the biennial review must determine the number of drug and alcohol-related violations and fatalities that occur on the institution's campus, or as part of the institution's activities, and are reported to campus officials. These reports and statistics are compiled by the Department for Public Safety and can found on their website:

<https://www.eastern.edu/about/offices-centers/public-safety-610-341-1737/clery-compliance>. Statistics are provided for each of Eastern University's campuses, including all crimes that occurred on campus.

### **Summary Recommendations**

In the future, the completion of this report will occur during the summer semester, reviewing the previous two years of Drug Abuse and Alcohol Prevention Programs.

- Increase the participation and engagement rates of alcohol and drug prevention programs facilitated by the University Health Center. Attendance was better in late October and early February. More programs can be scheduled during those time periods.
- Implement use of Alcohol Edu, Alcohol's Impact, and Influence of Cannabis through Vector Solutions.
- Revise training modules for next year.
- Discontinue using fines as a sanction for drug and alcohol related offenses and begin using more educational sanctions such as BASICS.
- Creation of an Alcohol and Drug Abuse Prevention Specialist position.

1 National Institute on Alcohol Abuse and Alcoholism:

<https://pubs.niaaa.nih.gov/publications/CollegeFactSheet/Collegefactsheet.pdf>

2 Centers for Disease Control and Prevention: <https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>

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**At a minimum each institution of higher education must annually distribute the following in writing to all students and employees:**

Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees; *An email to EU students and employees is sent to directing the campus to: The information may also be found in the EU student and employee handbook. Student email was sent on October 1, 2022.*

A description of the legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol; *Individuals found guilty of crimes of this nature can have fines imposed, criminal probation or parole, and incarceration.*

A description of any drug or alcohol counseling, treatment, or rehabilitation or reentry programs that are available to employees or students; *Counseling can be provided by the EU University Chaplain, Center for Counseling & Academic Support, and private counseling.*

A clear statement that the institution will impose sanctions on students and employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct. *Individuals found responsible for violations of the EU policy on Drugs and Alcohol may face fines, academic probation, mandatory completion of abuse programming, suspension from the University, expulsion from the University and may be referred to local law enforcement.*

**The law further requires that the institution conduct a biennial review of its program with the following objectives:** Determining the effectiveness of the policy and implementing changes to the alcohol and other drug programs if they are needed; and to ensure that the sanctions developed are enforced consistently. The most recent biennial review is included in this report.

## **WEAPONS**

Possession and/or use of firearms or weapons, including air rifles, air pistols, knives, ammunition or explosives (fireworks) in or upon university owned or staffed properties is prohibited.

## **TIMELY WARNINGS**

In the event of an emergency, or when a serious criminal incident has occurred- especially in situations that could pose an immediate threat to the community and individuals, the department will use appropriate channels to notify the Eastern University community and a campus wide “timely warning” will be issued- including printed Safety Alerts posted around campus, email notifications and text messaging. You must [register](#) in order to receive text messages. There is no charge for email alerts but, REGULAR TEXT MESSAGING FEES WILL APPLY ACCORDING TO YOUR CONTRACT WITH YOUR SERVICE PROVIDER AND MUST BE PAID BY YOU. THE FEE FOR A SINGLE TEXT MESSAGE RANGE FROM .15 per message to .75 per message received depending on the service provider. Registration is free of charge to subscribers, and is voluntary but highly encouraged. The provider for this instant text messaging system is e2Campus.

The decision to issue a Timely Warning is the responsibility of the Director of Public Safety after consultation with the Dean of Students and/or the Vice Provost of Student Development.

General information about the service can be found at <https://www.eastern.edu/about/offices-centers/public-safety-610-341-1737/emergency-informatio>

[n/eu-emergency-messaging](#) Be sure to select the “Esperanza College at 4261 N. 5<sup>th</sup> St.” option to receive information about this site.

### **Emergency Notifications**

Should an emergency occur on any Eastern University campus or site, a text message or email will be sent to registered community members with the location, the problem, and what to do to stay safe. The message will be brief and to the point. Additional information will be disseminated through an all-community e-mail as soon as it is available. This system will be used for EXTREME EMERGENCIES & weather related emergencies and for nothing else. You must [register](#) in order to receive text messages. There is no charge for email alerts but, REGULAR TEXT MESSAGING FEES MAY APPLY ACCORDING TO YOUR CONTRACT WITH YOUR SERVICE PROVIDER AND MUST BE PAID BY YOU. Registration is free of charge to subscribers, and is voluntary but highly encouraged. The provider for this instant text messaging system is Omnilert.

The decision to issue an Emergency Notification is the responsibility of the Director of Public Safety after consultation with the VP for Finance & Administration. The VP for Student Development and the AVP for Student Development & Title IX coordinator may also be consulted.

General information about the service can be found at <https://www.eastern.edu/about/offices-centers/public-safety-610-341-1737/emergency-information/eu-emergency-messaging> Be sure to select the “Esperanza College at 4261 N. 5<sup>th</sup> St.” option to receive information about this site.

### **REPORTING A CRIME**

Individuals who witness or become the victim of a crime on or near campus are expected to contact Esperanza College’s Security Manager immediately by dialing 215-791-2305, or by using one of the campus phones and dialing extension 171. The Security Manager will file a written report on all crime incidents. All incident reports filed are recorded and maintained in the office of the Security Manager. University policies on sexual assaults, sexual harassment, drug and alcohol use, and counseling services are enumerated in detail in the online Student Handbook. For all emergencies and crimes in progress, dial **911**. The Philadelphia Police Department, with few exceptions, is open 24 hours a day, 7 days a week.

### **EDUCATION AND PREVENTION**

All security procedures are reviewed annually. Annually all students receive notice of the availability of the annual crime statistics as posted on the University Website. These statistics and important security information are available to external community members and prospective students/families as well. Eastern University currently contracts with 3<sup>rd</sup> Millennium Classrooms to provide evidence-based prevention and intervention programs, on-line to the University community, including “Alcohol Wise” and “Consent and Respect”.

## INCIDENT PREPAREDNESS DRILLS

The Emergency Notification System (e2Campus) is tested yearly to ensure that all systems are working properly. There are notices preparing the campus for these tests to remind the community that the system does exist and is a functioning system that can be relied on. The Public Safety Department holds a number of table-top exercises on topic such as Active Shooter and Weather related emergencies throughout the year at the St Davids Campus. Special emphasis is placed on emergency response and evacuation. All of the University campuses and local first responders are encouraged to participate. The drills are followed by a question and answer session with all participants to learn what we can build on.

## CRIME PREVENTION PROGRAMS

Given that this location is for the benefit of adult students, no formal crime prevention programs are offered for this venue. **While it is NEVER the fault of a crime victim, the following tips are offered as reminders to students:**

1. always walk with a friend;
2. walk in lit areas only;
3. walk quickly and with confidence;
4. keep doors locked and have car keys in hand before leaving building; and
5. call the police immediately if you feel threatened or see a person acting suspiciously.

## Sex Offender Registry and Access to Related Information

The federal Campus Sex Crimes Prevention Act went into effect on October 28, 2002.

The law requires institutions of higher education to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. It also requires the sex offenders, already registered in a state, provide notice to each institution of higher education in that state, as to where the person is employed, carries on a vocation, or is a student. Pennsylvania's Megan's Law, 42 Pa.C.S. § 9799.1, requires the State Police to create and maintain a registry of persons who have either been convicted of, entered a plea of guilty to, or adjudicated delinquent of certain sex offenses. Additionally, the Pennsylvania State Police is required to make certain information on registered sex offenders available to the public through an Internet website. Information regarding registered sex offenders on the campus of Eastern University may be obtained from the following agencies, or at the following Web site <http://www.pameganslaw.state.pa.us>.

