Lest we forget the meaning of her death, that we must protect one another, so that her life will not have been in vain.

Jeanne Clery
About the Clery Act

“She would be so happy, and smiling that beautiful smile of hers. She would be so thrilled that so many lives were being saved as a result. That’s all she cared about—other people.”

Connie Clery, mom

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial and geographic considerations, the issue of campus safety is a vital concern. Kutztown University of Pennsylvania (KU) recognizes the effect this life-changing choice may have for students and seeks to provide a safe and secure environment in which its students can live, learn and grow. Understanding that no community is free from crime, the University remains firm in its pursuit of an environment that is as safe as possible where students can learn, faculty can teach and staff can support the mission of the institution.

The Crime Awareness and Campus Security Act of 1990, known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), provides students and families, as higher education consumers, with information they need to make informed decisions about college choice. The Clery Act (1990) requires colleges and universities across the United States to disclose information about crime on and around their campuses. Under the watchful eye of the U.S. Department of Education, all post-secondary institutions participating in Title IV student financial aid programs are required to comply with this Act to avoid being penalized with significant fines and suspension from participation in Title IV programs.

The Clery Act is named after 19-year-old Jeanne Clery, who was raped and murdered in her Lehigh University residence hall in 1986. Clery’s parents, who believed the University had failed to share vital information with its students regarding campus safety, campaigned for legislative reform when they discovered students at Lehigh hadn’t been notified about thirty-eight violent crimes inclusive of rapes, robberies and assaults that had occurred on campus in the three years prior to Clery’s murder. Their sustained efforts ultimately resulted in the passage of the Clery Act, a federal law requiring all universities and colleges receiving federal student financial aid programs to report crime statistics regarding crimes that occur on or near their respective campuses, alert campus of imminent dangers, and distribute an Annual Campus Security Report to current and prospective students and employees. Compliance is monitored by the United States Department of Education, which can impose civil penalties, up to $57,317 per violation, against institutions for Clery Act infractions and can suspend institutions from participating in federal student financial aid programs.

KU has a vested interest in campus security and the personal safety of its students and employees. The following pages contain specific information related to the Clery Act, such as campus crime statistics, as well as other matters of importance associated with security and safety on campus. Members of the campus community are encouraged to use this report as a guide for safe practices on and off campus. An online copy of this report is available at www.kutztown.edu/clery.
Clery Act Compliance

The Clery Act requires Kutztown University to provide timely warnings of crimes that represent a threat to the safety of students or employees and to make their campus security policies available to the public. The Act also requires KU to collect, classify, report, and disseminate crime data to everyone on campus and to the U.S. Department of Education on an annual basis.

Clery Act requirements fall into three categories based on the configuration of an institution: (1) Clery crime statistics and security-related policy requirements that must be met by every institution; (2) an additional Clery crime log requirement for institutions which have a campus police or security department; and (3) Higher Education Opportunity Act (HEOA) missing student notification and fire safety requirements for institutions that have at least one on-campus student housing facility.

To be in full compliance with the law, KU publishes and makes available to current and prospective students and employees this Annual Security Report (ASR) containing safety and security-related policy statements and crime statistics by October 1st of each year. The report provides crime statistics for the past three years, details campus and community policies about safety and security measures, describes campus crime prevention programs and lists procedures to be followed in the investigation and prosecution of alleged sex offenses.

Collect, classify and count crime reports and crime statistics. All campus crime reports are collected, classified and counted. Three years of crime statistics detailing crimes that have occurred are reported in the Annual Security Report. The crimes are categorized according to location: on-campus; on-campus in university residential facilities; in public areas on or near campus; and in certain non-campus buildings, such as remote classrooms. KU also reports liquor and drug law violations and illegal weapons possession if they result in a disciplinary referral or arrest.

Kutztown University also compiles and discloses statistics for incidents of domestic violence, dating violence, sexual assault and stalking in compliance with the Violence Against Women Reauthorization Act (VAWA). VAWA amended the Clery Act to require institutions to disclose these statistics and to include certain policies, procedures and programs pertaining to these incidents in this Annual Security Report. Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

Publish an annual security report. This report, containing safety and security related policy statements and crime statistics, is made available to all current students and employees. A Notice of Availability is sent to every student and employee immediately upon publication. Prospective employees and students are notified of the availability through the respective application processes.

Maintain a daily crime log of alleged criminal incidents. A detailed, 60-day public crime log of all alleged crimes reported is also maintained by the Department of Public Safety and Police Services. Crime logs are kept for seven years, and logs older than 60 days are available within two business days upon request of the Chief of Police.
**Issue campus alerts.** To provide members of the campus community with information necessary to make informed decisions about their health and safety, Kutztown University will notify members through the issuance of:

- **Timely Warnings:** when any reported Clery Act crime represents an ongoing threat to the safety of students or employees, a timely warning is issued.
- **Emergency Notifications:** when there is confirmation of a significant emergency or dangerous situation involving an immediate threat to part or all of the campus community occurring on the campus, an emergency notification will be issued.

**Provide educational programs and campaigns.** The University provides primary prevention and awareness programs to all incoming students and new employees regarding dating violence, domestic violence, sexual assault and stalking. Ongoing prevention and awareness campaigns are also provided for students and employees on the same topics.

**Disclose missing student notification procedures.** Missing student notification procedures pertaining to students residing in on-campus student housing facilities are shared in this annual security report.

**Have procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault and stalking.** The University follows its policies and specific procedures for all reported cases of dating violence, domestic violence, sexual assault and stalking.

**Annually submit crime statistics to the Department of Education.** Each year, the University participates in a web-based data collection process to disclose crime statistics by type, location and year.

**Publish an annual fire safety report.** In addition to crimes, Kutztown University discloses fire safety information related to all on-campus student housing facilities while maintaining a fire log that is open to public inspection. The annual Fire Safety Report contains policy statements and fire statistics associated with each on-campus student housing facility. These statistics include the location, number of fires, cause, injuries, deaths and property damage of each fire. This report is published independently of the Annual Safety and Security Report by KU’s Department of Environmental Health and Safety.

Both the Annual Security Report and the Fire Safety Report are shared annually with the United States Department of Education and made available to current and prospective students and employees upon publication.

The fire safety report and fire statistics can be viewed at https://www.kutztown.edu/about-ku/administrative-offices/facilities/environmental-health-and-safety.html. To request a hard copy, contact the Work Control Center of the Department of the Facilities Management at (610) 683-1594 during normal business hours or via email at wcc@kutztown.edu anytime.

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**Collection of Crime Statistics**

**Preparation of Crime Statistics**

Kutztown University is responsible for preparing and disclosing crime statistics in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act),
20 U.S.C. Section 1092. This federal mandate requires the disclosure of certain crime statistics so current and potential families, students, and employees can be knowledgeable about the safety of college campuses.

Convinced that an informed public is a safety-conscious public, Kutztown University willingly complies with all laws pertaining to the reporting of crime and the public’s right to information. The institution also maintains strict compliance with the Clery Act as well as all other laws governing the release of crime statistics and personal information.

Collection of Crime Information
The collection of documentation for Kutztown University’s Annual Security Report is coordinated by the Campus Clery Coordinator in partnership with Public Safety and Police Services/Kutztown University Police Department (KUPD). KUPD collects its own statistics and accepts supplemental statistics from recognized student conduct administrators and other Campus Security Authorities (CSA). Information is gathered from various departments on campus including but not limited to the following: Dean of Students, Housing and Dining Services, Residence Life, Health and Wellness Services, Social Equity, Environmental Health and Safety, the Women’s Center, the University President, and the Vice President for Administration and Finance in their subordinate reporting roles. Additionally, KU sends an annual notice to these departments and the University community to solicit additional on-campus location information.

KUPD also requests statistical information from the appropriate law enforcement agencies for non-campus operations on an annual basis. The Chief of Police sends a letter to the associated law enforcement units at those locations requesting crime data for the calendar year. The information returned from these agencies is reflected in the statistics included in this Annual Security Report. Clery reporting covers the preceding calendar year from January 1 to December 31.

The information is reviewed by the University’s Campus Clery Coordinator and is used to develop this Annual Security Report (ASR). Once all of the information is gathered and prepared for publication, it is shared with the departments listed above who are asked to review it for accuracy and completeness. Before publication, it is further reviewed by the KUPD Chief of Police for completeness and accuracy. This information is then included in KU’s Annual Security Report.

By October 1st of each year, the crime statistics are submitted to the U.S. Department of Education. In accordance with applicable state and federal regulations, the University publishes and distributes crime statistics to all current students, faculty and staff on an annual basis. Every KU community member receives an e-mail that describes the ASR and provides its website address for viewing on or before October 1st of each year. Prospective employees receive the information through the candidate application process and prospective students through the Admissions process.

The full report may be downloaded from the KU website at www.kutztown.edu/clery. Paper copies of the report may be obtained from Transportation Services by visiting the office located in 107 Academic Forum or by calling (610) 683-4825. Written requests may also be sent to: Kutztown University Clery Coordinator, 107 Academic Forum, Kutztown University, Kutztown, PA 19530. Email requests should be sent to reel@kutztown.edu.
Preparation of the Annual Security Report
The Annual Security Report is written by the Kutztown University Clery Compliance Coordinator (CCC) who also serves as the Associate Director of Business Services. The CCC collaborates with various departments to pull together all policy statements, statistics and supporting documentation for this ASR. Contributing departments are responsible for ensuring the university’s compliance with the Clery Act and provide the information necessary for the CCC to publish the ASR. These departments include: Public Safety and Police Services, Environmental Health and Safety, the Women’s Center, Health Services, the Emergency Management Team, Residence Life, Housing, the Dean of Students, Social Equity, Counseling Services and others.

KUPD/Public Safety and Police Services
Kutztown University places the safety of every member of the university community as a top priority and espouses the belief that all members of the community are responsible for assisting with maintaining as safe and secure an environment as possible. The Department of Public Safety and Police Services, a unit of the Division of Compliance, is the primary administrative office responsible for safety, security and police services at Kutztown University. The department consists of 17 sworn police officers plus civilian support staff. For the purposes of this Annual Security Report, the department will hereinafter be referred to as KUPD.

KUPD protects and serves the KU community 24 hours a day, every day of the year. It has two primary phone numbers: (610) 683-4001 (for emergencies; a recorded line) and (610) 683-4002 (non-emergency recorded line). KUPD offices are centrally located in the lower level of Old Main. When at full complement, the Department is staffed by 18 full-time personnel, consisting of police administrators, criminal investigators, crime prevention practitioners, police officers and clerical staff, including 17 police officers (1 chief, 1 deputy chief, 3 police supervisors, 4 police specialists, and 8 police officers) and 1 non-sworn clerical support staff. In addition, the department uses an outside security agency (Security Guards Incorporated of Wyomissing, PA) to perform dispatch, security and parking enforcement-related functions.

Mission Statement
The mission of the Kutztown University Department of Public Safety and Police Services is to enrich the living, learning and working experiences of the Kutztown University community. This will be accomplished by protecting life, maintaining order and safeguarding property in partnership with the community it serves.

Communication & Enforcement
Within the Department of Public Safety and Police Services there is a Communications Center which is staffed 24 hours a day and 365 days a year. The Communications Center (located in Old Main 15) is a clearinghouse for reported activities and emergencies occurring on campus. The Center can easily be reached by dialing (610) 683-4001 for emergencies and (610) 683-4002 for non-emergencies.

All complaints received by the Communications Center Dispatcher are relayed to KUPD and are thoroughly investigated by police officers. Upon receiving a report, trained personnel immediately dispatch an officer to the area of the incident by use of a two-way radio telecommunications system or ask the victim to report to KUPD to file an incident report.
Officers conduct mobile and foot patrols of the campus 24 hours a day. The Department of Public Safety and Police Services, through its patrols and investigations, consistently enforces all laws of the Commonwealth of Pennsylvania including those related to alcohol and other illegal drugs.

**Arrest Authority and Jurisdiction**

All Kutztown University police officers have completed basic police training that parallels the requirements for Act 120 certification. Each officer is a commissioned police officer in the Commonwealth of Pennsylvania. They are authorized to (and do) carry firearms and are granted powers of arrest through the Governor of the Commonwealth. Field personnel are trained in advanced techniques including Crime Prevention, First Aid, Criminal Investigation, and Fire Fighting.

The primary jurisdiction of the Kutztown University Police Department is the campus of Kutztown University. KUPD may also exercise police authority over any property owned, leased, or under the control of Kutztown University, which includes some facilities defined by The Clery Act as “non-campus” and are listed in the statistics located on page 69.

In accordance with the PA Municipal Police Officer Jurisdiction Act, Kutztown University’s Police are able to aid the local police authorities upon request. These agencies include: Kutztown Borough Police Department, Fleetwood Borough Police Department, Northern Berks Regional Police Department and the Pennsylvania State Police.

**Working Relationships with Other Agencies**

KUPD is the primary agency handling criminal incidents on-campus. The Department is equipped with a two-way telecommunications system to contact and interchange information with surrounding local and state police agencies when the need arises. The Department maintains an excellent rapport with federal, state, and county police agencies. Investigations may be co-conducted through the process of sharing intelligence information that has proven to be an effective avenue to carry out the functions of a police department.

KUPD maintains a close working relationship with the Kutztown Borough Police Department (KPD). KUPD occasionally works with other law enforcement agencies, including the Pennsylvania State Police, the Fleetwood Borough Police, the Northern Berks Regional Police Department and the Berks County District Attorney Detectives. Meetings are held between the leaders of these agencies on both a formal and informal basis. The KU Criminal Investigator works closely with the investigative staff of these agencies when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information. There exists no written Memorandum of Understanding or formal agreement between KU and any other law enforcement agency except for the Kutztown Borough Police Department. The MOU with KPD gives KUPD the authority to respond to incidents on streets adjacent to the University and under the jurisdiction of KPD.

Emergency assistance is also provided by local police to the university (see previous page), upon request, and in accordance with this Act. Every month, the Department files a statistical crime report with the Pennsylvania State Police and the Federal Bureau of Investigation.
Campus Crime Reporting

The University has several ways for campus community members and visitors to report crimes, suspicious activity and emergencies to law enforcement or appropriate University officials. Regardless of how and where these incidents are reported, it is essential for the safety of the KU community that immediate and accurate accounts of all incidents be reported to KUPD so they can investigate the situation and determine if follow-up actions are required, including issuing a timely warning or emergency notification to the appropriate segments of the KU Community. Reporting a crime or notifying law enforcement of suspicious activity helps protect KU property and the campus community.

Reporting to KUPD

KU encourages all students, employees and visitors to report all crimes, suspicious behavior and emergencies in an accurate and timely manner to the KUPD when the incident takes place on campus when the victim of a crime elects to make such a report. (Incidents that occur in the Fairground parking lot should be reported to the Kutztown Borough Police by calling 911.) When a victim of a crime is unable to file a report, other community members are encouraged to contact KUPD on the victim’s behalf. KUPD can be reached through its Communications Center Dispatcher who is available by phone at (610) 683-4001 or in person twenty-four hours per day in Old Main room 15.

Other methods to report crimes include contacting a Campus Security Authority (see Appendix A) or other local law enforcement agencies. To report an off-campus occurrence of crime within Berks or Lehigh counties, dial 7-911 from an on-campus telephone or dial 911 from an off-campus telephone or cellular phone. When major incidents occur, the PA State Police may also respond.

For the purpose of making timely warnings and the annual statistical disclosure, the University prefers that all crimes be reported in the manner described above. The University community is much safer when all community members participate in safety and security initiatives.

“Blue Light” Emergency Phones

Crimes, suspicious behavior and emergencies can also be reported to KUPD through the use of “blue light” emergency phones located throughout campus in various academic buildings, residence halls and outdoor locations including parking lots and walkways. Blue light emergency phones are mounted to poles or walls and are identified by a blue light above the phone which is illuminated when darkness arrives. Once the caller picks up the phone receiver or pushes the red button, they are immediately connected with KUPD.

The institution designates the following offices as places where campus community members should report crimes:

<table>
<thead>
<tr>
<th>KU Police Department</th>
<th>Title IX Coordinator</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 Old Main</td>
<td>02 Old Main</td>
</tr>
<tr>
<td>610-683-4001</td>
<td>610-683-4700</td>
</tr>
</tbody>
</table>

Voluntary Confidential Reporting

If someone is a victim of a crime or is aware that a crime has been committed but does not want to pursue criminal or campus disciplinary action, the person is still encouraged to report criminal activity while preserving privacy. Doing so may help other members of the KU community from becoming victims too.
Depending upon the circumstances of the crime reported, the person may be able to file a report while maintaining confidentiality. The purpose of a confidential report is to comply with the reporter’s wish to keep personally identifying information confidential, while taking steps to ensure the victim’s safety and the safety of others. With such information, the University can keep an accurate record of the number of incidents involving students, employees and visitors, determine where there may be a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the Annual Security Report.

A confidential report can be filed by contacting the Department of Public Safety and Police Services at (610) 683-4001 or visiting the department located in 15 Old Main, 24 hours per day, 7 days per week, 365 days per year. The victim should advise the responding officer that they would like to report a crime and for that report to be confidential. With their permission, the Chief or a designee of KUPD can file a report on the details of the incident without revealing the identity of the alleged victim. In limited circumstances, the Department may not be able to assure confidentiality and will inform the reporter in those cases. Information is treated as confidential during the investigative phase, except as required by law. Reports of Sexual Violence or other reports that are sex or gender based will be reported to the Title IX Coordinator and cannot be held in confidence.

KU will further investigate a report when it is deemed appropriate. Applicable KU incident reports are forwarded to appropriate campus departments for review and potential action.

Anonymous Reporting of Crimes
For any suspicious activity or circumstance which could cause an emergency situation and necessitate the need of an emergency alert to campus, persons should contact KUPD at (610) 683-4001.

Persons wishing to report non-emergency information anonymously on-campus may do so by dialing extension 3-8477 (TIPS) from an on-campus phone. Students and employees should report the criminal offenses to KUPD for the purpose of making timely warning reports and this annual statistical disclosure.

From off-campus and cellular phones, individuals may call Crime Alert Berks County’s anonymous tip line at (877) 373-9913, use their mobile phone to send an anonymous tip by texting 847411 and starting their message with the word ALERTBERKS followed by their tip, or downloading the ALERTBERKS app from iTunes or Google Play. Those who offer the tips may be eligible to receive a cash reward for good tips.

Individuals on campus may also report crimes to a designated Campus Security Authority.