## CRIME STATISTICS

Geographic locations: The university is required to report crime statistics for Clery – designated crimes and to issue timely warning for those crimes that represent a severe and continuing threat in the following locations: *On Campus, Public Property and Non-Campus buildings and Property.*

*On Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, 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). Esperanza Campus does not have resident students or residential facilities.*

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

*Non Campus: Any building or property owned or controlled by a student organization that is officially recognized by the 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.*

## OFFENSES / LOCATIONS

REPORTABLE CRIME CATEGORIES	YEA R	ON CAMPUS	RESIDENCE HALLS	NON CAMPUS	PUBLIC PROPERTY
Criminal Homicide: Murder and Non-negligent Manslaughter	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Criminal Homicide: Manslaughter by Negligence	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Sex Offenses: Rape	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Sex Offenses: Fondling	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Sex Offenses: Incest	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Sex Offenses: Statutory Rape	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Robbery	2022	0	0	0	0
	2023	0	0	0	1
	2024	0	0	0	0
Aggravated Assault	2022	0	0	0	0



	2023	0	0	0	0
	2024	0	0	0	0
Burglary	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	1
	2023	0	0	0	0
	2024	0	0	0	0
Arson	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0

## ARRESTS

VIOLATION	YEA R	ON CAMPUS	RESIDENCE HALLS	NON CAMPUS	PUBLIC PROPERTY
Liquor Law	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Drug Law	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Weapons Law	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0

## DISCIPLINARY REFERRALS

VIOLATION	YEA R	ON CAMPUS	RESIDENCE HALLS	NON CAMPUS	PUBLIC PROPERTY
Liquor Law	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Drug Law	2022	0	0	0	0

	2023	0	0	0	0
	2024	0	0	0	0
Weapons Law	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0

Statistics supplied by the Student Development Division & Philadelphia Police Department

### 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 due to Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin or Disability. **No Hate Crimes were reported for this reporting period of years 2024, 2023, or 2022**

### VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013 (VAWA)

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENCE HALLS	NON CAMPUS	PUBLIC PROPERTY*
Domestic Violence	2022	0	0	0	0
Dating Violence	2022	0	0	0	0
Stalking	2022	0	0	0	0
Domestic Violence	2023	0	0	0	0
Dating Violence	2023	0	0	0	0
Stalking	2023	0	0	0	0
Domestic Violence	2024	0	0	0	0
Dating Violence	2024	0	0	0	0
Stalking	2024	0	0	0	0

Statistics supplied by the Student Development Division & Philadelphia Police Department

### Sex Offender Registry and Access to Related Information

The federal Campus Sex Crimes Prevention Act went into effect on October 28, 2002.

The law requires institutions of higher education to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. It also requires the sex offenders, already registered in a state, provide notice to each institution of higher education in that state, as to where the person is employed, carries on a vocation, or is a student. Pennsylvania's Megan's Law, 42 Pa.C.S. § 9799.1, requires the State Police to create and maintain a registry of persons who have either been convicted of, entered a plea of guilty to, or adjudicated delinquent of certain sex offenses. Additionally, the Pennsylvania State Police is required to make certain information on registered sex offenders available to the public through an Internet website. Information

regarding registered sex offenders on the campus of Eastern University may be obtained from the following agencies, or at the following Web site <http://www.pameganslaw.state.pa.us>.

## **SEXUAL HARASSMENT AND TITLE IX POLICIES**

Eastern University seeks to foster and maintain a safe community of mutual respect and concern for all of its members. The University expects all members of the Eastern community to conduct themselves in a manner consistent with its published policies, including but not limited to the Eastern University Mission Statement and its Core Values, the Student Code of Conduct, the Employee Handbook, and the Sexual Misconduct Policy. Sexual misconduct, including sexual harassment and sexual violence, is prohibited and will not be tolerated in any form. These acts constitute the deepest affront to Eastern standards, and the University is committed to addressing and preventing sexual misconduct within its community through the application of the University's Sexual Misconduct Policy.

### **Definitions**

**Sexual Assault** – any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes rape and criminal sexual contact. Persons are considered unable to consent if:

1. they are temporarily incapable of appraising their conduct due to a) the influence of alcohol or drugs or b) physical helplessness because they are unconscious or otherwise physically unable to communicate consent;
2. they are impaired because they are suffering from a mental illness which renders them incapable of appraising the nature of their conduct; or
3. they are under the age of 18. Having a sexual encounter with a person under such circumstances is considered sexual assault, even if the assailant is under the influence of alcohol or drugs.

**Consent** – a clear, voluntary, unambiguous, and positive agreement to engage in specific sexual activity through a sexual encounter. Consent cannot be inferred from the absence of a “no”; a clear “yes,” verbal or otherwise, is necessary.

**Dating Violence** - any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined based on a consideration of the length, type, and frequency of interactions between the persons involved in the relationship.

**Domestic Violence** - a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other

person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Stalking** - engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

**Rape** – 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.

## **HOW TO BE AN ACTIVE BYSTANDER**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”

We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander.

**If you or someone else is in immediate danger, call Public Safety (610-341-1737) or 911.**

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are okay.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.
- 

## **RISK REDUCTION**

The following information will be helpful to all Eastern University students as they confront issues of sexual assault:

- It is never acceptable to use force in sexual situations, no matter what the circumstances.
- Sexual assault can happen between persons of any sexual orientation or gender identity.
- If a person says “no” to sexual contact, believe them and stop!
- Communicate your limits firmly and directly. Back up your words with a firm tone of voice and clear body language.
- Don't make any assumptions about a person's behavior.
- Don't automatically assume that someone wants to have sex just because they drink heavily, dress in a certain way, or agree to go back to your room.

- Don't assume that because a person has had sexual contact with you previously that they are willing to or will consent to having sex with you again.
- Everyone should be especially careful in situations involving the use of alcohol and other drugs. Alcohol and other drugs can interfere with one's ability to assess situations and to communicate effectively.
- All students should beware that having sexual contact with someone who is mentally incapable of giving consent is sexual assault. If you have sex with a person who is drugged, intoxicated, sleeping or passed out, incapable of saying "yes" or "no" or unaware what is happening to them, then you may have committed a sexual assault.
- Be especially careful in group situations. Be prepared to resist pressure from friends to participate in violent or criminal activities.
- Get involved if you believe that someone else may be at risk for assault. If you see a person "in trouble" at a party or another person using force or coercion do not be afraid to ask questions and/or intervene. You may save someone from the trauma of sexual assault and/or from the ordeal of criminal prosecution.
- If you feel uncomfortable or think you may be at risk, leave the situation immediately and go to a safe place.
- Don't be afraid to "make waves" if you feel threatened. If you feel you are being pressured or coerced into sexual activity against your will, don't hesitate to state your feelings in order to get out of the situation. A few minutes of social awkwardness and embarrassment is better than the trauma of sexual assault.
- Voluntary consent cannot be given if a person is incapacitated, including incapacitated by alcohol. (Alcohol is a factor in a very high percentage of sexual assaults.)

## **PROCEDURES VICTIMS SHOULD FOLLOW IF A CRIME OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING OCCURS**

Eastern University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the University community. Toward that end, Eastern University issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

### **After an incident of sexual assault, dating violence, or domestic violence, the victim should consider:**

1. **Seeking medical attention as soon as possible.** Call your doctor or go to the hospital emergency room for treatment of any injuries and for collection of evidence for legal prosecution, even if you are not sure that you want to prosecute. You can decide later to prosecute, but the exam cannot wait. Seek medical assistance/forensic examination within 72 hours of the assault.

- a. Bryn Mawr hospital, the local hospital, can provide medical services that can serve you in two ways,
  - i. to treat any injury or physical trauma your body may have
  - ii. to provide evidence in court, should you decide to press charges.
  - iii. Medical personnel are required to make a report to the local police, but you have the right not to press charges.
  - iv. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 72 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to University investigators or police.
2. **Reporting the sexual assault to the police.** They will inform you of your legal rights and help you collect evidence. You can decide whether or not to prosecute later. You also have the right to refuse to report to the police, though it is highly recommended, even if you do not want to prosecute. The Philadelphia Police can be contacted by calling 911.
3. **Seeking counseling.** A member of the Student Development Office can help you contact the Eastern University Counseling and Psychological Services (610) 341-5837 or help connect you to online support offered through the University. A counselor can give confidential support, help in decision-making, and help the victim to move through the emotional and psychological processes from victim to survivor.

## **REPORTING INCIDENTS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING**

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator at [TitleIX@eastern.edu](mailto:TitleIX@eastern.edu) or using the online reporting form.

Reports of all domestic violence, dating violence, sexual assault and stalking made to Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

If you decide to report the assault to the police, the University will make every effort to provide a support person if you would like help through the process. Making a police report concerning the assault does not mean that you must prosecute the assailant.

## TITLE IX INTRODUCTION

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access educational programs and opportunities.

## U.S. Department of Education Final Rule under Title IX

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- Addresses how an institution must respond to reports of misconduct falling within that definition of sexual harassment, and Mandates a grievance process that an institution must follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment. See, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>
- Eastern University remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under Title IX, and retains authority to investigate and adjudicate allegations under the policies and procedures defined within this Eastern University Sexual Misconduct Policy.

## SEXUAL MISCONDUCT POLICY

Eastern University is committed to ensuring that all members of the University community have a learning and working environment that is free from sexual misconduct. For purposes of this policy, the University defines Sexual Misconduct as acts described in one or both of the following broad categories:

1. "Title IX Sexual Harassment," in accordance with U.S. Department of Education regulations, includes any conduct on the basis of sex that is alleged to have occurred in a University Education Program or Activity, and is alleged to have been perpetrated against a person in the United States. The conduct alleged, if true, must satisfy one or more of the following conditions:
  - a. A University employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
  - b. Unwelcome conduct a reasonable person would determine to be so severe, pervasive, and objectively offensive such that it effectively denies a person equal access to the University's Programs or Activities;
  - c. **Sexual Assault**, as defined in 20 U.S.C. § 1092(f)(6)(A)(v), meaning any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent (such as incapacitation, age, family relation to the other party, or intellectual or other disability). Sexual Assault can be committed by or against individuals of any sex or gender and can occur between

individuals of the same sex/gender or different sexes/genders. As required by Title IX regulations, the University will rely on the following definitions of Sexual Assault:

- i. sexual intercourse with another person, including oral or anal sexual intercourse, or the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
    - ii. 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 their age or because of their temporary or permanent mental or physical incapacity;
    - iii. sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
    - iv. sexual intercourse with a person who is under the statutory age of consent.
  - d. **Dating Violence**, as defined in 34 U.S.C. § 12291(a)(1), meaning any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined based on a consideration of the length, type, and frequency of interactions between the persons involved in the relationship.
  - e. **Domestic Violence**, as defined in 34 U.S.C. § 12291(a)(8), meaning a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
  - f. **Stalking**, as defined in 34 U.S.C. 12291(a)(30), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.
2. **Other Sexual Misconduct,**" defined as acts which do not meet the narrow definition of "Title IX Sexual Harassment," as defined above, but nevertheless could constitute discrimination on the basis of sex. Other Sexual Misconduct, which is alleged to have occurred by or against any member of the University community, regardless of the location of the alleged action, includes:
- a. Sexual Assault, Dating Violence, Domestic Violence, and Stalking as defined in 1c, d, e, and f (above).
  - b. Subjecting an individual or group to an adverse action, including differential treatment, based on sex as defined under either federal or state law, including sex, pregnancy and related conditions, sex assigned at birth, gender, gender identity, gender expression, affectional or sexual orientation, differences in sex development, variations of sex characteristics or other intersex characteristics.
  - c. Unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or nonverbal conduct of a sexual nature that is sufficiently serious, pervasive, or persistent as to create an intimidating,



hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both an objective and subjective standard.

- d. Sexual exploitation, defined as occurring when a person abuses or exploits another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose without that person's consent. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include:

- observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity in a place where that person would have a reasonable expectation of privacy, without that person's consent;
- recording, and/or distributing (including streaming) of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without that person's consent;
- forcing or coercing a person to engage in sexual activity for money or other remuneration;
- exposing one's genitals in non-consensual circumstances;
- knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

## **General Rules of Application**

This Policy is intended to meet the University's obligations under Title IX; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), as amended by the Violence Against Women Reauthorization Act of 2013 ("VAWA"), with respect to its application to sex-based misconduct; and other applicable laws and regulations.

Consistent with Title IX requirements, Eastern does not discriminate on the basis of sex in its Education Programs or Activities (including in admissions and employment). University community members have the right to be free from all forms of sexual harassment and violence. All University community members are expected to conduct themselves in a manner that does not infringe upon the rights of others. The University has zero tolerance for sexual misconduct, and this Policy applies to all employees and students. Non-members of the campus community who engage in discriminatory actions within University programs or on University property are not under the jurisdiction of this policy but can be subject to actions that limit their access and/or involvement with University programs as the result of their misconduct.

Reports of Sexual Misconduct committed by any student or employee (including faculty and staff) of the Eastern community will be resolved according to the procedures outlined in this Policy, unless otherwise noted.

## **Non-Discrimination in Application**

The requirements and protections of this Policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about this Policy or processes set forth herein may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

### **Accommodations for Otherwise Qualified Individuals with Disabilities**

This Policy does not alter the University's obligation to provide access by way of reasonable accommodations to otherwise qualified individuals with disabilities under federal disability laws including the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Individuals may inquire with the Office of Disability and Access (ODA) to request accommodations. Approved accommodations must be deemed reasonable and not create fundamental alterations to the Resolution Process or create undue burdens. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Party, even when the Party may be receiving accommodations in other University programs and activities.

### **Alcohol and Drug Use Amnesty**

The health and safety of every student is of utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time Sexual Misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report incidents of Sexual Misconduct. An individual who experiences Sexual Misconduct, or a Witness to such Sexual Misconduct, acting in good faith, who discloses any incident of Sexual Misconduct to University officials or law enforcement will not be sanctioned under University codes of conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident(s) of Sexual Misconduct. The University may request that the individual attend an approved alcohol or drug education program, without assessing any charges for such program. This amnesty provision also applies to student groups making a report of Sexual Misconduct. Amnesty does not preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes.

### **Policy Definitions**

**Advisor** - An Advisor is any individual who has been chosen by a Party or designated by the University to provide support and guidance during the resolution process. The specific role of the Advisor is explained under the Resolution Process section of the Policy.

**Complainant** - For the purposes of this Title IX Policy, Complainant means any individual who has reported being or is alleged to be subjected to conduct that could constitute covered sexual harassment as defined under this Policy.

**Confidential Resource** - A Confidential Resource is a University employee who is not required to report notice of sexual harassment to the Title IX Coordinator. References made to confidentiality refer to the ability of identified Confidential Resources to not report crimes and violations to law enforcement or University officials without permission, except for extreme circumstances, such as a health and/or

safety emergency or child abuse. The trained professionals designated below can provide counseling, information, and support under legally protected confidentiality:

- Cushing Center for Counseling & Psychological Services (CAPS)
- Student Health Center
- University Chaplain

## Consent

For the purposes of this Title IX Policy, “consent” is defined as a voluntary, unambiguous and freely given agreement, expressed through words, actions, or a combination thereof, to engage in a mutually agreed upon sexual activity. In evaluating whether consent has been freely sought and given, the University will consider the presence of any force, threat of force, or coercion; whether the Complainant had capacity to give consent, and whether the communications between the Parties would be interpreted by a reasonable person under similar circumstances as consent to engage in a particular act.

Also in evaluating consent, it is important to note that:

- Consent to one form of sexual activity does not imply or constitute consent to another form of sexual activity;
- Consent to sexual activity on prior or separate occasion does not constitute consent for subsequent occasions;
- Consent to an act with one person does not constitute consent to the same act with another person;
- The existence of a prior or current intimate relationship does not, by itself, constitute consent;
- Consent can be withdrawn or modified at any time, and sexual contact must cease immediately once consent is withdrawn;
- Consent cannot be inferred from the absence of a “no”; It is the responsibility of the initiator of sexual contact to make sure that they understand fully what the person with whom they are involved wants and does not want sexually;
- Consent cannot be inferred from silence, passivity, or a lack of verbal or physical resistance.