Campus Security Authorities
As required by the Clery Act, colleges and universities must annually compile and publish crime, fire and security information about their campuses. Under this law, “campus security authorities” are mandated to report crimes brought to their attention for inclusion in Kutztown’s Annual Security Report and Annual Fire Safety Report. The University identifies hundreds of individuals as Kutztown University Campus Security Authorities (CSA) as defined by the United States Department of Education. CSAs are identified based upon their job functions, not titles. These designated individuals have significant responsibility for student and campus activities, and as such are provided notice by KU as to the extent of their responsibility and how to report crimes to KU.
KU CSAs fall into at least one of four categories:

- individuals who have responsibility for campus security other than the KUPD. At KU, the police are assisted by an outsourced security company (Security Guards Incorporated or SGI) which provides dispatch, security and parking enforcement functions to the University. Others include, but are not limited to, residence hall desk receptionists, recreation center facility monitors and building supervisors, and student union and library staff.

- individuals or organizations specified in KU’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

- KU officials who have significant responsibility for student and campus activities, including, but not limited to, student housing staff, student club advisors, and staff members of the Dean of Students Office who participate in student judicial proceedings.

- members of the Department of Public Safety/Kutztown University Police Department.

However, individuals may choose to report a crime to a CSA. The CSA has the authority and duty to take action by collecting as much information as possible and report the information to KUPD immediately.

**Notification and Training of Campus Security Authorities**

Members of the KU community that are designated as Campus Security Authorities (CSAs) are notified in writing of their status on an annual basis. This notification includes information regarding the responsibilities of CSAs, definitions of Clery-reportable crimes, compliance requirements, information on how to report a crime, a link to the Kutztown University Campus Security Authority Incident Report Form as well as instructions on how to use it, and guidelines on how to access the CSA online training module developed by The Clery Center for Security on Campus and tracked through the University’s D2L, an integrated learning platform.

Please refer to Appendix A on page 67 for a listing of Kutztown University Campus Security Authorities.

**Professional and Pastoral Counselors**

Campus professional mental health counselors, when acting as such, are not considered to be CSAs and are not required to report crimes for inclusion in the annual disclosure of crime statistics, unless mandated under scope of license or law. However, campus professional counselors are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics. The KUPD provides this encouragement in writing to members of the University Counseling and Psychological Services department on an annual basis.

KU does not employ campus pastoral counselors. Medical providers, when acting as such, are considered to be CSAs and are required to report crimes for inclusion in the annual disclosure of crime statistics.

**Daily Crime Logs**

The Department of Public Safety maintains a daily crime log that contains information about all alleged criminal incidents that have occurred on the Kutztown University campus. This log identifies the type, general location, date and time reported to KUPD, date and time occurred and current disposition if known of each incident reported to KUPD.
The Daily Crime Log is posted each business day and can be viewed on a bulletin board outside the Public Safety Communication Center (15 Old Main) and on a bulletin board off the main lobby in the McFarland Student Union. Daily logs are also maintained and available for public inspection during regular and published business hours in the administrative office of the Department of Public Safety and Police Services/KUPD located in room 13 of Old Main.

The crime log contains information about incidents that were reported in the past 60 calendar days. Any crime log information that is older than 60 days will be made available within two business days of a request for public inspection.

**Crimes Involving Recognized Student Organizations at Off-Campus Locations**

Kutztown University is unaware of any officially-recognized student organization that owns or controls buildings or property with non-campus locations, including student housing. Furthermore, KU is unaware of any situation where local police monitor and document criminal activity in which students engage at non-campus locations of student organizations officially recognized by KU.

If, through any means, KU is made aware of crimes or behavior exhibited by members of a registered student organization that violate conduct standards or university regulations, on or off campus, KU will allow the organization to respond to any allegation of misconduct through a review process for student organizations. Conduct standards and jurisdictional parameters defined in the Student Code of Conduct are used in determining if a violation by a registered student organization has occurred.

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**Emergency Notifications**

Kutztown University is committed to ensuring the KU campus community receives timely, accurate and useful information in the event of a significant emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and/or safety of campus community members. At any point during the year, KU students, faculty and staff may receive notification about criminal activity or a dangerous situation on campus. These notifications fall under two categories: Emergency Notifications and Timely Warning Notifications.

The University will immediately notify the KU community via an Emergency Notification upon confirmation of an emergency or dangerous situation. This notification will serve to immediately alert the campus community of any type of significant emergency or dangerous situation involving an immediate threat to the health/safety of students, faculty, staff or visitors. An “immediate threat” includes an imminent or impending threat, such as an approaching tornado or a fire in a campus building. Other emergencies can range from a bomb threat or gas leak to an active shooter situation on campus.

The Emergency Notification will provide information that will allow community members to remain as safe and secure as possible.

**Confirming the Existence of an Emergency or Dangerous Situation and Initiating the Emergency Notification System**

When a campus emergency and/or crime is reported to KUPD, the dispatcher receiving the call will immediately dispatch a police officer to the scene to assess the situation. Additional emergency services, such as an ambulance or fire response, may also be dispatched based upon
the information provided by the caller and/or the report from the officer/first responder who arrives on scene and assesses the situation.

Once first responders confirm that there is, in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, the chair of the Emergency Management Team (EMT), the Chief of Police, will be notified. The EMT will immediately determine if the event meets the necessary criteria to issue an Emergency Notification.

For threats that necessitate immediate life-saving actions, such as an active shooter, first responders or the on-duty KUPD officer-in-charge (OIC) has the authority to authorize the distribution of an Emergency Notification.

If the EMT or KUPD OIC determines that an institution emergency notification is warranted, the University, will, without delay, and considering the safety of the community, determine the content of the notification and initiate the KU Alert notification system, unless issuing a notification will, in the professional judgment of Responsible University Authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

For weather-related crises, confirmation is made based upon information provided by the National Weather Service. Once the crisis is confirmed, the University will, without delay, and considering the safety of the community, determine the content of the notification and initiate the KU Alert notification system.

**Initiating the Emergency Notification**

Kutztown University Police and/or other Responsible University Authorities may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community. Typically, Responsible University Authorities become aware of these situations when they are reported to the KUPD. A Responsible University Authority is defined as a Kutztown University employee who has the knowledge, skills and abilities necessary to evaluate whether or not a particular event requires an emergency notification and to determine if such a notification would compromise the efforts to contain the emergency. This individual may also determine if a message should be sent to benefit the health, safety, and well-being of the campus community for situations that do not pose a significant emergency or dangerous situation.

At Kutztown University, the following employees are Responsible University Authorities:

- Vice President for Administration and Finance
- KUPD Chief of Police (Chair of the Emergency Management Team)
- KUPD Deputy Chief of Police
- KUPD Officer-In-Charge (OIC)
- Director of Health Services
- Assistant Director of Environmental Health & Safety

**Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification**

Campus and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification with determining what segment or segments of the campus community should receive the notification. Generally, campus community members in the immediate area of the dangerous situation (i.e., the building, adjacent buildings, or surrounding area) will receive the emergency notification first. The Responsible Campus Authorities will continually evaluate the situation and assess the need to
notify additional segments of the campus population. If such an assessment warrants that additional segments of the population be notified, the University will, without delay, send additional notifications.

If it is determined that there is at least the potential that a large segment of the campus community, or the operation of the campus as a whole, will be affected by an emergency or dangerous situation, the entire campus community may be notified.

**Determining the Contents of the Emergency Notification**

Providing accurate and timely information are of utmost importance in issuing emergency notifications. To expedite this process and ensure each message contains essential information, the KU Alert mass notification system contains pre-scripted templates for the most probable or highest impact emergencies based on KU’s Hazard Mitigation Plan. These messages identify the situation, allow for input of the location, and identify the immediate protective action that should be taken. The individual authorizing the message will select the most appropriate template. In those cases where there are no predetermined templates in the system, the individual may use the “custom” template to craft a specific message. The goal is to ensure people are aware of the situation and they know the steps to take to stay safe.

The sole reason KU would delay the issuance of a notification for a confirmed emergency or dangerous situation would be if issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

KU will issue an emergency notification as determined by the resident expert of the appropriate department/agency that is managing the emergency, including, but not limited to: KUPD, the Emergency Management Team, the Office of the President, Facilities management, Counseling and Psychological Services, the Dean of Students, Health Services, or Environmental Health and Safety. The resident expert shall provide such notification to the Office of University Relations (UR).

Once the content of the notice and the appropriate segment or segments of the campus community that may be affected by the campus emergency are determined and provided to University Relations, UR will immediately and without delay send the notification to the community as instructed through the KU Alert emergency notification system.

**Methods of Dissemination**

Kutztown University has a KU Alert Emergency Notification system which is activated using a strategy that is based on redundancy, using multiple methods to communicate with students, faculty and staff, as well as visitors, local residents, parents and the news media. The University’s goal is to provide the campus and the community with a prompt notification of a confirmed situation and to provide instructions for taking action if needed.

KU uses the emergency notification system, e2Campus, to provide alerts via KU Alert. KU Alert is an emergency notification service available to students, faculty and staff. For students, it is an opt-out system in which each student’s primary mobile phone number and KU email address are automatically registered. Faculty and staff can opt-in to receive alerts, and all registrants can customize their accounts to register two additional cell phone numbers to receive emergency text messages. KU Alert can be used to send emergency messages within minutes of the occurrence of an incident.
Alerts sent by KU Alert are simulcast to the University community via the University’s email system, Facebook page, Twitter, or at the subscriber’s choice, his/her cellular or land-line telephone. All Kutztown e-mail addresses are automatically in the system and cannot be removed by the user.

**KU Alert E-mail Messages.** Faculty, staff and students will be alerted by broadcast email messages from Kutztown University. Additionally, when registering for e2Campus text messages above, users can register two additional email addresses to receive emergency messages.

**Website Alerts.** Emergency messages will be posted on the Kutztown University website. The posting may be a banner across the top of each page affiliated with Kutztown University or an informational update available on the University’s safety alert information page (www.kutztown.edu/current-safety-alerts).

**Mass Notification System.** Notification via a pre-alert signal and voice alerts in select buildings and outdoor locations will be activated in appropriate emergency situations.

Other possible means of communication include: a posting on the Kutztown University website, computer monitor alerts, indoor and exterior mass audio (voice) notification systems, social media sites, such as Facebook and Twitter, on bulletin boards outside the Public Safety Communication Center (15 Old Main) and off the main lobby in the McFarland Student Union and personal contact with students and staff using student leaders, such as CAs or other staff members.

Kutztown University, through its Chief of Police, communicates with local police authorities and annually requests their cooperation in informing the institution of any incidences that may require the issuance of an Emergency Notification. KU reciprocates with sharing information with Kutztown Borough Police that may provide Borough residents with valuable safety information.

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**Timely Warning Notices**

When KUPD receives notification of a reported Clery crime that has taken place on campus, in Kutztown University owned or controlled property off campus or in its public property and that crime poses a serious or ongoing threat to the campus community, KUPD will issue a Timely Warning Notice (TWN). The TWN will be issued once the Chief of Police, or the ranking KUPD officer in charge during his absence, determines the crime poses a serious and continuing threat and a TWN can enable people to protect themselves and/or their property from a similar crime.

All available information, both public and confidential, will be taken into consideration when determining if a serious or continuing threat exists. Those considerations include, but are not limited to, the relationship between victims and perpetrators, whether an arrest has been made that mitigates the threat and the amount of time that has passed between the commission of the crime and Public Safety being notified of the crime. Each case will be evaluated on an individual basis.

Timely Warning Notices are distributed for the following Clery Act crimes: criminal homicide (murder, non-negligent manslaughter, and negligent manslaughter), sexual assault (rape, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, dating violence, domestic violence, stalking, arson and hate crimes. A TWN may also be issued
for an arrest or referral for a liquor, drug or weapons law violation if it poses a serious or ongoing threat to the campus and occurred within Clery geography.

The Chief of Police reviews all reports and if he determines there is a serious and ongoing threat to the community, a TWN is issued. If, in the Chief’s professional judgment, issuing a TWN would compromise efforts to address the crime, the notice may be delayed or information may be limited. Once the potentially compromising situation has been addressed, the TWN will be issued immediately if the serious or continuing threat still exists. Timely Warning Notices may also be posted for other crime classifications, as deemed necessary.

The decision to issue a TWN is considered on a case-by-case basis, depending on the facts of the case and the information known by the KUPD. KU may not necessarily issue Timely Warnings for every Clery Act criminal incident that is reported since that specific incident may not pose a continuing threat to the community. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other KU community members and a TWN would not be issued. If, however, a student was assaulted walking across campus late at night by an unknown assailant, a TWN would be issued since there is a risk of similar crimes and other community members may be at risk.

When the issuance of a Timely Warning Notice is warranted, the KU Police Department will provide University Relations (UR) with the content of the message. UR will send the notices to the community as instructed. This warning may be distributed via the KU Alert Emergency Notification System which will implement some or all of the system options, which includes e-mail messages and text messages (students and others can sign up for this service at http://www.kutztown.edu/kualert/). Other possible means of communication include: postings on the Kutztown University web site, social media sites, on bulletin boards outside the Public Safety Communication Center (15 Old Main) and off the main lobby in the McFarland Student Union and personal contact with students and staff using student leaders, such as Community Assistants (CAs) or other staff members.

Kutztown University, through its Chief of Police, verbally communicates with local police authorities and annually requests their cooperation in informing the institution about situations reported to them that may warrant a TWN.

The name of the victim of any crime is withheld from any Timely Warning Notices.

**Testing of the KU Alert Emergency Notification System**

Kutztown University tests its emergency response procedures each year as listed at https://www.kutztown.edu/about-ku/administrative-offices/public-safety-and-policeservices/emergency-response-and-evacuation-procedures.html. Comprehensive testing of the KU Alert Emergency Notification System is conducted once per semester (defined as Spring, Summer and Fall) to ensure functionality and to acclimate the campus community to its use. The process is initiated by the University’s Emergency Management Coordinator in collaboration with the KUPD and the Assistant Director of Environmental Health and Safety. The tests include, but are not limited to, the initiation of all critical active delivery methods, select primary delivery methods and select secondary delivery methods as described above. Additionally, residence hall evacuation drills are held twice each semester; drills in academic and general-purpose buildings are conducted once each semester. Drills may be announced or unannounced. This information is collected and recorded along with the date, time and description of each drill.
In conjunction with at least one occurrence of comprehensive testing, emergency response and evacuation procedures are publicized to the University community via email, postings on the University’s webpage, in The Daily Brief, a Kutztown University daily publication emailed to all employees, and Bear Essentials, a weekly newsletter sent to all students.

Counting and Classifying Crime Statistics

The Clery Act requires all institutions to include four general categories of crime statistics in their Annual Security Reports. They include: criminal offenses, hate crimes, VAWA offenses and arrests and referrals for disciplinary action for weapons law violations (carrying and/or possessing, etc.), drug abuse violations and liquor law violations. The University uses the following definitions of criminal offenses when classifying and counting crime statistics.

Criminal Offenses

Criminal Offenses include criminal homicide (murder and non-negligent manslaughter, manslaughter by negligence), sexual assault (rape, fondling, incest and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, and arson.

Criminal Homicide. Criminal Homicide offenses are separated into two categories: Murder and Non-Negligent Manslaughter, and Manslaughter by Negligence.

- Murder and Non-Negligent Manslaughter. Murder and Non-negligent Manslaughter is defined as the willful (non-negligent) killing of one human being by another.

- Manslaughter by Negligence. Negligent Manslaughter is defined as the killing of another person through gross negligence.

Sexual Assault (Sex Offenses) Sexual Assault is defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. The four types that must be reported in this Annual Security Report are:

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

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

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

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

Robbery. Robbery is the taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
**Aggravated Assault.** Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary.** Burglary is the unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft.** Motor vehicle theft is the theft or attempted theft of a motor vehicle.

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

**Hate Crimes**

Kutztown University strives to foster a safe and inclusive learning environment for all of its community members. While it records and reports all required Clery Act criminal offenses, the institution also reports Hate Crime statistics that are separated by category of prejudice. All crimes that fit the definition of one of the aforementioned criminal offenses are included in the general statistics for each of the reporting years.

Hate Crimes include any of the above-mentioned criminal offenses as well as any incidents of larceny-theft, simple assault, intimidation and destruction/damage/vandalism of property that are motivated by the offender’s bias. In other words, the criminal offense manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.

**Definition and Types of Bias**

Bias is defined as a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, gender identity, ethnicity or national origin.

A hate or bias related crime is the commission of a criminal offense which was motivated by the offender’s bias, not a separate and distinct crime. For instance, an actor commits arson, which is a crime. If the facts of the case indicate that the offender was motivated to commit arson because of his/her bias against the victim’s race, gender, religion, disability, sexual orientation, gender identity, ethnicity, or national origin, the assault is then also classified as a hate/bias crime.

As another example, if a Hate Crime occurs where there is an incident involving intimidation, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of this compliance document.

- **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair, facial features, etc.), genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).

- **Gender.** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived gender (e.g., male or female).

- **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
• **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

• **Sexual orientation.** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation (e.g., gay, lesbian, bisexual or heterosexuals).

• **Gender Identity.** A preformed negative opinion or attitude toward a person or groups of persons based on their actual or perceived gender identity. (e.g., bias against transgender or gender non-conforming individuals).

• **Ethnicity.** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

• **National Origin.** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

**Hate Crime Offenses**

For purposes of the annual statistical disclosure, hate crimes include any Clery-reportable criminal offense (listed above) and the following additional offenses:

• **Larceny-Theft.** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.

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

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

• **Destruction/Damage/Vandalism of Property.** Willfully or maliciously destroying, damaging, defacing, or otherwise injuring real or personal property without the consent of the owner or the person having custody or control over it.

**Reported Hate Crimes**

In 2016, Kutztown University received no reports of Hate Crimes. In 2017, KU received no reports of Hate Crimes. In 2018, the University received no reports of Hate Crimes.

**VAWA Offenses**

The third category of crime statistics that KU discloses are those added to the Clery Act by the Violence Against Women Act (VAWA). These are Dating Violence, Domestic Violence, Sexual Assault and Stalking. Sexual assault is included by the FBI as a Criminal Offense and is discussed
in the Criminal Offenses section earlier in this chapter. Domestic Violence, Dating Violence and Stalking are considered crimes for the purposes of Clery Act reporting.

- **Dating Violence** means violence committed by a person 1) who is or has been in a social relationship of a romantic or intimate nature with the victim and 2) where the existence of such a relationship is based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

  Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.

- **Domestic Violence** means a felony or misdemeanor crime of violence committed by 1) a current or former spouse or intimate partner of the victim or 2) a person with whom the victim shares a child in common or 3) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner or 4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred or 5) any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to 1) fear for his or her safety or the safety of others or 2) suffer substantial emotional distress.

- **Sexual Assault** is included by the FBI as a Criminal Offense and is discussed in the Criminal Offenses section earlier in this chapter.

**Arrests and Referrals for Disciplinary Action**
Kutztown University also discloses crime statistics for the following law violations that occur in KU’s Clery Act geography and result in arrests or persons being referred for disciplinary actions: weapons (carrying and/or possessing) violations, drug abuse violations and liquor law violations.

If an individual is both arrested and referred for disciplinary action for an offense, Kutztown University includes only the arrest in its statistics.

**Weapons: Carrying, Possessing, Etc.**
The Clery Act defines Weapons: Carrying, Possessing, Etc. as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

**Drug Abuse Violations**
The Clery Act defines Drug Abuse Violations as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use; the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.
Liquor Law Violations
The Clery Act defines Liquor Law Violations as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Unfounded Crimes
Each allegation of a crime reported to KUPD is investigated to the fullest extent by commissioned law enforcement personnel. After conducting a complete investigation into the alleged crime, if it is determined the incident did not occur and was a false report or if the conduct does not meet the minimum elements of the reported crime and the alleged incident is considered baseless, then that report is reported as “unfounded.”

Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation by a sworn or commissioned law enforcement officer makes a formal determination that the report is false or baseless. Crime reports can be determined to be baseless only if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place.

Kutztown University will not designate a report as “unfounded” if no investigation was conducted or the investigation was not completed. A crime report also cannot be designated unfounded merely because the investigation failed to prove that the crime occurred; this would be an inconclusive or unsubstantiated investigation. As such, for Clery Act purposes, the determination to unfound a crime can be made only when the totality of available information specifically indicates that the report was false or baseless.

Clery Act Geography
Clery Act reportable crimes must be categorized by Clery geography, or location, where the crime occurred. The Clery Act defines four locations: on-campus, on-campus residential facilities, non-campus and public property.

On-Campus
On-Campus geography is defined as any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls. This also includes any building or property that is within or reasonably contiguous to the geographic area 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).

On-Campus Student Housing Facilities
An On-Campus Residential Facility is defined as any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus. Housing for students on campus is a subset of the On-Campus category.

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

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

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**Security of & Access to Campus Facilities**

Kutztown University is a public educational institution. The administrative and academic buildings are typically open during normal business hours (8:00am to 4:30pm during the academic year; 8:00am-4:00pm during the summer months).

Administrative and academic buildings are typically locked between 11:00pm and 7:00am, unless there is a need to keep them open for extended hours. Some academic buildings are open into the evening hours for night classes and activities. Closing hours vary from semester to semester. Other facilities, such as the Student Recreation Center (11:00pm), Keystone Hall Pool (10:30pm) McFarland Student Union (12:00am), Multicultural Center (10:00pm), and the Rohrbach Library (12:00am) extend their hours for students during the academic year.

Academic and administrative buildings do not have a KUPD officer assigned to them. However, Kutztown University security officers conduct routine security rounds of campus facilities every day. Additionally, the university does have security cameras which are in limited areas and places across campus, within facilities and at various outdoor areas. The information is not monitored in real time but is typically recorded and reviewed when incidents, issues, or crimes are reported.

The athletic and library facilities, the cultural enrichment programs and various other activities such as movies and concerts are typically open to the general public. There are, however, various areas of the campus that are posted, in a manner as prescribed by law, to serve notice to persons not to intrude or trespass, under penalty of law. These areas include, but are not limited to, hazardous and/or utility areas, sports facilities or stadiums, residence halls and academic buildings that are closed after normal operating hours.

In certain buildings on campus, individuals can request special access to the facility outside of the posted hours. Access to some of these buildings is controlled by a card access system which utilizes a KU campus identification card to gain access when the building is locked. KU community members who are permitted access to a building after posted operating hours must swipe their KU card to gain access to the facility.

Authorized university officials may request that individuals are provided access to a locked building/room during hours the building/room is typically closed. While access to some spaces is controlled via the card access system and requests approved electronically, others must be sent in writing to publicsafety@kutztown.edu by authorized departmental staff. Public safety maintains the lists of persons identified and authorized to have special access to facilities that is not on the card access system. To gain admittance to a building that is closed, these individuals must present proper identification to the communications center staff to sign out a key to access
the facility or to the responding KUPD officer or security guard who will allow them admittance to the area. Unauthorized persons are not permitted in the buildings during hours when the buildings are otherwise closed.

**Security and Access to Residential Facilities**

At KU, all residence halls operate under a computerized Access Control and Security Monitoring System. Identification cards (KU card) are coded so that only students who reside in a particular hall and authorized staff are permitted electronic access entry to that hall; the system denies entry to all unauthorized persons. Residents gain entry by swiping their KU Card in the card access readers at the main entrance.

The front desks are staffed 24 hours daily during the academic year when the University is open and classes are in session. The desks are closed when the University is closed for Thanksgiving, Winter Break and Spring Break. Desk operations cease for the summer months on the last day of final exams in the spring semester and resume on the first day of the new academic year.

Students may have guests visit them in their residence. If a student has an approved guest, that person may gain access to the residence hall only in the presence of the student resident and may navigate the building only when escorted by their host. Both groups are required to use the main entrance when entering or exiting a building and are the only individuals who are permitted in the living areas of the residence halls. All residents and staff are responsible for challenging or reporting individuals who cannot be identified as residents or the guests of residents. Guests are not provided with room keys or door access cards. When KUPD receives a report of an unescorted person in a residence hall, a police officer is dispatched to identify that person.

If an exterior door is left ajar, an audible alarm is activated. Building staff will check the door to ensure that it is secure. All exterior doors of residence halls are locked 24 hours per day. Most secondary exits have internal crash bar mechanisms and no outside door handles. These doors allow for a quick emergency exit. The loading zone doors are locked 24 hours a day and are alarmed from 4:00 PM to 6:30 AM Monday-Friday and 24 hours a day on Saturday and Sunday. All first-floor windows are equipped with security screens.

During the summer when groups who are not regularly associated with KU are using the University residence halls, exterior doors are locked twenty-four hours a day. Each guest is issued an electronic key that allows them to gain access to their assigned building via the electronic access control system. Residence Halls are staffed twenty-four hours a day.

KUPD/security officers are responsible for checking and securing doors when necessary and conducting regular checks of the common areas in residence halls. Each room is equipped with a lockable door. Lock changes are ordered when students report a lost key/pin code. The staff supervises a file key and Master Key system that is used to gain entry to the student’s room under special circumstances only. When a door is malfunctioning, Facilities personnel are summoned for immediate repair.

All residence halls are equipped with an automatic fire alarm system that is monitored by the KUPD Communications Center. Notification of any safety and security measures that have changed are updated annually and announced via use of University media.

**Security Considerations in the Maintenance of Campus Facilities**

Kutztown University is strongly committed to the maintenance of campus security and safety through regular inspection of the buildings, grounds and utility systems for the campus. The
Facilities Department is responsible for the maintenance of these systems. Security service needs (including, but not limited to, inoperable doors, burned out lights, malfunctioning smoke alarms, and broken windows) receive priority response. Emergencies and after-hours safety issues are reported to KUPD.

Landscaping and outdoor lighting are designed for safety and security. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building.

Police and security officers from KUPD and employees of the Facilities department routinely survey the facilities and grounds to note and correct deficiencies that may exist inclusive of landscaping, security equipment, grounds-keeping, outdoor lighting and other public safety hazards as they perform their daily duties. If officers notice any safety hazards, they report them to the appropriate department for corrective action. These departments include, but are not limited to, Facilities, via the University’s work order system, Telephone Services, or Information Technology. Other members of the University community are encouraged to participate in ensuring that safety issues are addressed by reporting similar problems to KUPD or Facilities.

Live-in Residence Life staff also routinely check residence halls for maintenance problems that may pose a hazard to residents’ safety and security. If a security issue is noticed, the staff reports the issue to Facilities for corrective measures via the University’s work order system. After normal business hours, emergencies and safety issues are reported to the KUPD, which will either contact a Facilities staff member or submit a work order to Facilities.

The campus has a number of emergency phones that are located around campus buildings and parking lots. These “blue-light” emergency telephones are surveyed monthly for deficiencies by KUPD. Problems with the phones are reported to and addressed by Telephone Services.

KU community members are encouraged to promptly report any security concern, including concerns about locking mechanisms, lighting, or landscaping to the KUPD at (610) 683-4001.

On-Campus Housing
Kutztown University provides on-campus housing for approximately 3,800 students each year. A full listing of available on-campus housing can be found at http://www.kutztown.edu/about-ku/administrative-offices/housing-residence-life-and-dining-services/living-ku.htm.

Staffing of the Residence Halls
The residence halls are staffed with paraprofessional, student and custodial staff members. Staff members undergo a screening and interview process prior to official commencement of duties assigned. The professional staff consists of ten central office personnel. The paraprofessional staff includes fourteen graduate students. Student staff members include Assistant Resident Directors, Community Assistants for living areas and desk staff in all halls. Student staff and Resident Directors (graduate students) live in the residence halls.

Professional head staff and graduate staff receive three to four weeks of training prior to the fall semester and periodic professional development throughout the academic year. Spring training includes the on-going professional development previously mentioned and a five-day intensive session prior to the spring semester. Training topics include but are not limited to policies, procedures, referral systems, emergency systems, and fire/safety training.

Student staff receive two weeks of intensive training prior to the opening of the academic year. In addition, there are two days of intensive training prior to the spring semester as well as weekly
staff meetings that include discussions about topics that are pertinent to each individual hall. Custodial personnel are clearly identified in each building with staff ID cards. Other maintenance personnel and outside contractors are required to wear ID badges or uniforms that authorize them to work within the residence halls.

**Types of On-Campus Housing**

Students offered housing on-campus, generally speaking, have a choice of two different lifestyles: Double Single Gender and Coeducational. In double single gender, both sexes reside in the same building but do not have the same weekday visitation privileges offered in co-ed housing. Coeducational housing allows men and women to live on the same floor of a residence hall but on separate wings. A high percentage of the rooms assigned to students are double rooms banked off a central corridor or designed into a suite or apartment style residence hall. The remaining rooms are singles, triples and quads. Common single gender assigned baths are located on each wing or central to a single gender floor. Married and single parent housing is available on a limited basis. Please contact Housing and Dining Services at (610) 683-4027 with questions.

**Visitation Policy for Resident Students**

It is the resident’s responsibility to ensure that his/her guests are aware of University policies and therefore, resident students, as hosts, are responsible for the behavior of their non-Kutztown University visitors.

All non-residents of a building must be escorted at all times by a resident host when proceeding beyond the lobby of any residence facility. Non-residents must be escorted when visiting the living quarters during prescribed hours.

Upperclassmen are afforded the privilege of visitation 24-hours per day, 7 days a week. The term upperclassmen, for the purpose of the residence hall visitation policy, includes second semester freshmen with earned credits, sophomores, juniors and seniors. Freshmen who are living on campus for the first time are afforded the privilege of regular visitation/limited weekend. This policy allows first semester freshmen to have visitors of either sex Monday-Thursday from 9:00 AM to 11:59 PM and overnight visitation on Friday and Saturday nights. Freshmen follow the upperclassmen policy at the start of their second semester.

All visitors must sign-in to all residence halls 24/7. To sign-in, visitors must be accompanied by their host to the residence hall’s front desk and present valid ID.

Visitors arriving after 11:59 PM on Thursday, Friday, or Saturday evening must be pre-registered at the front desk of the residence hall by the host. The host must inform the hall desk staff of the visitor’s name, type of visitor identification, time of arrival and length of stay. Hosts must be eighteen years of age or have on file a parental permission slip to host an overnight guest.

**Housing While the University is on Recess**

Limited housing is available for international students and in-season athletes during University recess. During this time, students may use their KU identification cards to access the building and their rooms and are required to keep outside doors locked at all times. Visitors are not permitted beyond the lobby area and must be hosted while in the lobby. A university staff member is assigned the responsibility of monitoring behavior and security.

**Policies for On-Campus Housing Changes and Assignments**

Students under the age of 18 may not elect to live in a coeducational hall without approval of their parents. Open room changes occur during November of each academic year. Room changes...
due to extenuating circumstances are processed only after assessment and/or mediation by the staff of Residence Life. Incumbent resident students select their rooms and roommates for the following academic year during the room selection process held each spring. New students are assigned randomly, based on the date of receipt of the University Advance Registration Deposit and indicated lifestyle preference. Assignment to a housing space is made randomly without regard to race, creed, color, religion, or sexual orientation. The University reserves the right to make assignments, temporary assignments, consolidations, and reassignments. The University reserves the right to cancel any housing agreement and terminate a student’s housing if the conduct of the student disrupts others, disregards the rights of others or is in violation of the terms of the Housing License, municipal, state, or federal law, or the policies or regulations of the University.

Notification of Missing Students

If a member of the university community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify the Kutztown University Police Department (KUPD) at (610) 683-4001, regardless of the amount of time the person has been missing.

Any reports of a missing student communicated to a Campus Security Authority are immediately referred to KUPD. All reports received from a concerned party regarding students who are thought to be missing will result in an immediate investigation by KUPD and determination whether the student is missing in accordance with KU’s Missing Student Notification policy.

Should KUPD determine that the student is missing and has been missing for more than 24 hours, KU will notify the student’s Missing Student Emergency Contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, Kutztown University must and will notify the student’s parent or legal guardian immediately after KUPD has determined that the student has been missing for more than 24 hours. The local law enforcement agency with jurisdiction will also be notified no later than 24 hours after the student is determined to be missing.

The full text of the Kutztown University Missing Student Notification Policy can be found at app.kutztown.edu/policyregister/Policy/STU-034.

Missing Student Emergency Contact Information
The Department of Residence Life provides annual notice to all resident students regarding the Missing Student Notification Policy. All students who reside in housing owned or controlled by KU are provided with a Missing Student Emergency Contact Information Card during the move-in process at the beginning of the fall semester or at any time a student moves onto campus the first time during a given academic year. This card allows a student to designate an individual (other than their primary emergency contact) to be contacted by the University if the student is determined to be missing. The designation remains in effect for the academic year until changed or revoked by the student. Students may change their designation at any time by visiting the Department of Residence Life located in room 106 of Old Main.

The form provided for designation states the circumstances in which the designated emergency contact information will be used and notifies the student that the University is required by law to
also notify the student’s custodial parent or guardian if the student is under 18 at the time he or she is discovered to be missing. Students are advised that their contact information will be registered confidentially, accessible only to authorized university officials and will not be disclosed to any third party except to law enforcement personnel in furtherance of a missing person investigation.

Residence Life stores the Missing Student Emergency Contact Information Cards in a secure location(s) until such time that a residential student is determined to be missing by Kutztown University Police Department (KUPD) and instructed to contact the missing student emergency contact. At the end of the academic year, the cards are transferred to Public Safety for record retention purposes.

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**Policies on Alcohol, Drugs & Firearms**

**Alcohol Policy**
Pennsylvania law and Kutztown University’s alcohol policies govern the possession, use, distribution and sale of alcohol on campus or at University-sponsored programs. The enforcement of alcohol laws on campus is the responsibility of the Department of Public Safety. KU alcohol policies are enforced by Public Safety and the Dean of Students/Student Conduct.

No persons regardless of age are permitted to possess, transport, sell or consume alcoholic beverages on campus, at any University-sponsored event or in any University-owned, University-leased, or Student Government Association (SGA) owned or SGA-leased vehicle being used to transport students to officially approved activities or events. Only under specific conditions and at certain activities is the consumption of alcohol permitted and only with the approval of the University President or his designee. (For the full Alcohol Policy, please visit [http://app.kutztown.edu/policyregister/policy.aspx?policy=STU-001](http://app.kutztown.edu/policyregister/policy.aspx?policy=STU-001) as published in the University Policy Register). Tailgating for sporting events in designated locations does not require special permission. However, all Commonwealth laws and University policies regarding the serving of alcohol must be followed.

Under Pennsylvania law, it is unlawful to furnish alcohol to a person under the age of 21. It is also unlawful for anyone under 21 years of age to purchase, possess or consume alcohol. Individuals who violate alcohol laws may have charges filed against them with the Magisterial District Judge in the Berks County Courthouse and/or face University disciplinary action.

**Drug Policy**
Under Pennsylvania and federal law, it is unlawful to sell, furnish or use of any controlled substance (drugs) and violates the University’s drug policy. (For the full text of the policy, please visit [https://www.kutztown.edu/Departments-Offices/G-L/Key/Documents/thekey.pdf](https://www.kutztown.edu/Departments-Offices/G-L/Key/Documents/thekey.pdf), page 34). The enforcement of drug laws on campus is the responsibility of the Department of Public Safety. KU drug policies are enforced by Public Safety and the Dean of Students/Student Conduct.

Violators of the drug laws may have criminal charges filed against them with the Magisterial District Judge in Berks County and are subject to criminal prosecution under state and/or federal laws and/or face University disciplinary action.

Students who violate the law as well as the alcohol or drug standards of the Student Code of Conduct are also subject to a student disciplinary process. Violation of the laws concerning illegal...
drugs may lead to disciplinary action, which may include eviction from the residence halls, revocation of other privileges, or suspension or expulsion from the university in order to protect the interests of the university and the rights and safety of others.

**Good Samaritan Policy**
Through its Good Samaritan Policy for Alcohol and Other Drug (AOD) Medical Emergencies (see [http://app.kutztown.edu/policyregister/policy.aspx?policy=STU-032](http://app.kutztown.edu/policyregister/policy.aspx?policy=STU-032)), the University encourages students to seek assistance when someone is overly intoxicated and in need of medical assistance. The intent of this policy is to provide general immunity from misconduct allegations for violations of the Kutztown University Student Code of Conduct if a student acts in an effort to seek assistance for themselves or another person who is facing an AOD medical emergency. If a student proactively calls for assistance and stays with the person experiencing the medical emergency the student will not be charged with a Student Code of Conduct violation if they complete an AOD education program. Calls for medical assistance should be directed to Public Safety and Police Services at (610) 683-4001. Furthermore, assistance may be sought from the on-call Residence Life staff member or any other Community Assistant if the emergency takes place within a residence hall.

Pennsylvania law also grants immunity from prosecution for a person who seeks assistance from police, including campus police, under certain conditions if a person reports a medical emergency in good faith. To learn more about this law click on the following: PA Underage Drinking Good Samaritan Law The full description of the law may be found by visiting: ([https://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=139](https://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2014&sessInd=0&smthLwInd=0&act=139))

**Drug and Alcohol Education**
KU is committed to promoting the health and safety of its campus community through a program of alcohol education and the implementation of relevant policies. The University has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals, and university disciplinary actions.