Consent cannot be given when:

- A person’s judgment is substantially impaired by alcohol or drugs or otherwise incapacitated; Intimidation, coercion or threats are involved;
- Physical force is used;
- A physical or mental condition is present such that the person cannot knowingly or voluntarily give consent; or
- A person has not achieved the age required for consent, as defined by state law.

An objective standard will be used in determining whether a person’s judgment is “substantially impaired” by alcohol or drugs, or a physical or mental condition as described above is present. That is, consent is not valid when:

- From the standpoint of a reasonable person, the Respondent knew, or reasonably should have known, that the person's judgment was substantially impaired as a result of alcohol or drugs or was otherwise incapacitated, or that the person's physical or mental condition would prevent knowing and voluntary consent; or
- The person's judgment was, in fact, substantially impaired as a result of alcohol, drugs, or the person was incapable of providing knowing or voluntary consent due to a physical or mental condition.

The use of alcohol or drugs does not minimize or excuse a person's responsibility for alleged violations of this Policy, including as it relates to determining whether another is capable of giving consent, as described above.

### **Covered Sexual Harassment**

For the purposes of this Title IX Policy, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Eastern University's education program or activity;
3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the Complainant including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any 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 a consideration of the following factors:
  - a. The length of the relationship;
  - b. The type of relationship;
  - c. The frequency of interaction between the persons involved in the relationship.
5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under Pennsylvania's domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to
  - a. fear for their safety or the safety of others; or
  - b. suffer substantial emotional distress. Note that conduct that does not meet one or more of these criteria may still be prohibited under the Student Code of Conduct.

Education Program or Activity For the purposes of this Title IX Policy, Eastern University's "education program or activity" includes: Any on-campus premises Any off-campus premises that Eastern University has substantial control over. This includes buildings or property owned or controlled by a recognized student organization. Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Eastern University's programs and activities over which Eastern University has substantial control.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Student Code of Conduct.

### **Education Program or Activity**

For the purposes of this Title IX Policy, Eastern University's "education program or activity" includes:

- Any on-campus premises
- Any off-campus premises that Eastern University has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Eastern
- University's programs and activities over which Eastern University has substantial control.

### **Formal Complaint**

For the purposes of this Title IX Policy, "formal complaint" means a document – including an electronic submission - filed by a Complainant with a signature or other indication that the Complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a Respondent about conduct within Eastern University's education program or activity and requesting initiation of the procedures consistent with the Title IX Policy to investigate the allegation of sexual harassment.

### **Privacy**

Privacy refers to Eastern University offices and employees who cannot guarantee confidentiality, and will, therefore, maintain privacy to the greatest extent possible. Information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Eastern University will limit the disclosure of information as much as practicable.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined in the [Eastern University FERPA Policy](#). Employee privacy will be protected in accordance with the Eastern University Faculty and Employee Handbooks.

### **Respondent**

For the purposes of this Title IX policy, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

## **REPORTING SEXUAL MISCONDUCT TO THE UNIVERSITY**

Any person may report Sexual Misconduct in person, by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report.

Such a report may be made at any time (including during non-business hours) via the Eastern University [Online Reporting Form](#). The Online Reporting Form will provide a link to the [Policy](#), as well as encourage individuals to review this Policy for more information about procedures and resources.

Individuals who report Sexual Misconduct in Pennsylvania will also be informed of their rights as a victim of crime under Pennsylvania law.

Once an individual provides a report of Sexual Misconduct, the report will be reviewed by the Title IX Coordinator. At this stage, only the Title IX Coordinator will have access to the report, and they will share the information on a limited basis as required to take the appropriate next steps. Using the information gathered through the Online Reporting Form, the University will promptly contact the Complainant to discuss appropriate Supportive Measures and to explain the process for filing a Formal Complaint and that Supportive Measures are available with or without the filing of a Formal Complaint. Complainants are not required to respond to outreach from the University and the University will respect this decision, with limited exceptions where it is obligated by law or to act in the safety interest of the community.

Only individuals authorized by the University may enter, update, access, share, or disseminate the electronic data collected, created, or maintained from the Online Reporting Form.

## **Contact Information for the Title IX Coordinator:**

Assistant Vice President for Student Development & Title IX Coordinator

Walton Hall, Suite 210

1300 Eagle Road, St. Davids, PA 19087

[TitleIX@eastern.edu](mailto:TitleIX@eastern.edu)

(610) 341-5823

## **Confidential Reporting**

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator or designee

- Representatives from the Division of Student Development
- Department of Public Safety

The following Officials may provide confidentiality:

- Licensed Counselors in Counseling and Psychological Services (CAPS)
- Licensed Professionals in the Student Health Center
- University Chaplain

## **Support and Resources**

### **Supportive Measures**

Complainants (as defined above) who report allegations that could constitute covered sexual harassment under this policy have the right to receive supportive measures (as appropriate) from Eastern University regardless of whether they desire to file a formal complaint. Supportive measures are non-disciplinary and non-punitive.

Supportive Measures may include, but not be limited to:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Restrictions on contact between the Parties (no contact orders)
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus

Both Complainants and Respondents have the right to receive Supportive Measures from the University regardless of whether a Formal Complaint has been filed. The Title IX Coordinator will contact a Complainant after receiving notice of possible violation of this Policy

1. to discuss the availability of Supportive Measures and
2. to explain that Supportive Measures are available with or without the filing of a Formal Complaint of Title IX Sexual Harassment. The Title IX Coordinator will consider the Complainant's wishes with respect to implementation of Supportive Measures.

Supportive Measures will remain private to the extent possible, but may be disclosed where necessary to implement the Supportive Measure. Some University officials will be notified of Supportive Measures as needed for implementation.

The Title IX Coordinator will ultimately serve as the point of contact for any individual requesting Supportive Measures.

### **Supportive Resources (Regional)**

Victims Services Center of Montgomery County

888-521-0983; [www.victimservicescenter.org](http://www.victimservicescenter.org)

Laurel House

1-800-642-3150 or text "HOPE" to 85511; [www.laurel-house.org](http://www.laurel-house.org)

Delaware County Victim Assistance Center

610-566-4342; [www.delcovictimassistance.org](http://www.delcovictimassistance.org)

The Crime Victims' Center of Chester County

610-692-7273; [www.cvcofcc.org](http://www.cvcofcc.org)

The Women's Center of Montgomery County

1-800-773-2424; <https://wcmontco.org/>

Network of Victim Assistance (Bucks County)

1-800-675-6900; [www.novabucks.org](http://www.novabucks.org)

Women Against Abuse (Philadelphia)

866-723-3014; [www.womenagainstabuse.org](http://www.womenagainstabuse.org)

Women Organized Against Rape (Philadelphia)

215-985-3333; [www.woar.org](http://www.woar.org)

### **Supportive Resources (National)**

RAINN (Rape, Abuse & Incest National Network)

800-656-HOPE (4673); [www.rainn.org/](http://www.rainn.org/)

National Sexual Violence Resource Center

[www.nsvrc.org/](http://www.nsvrc.org/)



## **EMERGENCY REMOVAL**

Eastern University retains the authority to remove a Respondent from Eastern's education program or activity on an emergency basis, where Eastern University

- (1) undertakes an individualized safety and risk analysis and
- (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If Eastern University determines such removal is necessary, the Respondent will be provided notice and an opportunity to challenge the decision immediately following the removal.

## **Administrative Leave**

Eastern University retains the authority to place a non-student employee Respondent on administrative leave during the Title IX Process, consistent with the Employee Handbook.

## **RESOLUTION PROCESS**

### **Filing a Formal Complaint**

The timeframe for the Title IX Process begins with the filing of a Formal Complaint. The Process will be concluded within a reasonably prompt manner, with a goal of completion within 90 business days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of Eastern University, including as an employee.

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. Eastern University will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in the Title IX Policy prevents a Complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

### **Determining Jurisdiction**

The Title IX Coordinator, or designee, will determine if the Title IX Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in Eastern University's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, Eastern University will investigate the allegations according to the Title IX Process.