The University provides alcohol & other drugs prevention programs. First-year students are required to complete an online program from EVERFI known as AlcoholEDU for College as their new student requirement. Health Promotion and Alcohol & Other Drug (HPAOD) Services provide Brief Alcohol Screening and Intervention for College Students (BASICS) and Cannabis Screening and Brief Intervention for College Students (CASICS) for students referred by Student Conduct. Also, students who are thinking of change can self-refer. BASICS/CASICS are two-session programs where students meet with a trained BASICS/CASICS facilitator in a non-judgmental environment to examine their use and how it impacts their lives. The HPAOD team also provides the Alcohol Use Disorders Identification Test (AUDIT) a 10-item screening tool developed by the World Health Organization (WHO) to assess alcohol consumption, drinking behaviors, and alcohol-related problems for student organizations and campus screening days. Students with positive screening receive referral information. HPAOD provides ongoing services throughout the academic year that includes alcohol and other drug workshops, training, and interactive activities for students at Kutztown University. Printed material, educational tools, and brochures are available at HPAOD Services.
Disciplinary and educational sanctions are issued through the Student Conduct process for violations of alcohol and drug policies of the Student Code of Conduct. Educational sanctions may include required participation in one or more of the following programs: Under the Influence, an online alcohol intervention program which examines alcohol use and the associated behavioral health issues; Marijuana 101, an online intervention course addressing marijuana dependence, the effects of marijuana, mental health issues and laws and legal penalties, and motivational interviewing programs such as CASICS or BASICS. Additionally, online and motivational interviewing programs also feature the use of the eCHECKUP TO GO, a personalized, evidence-based online prevention intervention tool.

Abuse of alcohol and drugs can have a dramatic impact on professional, academic, and family life. Therefore, Kutztown University encourages members of the community who may be experiencing difficulty with drugs or alcohol to attend programs or to contact one of the following:

- **KU Clinical Services** (Beck Hall, health@kutztown.edu, (610) 683-4082, https://www.kutztown.edu/about-ku/administrative-offices/health-and-wellness-services.html): provides high quality, affordable care and resources to students. It offers a range of confidential health services to support medical and mental health needs.

- **Health Promotion Services** (Beck Hall, health@kutztown.edu, (610) 683-4082, https://www.kutztown.edu/about-ku/administrative-offices/health-and-wellness-services/health-promotion-services.html): provides health promotion and prevention services and seeks to enhance student academic success and foster a healthy collegiate environment by providing programs and services that promote wellness, reduce harm, and support responsible decision-making practices.

- **Counseling and Psychological Services** (122 Beck Hall, cps@kutztown.edu, 610-683-4072, https://www.kutztown.edu/about-ku/administrative-offices/counseling-and-psychological-services.html): provides services for students experiencing difficulties with anxiety, depression, family and relationship troubles, substance use, and other concerns.

- **State Employee Assistance Program** (SEAP) (800-692-7459): free help for employees and their family members available 24/7 to help them deal with emotional or family concerns, alcohol or drug abuse, depression and other behavioral health matters, or financial and legal issues.

**Drug-Free Legislation**

In addition to this publication and in accordance with the Drug-Free Schools and Campuses Act and the Drug-Free Workplace Act, the University makes available and distributes, on an annual basis, KU Choices, which contains specific information concerning the use and abuse of alcohol and illegal drugs, and programs available to help the staff and students who may have related problems. For more information visit http://www.kutztown.edu/Choices.

All new employees are introduced to the State Employee Assistance Program (SEAP) through the new employee information materials offered by the Department of Human Resources. SEAP is a free assessment and referral service for commonwealth employees and their family members. It provides referrals and face-to-face sessions with a SEAP counselor for a wide range of personal and work-related issues including alcohol/drug problems, family concerns, relationship problems,
depression, eating disorders, anxiety and more. Current employees also have access to these services.

Firearms and Weapons Policy
The Kutztown University Possession of Deadly or Offensive Weapons Policy prohibits the possession or carrying of any deadly or offensive weapon by any person in Kutztown University academic buildings, administrative buildings, student residence halls (both university owned or leased), the McFarland Student Union, dining facilities, athletic facilities, recreation centers, or while attending a sporting, entertainment or educational event on the university property or sponsored by the university.

A deadly or offensive weapon is defined as any device designed to produce death or serious bodily injury. For the purposes of this policy, deadly and offensive weapons may include, but are not limited to: firearms, loaded or unloaded; pellet, flare, paint, tranquilizer, stun, spear, or dart guns; knives with blades larger than a small folding pocket knife; any cutting instrument where the blade is exposed in an automatic way; daggers or swords; striking instruments including clubs, truncheons, and blackjacks; martial arts weapons, bow and arrow combinations; explosive devices; and ammunition or components to manufacture ammunitions.

The following persons are exempt from this policy:
- commissioned officers of KUPD
- duly appointed law enforcement officers conducting official business
- members of the United States Armed Forces when in uniform and conducting official business
- agents of contractors conducting related official business

Persons who have a government issued license to carry a concealed firearm and wish to do so on University property may request an exception to this policy by presenting their compelling reasons related to their personal safety by contacting the Kutztown University Chief of Police. Such requests will be evaluated on a case-by-case basis.

The full text of the Possession of Deadly or Offensive Weapons on the Kutztown University Campus policy is available at: app.kutztown.edu/policyregister/policy.aspx?policy=A-F-030.

Crime Prevention Programs
Safety, security, self-defense, theft awareness, security awareness, vandalism reduction, alcohol awareness and crime prevention programs are some of the routine programs conducted annually and throughout the academic year by Public Safety and Police Services. Anyone may request a program offered by Public Safety by calling (610) 683-4002.

Incoming students are also advised of safety and security procedures during the fall orientation session and through mandatory meetings held in each residence hall within the first two weeks of the fall semester. These programs are designed to encourage students and employees to be responsible for their own security as well as the security of others.

Each residence hall staff conducts two mandatory all-hall meetings and two mandatory wing meetings each year to verbally emphasize applicable residence hall policies and procedures as
The following programs are offered at least once per year and as requested by members of the campus community including, but not limited to, the general student body through academic course presentations, professors, Residence Life staff, the department of International Studies, athletic teams, the Connections Orientation Program, the Admissions Office and the Women’s Center.

**Rape Aggression Defense (RAD)**
KUPD provides the Rape Aggression Defense (R.A.D.) self-defense program which is held at least once each semester for female students. This course has its foundations in education and awareness. It includes lecture, discussion and self-defense techniques suitable for women of all ages and abilities. In addition, referrals are included for the Department of Counseling and Psychological Services, Women’s Center, Safe Berks and Healing Environment Advocate Response Team (HEART at KU).

RAD classes are offered for men upon request. Participants have the opportunity to: raise their awareness of aggressive behavior, recognize how aggressive behavior impacts their lives, learn steps to avoid aggressive behavior, consider how they can be part of reducing aggression and violence, and practice hands-on self-defense skills to resist and escape aggressive behavior directed toward them. This program is designed to empower participants to make safer choices when confronted with aggressive behavior.

**Expos and Fairs**
Public Safety and Police Services (PSPS) also participates in various campus and community fairs and expos by having information tables at such events when manpower permits. PSPS staff distribute crime prevention and related materials to inform the community about the services it offers and how people can better protect themselves and other KU constituents from becoming the victims of crime.

**Take Back the Night**
Take Back the Night is an annual spring educational event sponsored by the Women’s Center. It is a powerful annual event that exists to support and empower survivors of sexual assault. The night includes educational speakers, student testimonials, a candlelight vigil and a march through campus.

**Clothesline Project**
The Clothesline Project, sponsored by the Women’s Center, is a visual display of shirts with written messages and illustrations that graphically demonstrate the impact of violence. These shirts are designed by survivors of violence, their families and/or friends. This annual spring display exposes students to the effects of violence and provides opportunity for a higher understanding of the effects of violence and the need for social responsibility.

**Active Shooter Training**
KUPD offers Active Shooter training to current students and staff upon request. This training is designed to instill the survival mindset in participants and teach students and staff realistic strategies for dealing with an Active Shooter situation on campus. The training is offered multiple times per academic year in both classrooms and departments. Participants can expect to receive helpful tips to employ should a campus emergency warrant action.
Safety Escorts
On-campus safety escorts are available for anyone 24 hours a day, 7 days a week, 365 days per year and can be requested by contacting Public Safety and Police Services via telephone (610) 683-4002. The blue light emergency phones located throughout campus may be also used to request an on-campus safety escort. When the request is received by the Communications Center, a security guard is dispatched to the on-campus location of the requester in order to provide a walking escort to another location on campus. Students are not be driven from location to location.

Emergency Phones
The Kutztown campus has a number of emergency phones located around campus buildings and parking lots. These “blue-light” emergency telephones allow the user to summon help by putting them directly in touch with the KUPD. Users can simply press the button and KUPD will be dialed automatically. A blue, flashing light will illuminate to help indicate the location of the caller and signal that immediate help is needed. Near, on, or within the buildings are red phones or yellow telephones that also can be used to contact a dispatcher. Any person may simply pick up the phone or press the red button to communicate with the dispatcher.

Officers will respond directly or call other emergency services, such as the fire department or ambulance, if needed.

Informational Correspondence
KU publishes information on how to access the campus crime statistics and fire statistics and lists of important phone numbers regarding crime reporting, safety tips and victim assistance programs. Information regarding how to communicate with the Department of Public Safety and Police Services is posted in each residence hall and campus building. This information is made available to all current and prospective students, staff and campus visitors as well. Posters placed in campus buildings provides details on how to respond to campus emergencies.

University Shuttle Service
The KU shuttle’s on-campus loop runs Monday-Friday with the first pickup occurring at 7:30 AM and the last drop-off at 4:00 PM. The off-campus loop runs Monday-Friday with the first pickup occurring at 7:30 AM and the last drop-off at 3:30 PM. The evening loop runs Monday through Thursday from 4:00 PM through 10:00 PM and transports students between campus residence halls, academic buildings, local off-campus housing complexes and the downtown Kutztown area. The late-night shuttle runs Thursday evening from 10:00 PM until 3:00 AM and Friday and Saturday nights from 7:00 PM to 3:00 AM between campus locations and stops within the Kutztown Borough. Specific route information may be viewed and tracked at www.kutztown.edu/shuttle.

Approximately once per month on a Wednesday evening, the shuttle will transport students to a local shopping or recreation centers. The bus departs campus at 6:00 PM and returns students to campus at approximately 9:30 PM. The Wednesday night schedule can be found at https://www.kutztown.edu/about-ku/administrative-offices/parking-and-transportation/campus-shuttle/wednesday-night-trips.htm.

University Closings
In the event the University is closed and/or classes are canceled, a message is activated on the University telephone message system providing all appropriate details. The phone number for the voice message system is (610) 683-4649. Messages are also posted to the University’s website.
The Key: KU Student Handbook
The student handbook, The Key, is published online and contains information regarding University policies and procedures such as the Student Code of Conduct and Document on Student Rights & Welfare. It also contains information on personal safety, fire safety and residence hall policies. Each student is responsible for familiarizing him/herself with the information contained in the student handbook. The Key can be found online at http://www.kutztown.edu/thekey and is available in PDF and flipbook formats. In addition, a limited number of printed copies of The Key are available upon request from the Dean of Students Office (610) 683-1396, 119 Stratton Administration Center).

University Identification Card (KU Card)
Students are expected to carry their University identification card and, upon request, present it to a University official in accordance with the Student Code of Conduct’s Student Identification standard as published in The Key, Kutztown’s student handbook. An online version of The Key is available at http://publications.app.kutztown.edu/thekey.

Graduation Rates
For information on graduation rates contact the Office of Institutional Research at Kutztown University at (610) 683-4153.

Definitions of Sexual Offenses
Kutztown University does not discriminate on the basis of sex in its educational programs and has determined that sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Kutztown University issues this statement of policy to inform the community of its comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, Kutztown University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

Policies
For a complete copy of Kutztown University’s policy governing student sexual misconduct, visit http://www.kutztown.edu/SexualMisconduct.

For a complete copy of Kutztown University’s Policy governing employee sexual misconduct, visit http://www.kutztown.edu/SexualMisconduct.

Definitions
Kutztown University uses numerous terms in its policies and procedures. Below, find the terms and definitions as provided by the Department of Education and from the State of Pennsylvania criminal statutes.
**Sexual Assault**
Under Pennsylvania law, sexual assault occurs when a person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant’s consent.

The Clery Act defines sexual assault (sexual offenses) as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

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

**Fondling**
The Clery Act defines fondling as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest**
In Pennsylvania, incest is defined as knowingly marrying, cohabiting with or having sexual intercourse with an ancestor or descendant, such as a parent or child, a brother or sister, including half-brothers and half-sisters, an uncle, aunt, nephew or niece, regardless of whether these are blood relationships. For example, it is incest if a father has sex with an adopted daughter even if they do not share any blood connection.

The Clery Act defines incest as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape**
The Clery Act defines statutory rape is defined as sexual intercourse with a person who is under the statutory age of consent.

**Dating Violence**
Dating violence is not specifically defined by Pennsylvania state statute.

The Clery Act defines dating violence as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
For the purposes of this definition—

1) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
2) Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and section 668.41 of the Code of Federal Regulations, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Domestic Violence**

In Pennsylvania, domestic violence is not charged separately from something like assault, aggravated assault or battery and is not defined by Pennsylvania state statute. Under the Pennsylvania Protection From Abuse Act, however, “abuse” is defined as the occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

1) Intentionally, knowingly or recklessly causing or attempting to cause, with or without a deadly weapon, bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, oral sex, anal sex, vaginal or anal penetration with a foreign object performed under force or the threat of force, or while unconscious, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.
2) Placing another in reasonable fear of imminent serious bodily injury.
3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).
4) Physically or sexually abusing minor children,
5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury.

The Clery Act defines Domestic Violence as a felony or misdemeanor crime of violence committed—

1) By a current or former spouse or intimate partner of the victim;
2) By a person with whom the victim shares a child in common;
3) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
4) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the Commonwealth of Pennsylvania; or
5) 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 Commonwealth of Pennsylvania.

For the purposes of complying with the requirements of this section and section 668.41 of the Code of Federal Regulations, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Stalking**

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

For the purpose of this definition, Course of Conduct includes a “pattern of actions” of more than one act, committed over any period of time, regardless how short. The acts may be threatening, but can also be lewd, lascivious or obscene. The acts can include words, language, drawings, caricatures or physical acts. They may be conducted in person or anonymously.

Emotional distress is defined as a temporary or permanent state of mental anguish (though the statute does not define “anguish”).

Communication is considered to be the conveyance of a message by oral, nonverbal, written or electronic means, including telephone, e-mail, Internet, fax, telex, wireless communication or similar transmission. Such conveyance must be without the intent of legitimate communication or address. (The statute has no standard for determining what is “legitimate”)

The Clery Act defines stalking as engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

1) fear for the person’s safety or the safety of others; or
2) suffer substantial emotional distress.

For the purposes of this definition course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Consent

Pennsylvania does not have a statutory definition of “consent” in the context of sexual activity.

The University uses the following definition regarding the consent to sexual activity.

Consent to sexual activity, known as effective consent, is words or actions indicating permission to engage in mutually agreed upon sexual activity. Effective consent must be informed, voluntary, and represented clearly by actions or words. Effective consent to sexual activity may not: be gained by force, the threat of force, coercion or intimidation; be gained when a person is incapacitated as a result of physical (i.e. substance use) or developmental conditions and that fact is known or should reasonably be known by another; or as otherwise defined under the definition of Non-Consensual Sexual Intercourse.
Consent to sexual activity may be withdrawn at any time. Consent to one form of sexual activity does not equate consent to another form of sexual activity.

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

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**Sexual Offenses Prevention Programs**

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

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- Create a caring environment that fosters education, support and dialogue.
- Identify domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Use definitions provided both by the Department of Education as well as state law as to what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Define what behavior and actions constitute consent to sexual activity in the State of Pennsylvania and/or using the definition of consent found in the Student Code of Conduct;
- Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
Throughout the course of an academic year, these programs are consistently presented to students and employees in order to improve awareness about sexual and relationship violence in all forms and provide ways in which each person can help reduce and/or eliminate both. The following delivery methods are utilized to present this information in manners that encourage and allow for maximum participation and account for a variety of learning styles of the participants:

- Lectures are the primary delivery method for large groups.
- Workshops are held in classes and for small groups.
- Websites: Additional information about sexual assault campus resources is available at http://www.kutztown.edu/SexualMisconduct.
- The Sexual Assault & Relationship Violence: What Everyone Needs to Know brochure is available in print and online. This brochure is also available online at http://publications.app.kutztown.edu/KUSexualAssaultBrochure/.
- Lectures combined with PowerPoint programming and DVDs are used for HEART training and student programming.
- Educational materials, such as fact sheets, brochures, and booklets are available at different locations on campus and at programming and information fairs.
- Women’s Center Website: www.kutztown.edu/womenscenter
- Safe Berks (formerly Berks Women in Crisis) 66-hour training manual is available for participants on CD.
- Video presentation on dating violence and sexual assault presented to incoming students.

Kutztown University utilizes these resources for multiple programs: university-developed programs, programs developed by PA Coalition Against Rape, online web-based programs used for student conduct sanctioning programming, programs outsourced to external organizations, such as a local rape crisis center and others.

**Incoming Student Primary Prevention and Awareness Programs**

**New Student Orientation:** All new students are required to attend KU’s New Student Orientation program held during the summer months to matriculation and the weekend prior to the start of the fall semester. At this event, students are instructed to participate in an online orientation training presentation on Title IV which includes information regarding students’ right and responsibilities with regard to sexual harassment, sexual assault, domestic violence, dating violence and stalking. This module includes an online assessment which must completed and passed with a minimum score. Those who do not complete the training are considered “not in compliance” and are contacted by the Office of the Dean of Students. During Welcome Weekend, a 3rd party presents a program on alcohol and sexual assault prevention.

**Social Equity Policies Training:** The staff of the Office of Social Equity, which includes the university’s Title IX Coordinator and Deputy Title IX Coordinator, offers in-person and online Social Equity Policies Training covering the KU’s Anti-Discrimination, Anti-Harassment, and Sexual Harassment Policies and Procedures to new and returning employees. Title IX, including definitions and reporting obligations, and related policies, including the topics of sexual harassment, sexual violence, domestic violence, dating violence and stalking, are addressed. This training is offered online through the University’s Desire2Learn (D2L) platform.

**AlcoholEDU:** In addition, students must complete an online alcohol and sexual assault awareness training provided by the office of Health and Wellness Services. Designed for students entering
AlcoholEDU is an interactive online program which uses the latest evidence-based prevention methods to create a highly engaging user experience, inspiring students to make healthier decisions related to alcohol and other drugs. It includes tailored content that engages abstainers, light to moderate drinkers, and frequent drinkers with customized messaging, educates students on the mental and physical the effects of alcohol and prepares students to engage in bystander intervention.

**EVERFI Sexual Assault Prevention for Undergraduates (SAPU):** Health Promotion and Alcohol & Other Drugs (HPAOD) Services provides oversight and implementation of EVERFI Sexual Assault Prevention for Undergraduates (SAPU) program. SAPU is an online sexual violence awareness and prevention course and is offered to meet a federal mandate under the Campus SaVE Act for all students to learn about sexual violence and ways to help prevent it. It is administered to incoming undergraduate students including new and transfer first-year students.

In addition to the web-based program, HPAOD Services offers alcohol prevention programming that infuses into it information that the number one drug in sexual assaults is alcohol and that a person is unable to provide consent while under the influence. Their sexual awareness interactive tables feature information from the Women’s Center on campus resources and data from the SAPU’s Campus Impact Report which is available to all students and campus community members.

**Presentation by the Chief/Deputy Chief of Police:** The KU Chief or Deputy Chief of Police addresses groups on safety measures at the opening of each orientation session. Additionally, orientation facilitators receive training from Public Safety and the Women’s Center on the subject of personal safety, bystander awareness and mandated reporting. At the conclusion of each freshmen orientation program, orientation facilitators lead group discussions on student concerns and how to keep safe on campus.

**Ongoing Primary Awareness and Prevention Programs for Students**
The University provided a deliberate and comprehensive series of awareness and prevention programs available to all students. Ongoing educational sessions are provided throughout the year, focusing on particular topics tailored to each audience. These sessions include discussions of the definitions of at least one of these factors: the crimes of sexual assault, rape, domestic violence, dating violence and stalking, relevant statistics, bystander intervention skills, and KU’s policies, procedures, and resources in these areas. More specific information is contained below.

**Men Can Stop Rape (MCSR):** Through the grant, KU partnered with MCSR to expand its bystander training and to engage men in a dialogue about masculinity and the campus culture. Two “Where Do You Stand?” workshops were offered to the campus community, with a focus on engaging in strategies for ending sexism and sexual violence through bystander intervention. In addition, a collaborative program between the Women’s Center, Dean of Students Office, Athletics and Men’s Rugby entitled “Brothers Seeking Excellence: A Conversation about Masculinity” was held.

**End Rape On Campus (EROC):** The Women’s Center hosted the EROC Executive Director, Jess Davidson on campus to present two trainings, one focused on the future of Title IX, and one on supporting Survivors in the #MeToo movement. Participants included faculty, staff, students and community members.

**The Courage Project:** As seen in the Hunting Ground, campus student leaders through the organization SCAR (Student Campaign Against Rape), invited the community to participate in a photography display that empowers survivors and their allies to speak out against sexual assault.
SCAR events are now part of the new It’s On Us student organization.

**It’s On Us Campaign:** Kutztown University partners with It’s On Us, a national campaign aimed at changing the culture surrounding campus sexual assault. As one of 28 college and universities from across the country as an It’s On Us Campus Innovation Partner School, KU commits to upholding and implementing the three pillars of the It’s On Us campaign: support for survivors of sexual violence, bystander intervention, and consent education.

Student leaders from across campus participate in a poster campaign to bring awareness to sexual assaults, the It’s On Us pledge and reporting. Hundreds of posters were printed and distributed throughout campus and hundreds of tee shirts with the It’s On Us branding were printed and distributed to student leaders such as Resident Advisors and those who attended programs, signed the pledge, or supported the campaign.

**Culture of Respect Collective:** As an It’s On Us partner school, KU participated in the “Culture of Respect Collective”, a 2-year program that guides institutions of higher education through a step-by-step program to improve efforts to address sexual violence. The program provided a strategic planning process grounded in a comprehensive self-assessment, and included collaboration with peers across the nation, technical assistance from Culture of Respect staff, and ongoing professional development. The questions in this assessment are organized around the six pillars of the Culture of Respect Engagement Blueprint (CORE Blueprint):

1. Survivor support with options on reporting;
2. Clear policies on misconduct, investigation, adjudication, and sanctions;
3. Multi-tiered education for the entire campus;
4. Public disclosure of statistics;
5. School-wide mobilization with student groups and leaders; and
6. Ongoing self-assessment

KU completed the CORE assessment and moved into the final phase of the program during the Fall 2018 semester. With the 2018 grant, the following new initiatives were brought forward: Men Can Stop Rape training (two bystander workshops and one campus conversation with male identified community members), End Rape on Campus (speaker), Kourage Project (art gallery display of survivor impact photos) and the It’s On Us poster campaign.

**Fall Weeks of Action:** These events educate, engage and empower students and communities to do something big or small to end sexual assault. Promotional tables have information where students are invited to take the pledge, and to learn about three pillars of the It’s On Us campaign: consent education, bystander intervention, and supporting survivors.

**Rape Aggression Defense Course (RAD):** The RAD course is offered by Public Safety free-of-charge at least once each semester to female campus community members. The course teaches personal safety and self-defense. Referrals are included for Department of Counseling and Psychological Services, Women’s Center, Safe Berks and Healing Environment Advocate Response Team (HEART at KU). RAD classes are offered for men upon request.

(See the Crime Prevention & Security Awareness Programs for Students, Faculty and Staff section for a full description of the program offered.)

**Healing Environment Advocate Response Team (HEART at KU):** HEART at KU volunteers serve under the direction of Safe Berks. Through education and training of these advocates, HEART at
KU provides initial support and safety to any individual who experiences sexual assault or relationship violence. HEART at KU continues to raise public awareness about these issues.

Safe Berks provides 66 hours of concentrated training about Sexual Assault and Domestic Violence (called relationship violence on campus) to KU community members through the HEART at KU program. Aligned with the Pennsylvania Coalition Against Rape (PCAR) and Coalition Against Domestic Violence (PCADV), completion of the training certifies the individual to work or volunteer at Safe Berks or other similar agencies in Pennsylvania.

The HEART at KU program provides a discussion-based educational program on relationship violence, sexual assault, and how students can be part of preventing these issues on campus through education and awareness at the request of professors, student leaders and others. The first half of the program discusses topics on relationship violence/interpersonal violence such as: types of abuse, stalking and harassment, and why some people remain in abusive relationships. The second half focuses on sexual violence, assault, and rape by defining these different types of violence and talking about the facts behind them. Other topics touched upon include: consent, the role of drugs and alcohol in sexual violence, and how students can help others who experience these issues.

Safe Berks has updated the training and increased in-person training hours and on-line educational tools to improve the knowledge of the advocates who complete the program. In addition, program participants must spend volunteer hours at Safe Berks learning the hotline procedure, touring the safe house, and increasing their hands-on knowledge of the programs and services at Safe Berks.

Through education and training of these advocates, the mission of HEART at KU is to provide initial support and safety to any individual who experiences sexual assault or relationship violence. Their continued goal is to increase public awareness of these issues. HEART trained students, staff, and faculty are on campus on-call each night to assist victims of sexual assault.

The Women’s Center staff facilitates “HEART” workshops in classrooms for students. Last year, the workshops were offered to students affiliated with the Sports Management & Leadership and Biology departments. Topics addressed during the presentations included: definitions and examples of sexual assault and different types of abuse, victim rights, victim blaming, warning signs of relationship violence, why the victim may not leave, what one can do if you know someone who is a victim, rape culture, the HEART at KU program and community and university resources, clubs and organizations.

Additionally, HEART workshops are presented to faculty classrooms who requested them each year. Last year, the Women’s Center staff presented the “Assault is not an Accident” Sexual Assault and Relationship violence workshop to twenty-one undergraduate classes, for a total of 623 students. There were an additional 95 student staff members in Residence Life who participated in the HEART workshop as part of required staff training as well.

**Take Back the Night**: This educational event sponsored by the Women’s Center that focuses on stopping violence within the KU community. This annual event addresses Domestic Violence, Dating Violence and Sexual Assault.

**The Clothesline Project**: Sponsored by the Women’s Center, this visual exhibition features a display of shirts with written messages and illustrations that graphically demonstrate the impact
of violence. These shirts are designed by survivors of violence, their families and/or friends. It exposes students to the effects of violence and provides opportunity for a higher understanding of the effects of violence and the need for social responsibility.

**Vagina Monologues:** This annual campus program featuring various monologues dealing with aspects of the feminine experience is sponsored by the Women’s Center each year. It addresses Domestic Violence, Dating Violence, and Sexual Assault.

**Safe Berks Silent Witness Project:** This program features a display of life-sized red silhouettes which highlight the stories of Berks County citizens who were victims of domestic violence homicide.

**Protection of Minors:** This online training program is offered to all new employees, new student employees and current employees. It covers the topics of recognizing child abuse, detecting child predators and reporting suspected abuse.

**Residence Life Staff Training and Programming:** Training of student and professional staff employed by Residence Life focuses on issues of sexual assault on college campuses, understanding the concepts of consent, force and incapacitation, the impact of sexual assault and understanding university policy.

Residence Life’s Community Assistant (CA) programming model identifies six goals, or “pillars of success,” with each having its own sub-categories of programming objectives. One of the pillars is “Accountability.” Within this category, CAs provide programming opportunities for residents that offer information and resources on making responsible choices (including involving alcohol), healthy relationships, dating violence, risky behaviors, as well as safe and unsafe sexual encounters.

In addition, every Resident Director and Community Assistant plans and implements “all-hall” programs promoting sexual assault awareness each academic year. All Hall programs are marketed and designed to catch residents’ attention about the serious issue of sexual assault and dating violence, while addressing topics such as identifying unhealthy relationships, safe sex and dating practices, consent, breaking myths, bystander intervention, sexual harassment and violence and the resources available to help those in need. The staff gathers information from campus and local resources and presents it at the program. Brochures and newsletters are used as a tool for residents to take information away from the programs as well. Each program is tailored to the community served. These programs also touch upon how students can remain safe and included information about how alcohol use relates to incidents of sexual violence.

Residence Life also sponsors a large-scale program dealing with sexual violence prevention. Most recently, they brought the “The Hook Up” program to campus. This program addressed consent, terminology, and the difference between a “bad hook up” and rape or sexual assault. Community Assistants were encouraged to attend and bring at least two residents with them. Every residence hall common area bathroom displays the “Potty Paper” publication from the Women’s Center in every stall. This poster contains information on upcoming programs, as well as the contact information for campus and community resources on rape, sexual assault and domestic violence. The Potty Paper was developed to provide campus and local hotline information to individuals in a safe space (restroom stalls) where people could rely on finding the information in a private, consistent and reliable manner.
Throughout the year, CAs create bulletin boards with information about consent, resources, warning signs of sexual assault, definitions of sexual violence and sexual violence myth busters. They work collaboratively with campus constituents such as the Health Promotions Coordinator, the Women’s Center, and the HEART program to provide quality programs in the residence halls. In addition, they also produce another “all hall” program on Alcohol Awareness which includes education on topics related to sexual assault such as bystander intervention, myth busting, and resources.

**Sexual Assault & Relationship Violence: What Everyone Needs to Know brochure:** This brochure is made available to the campus community in printed and digital formats. In addition, it is provided to students who report sexual/gender-based misconduct to the Dean of Students’ Office to inform them of support services, options for reporting, student conduct process, and related matters. The brochure is also available through the Women’s Center, the Dean of Students Office the Health and Wellness Center and Residence Life. A PDF & flip-book version was published online at http://www.kutztown.edu/sexualmisconduct.

**Women’s Center (WC) Programs:** The Women’s Center provides free safety whistles to students at all Connections and Women’s Center events such as, in addition to the ones previously mentioned, involvement and health and tabling opportunities along with brochures about safety and resources on campus. Their lending library provides books, brochures and DVDs about rape, sexual assault and intimate partner violence for students, faculty, and staff and for personal or educational use. At each WC event, rape, sexual assault and intimate partner violence are addressed. Their website (https://www.kutztown.edu/womenscenter) features four hot buttons dealing with sexual assault and relationship violence issues. “Love Doesn’t Have to Hurt” deals with relationship violence. “Sexual Assault” provides definitions, references and links to resources. “Tamsin’s Corner” provides a more personal look at relationship violence. The “HEART at KU” button has information about the HEART program and linked resources.

**Student conduct sanctioning programs** related to sexual assault, civility or relationship violence are available to students and issued on an as needed basis. Sanctions are assigned as part of the student conduct process when a student or student organization is found in-violation of the Student Code of Conduct. Self-directed on-line Judicial Educator Workshops include Bystander Intervention, Dating Violence & Date Rape; Civility and Respect; Diversity: Understanding Myself & Others; Peer Harassment; Healthy Relationships. The workshops are assigned based upon the type of conduct charges issued:

- **Bystander Intervention:** Used for incidents where students can benefit from a more thorough understanding of how they can assist others who may be victimized or how they can better protect themselves.
- **Dating Violence & Date Rape:** Used for incidents in which the student has shown evidence of unhealthy or abusive behaviors in their relationships. This course addressed Domestic Violence, Dating Violence, Sexual Assault and Stalking.
- **Civility and Respect:** Used for incidents where a student acted disrespectfully toward other students/staff.
- **Diversity:** Understanding Myself & Others: Used for incidents in which the student is challenged by interactions with others who are different from them.
- **Peer Harassment:** Used for incidents in which the student made written or verbal harassments, violated another’s property/personal space/safety, behaved in a sexually inappropriate manner, and/or behaved in a harassing manner.
• **Healthy Relationships**: Used for incidents in which the student shows minor or significant relationship problems or has had conflicts with roommates, peers, or staff.

**Department of Counseling and Psychological Services (CPS):** The CPS staff engages in outreach programs in which they introduce themselves and provide an overview of the services offered to the campus community. When appropriate, the Center provides information on consent, information on where and how to get assistance, and how to report sexual violence to campus authorities and local law enforcement to Center clients.

Center faculty coordinate with other providers of services such as HEART at KU, the Heath & Wellness Center, and community-based providers as needed to assist clients who have experienced sexual assault or dating violence. They also work to educate their clients’ friends and partners on these issues when appropriate. In all interactions with clients, they ensure that services are confidential and respectful of the individuals with whom they are working. Printed materials covering these topics are available in the Center waiting room.

CPS outreach programs are offered throughout the academic year and, when appropriate, address sexual violence awareness and prevention. These programs may include:

- International Students presentation
- Suicide GateKeeper Training (QPR) presentation
- Stay Smart & Stay Golden-Resources for your academic success display, presentation
- Housing Residence Life presentation
- First Generation Students presentation
- How to Help a Friend in Distress presentation/Q & A
- Pet Therapy display & therapy
- KU Health Fair display
- Communications Faculty presentation
- QPR Training - College of Education discussion
- Golden Bear Blitz display
- Suicide Postvention discussion

**Greek Life Programs:** Greek fraternities and sororities sponsor programs for members of their organizations that address sexual violence, consent, bystander intervention, and related topics. They include:

- Alpha Sigma Tau participates in the *Not Anymore* program, an interactive online program designed to prevent sexual assault, dating and domestic violence and stalking while helping campuses meet Campus SaVE Act (VAWA) and Title IX education mandates. It uses honest and compelling video tutorials to educate members and volunteers about consent, sexual assault, bystander intervention and healthy relationships.
- Sigma Alpha Epsilon utilizes a program through FHSI (Fraternal Health and Safety Initiative) to discuss sexual assault, consent, relationship violence, drug use, and masculinity. In addition, the organization makes webinars available to its membership that fit with its True Gentlemen Experience, a holistic educational program that provides a well-rounded learning experience throughout their collegiate academic years. The webinars cover similar topics to those listed above.
- Zeta Tau Alpha utilizes *My Sister, My Responsibility* to create conversations around risk, educate members about caring for themselves and others, and emphasize Zeta Tau Alpha’s mission and purpose. These programs help members learn how to prevent problematic
behavior, hold themselves and others accountable, and reinforce friendship and sisterhood. Specifically, *Sisterhood, Safety and Support* educates participants about sexual assault and provides relational violence prevention.

**Social Equity Policies Training:** Some returning students also participate in the same Social Equity training offered to all new students and employees and returning employees. It covers KU’s Anti-Discrimination, Anti-Harassment, and Sexual Harassment Policies and Procedures. Title IX, including definitions and reporting obligations, and related policies, including the topics of sexual harassment, sexual violence, domestic violence, dating violence and stalking, are addressed. (See Incoming Student Primary Prevention and Awareness Programs)

**New Employee Primary Prevention and Awareness Programs**

**Social Equity Policies Training:** New employees participate in the same Social Equity training offered to all new students. The training covers KU’s Anti-Discrimination, Anti-Harassment, and Sexual Harassment Policies and Procedures. Title IX, including definitions and reporting obligations, and related policies, including the topics of sexual harassment, sexual violence, domestic violence, dating violence and stalking, are addressed. (See Incoming Student Primary Prevention and Awareness Programs)

**Student-Athletes:** Kutztown University follows the NCAA mandate that all student-athletes, coaches and athletic staff members complete sexual assault prevention training on an annual basis. Most student-athletes attend in-person training session, while coaches, athletic staff, and a handful of student-athletes, who are unable to attend an in-person training session, complete a separate training through D2L. These efforts continue each year.

**Protection of Minors:** This is an online training program is offered to all new employees, new student employees and current employees. It covers the topics of recognizing child abuse, detecting child predators and reporting suspected abuse.

New employees are also encouraged to participate in campus programs, many of which are detailed in the prior section.

**Ongoing Awareness and Prevention Programs for Employees**

**Social Equity Policies Training:** Current Kutztown University employees are offered training throughout the year. The Social Equity Policies Training that is offered provides an overview of Kutztown University’s Anti-Discrimination, Anti-Harassment, and Sexual Harassment Policies and Procedures, as well as an overview of federal and state statutes, such as, Title VII, Title IX, and the Pennsylvania Human Relations Act. During the training, the topics reviewed include, but are not limited to, protected classes, legal definitions, investigation procedures, reporting responsibilities, and examples as they pertain to each of the three policies.

The Social Equity Policies Training is always available online for faculty and staff through Desire2Learn, as well as through a number of in-person training sessions offered throughout the academic year. Employees are also invited to participate in all public programs at the institution, many of which are detailed in the prior section.

**Dean of Students Office:** In the Dean of Students Office, current hearing officers and student conduct professionals participate in ongoing professional development related to cases involving sexual violence and/or intimate partner violence. Recent trainings which student conduct administrators, investigators and hearing officers participated in include:
• Title IX Hearings and Outcome Report Writing (PASSHE Legal)
• ATIXA Civil Rights Investigator Training (Level 2)
• ASCA’s Sexual Misconduct Institute
• Intimate Partner Violence Workshop
• How to Write a Title IX Investigation Report (Webinar)
• The Future of Title IX
• Applying Sanctions for Sexual Misconduct Violations
• Title IX Updates (PASSHE Legal) at Lock Haven University
• ATIXA’s “20 Minutes to Trained” Workshops:
  • Applying Preponderance
  • Due Process
  • Assessing Credibility
  • Questioning

Conduct board members participate in similar training opportunities, dependent upon what is offered by professional organizations.

Protection of Minors: This online training program is offered to all new employees, new student employees and current employees on an annual basis. It covers the topics of recognizing child abuse, detecting child predators and reporting suspected abuse.

Current employees are also encouraged to participate in all campus programming offered to students, except those that occur within the non-public areas of the campus residence halls.

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Sexual Violence Reporting and Responses

Procedures for Reporting a Complaint
The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on and/or off campus. The University may also implement additional remedies to prevent contact between a complainant and a respondent, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the complainant requests them and if they are reasonably available, regardless of whether the complainant chooses to report the crime to the KUPD or local law enforcement.