### **Mandatory Dismissal**

If any one of these elements are not met, the Title IX Coordinator, or designee, will notify the Parties that the Formal Complaint is being dismissed for the purposes of the Title IX Policy. Each party may appeal this dismissal using the procedure outlined in "Appeals," below.

### **Discretionary Dismissal**

The Title IX Coordinator, or designee, may dismiss a Formal Complaint brought under the Title IX Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if: A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint; The Respondent is no longer enrolled or employed by Eastern University; or, Specific circumstances prevent Eastern University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint. Any party may appeal a dismissal determination using the process set forth in "Appeals," below.

### **Notice of Dismissal**

Upon reaching a decision that the Formal Complaint will be dismissed, Eastern University will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the Parties through their University email accounts. It is the responsibility of Parties to maintain and regularly check their Eastern email accounts.

### **Notice of Removal**

Upon dismissal for the purposes of Title IX, Eastern University retains discretion to utilize the Student Code of Conduct or Employee Handbook to determine if a violation has occurred. If so, Eastern University will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Process and removal of the allegations to the appropriate student/employee conduct process.

## **Notice of Allegations**

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances. The Parties will be notified by their University email accounts if they are a student or employee, and by other reasonable means if they are neither. The University will provide sufficient time for the Parties to review the Notice of Allegations and prepare a response before any initial interview. The Title IX Coordinator, or designee, may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

## **Contents of Notice**

The Notice of Allegations will include the following: Notice of the University's Title IX Process and a hyperlink to a copy of the process. Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the Parties involved in the incident, if known, including the Complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.

A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process. A statement that the Parties may have an advisor of their choice, who may be, but is not required to be, an attorney; A statement that before the conclusion of the investigation, the Parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi).

## **Ongoing Notice**

If, in the course of an investigation, the institution decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Policy, the institution will notify the Parties whose identities are known of the additional allegations by their University email accounts or other reasonable means. The Parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

## **Advisors**

Parties participating in the Formal Resolution Process as a Complainant or Respondent may be accompanied by an Advisor to any meeting or hearing to which they are required or are eligible to attend. The Advisor is not an advocate. Except where explicitly stated in this Policy, as consistent with Department of Education regulations, Advisors shall not participate directly in the Resolution Process. The University will reasonably attempt to accommodate meetings and hearings on dates when Advisors

are available, provided that an Advisor acts reasonably in providing available dates and works collegially to find dates and times that meet all schedules. While the University will copy a Party's Advisor on communications, Parties are required to communicate with the Title IX Coordinator, Investigator, and other University staff directly; their Advisors may not do so in their place. The fact that a Party's Advisor did not receive any information directly from the Title IX Coordinator, Investigator, or other University staff is not a basis for an extension or delay in the Process. The University's obligation to investigate and adjudicate in a prompt timeframe under Title IX and other University policies apply to matters governed by this Policy, and the University cannot agree to extensive delays solely to accommodate the schedule of an Advisor. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. The University will not be obligated to delay a meeting or Hearing under this process more than five (5) business days due to the unavailability of an Advisor and may offer the Party the opportunity to obtain a different Advisor. The University will provide the Parties equal access to Advisors; any restrictions on Advisor participation will be applied equally.

### **Alternative Resolution**

Parties who do not wish to proceed with an Investigation and live Hearing, and instead seek the University's assistance to resolve allegations of Sexual Misconduct, may elect to enter the Alternative Resolution Process. Generally speaking, these resolution options are less time intensive than an Investigation and Hearing, while still affording an opportunity to actively participate in a process for resolution of Complaints. Parties may elect to enter an Alternative Resolution Process at any time after the filing of the Formal Complaint and prior to a Determination Regarding Responsibility through an informed written consent. This informed written consent will include all terms of the elected alternative process, including a statement that any agreement reached through the process is binding on the Parties. All Parties must agree on the form of Alternative Resolution, and the Title IX Coordinator or designee must approve the decision to commence an Alternative Resolution Process and may determine that Alternative Resolution is not appropriate under the circumstances. Factors in considering the appropriateness of the Alternative Resolution Process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether there are allegations of pattern behavior by the Respondent, and whether the Parties are participating in good faith. This determination is not subject to appeal. Alternative Resolution is not allowed as an option to resolve allegations that an employee sexually harassed a student. At any time after the commencement of the Alternative Resolution Process, the University may determine that the Alternative Resolution Process is not an appropriate method for resolving the matter and may require that the matter be resolved through the Formal Process. This determination is not subject to appeal. In addition, either Party may elect to leave the Alternative Resolution Process at any point prior to reaching a resolution. If a Party elects to leave the Alternative Resolution Process, the Formal Resolution Process may recommence, if necessary.

### **Confidentiality**

In entering the Alternative Resolution Process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the Alternative Resolution Process concerning the allegations of the Formal Complaint is confidential. No evidence concerning the allegations obtained within the Alternative Resolution Process may be disseminated to any person, provided that any Party to the Alternative Resolution Process may generally discuss the allegations under

investigation, such as with a parent, friend, advisor, or other source of emotional support. As a condition of entering the Alternative Resolution Process, any evidence shared or received during the Alternative Resolution Process may not be used in any subsequent Formal Resolution Process or University Appeal.

### **Alternative Resolution Options**

The University offers the following Alternative Resolution options for addressing Formal Complaints of Sexual Misconduct:

#### **Administrative Resolution**

Should the Parties mutually determine to enter the Alternative Resolution Process, and the Respondent elects to accept responsibility for the allegations of the Formal Complaint at any point during the Alternative Resolution Process, the University may administratively resolve the Formal Complaint. Where the Respondent admits responsibility, the Parties will receive simultaneous written notification of the acceptance of responsibility, and a Decision-maker will determine the Respondent's sanction and other remedies, as appropriate and consistent with University policy. Parties may be accompanied by their Advisor but questioning of Parties or Witnesses will not be permitted. The Parties will receive simultaneous written notification of the decision regarding sanctions and remedies, which may be appealed according to the Appeal Process.

#### **Formal Resolution Process**

##### **Notice of Meetings and Interviews**

The University will provide, to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all Hearings and investigative interviews with sufficient time for the Party to prepare to participate.

##### **Request for Delay**

Either Party may request a delay in the Resolution Process of up to five (5) business days for good cause (granted or denied in the judgment of the Title IX Coordinator), provided that the requestor provides reasonable notice, and the delay does not overly inconvenience other Parties. The Title IX Coordinator shall have sole judgment to grant any pauses in the Process. Extensions requested after a deadline has run, rather than before the deadline has occurred, are unlikely to be granted.

### **Investigation**

#### **General Rules of Investigations**

The Investigator(s) will perform an Investigation under a reasonably prompt timeframe of the conduct alleged to constitute Sexual Misconduct after issuing the Notice of Allegations. The University, and not the Parties, bears the burden of proof and the burden of gathering evidence. This burden does not rest with either Party, and either Party may decide not to share their account of what occurred or may decide not to participate in an Investigation or Hearing. This does not shift the burden of proof away from the University and does not indicate responsibility. The University cannot access, consider, or disclose medical records without a waiver from the Party (or parent, if applicable) to whom the records belong or

of whom the records include information. The University will provide an equal opportunity for the Parties to present Witnesses, including fact and expert Witnesses, and other inculpatory and/or exculpatory evidence (i.e., evidence that tends to prove or disprove the allegations, respectively), as described below.

### **Investigative Report**

The Investigator will prepare a draft investigative report.

### **Draft Investigative Report**

The draft investigative report and related exhibits and evidence will be provided by the Investigator to both the Complainant and Respondent and their named Advisors for review and comment, under strict instructions that they are and at all times remain strictly confidential, and are not to be shared with anyone other than their families and advisors and/or outside counsel.

Sharing of the report by either party, their families, advisors or outside counsel with any additional persons is strictly prohibited and anyone with whom the report is shared must be so advised. Each party will be provided the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The

Complainant and the Respondent will be given ten (10) business days to comment on the draft investigative report and respond in writing to the Investigator.