While students and third parties should contact the Title IX Coordinator, Mr. Jesus A. Peña, Esq., and/or the Deputy Title IX Coordinator, Ms. Jacqueline Fox, Esq., to report a sexual assault, dating violence, domestic violence or stalking, all university employees must report these violations to the Title IX Coordinator’s Office. The offices of the Title IX Coordinator and Deputy Title IX Coordinator are located in the Office of Social Equity (OSE), Old Main A Wing, and either may be reached by telephone at (610) 683-4700 or by e-mail at socialequity@kutztown.edu.

The Office of Social Equity (OSE) does not use reporting forms when collecting information about an alleged offense. The complainant either files a written complaint, via email or a written
statement submitted to OSE, or an OSE representative will meet with the complainant and take notes based on the conversation.

Students and employees should know that reporting to the Title IX Coordinator means that Kutztown has a duty to assess the information provided and may have to investigate the complaint. The University would like the consent of the complainant to be able to move forward with investigating and resolving the complaint, but there are times when the safety of the greater community outweighs the complainant’s request for confidentiality. Hence, when an employee or student reports an incident to the Title IX Coordinator or any other responsible employee, the information will be kept as private as possible but cannot be guaranteed to be confidential.

Students are encouraged to report sexual/gender-based misconduct (non-consensual sexual intercourse, non-consensual sexual assault, non-consensual sexual contact, sexual harassment, sexual exploitation, and/or dating violence, domestic violence and stalking) to the Department of Public Safety and Police Services immediately either by the individual or through a University staff member for criminal investigation and/or reporting. Students are also encouraged to report sexual/gender-based misconduct to the Dean of Students Office and Title IX Coordinator for an administrative investigation.

University employees should immediately report information regarding any sexual/gender-based misconduct to the Department of Public Safety and Police Services and to the Title IX Coordinator.

Reports concerning sexual or gender-based misconduct involving students should be reported to one of the following departments or submitted via a Sexual Misconduct & Intimate Partner Violence Report Form (https://cm.maxient.com/reportingform.php?KutztownUniv&layout_id=1):

<table>
<thead>
<tr>
<th>Public Safety &amp; Police Services</th>
<th>Dean of Students Office</th>
<th>Title IX Coordinator</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 Old Main</td>
<td>119 Stratton Admin. Center</td>
<td>Office of Social Equity</td>
</tr>
<tr>
<td>Emergencies: 610-683-4001</td>
<td>610-683-1320</td>
<td>2 Old Main</td>
</tr>
<tr>
<td>Non-Emerg: 610-683-4002</td>
<td></td>
<td>610-683-4700</td>
</tr>
</tbody>
</table>

There shall be no attempt at mediation to resolve complaints alleging sexual violence, domestic violence, dating violence or stalking.

Students and employees who are not ready to have the University conduct a full investigation but want medical assistance, other resources and information about their options are encouraged to contact the offices on or off campus that can promise confidentiality. Survivors of sexual and domestic violence may contact the HEART Hotline (Healing Environment Advocate Response Team) which is staffed 24 hours a day, 7 days a week by trained students and staff. The hotline will send trained advocates to the hospital who can support the victim while forensic evidence is collected and can help the victim navigate securing financial support from the State of Pennsylvania to cover the hospital services if private insurance will not cover the costs. Note: Hospitals in Pennsylvania are required to contact law enforcement officers if a victim presents for medical care as a result of a crime. The victim can choose to speak with law enforcement or chose to have evidence collected and make a report to law enforcement at a later time.

Campus pastoral counselors and licensed professional counselors acting in their capacity as such and certified HEART at KU volunteers while on call are exempt from reporting sexual violence to Public Safety and the Title IX Coordinator. Disclosing sexual or domestic abuse to any of these providers will not trigger an institutional investigation under Title IX, unless the victim is a minor.
These providers can support victims and help them navigate options. All other employees are “responsible employees” and are required to report the alleged incidents of sexual violence to both Public Safety and the Title IX Coordinator. Pursuant to the University’s Title IX Exemptions Policy, if a student reports a Title IX violation to the Health Center, the Women’s Center Graduate Assistants or professional staff, or the GLBTQ Resource Center Graduate Assistants or professional staff, those individuals must disclose all known information except for the name of complainant. In situations involving a Title IX violation against a minor, all employees must report all information to the Title IX Coordinator, Public Safety, and the Pennsylvania Department of Human Services.

Whether or not a victim chooses to contact a campus official or not, after an incident of sexual assault, domestic violence, dating violence or stalking, the victim should consider seeking medical attention as soon as possible at one of the facilities noted below:

<table>
<thead>
<tr>
<th>Provider</th>
<th>Address</th>
<th>Phone</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lehigh Valley Hospital</td>
<td>1200 S Cedar Crest Blvd</td>
<td>(610) 402-8000</td>
<td><a href="http://www.lvhn.org">www.lvhn.org</a></td>
</tr>
<tr>
<td>St. Joseph Medical Center</td>
<td>2500 Bernville Rd, Reading, PA 19605</td>
<td>(610) 378-2000</td>
<td><a href="http://www.thefutureofhealthcare.org">www.thefutureofhealthcare.org</a></td>
</tr>
<tr>
<td>Crime Victims Council of the LV</td>
<td>801 Hamilton Street, Allentown, PA 18101</td>
<td>(610) 437-6611</td>
<td><a href="http://www.cvclv.org">www.cvclv.org</a></td>
</tr>
</tbody>
</table>

In Pennsylvania, evidence may be collected even if a victim chooses not to make a report to law enforcement. 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 96 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 disease. Victims of sexual assault, domestic violence, dating violence and stalking 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 hearing boards/investigators or police. Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying local police if they so desire. Local police agencies are as follows:

<table>
<thead>
<tr>
<th>Police Department</th>
<th>Address</th>
<th>Phone</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kutztown Borough Police Department</td>
<td>45 Railroad Street, Kutztown, PA 19530</td>
<td>(610) 683-3545</td>
<td><a href="http://www.co.berks.pa.us/Police/KutztownBoroPolice/Pages/Default.aspx">http://www.co.berks.pa.us/Police/KutztownBoroPolice/Pages/Default.aspx</a></td>
</tr>
<tr>
<td>PA State Police</td>
<td>600 Kenhorst Road, Reading, PA 19611</td>
<td>(610) 378-4011</td>
<td><a href="https://www.psp.pa.gov/troop%20directory/Pages/Troop-L.aspx">https://www.psp.pa.gov/troop%20directory/Pages/Troop-L.aspx</a></td>
</tr>
</tbody>
</table>

Victims of sexual assault, domestic violence, dating violence, or stalking should report the incident promptly to the Title IX Coordinator by calling, writing or coming into the office to report the crime in person. If the victim so desires, he or she should report the offense to the Kutztown University Police Department. The University will provide medical and health resources (on campus, off campus or both) to persons who have been victims of sexual assault, domestic
violence, dating violence or stalking. Furthermore, the University will apply appropriate disciplinary procedures to those who violate the University’s Sexual/Gender Based Offenses Policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, she or he nevertheless should consider speaking with KUPD or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

Whether or not criminal charges are filed, the university or a person may file a complaint under the Sexual/Gender-Based Offenses Policy alleging that a student violated the University’s policy or the KU Sexual Harassment Policy alleging an employee violated the policy.

All reports of sexual assault, domestic violence, dating violence and stalking made to KUPD or Student Conduct will automatically be referred to the Title IX Coordinator for investigation regardless of whether the complainant chooses to pursue criminal charges.

If a report of sexual assault, domestic violence, dating violence, or stalking is reported to the University, the procedures listed below will be followed by the University as well as a statement of the standard of evidence that will be used during any hearing on campus arising from such a report.

**Evidentiary Standard for Cases of Sexual Assault, Domestic Violence, Dating Violence or Stalking**

Allegations against a student for sexual/gender-based misconduct are addressed through the established student conduct process consistent with the KU Sexual/Gender Based Offenses Policy ([https://www.kutztown.edu/Departments-Offices/S-Z/StudentConduct/Documents/SGBO.pdf](https://www.kutztown.edu/Departments-Offices/S-Z/StudentConduct/Documents/SGBO.pdf)).

The standard of evidence used in all student conduct proceedings and employee conduct complaints is a “preponderance of evidence.” Therefore, a decision of responsibility will be based upon presented evidence sufficient to make a reasonable person believe that it was more likely than not a student is in violation of university policy.

**Adjudication of Sexual Misconduct Complaints Against Students**

If initiated, the university’s student conduct process will include a prompt, fair, and impartial investigation and resolution process, transparent to the complainant and the respondent, and from the initial investigation to the final result. Absent unusual circumstances, within sixty (60) to ninety (90) days of a complaint of a sexual/gender based misconduct being filed, the Dean of Students Office, in the case of allegations against a student for sexual/gender based misconduct, or the Title IX Coordinator, in the case of allegations against a non-student employee or off campus vendor for sexual/gender based misconduct, will attempt to conclude the student conduct process/investigation and will notify the parties that there has been an outcome to the complaint.

**Student Conduct Process for Sexual/Gender Based Misconduct**

The process for filing charges against a student by a University community member as well as the process and rights of students responding to an allegation of student misconduct, including
sexual/gender based misconduct, is defined in the Document on Student Rights and Welfare (DSRW) as published in the student handbook, The Key (http://www.kutztown.edu/TheKey). The DSRW defines in detail the procedural due process guarantees and rights of the respondent, the student conduct hearing process and the appeal process available to both parties. Additional rights of students in cases of sexual/gender-based offenses are enumerated above and are designed to ensure both parties have access to the same rights in such cases including the right to an advocate, right to appeal and the right to be present and fully participate in a student conduct hearing. In addition to regular training provided to conduct boards and hearing officers, specific training regarding the adjudication of sexual/gender-based misconduct cases and this policy will also be provided to hearing authorities.

There shall be no attempt at mediation to resolve complaints alleging sexual violence such as non-consensual sexual intercourse, non-consensual sexual assault, stalking, dating violence, or domestic violence.

In campus hearings, legal terms like “guilt” and “innocence” are not applicable, but the university never assumes a student is in violation of university policy. The university will consider the concerns and rights of both the complainant and the respondent. Campus hearings are conducted to consider the totality of all evidence available, from all relevant sources. The university reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students’ rights and personal safety.

Steps in the Student Conduct Process

• Once an incident is reported to the Dean of Students Office, initial outreach will be sent within approximately 1-3 business days inviting the complainant to schedule an intake meeting to provide policy and resource information.
• The institutional student conduct procedures will not be conducted by officials who have a conflict of interest or bias for or against the complainant or the respondent;
• At an intake meeting, the complainant will be provided a copy of this policy, advised of available support services and informed of their rights. Additionally, the following information will be reviewed:
  – Any immediate safety needs of the complainant.
  – Appropriate referrals to medical care, depending on when the crime was reported.
  – Assist the complainant with reporting sexual or gender-based violence to the Department of Public Safety and Police Services and/or local police, if requested.
  – Information regarding on and off campus mental health and advocacy services.
  – Information about advocacy and support services available through the Healing Environment and Response Team (HEART) through SafeBerks.
  – Options for living, academic, transportation and/or working accommodations.
  – Options for interim measures including if a “no contact” directive should be issued which would be applicable to both parties.
  – The need to implement other interim measures such as facility restrictions and/or interim suspensions, as appropriate.
  – Review the student conduct process, including input from the complainant regarding moving forward with student conduct charges and/or to participating in an investigation and/or student conduct hearing.
• In most instances where an investigation is required or requested by the complainant, a notice of investigation will be sent to the respondent with 1-5 business days from when the formal complaint was filed.
• Upon completion of the investigation, a report will be provided to the Title IX Coordinator in approximately 15-20 business days for review and approval of charges.
• Upon Title IX Coordinator review, both parties to the complaint will be notified of next steps. If charges are warranted, both parties will meet separately with a case officer at a preliminary briefing within 2-7 business days.
• At separate preliminary briefings, the respondent and complainant will be provided an opportunity to review the investigation report. The respondent will have the opportunity to accept or deny the allegations; the complainant will be informed of the respondent’s response to the charges.
• If the respondent accepts responsibility for the alleged student conduct violations at the preliminary briefing, the student will be issued sanctions and both parties will be simultaneously notified of the outcome, in writing, within approximately 2-5 business days.
• If the respondent denies responsibility for any or all of the alleged student conduct violations at the preliminary briefing, a hearing will be scheduled and all parties will be notified of a hearing date in writing in approximately 2-5 business days.
• Absent unusual circumstances, a hearing will occur in approximately 10-15 business days from the date of scheduling. At the hearing, both parties to the complaint will have equal opportunity to present information, question witnesses and have an advocate of choice attend the hearing. With respect to questioning, direct questioning of the complainant and respondent by either party will not be permitted. In such cases, questioning is permitted but will be directed to and facilitated by the conduct board. The university also retains the discretion to provide accommodations of its own hearing procedures when it concludes that the accommodation is warranted by the situation.
• Following the hearing, the university will simultaneously inform the complainant and respondent, in writing, of the outcome of the hearing within approximately 5-10 business days from the hearing date.
• Both the respondent and complainant will be provided information regarding their right to appeal within 5 business days from the date of notification. If an appeal is submitted by one party, the other party will be notified and provided an opportunity to review the appeal and submit a response as part of the appeal process.
• Regardless of the outcome, the university will enforce the retaliation policy of the Sexual/Gender Based Offenses Policy and Student Code of Conduct as well as any on-going interim measures (e.g. no contact orders) that remain in place.

Rights of Complainants
The following rights of a complainant in sexual/gender-based misconduct will be afforded in all University student conduct

Report sexual/gender-based misconduct to the Kutztown University Department of Public Safety and Police Services, the Dean of Students Office, Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction. A complainant is encouraged, but not required, to report allegations of sexual misconduct, dating violence, domestic violence or stalking to the Department of Public Safety and Police Services and/or off-campus law enforcement.

1. Receive consideration for amnesty for conduct violations (i.e. alcohol policy) related to the same incident in question;
2. Provide input on whether or not to move forward with Student Code of Conduct charges and/or participate in a student conduct hearing;
3. Have every effort made to respect a student’s privacy;
4. Contact supportive agencies such as a rape crisis center;
5. Be free from intimidation or harassment by the alleged respondent or others;
6. Request a change of on campus living, working and/or transportation arrangements, academic schedules and/or other schedules and/or those of the respondent, if reasonably available, by the Dean of Students Office and/or Title IX Coordinator;
7. Have a “no-contact” and/or “stay away” directive issued to one or both parties of a complaint by Dean of Students Office and/or Title IX Coordinator;
8. Select an advocate of choice to accompany the student through all University student conduct processes;
9. Protection against discussion of non-relevant, past sexual history during the hearing;
10. Have the option to remain physically present during the entire student conduct hearing and participate fully in the hearing, including the opportunity to present evidence and witnesses;
11. Be informed simultaneously, in writing, of the outcome of the hearing, the potential for appeal by either party, the final disposition of appeal, if applicable, and when the results become final;
12. Have the case decided by the preponderance of evidence (i.e. it is more likely than not the sexual offense occurred);
13. Make up any academic work missed while participating in student conduct or criminal proceedings related to the incident in question.

When filing a complaint, the complainant will receive a copy of this policy, which sets forth the rights and procedures governing complaints. The process for addressing complaints against a student under this policy is governed by the student conduct procedures defined in the Document on Student Rights & Welfare and incorporates specific provisions of this policy specific to sexual/gender-based offenses.

Rights of Respondents
Consistent with the rights of students charged with student misconduct as defined and enumerated in Article IV of the Document on Student Rights & Welfare, the respondent is also entitled to select an advocate of choice to accompany him/her through all University student conduct processes. Respondents have the right to participate fully in the hearing, present evidence and witnesses during the hearing, and be informed of the outcome of the hearing, the potential for appeal by either party, the final disposition of appeal, if applicable, and when the results are final.

When responding to a complaint, the respondent will receive a copy of this policy, which sets forth the rights and procedures governing such complaints. The process for addressing complaints against a student under this policy is governed by the student conduct procedures defined in the Document on Student Rights & Welfare and incorporates provisions of this policy specific to sexual/gender-based offenses.

Adjudication of Complaints Against Non-Students (i.e. employee, vendor)
In the interest of maintaining confidentiality, only parties to the complaint (i.e. complainant, respondent, witnesses, etc.) will participate in the investigation. Details of the complaint, as well as the names of the individuals connected to the investigation, will be disclosed only if necessary.
to protect the rights of any party involved or as otherwise required by law or collective bargaining agreement.

Kutztown University requires that all charges of sexual harassment, sexual violence, domestic violence, dating violence, and stalking be referred to the Office of Social Equity.

1. Upon receiving a complaint as described above, a representative from the Office of Social Equity will meet with both the complainant and the respondent who may each be accompanied by an advisor of choice.

If the potentially aggrieved party brings a complaint of sexual harassment, sexual violence, domestic violence, dating violence, and/or stalking to a supervisor, department chair or dean, then that party will refer the complainant to the Office of Social Equity.

In the event there are two or more complainants and/or two or more persons (respondents) charged with one of these crimes and in the same set of circumstances, the representative of Social Equity (Director or designee) will decide whether the complaint will be handled jointly or separately. (The phrases “the complainant” and/or “the respondent” may be plural.)

The Director of Social Equity, or his/her designee, serves the role of “fact-finder.” This person acts in such a manner as to ensure that all parties to a complaint are protected by appropriate due process and confidentiality.

2. Upon receipt of the complaint, the Social Equity representative will meet with the complainant to discuss the complaint, to gather information, and to provide the complainant a copy of the Sexual Harassment policy, which sets forth their rights and procedures governing complaints. The representative from Social Equity, clarifies for the complainant whether or not the allegations may constitute sexual harassment, sexual violence, domestic violence, dating violence, and/or stalking. The representative then reviews the appropriate complaint procedure for the benefit of the complainant.

3. After the initial meeting, the complainant will receive additional clarification regarding university procedures regarding the alleged violation and general information regarding counseling.

If requested by the complainant, the representative will provide general guidance for the complainant in order to:
   a) clarify the nature of the alleged violation.
   b) review the university’s complaint procedure.
   c) review the complainant’s responsibilities of filing a written or oral complaint.
   d) give guidelines for what a written complaint should contain, in the event the complainant chooses to file his/her complaint in writing.
   e) apprise the complainant, in writing, of counseling, health, mental health, advocacy, and other relevant services.
   f) apprise the complainant, in writing, of possible remedial actions with respect to changing transportation, academic, residence, or working situations, if reasonably available.

4. A complainant may file a complaint either orally or in writing in the Office of Social Equity with a representative from the Office of Social Equity with a representative from the Office of Social Equity. The complainant will be given the opportunity to provide the names of any
witnesses and/or documentation in support of his/her complaint. If he/she does not wish to file a signed complaint him or herself, the Director of Social Equity, or his/her designee, will prepare a written statement with the names of the complainant and the respondent, a short description of the alleged violation as stated by the complainant, and the date(s) of the alleged violation. Whether the complainant submits a written complaint or the Office of Social Equity prepares a written statement, the allegations will be investigated.

5. Once the complaint has been filed, the Director of Social Equity will decide on an appropriate course of action regarding the complaint, of which there are two possibilities:

a) Based on the complainant’s written or spoken account of alleged harassment, sexual violence, domestic violence, dating violence, and/or stalking, the representative of Social Equity, may determine there is insufficient reason to proceed with a complaint and counsels the complainant regarding this decision. In this case, the investigation would stop at this point and the complainant would be notified of the decision of the Office of Social Equity.

b) Based on the complainant’s account of alleged harassment, sexual violence, domestic violence, dating violence, and/or stalking and a finding of sufficient reason to proceed, the Social Equity representative will promptly initiate an impartial fact-finding investigation.

6. If there is enough information to proceed, the respondent will be notified of the complaint within fourteen calendar days, absent unusual circumstances. Depending on the circumstances, the respondent will be notified either orally or in writing. If the notification is in writing, for reasons of confidentiality, the notification will be mailed to the respondent’s home address, unless the respondent is a student who resides on campus. Furthermore, if the notification is in writing, it will be sent by certified mail so that only the respondent can sign for it personally.

7. After notifying the respondent, the Director of Social Equity or designee meets with respondent within fourteen calendar days of having received notification of the complaint, absent unusual circumstances. The respondent will be given the opportunity to respond to the allegations and provide any and all defenses, as well as the names of any witnesses and/or documentation in his/her defense.

The University takes every precaution to protect the complainant and any witnesses from retaliatory action by the respondent. Retaliation is defined as any adverse action, which causes a tangible academic or employment detriment to an individual for engaging in a protected activity.

In fact, the respondent will be informed he/she is not to retaliate against the complainant in any way nor against any other person connected to the complaint as that action may result in a separate disciplinary action. Further, the respondent will be informed he/she is not to communicate directly with the complainant regarding the claim of sexual harassment, sexual violence, domestic violence, dating violence, and/or stalking as this may be perceived as an attempt to discourage the complainant from pursuing the complaint. The Office of Social Equity will attempt to resolve the complaint informally, if appropriate. If the complaint is not resolved informally, a formal investigative process will follow.
8. The Office of Social Equity seeks to resolve the complaint and/or to mediate a solution. Social Equity may choose to meet with the complainant, absent unusual circumstances, within 7 days of having met with the respondent. Upon meeting with the respondent and the complainant, the Director of Social Equity, or his/her designee within the Office of Social Equity, will seek to resolve the complaint. One of two outcomes is possible:

   a) Social Equity is satisfied the respondent will make appropriate changes in his/her behavior. The Director of Social Equity, or his/her designee, will meet with the respondent to counsel him/her about resolution of the complaint (e.g. removing inappropriate pictures from a conspicuous location). A record of the resolution would be signed by the respondent and would be kept in the Office of Social Equity for three years. The Office of Social Equity will inform the complainant the matter has been resolved, without providing detailed information about the resolution.

   b) A mediated solution could be achieved which is satisfactory to the complainant and the respondent. A record of the resolution would be kept in the Office of Social Equity for three years.

   c) If the complaint involves an allegation of sexual violence, domestic violence, dating violence, or stalking, there shall be no attempt at mediation, as mediation will not be an option to resolve such complaints. Instead, the matter shall be referred to Public Safety, if not already reported, and/or resolved as set forth below.

9. If the complaint cannot be resolved as set forth in Step 8, the Director of Social Equity, or his/her designee, will continue the investigation to its conclusion. A report containing any and all factual findings will be submitted to the University President or his/her designee. Upon receiving the report, the President or his/her designee, will decide what action will be taken, including, but not limited to, the dismissal of the complaint or the imposition of discipline. The decision of the President or his/her designee shall be final.

   All records of the formal process, including the decision of the President or his/her designee, will be kept in the Office of Social Equity for three years. In the event of an adverse ruling against the respondent, a copy of the decision of the President or his/her designee, shall be placed in the respondent’s personnel file. The complainant and respondent will receive written notification from the Director of Social Equity which informs them whether a complaint is sustained, not sustained, or sustained in-part by the President or his designee. However, complainants are not provided specific details regarding the resolution.

   Throughout the investigative process, the University allows for an advisor of choice for both parties. Additionally, Collective Bargaining Agreements between the Pennsylvania State System of Higher Education (PASSHE) and unions for faculty and certain staff groups govern an individual’s right to union representation when a meeting may result in disciplinary action.

   There is no ability to appeal the decision of the President or his designee.

**Sanctions**

In all cases, investigations that result in a finding of more likely than not that a violation of the Sexual Harassment Policy and/or the Sexual/Gender Based Offenses Policy occurred will lead to the initiation of disciplinary procedures against the respondent.
For employees: The determination of the employment action is proportionate to the severity of the offenses. Employees may receive sanctions including a counseling session, written reprimand, suspension or termination.

For students: The determination of a sanction for a sexual/gender-based offense should be proportionate to the severity of the violation in question. Consistent with the Document on Student Rights & Welfare (Article IV.I.14), consideration of a student’s previous disciplinary history may also be considered a factor in sanctioning, if such a record exists. Non-consensual sexual intercourse is considered an egregious violation; therefore, suspension or dismissal of a student found responsible for such a violation is an option in all sanctioning determinations or recommendations by authorized hearing authorities and University officials.

Given the wide range of violations under non-consensual sexual conduct, sexual harassment, dating violence, domestic violence or stalking, broader sanction parameters will be considered including but not limited to, disciplinary probation, deferred suspension, suspension or dismissal. All sanctions for student conduct cases, including sexual/gender-based misconduct, are incident and student specific and not considered proscriptive.

Definitions of student conduct sanctions as published in the Document on Student Rights and Welfare in The Key, student handbook, are listed below:

a. **Disciplinary Reprimand:** A formal letter issued when a student’s conduct is deemed to be unsatisfactory to the degree that the University makes a record of the incident and warns the student against repetition of similar behavior.

b. **Review Period:** A period of time not to exceed one academic year and imposed with the expectation that the student will engage in a relationship with a counselor or staff member and may include a service related to the infraction committed.

c. **Educational Activities:** The required participation in a specified activity, service project, community service, educational program, event, assignment or other educational and/or restorative assignment.

d. **Social Restriction:** Suspension of attendance or restrictions to co-curricular events or programs; change of residence hall assignment; and/or no contact restrictions with specific individuals for a defined period of time. The action may also restrict access or visitation privileges to campus facilities.

e. **Restitution:** Payment for replacement or repair for damages to property. Restitution may be applied only once if civil or criminal action is also being applied. In these cases, legal judgments shall take precedence. Restitution imposed by a campus hearing authority will be held in abeyance until civil and criminal charges can be finalized.

f. **Disciplinary Probation:** A status which declares a student to not be in good standing with the University and to be subject to loss of certain participation privileges for a specified period of time not to exceed one (1) year. A student is denied the privilege to represent the University in any organized capacity including intercollegiate varsity, non-varsity or club events or to hold office in any student organization. Such probation indicates to the student that future violations of University regulations will most likely result in suspension or dismissal from the University.
g. **Residence Hall Suspension:** A student may be excluded from campus housing for a specified period of time if held responsible through the student conduct process for a major violation of the Student Code of Conduct, for repeated infractions or a serious breach of residence hall regulations.

h. **Deferred Suspension:** The student is informed that although the violation of university regulations may warrant a suspension decision (residence hall or university suspension), a suspension is being deferred and the student is required to adhere to specific requirements and conditions imposed by the designated hearing authority. Failure to abide by the imposed conditions may result in the rescission of the deferment. The student is also advised that any subsequent violations may result in the immediate suspension or dismissal from the university and/or residence halls.

i. **Suspension:** A hearing authority may recommend to the Dean of Students the exclusion of student from the University for a specific period of time not to exceed four (4) years. During the period of suspension, the student: is ineligible to enroll or participate in any academic courses or university programs and activities; must adhere to all other terms and conditions of their official sanctions; and must not be involved in further student conduct violations during their period of suspension. In addition, the University may restrict or place limitations on a suspended student’s access to campus facilities during this period of time as specified as part of their official sanction.

Unless a student officially withdraws from the university, the student’s relationship with the university is maintained therefore any alleged disciplinary infraction that occurs while a student is serving a suspension will be adjudicated in accordance with university policy. Violating conditions of suspension subjects the student to additional sanctions including, but not limited to, an extension of suspension and/or dismissal from the university.

j. **Dismissal:** A hearing authority may recommend to the Dean of Students the permanent separation of the student from the University. Under this status, the relationship between the student and the University is terminated and the individual is no longer considered a student. A dismissed student may also be restricted or limited from campus facilities during this period of time as specified as part of their official sanction.

A dismissed student may petition the University, through the Dean of Students, to request consideration for eligibility to return to the university, after a minimum four (4) years of separation. The individual must show just cause to be considered and must apply and qualify for re-admission to the University.

**Disclosure Statement to Victims of Crimes of Violence**

The University will, upon written request, disclose to an alleged victim (or next of kin if the victim is deceased) of a crime of violence or nonforcible sexual offense the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense.

**Confidentiality**

The university will protect the identity of persons who report having been subjected to a sexual assault, domestic violence, dating violence, or stalking to the fullest extent possible.

When consulting campus resources, all parties should be aware of confidentiality, privacy, and mandatory reporting in order to make informed choices about reporting incidents of sexual
assault, domestic violence, dating violence, or stalking. On campus, some individuals can offer a victim confidentiality, sharing options and advice without any obligation to tell anyone unless the victim wants them to, while other individuals are required to report allegations to the Title IX Coordinator and KUPD.

In cases where a student wants details of an incident to be kept confidential, the student may speak with on-campus or off-campus mental health counselors, the certified Heart at KU volunteer on call, pastoral counselors, acting in their capacity as such, or off-campus rape crisis resources who can maintain confidentiality. Counselors are available to help a student and can be seen on an emergency basis (during a crisis). Confidentiality only applies when the counselor is licensed and acting in his or her professional capacity when speaking with the complainant.

All other employees are considered responsible employees who must report allegations of sexual violence, domestic violence, dating violence, and stalking to the Title IX Coordinator and Public Safety, including the identity of the complainant and respondent, if known, for the appropriate follow up and investigation. In cases where the sexual/gender-based misconduct is reported, the Title IX Coordinator, Dean of Students Office and/or other appropriate university official will conduct a prompt, impartial, good faith investigation concerning the allegations. In the interest of maintaining and respecting the privacy of participants in cases of sexual misconduct, only parties to the complaint (i.e. complainant, respondent, witnesses, etc.) and third parties expressly permitted by University policy (i.e. advocates) will participate in the student conduct process/investigation. Details of the complaint, as well as the names of the individuals connected to the student conduct process/investigation, will be disclosed only as required or permitted by law or University policy.

Pursuant to the University’s Title IX Exemptions Policy, if a student reports a Title IX violation to the Health Center, the Women’s Center Graduate Assistants or professional staff, or the GLBTQ Resource Center Graduate Assistants or professional staff, those individuals must disclose all known information except for the identity of complainant.

In situations involving a Title IX violation against a minor, all employees must report all information to the Title IX Coordinator, Public Safety, and the Pennsylvania Department of Human Services.

**Requesting Accommodations & Interim Measures**

Even if a student does not choose to report (i.e., to off campus police or Kutztown University Public Safety and Police Services) a crime, there are options available to them, if requested and reasonably available. As noted in the Rights of Complainant section of the Sexual/Gender-Based Offenses Policy, students may request living, academic, working, and/or transportation accommodations through the Dean of Students Office or the Office of Social Equity. Students may also request additional protective interim measures such as a “no contact” order which is enforceable under the Student Code of Conduct. If a student meets with an intake officer in the Dean of Students Office these options will be reviewed with the student at that time but may also be requested by directly contacting the following offices:

**Title IX Coordinator**  
Office of Social Equity  
2 Old Main  
Phone: 610-683-4700

**Dean of Students Office**  
119 Stratton Administration Center  
Phone: 610-683-1320
The representative from the Dean of Students Office will determine whether interim interventions and interim and permanent protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures for students include, but are not limited to: a no-contact order, residence hall relocation, or on-campus transportation and work accommodations. These remedies may be applied to one, both, or multiple parties involved. Violations of the Dean’s directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Kutztown University.

For complaints against a member of the faculty or staff, available protective measures are situation-specific. The University may be required to take or enforce remedial measures to prevent further contact between the parties, depending upon the circumstances surrounding the complaint.

Training
Investigators and hearing officers for student conduct complaints are trained annually on the issues related to sexual assault, domestic violence, dating violence, and/or stalking. Grievance procedures and processes are designed to protect the safety and rights of both the complainant and respondent. See “Employee Ongoing Awareness and Prevention Programs” for additional training received by student conduct board members.

The Title IX Coordinator and/or Deputy Title IX Coordinator, in their roles as investigators, also attend training throughout the academic year on conducting Title IX investigations and/or adjudications. These trainings include, but are not limited to, the following: Title IX Hearings and Outcome Report Writing Training and Title IX Updates, both conducted by the Pennsylvania State System of Higher Education legal team.

Additionally, the Social Equity and Title IX Officers from PASSHE institutions meet each at least twice a year. At these meetings, Title IX (including updates and best practices) is discussed.

Sex Offender Registration
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where the law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, volunteers services or is a student.

A list of all registered sex offender in Pennsylvania is available at Megan’s Law website: https://www.pameganslaw.state.pa.us/.

Assistance for Victims: Rights & Options
Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off-campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. If the complainant or respondent chooses to meet with a representative of the Dean of Students Office, the student will also be provided with written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and financial aid. In addition to these support/advocacy services, interim measures that may need to be implemented are also discussed.
Additionally, an annual email is sent to all students regarding The Key, the KU student handbook, which directly references the Sexual-Gender Based Offenses policy and provides a link to the policy.

Kutztown University complies with Pennsylvania law in recognizing Orders of Protection by advising any person who obtains an Order from any state within the U.S. to provide a copy to KUPD. KUPD meets with the affiant (upon request) to develop a Safety Action Plan, which is a plan for KUPD and the affiant to reduce risk of harm while on campus or coming and going from campus. KUPD further advises the affiant to provide a copy of the Orders of Protection to the Office of the Title IX Coordinator and to meet with the Title IX Coordinator and the Dean of Students to ensure requested accommodations may be addressed and built into the Safety Action Plan. This plan may include, but not be limited to: escorts, special parking arrangements, changing classroom locations or allowing a student to complete assignments from home. Other options may be available for a student on a case-by-case basis.

If an employee who is a victim of sexual violence, dating violence, domestic violence or stalking and/or who provides an Order of Protection to the University, the University will comply with Pennsylvania law and honor requests for accommodations if reasonably available. Such accommodations may include, but not be limited to: a referral by Human Resources to the State Employee Assistance Program (SEAP, a free assessment and referral service for Commonwealth of Pennsylvania employees); a meeting with the departments of Human Resources and Public Safety to develop a plan to reduce risk of harm while on campus or coming and going from campus, such as escorts or special parking arrangements; distribution of a picture of the offender; and/or block incoming emails from a particular sender. If it is determined that there is a danger that a temporary work location reassignment might alleviate, Human Resources will facilitate dialogue with the supervisor to see if the operational impact is acceptable and a move can be accommodated.

The University cannot apply for a legal order of protection/protection from abuse (PFA) from the applicable jurisdiction(s). The complainant is required to apply directly for these services and can be assisted by KUPD if requested. Protection from abuse orders may be available Monday-Friday from the Office of Prothonotary by filing out an affidavit. The request is then heard before a Judge of Common Pleas, and if granted, is good for 10 days. A hearing date will then be set where the complainant can apply for a permanent protective order, which the Judge can grant for a period for up to three years. Emergency PFAs are available after hours when court is closed through the District Magisterial Judge. Complainants should call KUPD at (610) 683-4001 (or x34001 from an on-campus phone) to get police assistance for an incident of sexual assault, dating violence, domestic violence or stalking and assistance in applying for an after-hours emergency PFA. (The address and telephone number for the local courthouse where PFAs may be obtained may be found in the off-campus resource section below.)

Students and employees can request an advocate for court and legal assistance by contacting:

**SafeBerks (Domestic Violence 24 Hour Hotline)**
255 Chestnut Street
Reading, PA 19602
1-800-372-SAFE (7233)
Text SAFE BERKS to 20121
www.safeberks.org

The University may issue an institutional “no contact” order if deemed appropriate or at the request of the complainant or respondent. To the extent of the complainant’s cooperation and consent,
university offices will work cooperatively to ensure that the complainant’s health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the complainant will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the complainant, as defined in 42 USC 1395 (a) (20).) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the complainant to the extent that maintaining such confidentiality is possible and would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in the KUPD’s Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request. Students can self-elect to restrict using self-service online in their University account or by contacting the Registrar. Employees may have the ability to restrict identifying information and should contact Human Resources for further information and assistance.