### **Final Report**

As a result of the response and comments received, the Investigator may conduct a further investigation and/or amend the draft report, if the Investigator determines either action to be warranted. The Investigator will prepare a final investigative report, incorporating any changes they believe are appropriate, and then share it with the Complainant and the Respondent. The Complainant and Respondent may submit formal objections or comments to the final report, which will become part of the final report of the matter.

## **Hearing**

### **General Rules of Hearings**

The University will not issue a disciplinary sanction arising from an allegation of Sexual Misconduct without holding a Hearing and permitting an Appeal, unless otherwise resolved through an Alternative Resolution Process. The Hearing may be conducted with all Parties present in the same physical location, or, at the University's discretion, any or all Parties, Witnesses, and other participants may appear at the Hearing virtually through video conference. This technology will enable participants simultaneously to see and hear each other. At its discretion, the University may delay or adjourn a Hearing based on technological errors not within a Party's control.

### **Continuances or Granting Extensions**

The University may determine that multiple sessions or a continuance (i.e., a pause on the continuation of the Hearing until a later date or time) is needed to complete a Hearing. If so, the University will notify

all participants and endeavor to accommodate all participants' schedules and complete the Hearing as promptly as practicable.

### **Participants in the Hearing**

Hearings are not public, and only the following individuals are permitted to participate:

- **Complainant and Respondent (“the Parties”)**

The Parties cannot waive the right to a Hearing except by participating in an Alternative Resolution. The University may still proceed with the Hearing in the absence of a Party and may reach a Determination Regarding Responsibility in their absence. If a Party declines to attend a hearing or attends but declines to submit to questioning by the other Party's Advisor, the Decision-maker may rely on statements of the non-appearing party in reaching determination of responsibility, after assessing the relevance of each statement and weighing the reliability of each statement against the fact that the statement was not further tested through questioning at the hearing. The Hearing Officer will not draw an inference about the determination regarding responsibility based solely on a party's absence from the hearing or failure to answer questions. Advisors shall be subject to this Policy's Rules of Decorum and may be removed at the discretion of the Hearing Panel upon violation of those Rules.

- **The Decision-maker**

The hearing body will consist of a single Decision-maker. The Decision-maker will not have served as the Title IX Coordinator, Title IX Investigator, or Advisor to any party in the case, nor may they serve on the appeals body of the case. The Decision-maker will not have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the Parties to the particular case. The Decision-maker will be trained on topics including how to serve impartially, issues of relevance, and any technology to be used at the hearing. The Parties will have an opportunity to raise any objections regarding a Decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

- **Advisor of Choice**

The Parties have the right to select an advisor of their choice who may be, but does not have to be, an attorney. The Advisor of Choice may accompany the Parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination. The Parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party. The advisor is not prohibited from having a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the Parties to the particular case. The advisor is not prohibited from being a witness in the matter. If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf. If neither a party nor their advisor appear at the hearing, Eastern University will provide an advisor to appear on behalf of the non-appearing

party.

- **Witnesses**

Witnesses cannot be compelled to participate in the Hearing and have the right not to participate in the Hearing, free from retaliation. If a Witness declines to attend a hearing or attends but declines to submit to questioning by the other Party's advisor, the Decision-maker may rely on statements of the non-appearing witness in reaching determination of responsibility, after assessing the relevance of each statement and weighing the reliability of each statement against the fact that the statement was not further tested through questioning at the hearing. The Decision-maker will not draw an inference about the determination regarding responsibility based solely on a witness's absence from the hearing or failure to answer questions. Witnesses shall be subject to this Policy's Rules of Decorum and may be removed upon violation of those Rules.

## **Hearing Procedures**

For all live hearings conducted under this Title IX Process, the procedure will be as follows:

- Decision-maker will open and establish rules and expectations for the hearing.
- The Parties will each be given the opportunity to provide opening statements.
- Decision-maker will ask questions of the Parties and Witnesses.
- Parties will be given the opportunity for live cross-examination after Decision-maker conducts its initial round of questioning; during the Parties' cross-examination, the Decision-maker will have the authority to pause cross-examination at any time for the purposes of asking Decision-maker's own follow up questions and for any time necessary in order to enforce the established rules of decorum.
- Should a Party or the Party's Advisor participating in the hearing choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision-maker. A Party's waiver of cross-examination does not eliminate the ability of the Decision-maker to use statements made by the Party.

## **Live Cross-Examination Procedure**

Each party's Advisor will conduct live cross-examination of the other Party or Parties and Witnesses. During this live-cross examination the Advisor will ask the other Party or Parties and Witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real



time. Before any cross-examination question is answered, the Decision-maker will determine if the question is relevant and will explain any decision to exclude a question as not relevant. Cross-examination questions that are duplicative of those already asked, including by the Decision-maker, may be deemed irrelevant if they have been asked and answered.

### **Review of Recording**

The recording of the hearing will be available for review by the Parties within 10 business days, unless there are any extenuating circumstances. The recording of the hearing will not be provided to Parties or Advisors of Choice.

### **Determination Regarding Responsibility**

- **Standard of Proof:** Eastern University uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the Decision-maker will determine whether it is more likely than not that a violation of the Policy occurred.
- **Considerations for Evaluating Testimony and Evidence:** Determinations Regarding Responsibility for an allegation of Sexual Misconduct may be based in part, or entirely, on documentary, verbal, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker. Decision-makers shall not draw inferences regarding a Party's or Witness' credibility based on the Party's or Witness' status as a Complainant, Respondent, or Witness, nor shall they base their judgments in stereotypes about how a Party or Witness would or should act under the circumstances.
- **Written Determination Regarding Responsibility:** The written Determination Regarding Responsibility ("the Determination") will be issued simultaneously to all Parties through their University email account, or other reasonable means, as necessary. The Determination will include:
  1. Summary of the allegations of Sexual Misconduct.
  2. A description of the procedural steps taken from the receipt of the Formal Complaint through the Determination, including any notifications to the Parties, interviews with Parties and Witnesses, site visits, methods used to gather other evidence, and Hearings held.
  3. Findings of fact supporting the Determination.

4. Conclusions regarding which section of the Sexual Misconduct Policy, if any, the Respondent has or has not been found to have violated.
5. For each allegation:
  - a. A statement of, and rationale for, the Determination Regarding Responsibility.
  - b. A statement of, and rationale for, any disciplinary sanctions the University imposes on the Respondent.
  - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the University's Education Program or Activity will be provided to the Complainant.
6. The University's procedures and the permitted reasons for the Complainant and Respondent to appeal the Determination (described below in "Appeal").

#### **Timeline of Determination Regarding Responsibility**

If there are no extenuating circumstances, the Determination Regarding Responsibility will be issued by Eastern University within ten (10) business days of the completion of the hearing.

#### **Finality**

The Determination Regarding Responsibility becomes final either on the date that the institution provides the Parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

#### **Appeals**

Each Party may appeal (1) the Dismissal of a Formal Complaint or any included allegations and/or (2) a Determination Regarding Responsibility. A Party must submit a written Appeal within five (5) business days of being notified of the Dismissal of a Formal Complaint or Determination Regarding Responsibility, indicating the grounds for the Appeal. The grounds for Appeal are limited to:

- Procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the University's own procedures).
- New evidence that was not reasonably available at the time the Determination Regarding Responsibility or dismissal was made, that could affect the outcome of the matter.
- The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against an individual Party, or for or against Complainants or Respondents in general, that affected the outcome of the matter.