Resources for Victims of Sexual Assault, Domestic Violence, Dating Violence, & Stalking
The following on-campus resources are available to victims of sexual assault, domestic violence, dating violence and stalking:

**Public Safety and Police Services**
15 Old Main
(610) 683-4002 (non-emergency)
(610) 683-4001 (emergency)
(610) 683-4002 (Safety Escort)
https://www.kutztown.edu/publicsafety

**University Department of Counseling and Psychological Services**
(Counseling & Mental Health Services)
Beck Hall
(610) 683-4072
www.kutztown.edu/counselingandpsycholgicalsservices

**Health and Wellness Center (Health Services)**
Beck Hall
(610) 683-4082
www.kutztown.edu/healthandwellness

**KU Women’s Center**
126 Old Main
(610) 683-4655
https://www.kutztown.edu/womenscenter
Social Equity/Title IX Coordinator  
02 Old Main  
(610) 683-4700  
www.kutztown.edu/socialequity

**KU HEART/Safe Berks Hotline (victim advocacy/legal referral)**  
(844) 789-SAFE (7233)  
Text SAFE BERKS to 20121  
www.safeberks.org

**KU International Admissions (Visa and Immigration Assistance)**  
104 Boxwood House  
484-646-4256  
https://www.kutztown.edu/international

The following off-campus resources are available to victims of sexual assault, domestic violence, dating violence and stalking:

**Kutztown Borough Police Department**  
45 Railroad Street  
Kutztown, PA 19530  
(610) 683-3545  
http://www.co.berks.pa.us/Police/KutztownBoroPolice/Pages/Default.aspx

**PA State Police**  
600 Kenhorst Road  
Reading, PA 19611  
(610) 378-4011  
https://www.psp.pa.gov/troop%20directory/Pages/Troop-L.aspx

**Lehigh Valley Hospital**  
1200 S Cedar Crest Boulevard  
Allentown, PA 18103  
(610) 402-8000  
www.lvhn.org

**St. Joseph Medical Center**  
2500 Bernville Rd  
Reading, PA 19605  
(610) 378-2000  
www.thefutureofhealthcare.org

**Magisterial District Judge**  
110 W. Arch Street, Suite 118  
Fleetwood PA 19522  
(610) 944-7202  
https://cornerstonelaw.us/berks-county-magisterial-district-courts/berks-county-23-3-04-magisterial-district-court/
Turning Point of Lehigh Valley (domestic violence, 24 Hour hotline)
444 East Susquehanna St
Allentown, PA 18103
(610) 437-3369
(877) 438-4967
http://www.turningpointlv.org/

Allentown Women’s Center
31 South Commerce Way
Suite 100
Bethlehem, PA 18017
(484) 821-0821
https://www.allentownwomenscenter.com/

SafeBerks Domestic Violence 24 Hour Hotline (victim advocacy and legal assistance)
255 Chestnut Street
Reading, PA 19602
(610) 372-9540
(610) 372-7463 (En Espanol)
http://www.safeberks.org/

Crimes Victims Council of the Lehigh Valley
801 Hamilton Street, Suite 300
Allentown, PA 18101
(610) 437-6610
(610) 437-6611 (sexual assault services 24-hour hotline)
https://cvclv.org/

Berks County Courthouse
633 Court St #1
Reading, PA 19601
(610) 478-6456
http://www.co.berks.pa.us/Dept/Courts/Pages/default.aspx

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

Pennsylvania Coalition Against Rape
(888) 772-PCAR (7227)
http://www.pcar.org

Pennsylvania Coalition Against Domestic Violence
(800) 932-4632
http://www.pcadv.org

Rape, Abuse and Incest National Network
(800) 656-HOPE (4673)
http://www.rainn.org

National Sexual Violence Resource Center (NSVRC)
(877) 739-3895
Bystander Intervention Tips

Bystanders can 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.” Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and acting to intervene.

Kutztown University promotes a culture of community accountability, supporting an environment where individuals take action to prevent and/or respond to situations that can lead to dating violence, domestic violence, sexual assault, or stalking.

It is an institutional belief that bystanders can contribute to preventing such heinous crimes by doing the following:

- If you see someone who looks to be in danger, call (610) 683-4001 (on campus) or 911 (off campus).
- Be active in supporting a safe and respectful community. If you see others engaging in disrespectful or inappropriate actions, speak up and get involved, or contact someone to assist. If you hear someone talking about plans to take sexual advantage of another person, speak up. Listen for rape jokes and sexist language. You don’t have to laugh or participate.
- If you see someone who looks like they could be in trouble or sense that something is wrong, don’t ignore it, you can help by getting involved. Check-in and ask, “Hey, do you know this person?” Or, “Are you OK?” Or, “Can I call a friend to walk you home?”
- When you go out, consider going out as part of a group. People tend to step in and intervene in situations when they have friends who will back them up.
- It can feel awkward to step in and say something if you notice harmful behavior, but often all it takes is a brief introduction. Let the potential perpetrator know that their actions are noticeable with a simple, “Hey, aren’t you in my Psychology class?”
- If you’re a bystander and see someone behaving in a way that seems suspicious, be direct and step in and do something about it, such as distracting their attention away from a potential victim. If you don’t feel comfortable or safe confronting them, call 911.
• Confront people who attempt to seclude, hit on, try to make out with, fondle or have sex with people who are incapacitated.

• 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.

• You can intervene even after an assault. Learn what options sexual assault survivors have available to them on this campus and be supportive of their choices.

Protective Behaviors and Risk Reduction

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. It is possible to follow all of these tips and still be the target of someone else’s harmful behavior. With no intention to blame the complainant, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help reduce a person’s risk of experiencing a non-consensual sexual act or other crime. No matter what choices a person makes, each one deserves to be safe and respected, and experiencing violence is never a victim’s fault.

• It is never acceptable to use force in sexual situations, no matter what the circumstances.

• Have healthy, open and ongoing conversations with your partner or potential partner about sex and sexual contact. Talk about your boundaries and what behaviors you both feel comfortable, and uncomfortable, engaging in. Communicate firmly, clearly and directly.

• Understand that sexual assault can happen between persons of any sexual orientation or gender identity.

• Make sure you have enthusiastic, affirmative and ongoing consent from your partner. Consent is a clear and freely given yes, not the absence of a no.

• 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.

• Consent to one act does not mean consent to other acts. Communicate and be responsive. You must continually get consent for sex. If someone seems not okay with what’s happening, it is your responsibility to check in.

• 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.

• Most commonly, sexual assault is perpetrated not by a stranger but by someone the victim knows, typically a date or acquaintance.

• People who are incapacitated by alcohol or drugs cannot give consent. Everyone should be aware 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.

- Do not pressure others to drink or use drugs and be alert to people pressuring you or others to use.

- Alcohol and drugs are often used to create vulnerability to sexual assault. Studies of sexual assault incidents show a high correlation between sexual assault perpetration, victimization and drug/alcohol usage.

- Each individual has the right to make their own decisions about drinking. No one should be pressured to consume more than they want to.

- Some sex offenders target people by using alcohol as a weapon. Get your own drinks; don’t let someone continually fill your cup or leave your drink unattended.

- Use and encourage others to have a companion or a safe means of getting home, i.e., a trusted friend, taxi, or the university shuttle bus (https://www.kutztown.edu/about-ku/administrative-offices/parking-and-transportation-services/campus-shuttle-service/tracking-the-shuttle.html).

- If an authority figure pressures you to engage in sexual activity, you are encouraged to tell someone if that is a safe option.

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Increasing On-Campus Safety

The following tips may reduce your risk for many different types of crimes, including sexual violence.

**Know your resources.** Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police department and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.

**Stay alert.** When you’re moving around on campus or in the surrounding neighborhood, be aware of your surroundings. If you’re alone, only use headphones in one ear to stay aware of your surroundings. Don’t load yourself down with packages or bags as this can make you appear more vulnerable.

**Walk with purpose.** Even if you don’t know where you are going, act like you do. Try to avoid isolated areas. It is more difficult to get help if no one is around.

**Request a Security Escort.** Consider inviting a friend to join you or asking Public Safety for a walking security escort. (Call (610) 683-4002 anytime.)

**Be careful about posting your location.** Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.

**Make others earn your trust.** A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.
Think about Plan B. Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can’t use a credit card? Do you have the address to your residence hall or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?

Be secure. Lock your door and windows when you’re asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.

Safety in Social Settings

It’s possible to relax and have a good time while still making safety a priority. Consider these tips for staying safe and looking out for your friends in social settings.

Make a plan. If you’re going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don’t leave someone stranded in an unfamiliar or unsafe situation.

Protect your drink. Don’t leave your drink unattended, and watch out for your friends’ drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It’s not always possible to know if something has been added to someone’s drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.

Know your limits. Keep track of how many drinks you’ve had, and be aware of your friends’ behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately. Public Safety can be reached at its emergency line by calling (610) 683-4001. (Local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

It’s okay to lie. If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it’s okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.

Be a good friend. Trust your instincts. If you notice something that doesn’t feel right, it probably isn’t. Learn more about how to keep your friends safe in social settings.

Don’t be isolated. Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.

Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.

Be true to yourself. Don’t feel obligated to do anything you don’t want to do. “I don’t want to” is always a good enough reason. Do what feels right to you and what you are comfortable with.
Feeling Safe After an Assault

If you have experienced sexual assault, there are steps you can take to feel safer.

**Make use of on-campus resources.** Kutztown University provides a host of services to students for free, including security escorts, a health center, psychological services, and sexual assault services.

**Request a schedule or housing change.** If you have classes with the perpetrator or live in the same building, you can request a change from Housing and Residence Life. Federal laws, such as the Campus SaVE Act, require KU to honor these requests.

**Access off-campus support services.** If you are concerned about anonymity, you can seek out resources located off campus in the community, like a local sexual assault service provider or domestic violence shelter. Contact information is listed earlier in this section.

**Seek a Protection from Abuse (PFA) Order.** A PFA, sometimes also referred to as a restraining order, is a legal document that bars an individual from certain types of contact with the person who is awarded the order. An individual who violates the terms of the restraining order can face criminal charges.

**Create a safety plan.** If you are concerned for your ongoing safety, it can be worthwhile to create a safety plan. Safety planning is about finding ways to be safe in the present while planning for your future safety as well.
Appendix A:
Campus Security Authorities

- Entire staff of the Department of Public Safety & Police Services, including police officers and civilian staff
- Security officers and dispatchers of Security Guards, Inc.
- President of the University
- Provost and Vice President for Academic Affairs
- Vice President for Administration and Finance
- Vice President for Equity, Compliance and Liaison for Legal Affairs
- Vice President for Enrollment Management and Student Affairs
- Vice President for University Relations & Athletics
- Vice Provost and Associate Provosts for Academic Affairs
- Dean and Associate Deans of the Colleges of Business, Education, Liberal Arts and Sciences, Graduate Studies and Visual & Performing Arts
- Assistant Vice President/Dean, Associate Dean and Assistant Dean of Students
- Graduate Assistants, Student Conduct
- Admissions staff (Directors, Associate Directors, Assistant Directors)
- Residence Life staff (Director, Assistant Directors, Resident Directors, Student Staff Coordinators, Community Assistants and Desk Receptionists)
- Advisors to KU registered student clubs and organizations
- Associate Dean for Inclusion and Outreach
- Title IX Coordinator/Deputy to the President for Compliance, Equity and Legal Affairs
- Deputy Title IX Coordinator/Assistant Director of Social Equity
- Assistant Vice President of Human Resources
- Assistant Vice President of Recreational Services and Athletic Resources
- Director and Associate Director of Business Services
- Athletic Department (Director, Associate Director, Assistants to the Director, & Coaching Staff)
- Directors of Health and Wellness Services, Health Promotions, GLBTQ Center, Multicultural Center, Student Involvement and Women’s Center
- Assistant Directors of Student Involvement
- Director and Assistant Director of Disability Services
- Housing and Dining Services staff (Director, Associate Director, Assistant Director)
- Coordinator of Student Orientation Programs
- Coordinator of Structured Sports
- Student staff of the Student Recreation Center
- Medical Providers in the Health Center and Athletics
- HEART at KU volunteers (while not on call)
Chart #1: 2019 Crime Statistics

The information contained in the following chart reflects campus crime, arrest and disciplinary referral statistics as well as hate crime statistics as reported to the KUPD, Campus Security Authorities, Student Conduct and local law enforcement agencies. Please note the Clery Act requires statistics for an expanded area beyond the campus and it requires these statistics to be shown in specific geographic categories. These statistics are provided in compliance with the specific time periods, crime classifications, geographic categories and arrest data mandated by federal law. Incidents shown in the On-Campus Residential Facilities category are also included in the statistics shown in the On-Campus category.

<table>
<thead>
<tr>
<th>Kutztown University</th>
<th>On-Campus</th>
<th>On-Campus Residential Facilities</th>
<th>Non-Campus</th>
<th>Public Property</th>
<th>Unfounded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Manslaughter by Negligence</td>
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</tr>
<tr>
<td>Rape</td>
<td>3</td>
<td>7</td>
<td>10</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Fondling</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>5</td>
<td>4</td>
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<td>Incest</td>
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<td>0</td>
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<tr>
<td>Statutory Rape</td>
<td>1</td>
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<td>1</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Robbery</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
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<tr>
<td>Burglary</td>
<td>6</td>
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<td>2</td>
<td>6</td>
<td>1</td>
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<tr>
<td>Motor Vehicle Theft</td>
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<td>Arson</td>
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<td>2</td>
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<tr>
<td>Dating Violence</td>
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<td>10</td>
<td>3</td>
<td>10</td>
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<td>Stalking</td>
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<td>Arrester, Liquor Laws</td>
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<td>65</td>
<td>54</td>
<td>71</td>
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<td>Arrester, Drug Laws</td>
<td>32</td>
<td>62</td>
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<td>27</td>
<td>44</td>
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<td>Arrester, Weapons Laws</td>
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<td>Referrals, Liquor Laws</td>
<td>98</td>
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<td>Referrals, Weapons Laws</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

1 Burglary for 2016 and 2017 were previously broken out by forcible burglary and non-forcible burglary. These numbers were combined in the printing of this 2019 report.
2 There were no unfounded crimes in 2016 and 2017. In 2018, there was one unfounded crime.

In 2016, Kutztown University received no reports of Hate Crimes. In 2017, KU received no reports of Hate Crimes. In 2018, the University received no reports of Hate Crimes.
Chart #2: 2019 Non-Campus Crimes

Kutztown University leases space during the academic year at various non-contiguous locations. The following chart reflects the crimes reported to the institution for each of these locations along with the physical address and the Police Department with primary jurisdiction. These statistics are included in the Criminal Offenses Crime Statistics Chart on the prior page, but are shown separately to provide additional information about each specific location. These statistics reflect crimes that occurred when KU had control of the space and only the crimes that occurred in those spaces plus any other areas of the building that KU students or employees use to access it.

<table>
<thead>
<tr>
<th>CRIMINAL OFFENSES</th>
<th>VAWA OFFENSES</th>
<th>ARRESTS</th>
<th>REFERRALS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Statistical Year</strong></td>
<td>Murder/Manslaughter</td>
<td>Negligent Manslaughter</td>
<td>Aggravated Assault</td>
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<tr>
<td>2016</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2017</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Eckhaus Gallery, 157 Main Street, Kutztown, PA 19530

Chincoteague Bay Field Station, 7278 Enterprise Street, Wallops Island, VA 23301

Kutztown Community Partnership, 306 West Main Street, Kutztown, PA 19530

The Village at Bear Trap Dunes Resort, 15 Village Green Drive, Ocean View, DE 19970

Spooky Nook Sports Complex, 2913 Spooky Nook Rd, Manheim, PA 17545

1 A request was sent to the Kutztown Borough Police Department (KPD) by Kutztown University for 2016, 2017 and 2018 crime statistics. KPD responded with statistics specific to the non-campus location utilized by KU for the years specified.
2 A request was sent to the Accomack County Sheriff (ACS) by Kutztown University for the 2016, 2017 and 2018 crime statistics. ACS responded with statistics specific to the non-campus locations utilized by KU for the years specified.
3 A request was sent to the Kutztown Police Department by Kutztown University for the 2016, 2017 and 2018 crime statistics. The Kutztown Community Partnership was determined to be a non-campus location during the 2016 calendar year.
4 A request was sent to the Ocean View Police Department (OVPD) by Kutztown University for 2017 crime statistics. OVPD did not respond with statistics specific to the non-campus location utilized by KU for the dates and times specified in the lease agreement. The Village at Bear Trap Dunes Resort was leased in 2017 only.
5 A request was sent to the East Hempfield Township Police Department (EHPD) by Kutztown University for 2017 crime statistics. EHPD responded with statistics specific to the non-campus location utilized by KU for the dates and times specified in the lease agreement. Spooky Nook Sports complex was leased in 2017 only.
Chart #3: 2019 PA Uniform Crime Reporting (UCR) Crime Statistics

In addition to the crime statistics required by the Clery Act, the Pennsylvania Uniform Crime Reporting (UCR) Act requires the release of crime statistics and their rates to students and employees, upon request, to new employees and applicants for admission. The index rate is calculated based on the actual number of Full Time Equivalent (FTE) students and employees, calculated according to a state-mandated formula and includes statistics from a geographic area that extends beyond the campus. These statistics reported reflect crimes as reported to the KUPD are compiled in accordance with Pennsylvania Act 1988-73 and the College and University Information Act. Kutztown University voluntarily includes these statistics in the Annual Security Report.

<table>
<thead>
<tr>
<th>UNIFORM CRIME REPORTING CRIME STATISTICS</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Offenses</td>
<td>Crime Rate</td>
<td>Offenses</td>
</tr>
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<td>Murder/Non-Negligent Manslaughter</td>
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<tr>
<td>Negligent Manslaughter</td>
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<tr>
<td>Rape</td>
<td>7</td>
<td>0.0008</td>
<td>7</td>
</tr>
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<td>Robbery</td>
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<tr>
<td>Aggravated Assault</td>
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<td>Simple Assault</td>
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<td>Forgery</td>
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<td>0.0001</td>
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<td>7</td>
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<td>Receiving Stolen Property</td>
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<td>0</td>
<td>0.0000</td>
<td>0</td>
</tr>
<tr>
<td>Offenses — Family/Children</td>
<td>0</td>
<td>0.0000</td>
<td>0</td>
</tr>
<tr>
<td>DUI</td>
<td>8</td>
<td>0.0009</td>
<td>6</td>
</tr>
<tr>
<td>Liquor Law</td>
<td>86</td>
<td>0.0098</td>
<td>64</td>
</tr>
<tr>
<td>Public Drunkenness</td>
<td>18</td>
<td>0.0021</td>
<td>16</td>
</tr>
<tr>
<td>Disorderly Conduct</td>
<td>67</td>
<td>0.0076</td>
<td>79</td>
</tr>
<tr>
<td>Vagrancy</td>
<td>0</td>
<td>0.0000</td>
<td>0</td>
</tr>
<tr>
<td>All Other Offenses</td>
<td>14</td>
<td>0.0016</td>
<td>15</td>
</tr>
</tbody>
</table>
In addition to the crime statistics required by the Clery Act, the Pennsylvania Uniform Crime Reporting (UCR) Act requires the release of crime statistics and their rates to students and employees, upon request, to new employees and applicants for admission. The index rate is calculated based on the actual number of Full Time Equivalent (FTE) students and employees, calculated according to a state-mandated formula and includes statistics from a geographic area that extends beyond the campus. These statistics reported reflect crimes as reported to the KUPD are compiled in accordance with Pennsylvania Act 1988-73 and the College and University Information Act. Kutztown University voluntarily includes these statistics in the Annual Security Report.

### Kutztown University Full-Time Equivalent of Students and Employees 2016-2018

<table>
<thead>
<tr>
<th>STUDENTS LIVING ON CAMPUS</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Graduate</td>
<td>12</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Undergraduate</td>
<td>3414</td>
<td>3353</td>
<td>3594</td>
</tr>
<tr>
<td>Total</td>
<td>3425</td>
<td>3357</td>
<td>3599</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STUDENT/EMPLOYEE POPULATIONS</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Student Employees</td>
<td>951</td>
<td>944</td>
<td>951</td>
</tr>
<tr>
<td>Graduate Students</td>
<td>430</td>
<td>451</td>
<td>475</td>
</tr>
<tr>
<td>Undergraduate Students</td>
<td>7396</td>
<td>7152</td>
<td>7053</td>
</tr>
<tr>
<td>TOTAL Employees and Students</td>
<td>8777</td>
<td>8548</td>
<td>8479</td>
</tr>
</tbody>
</table>