Dissatisfaction with the outcome is not a valid basis for appeal. In addition, appeals are not intended to be a rehearing of the matter. The scope of the appeal is limited to the grounds for appeal included in the written appeal submissions. The submission of an Appeal stays any sanctions for the pendency of the Appeal. Supportive Measures remain available during the pendency of the Appeal. Appeals should be submitted in electronic form to the Vice President for Student Development, or their designee, who will review the appeal to ensure it is properly filed in accordance with this Policy. If a Party appeals, the University will, as soon as practicable, notify the other Party in writing of the Appeal; however, the time for Appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an Appeal. The Vice President for Student Development, or designee, will not have been previously involved in the reporting, investigation, or hearing process, and will objectively consider the hearing record and information presented in the appeal and either uphold, reverse, or modify the decision at issue, including, where appropriate, remanding the matter with instructions to conduct additional investigative steps and/or consult with the Decision-maker in order to cure a procedural error, interview and/or call witness(es), consider newly discovered evidence, and/or reassess information not previously considered. This list of possible actions on remand is non-exhaustive. The outcome of an Appeal will be provided in writing simultaneously to both Parties within fifteen (15) business days from when all written appeal submissions were received, and will include the rationale for the decision. This time period may be extended for good cause. The Appeal decision is final, and no subsequent Appeals are permitted.

### **Retaliation**

Eastern University will keep the identity of any individual who has made a report or complaint of sexual misconduct confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Policy, any Complainant, any individual who has been reported to be the perpetrator of sexual harassment, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Policy. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations. No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Policy. Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

### **Record Retention**

The University shall retain for a period of seven years after the date of case closure: the official file relating to a formal resolution, including any Investigation, Hearing, Determination Regarding

Responsibility, sanctioning, and/or Appeal processes involving allegations of Sexual Misconduct. In cases in which a Respondent was found to have violated the Policy and was separated from the University, the University may retain such official case files indefinitely.

### **Victim's Rights at Eastern University**

Eastern University is concerned for those within the community who might become victims related to the actions of others in the community as well as those outside the community. Although internal incidents are rare, victims should know their rights and advocate for themselves regarding them. The following are Victim's Rights at Eastern University:

- To request advice and personal support from authorities without making a formal complaint.
- To make a complaint and then withdraw the complaint.
- To present a spoken or written report and/or complaint concerning the matter, to appropriate authorities.
- To have a friend or personal counselor accompany them at meetings concerning the matter.

Victims may consider bringing their case through the legal system and/or to other external authorities. The choice to do this or not rests solely with the victim. Note that adjudication of matters relative to student behavior within a private university setting is not subject to laws regarding legal proceedings, nor is it meant to be a substitute for the legal process. Regardless of the victim's decision relative to bringing external charges, when University policy has been broken, internal disciplinary procedures will be followed and concluded, with or without reference to external adjudication, at the discretion of the Assistant Vice President for Student Development and Title IX Coordinator. Victims who participate in the legal system should understand their rights under the law within the state of Pennsylvania. Pennsylvania victim's rights can be found here. Victim's rights differ state by state. Victims are advised to check policy in the appropriate state where the concerning event occurred.

### **The Federal Campus Sexual Assault Victims Bill of Rights**

- Survivors shall be notified of their options to notify law enforcement.
- Accuser and accused must have the same opportunity to have others present.

- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic and living situations.

The Campus Sexual Assault Victims' Bill of Rights exists as a part of Public Safety's reporting requirements, commonly known as the Jeanne Clery Act.

When the alleged discrimination involves:	The Judiciary Board will be composed of:
Faculty and student	Faculty and student(s)
Staff and student	Faculty, staff and student(s)
Student and student	Faculty and student(s)
Staff and staff or faculty and staff	Faculty and staff
Faculty and faculty	Faculty

### **Retaliation**

Retaliation against a person who brings a complaint alleging a violation of this policy or who participates in an investigation is strictly prohibited. Under the law, retaliation includes any form of intimidation, threat, coercion or any other type of discrimination because of the individual's complaint or participation. Retaliation will be cause for appropriate disciplinary action in accordance with the procedures set forth above. Students, faculty or staff who knowingly make false charges alleging violations of this policy may be subjected to disciplinary action, as well as any related/relevant civil or criminal legal proceedings.

## **Sexual Harassment Policy**

Believing that members of our community have the right to work, study, and communicate with each other in an atmosphere free from unsolicited and unwelcome sexual advances, Eastern University does not condone and will not tolerate any behavior, verbal or physical, which constitutes sexual harassment.

### **Definition**

Sexual harassment is a form of discrimination in violation of Title VII of the Federal Civil Rights Act of 1964, Title IX of the 1972 Education Amendments, the Pennsylvania Human Relations Act, and Eastern University Policy. Unwelcome sexual advances, requests for sexual favors, inappropriate behavior of a

sexual nature, and other written, verbal, or physical conduct of a sexually intimidating or offensive nature constitutes sexual harassment when:

1. such conduct is pursued among persons who have not mutually consented (implicitly or explicitly, verbally or non-verbally) to such conduct;
0. submission to such conduct is made, explicitly or implicitly, a term or a condition for a employment, advancement, matriculation, or academic evaluation at Eastern University;
0. submission to, or rejection of, such conduct is used as the basis for employment or academic decisions;
0. a pattern exists of singling out members of one sex for disproportionate attention with elements of emotional or physical pressure;
0. such conduct has the purpose or effect of substantially interfering with an individual's employment or academic performance or creating an intimidating, hostile, or offensive residential, work, or academic environment. Sexual harassment is unwelcome and usually repeated behavior, but in some instances it can be an action that occurs only once.

Examples of sexually harassing conduct include, but are not limited to:

1. repeated sexually suggestive looks, gestures, or questions;
0. repeated, unwanted, and unacceptable remarks that stigmatize or ridicule on the basis of gender or sexual matters;
0. persistent following, letters, or phone calls discussing sexual matters;
0. display of offensive, sexually oriented visual materials (i.e. photos or posters), except those used for the purposes of instruction as appropriate to course objectives;
0. cornering or leaning over, touching, pinching, or patting;
0. pressure for sexual favors.

### **Dealing with Sexual Harassment**

Eastern University strongly urges that each member of the community know her/his rights and responsibilities, cooperate with those who are designated to help resolve allegations of harassment, and report all incidents of harassment, especially if she/he is a victim.

### **What To Do**

1. Say “no” to the offender. Respond immediately and directly to the offender, indicating that the behavior or remark is not acceptable. State without smiling or apologizing that you want the behavior to stop, and make it clear that you do not approve.
0. Do not ignore the problem. Experience shows that this only makes things worse.
0. If you are unsure that your experience was sexual harassment, discuss it with a trusted friend, colleague, or a member of the Student Development staff on an informal basis.
0. Keep a written record of the harassment. Include the date, time, place, and any other relevant circumstances. Record your response to the harassment as well. Keep all relevant correspondence that may be used as evidence of harassment, such as letters, notes, or memos.
0. Find out if someone witnessed the incident or your reaction immediately after the incident. That person may be a witness for you. Take names and phone numbers for future reference.
0. If you feel that your academic or work evaluation will be effected by the harassment, ask for and collect copies of past academic work or evaluations or anything that would tell the quality of your work.

### **The Procedure for Reporting Sexual Assault/Sexual Harassment**

Members of the Eastern University community are encouraged to report information regarding an alleged incident of sexual harassment or assault to any member of the Student Development staff. Although any member of the Student Development staff may be informed, that member will report the incident to the Dean of Students, who will investigate it.

Should the alleged victim choose to do so, she/he may choose a support person who may be a friend or a trusted staff or faculty member of the Eastern University community. Faculty and staff members, including Resident Assistants, but with the exception of professional counselors, have a duty to report any and all sexual assault to the Title IX Coordinator. The support person may accompany and advise the alleged victim in the investigation and in any informal or formal procedures that follow.

The following procedures apply when the alleged perpetrator is a student. To initiate an informal grievance, the victim of the alleged incident or her/his support person should inform the Dean of Students of her/his intent. The Dean will seek to resolve the complaint informally in a manner satisfactory to both the complaining party and the accused party. If the complaint is not resolved to the satisfaction of both parties, the complaining party may elect to initiate a formal grievance. The victim of the alleged incident is not obligated to pursue an informal grievance before filing a formal grievance.

The victim of the alleged incident may initiate a formal grievance to the Dean of Students, after which the Dean of Students will notify the accused party of the incident. If evidence warrants it, a formal hearing will be convened. The nature of the charges necessitates that the Judiciary Board be composed of the Dean of Students, at least one male faculty or staff member, at least one female faculty or staff member, at least one male student, and at least one female student. The fifth voting member will be of the same gender as the alleged victim. An effort will be made to have the same members of the Board present at every hearing for the particular case. Either the victim or the accused may request that a student member be included or excluded. The Hearing, Disciplinary Sanction, and Appeals Process are outlined elsewhere in this handbook.

If the alleged perpetrator is a member of the faculty or staff, the Dean of Students will report the incident to the Assistant Vice President or Dean to whom the alleged perpetrator reports. The provisions of the Faculty and Staff Handbook, available in the full official edition of the Sexual Harassment Policy, will pertain relative to hearing proceedings.

### **Confidentiality and External Charges**

The university will maintain complete confidentiality regarding allegations. Only those directly involved in the alleged incident(s) and resulting investigation will have access to information concerning the case unless the alleged victim or accused chooses otherwise. The victim of criminal activity such as sexual harassment or assault is strongly encouraged to file formal charges with the local police. The victim will receive support from all members of the Student Development Office, should the victim choose this option. The internal procedure will be implemented and disciplinary sanctions imposed without regard to the status of the external procedure.

Eastern University strictly prohibits any retaliation, intimidation, or coercion directed against any member of the community, anyone who intends to register a complaint, or anyone who has done so. Any member of the community who, after appropriate investigation, has been determined to have retaliated against a complainant or one who expresses the intent to complain (or against any other party involved), will be subject to disciplinary action. If any member of the Eastern University community believes she/he has been retaliated against, that person should contact a member of the Student Development Staff.

## **Victim's Rights at Eastern University**

Eastern University is concerned for those within the community who might become victims related to the actions of others in the community as well as those outside the community. Although internal incidents are rare, victims should know their rights and advocate for themselves regarding them.

The following are Victim's Rights at Eastern University:

- To request advice and personal support from authorities without making a formal complaint
- To make a complaint and then withdraw the complaint



- To present a spoken or written report and or complaint concerning the matter, to appropriate authorities
- To have a friend or personal counselor accompany them at meetings concerning the matter
- Should the case go before the Student-Faculty Judiciary Board:
  - To submit a written statement to the Dean of Students to be read during the hearing
  - To request to the Dean of Students anonymity during the hearing
  - To be informed of the outcome of the hearing. This may be done verbally or in writing by the Dean of Students or designee.

Victims may consider bringing their case through the legal system and/ or to other external authorities. The choice to do this or not rests solely with the victim. Note that adjudication of matters relative to student behavior within a private university setting is not subject to laws regarding legal proceedings, nor is it meant to be a substitute for the legal process. Regardless of the victim's decision relative to bringing external charges, when school policy has been broken internal disciplinary procedures will be followed and concluded, with or without reference to external adjudication, at the discretion of the Dean of Students.

Victims who participate in the legal system should understand their rights under the law within the state of Pennsylvania. Pennsylvania, victim's rights can be found [here](#).

Victim's rights differ state by state. Victims are advised to check policy in the appropriate state where the concerning event occurred.

### **The Federal Campus Sexual Assault Victims Bill of Rights**

- Survivors shall be notified of their options to notify law enforcement.
- Accuser and accused must have the same opportunity to have others present.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic and living situations.

*The Campus Sexual Assault Victims' Bill of Rights" exists as a part of the campus security reporting requirements, commonly known as the Jeanne Clery Act.*

## **Pennsylvania Crime Victim's Bill of Rights**

### **PENNSYLVANIA VICTIM'S BILL OF RIGHTS**

As a victim of crime in Pennsylvania you have the following rights:

- To receive basic information concerning the services to assist you;
- To be notified of certain significant actions and proceedings pertaining to your case, including, in personal injury crimes, the arrest of the suspect and escape from police custody;
- To be accompanied at all public criminal proceedings by a family member, a victim advocate or another person;
- In cases of personal injury crimes, burglary, or driving under the influence involving bodily injury, to submit prior comment to the prosecutor's office on the potential reduction or dropping of any charge or changing of a plea;
- To offer prior comment or to submit a written victim impact statement for the judge's consideration at sentencing;
- To recover your losses, to the extent possible, through restitution, compensation through the victim's compensation program and the return of property which was seized as evidence when it is no longer needed by the prosecutor;
- In personal injury crimes where the offender is sentenced to a state prison, to provide prior comment on and to receive notice of release decisions, and to be immediately notified if the offender escapes;
- In personal injury crimes where the offender is sentenced to a local correctional facility, to receive notice of release decisions and to be immediately notified if the offender escapes;
- To receive immediate notice of release on bail where the offender is committed to a local correctional facility for violation of a protection from abuse order;
- To receive notice when an offender is committed to a mental health facility from a state prison and of the discharge, transfer or escape of the offender from the mental health facility; and
- To have assistance in the preparation of, submission of and follow-up on the financial assistance claims to the Crime Victim's Compensation Board.

## **IMPORTANT NUMBERS**

### **Off Campus Victim/Witness Contact Resources**

LOCATION	CONTACT	PHONE
<b>Philadelphia Police Department</b>	Business	
	Emergency	911
<b>Pennsylvania State Police</b>	2201 Belmont Ave, Philadelphia, PA 19131	215-452-5216
<b>Philadelphia District Attorney's Office</b>	3 S Penn Square, Philadelphia, PA 19107	215-686-8000

### **Eastern University Victim/Witness Contact Resources – located at St. Davids Campus**

OFFICE/DEPARTMENT	CONTACT	PHONE
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<b>Student Development</b>	<b>Melissa Bryant (Missy Bryant)</b> Vice President for Student Development	610-341-5 924
<b>Student Development</b>	<b>Anne Filippone</b> Assistant Vice President for Student Development & Title IX Coordinator	610-341-5 868
<b>Student Health Center</b>	<b>Michelle Wilson, Nurse Practitioner</b> Director of Student Health Center	610-341-5 974
<b>Public Safety</b>	<b>Michael D. Bicking</b> Director of Public Safety	610-341-1 720
	<b>Public Safety Officers</b>	610-341-1 737
<b>CCAS CUSHING CENTER for Counseling &amp; Support</b>	<b>Dr. Lisa Hemlick Ph.D</b> Director Center for Counseling & Academic Support	610-341-5 837
<b>Chaplain</b>	<b>Dr. Rev. Joseph B Modica Ph.D</b> University Chaplain	610-341-5 826
<b>Human Resources</b>	<b>Kacey Bernard</b> Chief Human Resource Officer	610-341-1 481
<b>Executive Dean Esperanza College</b>	<b>Gladys Ramirez-Wrease</b>	215-324-0 746

### **EDUCATION AND PREVENTION PROGRAMS**

Eastern University engages in comprehensive, intentional and integrated programming, initiatives, strategies and campaigns intended to end dating violence, domestic violence, sexual assault and stalking.

**Name of Program:** Multicultural Student Initiative

**Date Held:** Throughout the Academic year

**Location:** Campus - wide

**Prohibited Behavior Covered:** Alcohol abuse, Bystander Intervention, Bullying, Sexual Assault, Domestic Violence

**Name of Program:** 3<sup>rd</sup> Millennium Classroom

**Date Held:** August

**Location:** Web-based

**Prohibited Behavior Covered:** Consent & Respect



Fraud	0	0	0	0	0	0	0	0	0
Gambling	0	0	0	0	0	0	0	0	0
Liquor Laws	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Offenses Against Family	0	0	0	0	0	0	0	0	0
Prostitution	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Other Sex Offenses	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Theft/Larceny	0	0	0	0	0	0	0	0	0
Vagrancy	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0
All Others	0	0	0	0	0	0	0	0	0

YEAR	NUMBER OF STUDENTS
2022	120
2023	127
2024	215

Percentages are per number of FTE Students . Rates is per 100,000 FTE Students

Statistics provided by Philadelphia PD & Student Development staff & Public Safety.