



2013 Annual Clergy Report  
And Fire Disclosure Report

Taos Campus

## [Mercyhurst University: Taos](#)

### **State and Federal Campus Security Acts**

In late 1987, the Pennsylvania House of Representatives enacted House Bill 1900, which was signed into law on May 26, 1988 as Act 73, "The College and University Security Information Act." In general, Act 73 requires each college and university in Pennsylvania to compile information regarding campus crime and to publish information concerning campus security policies, procedures, and programs. This state law also requires campuses to report crime statistics to the Pennsylvania State Police in accordance with the Uniform Crime Reporting Act, and then to make the reported statistical information available to those who request it. In 1990, the Federal Statute, PL 101-542, known as "The Student Right To Know and Campus Security Act," now known as the "Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act," was enacted, and has generally the same requirements as the state law. The federal act, however, requires that crime statistical information be provided to the United States Department of Education on an annual basis. All students and employees, and prospective students and employees, must be advised that this information is available, and college security policies and procedures must be published and provided to all students and employees on an annual basis. Mercyhurst University recognizes its responsibility to comply with state and federal law. Questions and/or complaints regarding compliance with these acts may be addressed to the Department of Police and Safety, Chief of Police, Mercyhurst University, Erie PA, 16546, or by calling Chief Robert Kuhn at (814) 824-2104 (e-mail: [rkuhn@mercyhurst.edu](mailto:rkuhn@mercyhurst.edu))

### [Mercyhurst Taos: Police and Safety Department](#)

The Mercyhurst University Security Department was founded in 1971, and in August 1998 became the Department of Police and Safety. Today, the department remains committed to its original mission of providing a safe and secure environment for the entire Mercyhurst University community. Three full-time and two part-time communications officers are assigned to the camera and communications center located in the department's Police and Safety Erie campus office.

The Mercyhurst University Department of Police and Safety strives to create an environment that is conducive to good living and learning by supporting the Mercyhurst University mission, and by recognizing the individual's right to pursue their personal goals. The department enforces state and federal laws and Mercyhurst University rules and regulations, and at the same time strives to protect the rights of each and every individual.

### Mercyhurst Taos: Facilities: Taken from SMU-Taos Annual Security Report

The SMU-in-Taos campus, Fort Burgwin, is located outside the city limits of Taos. It is situated in the mountains south of town and is surrounded by Carson National Forest. In addition to Fort Burgwin, SMU owns the land across the highway that includes the Pot Creek Pueblo archaeological site. The Fort is composed of academic/administrative buildings, a library and computer center, recreation areas, hiking trails, a cafeteria and residential facilities called casitas. Students reside in casitas that are not open to the public or visitors. The campus is rugged, heavily forested and consists of gravel and dirt roads. The National Park Service regulates how much exterior lighting may be installed in the area; caution should be taken when walking alone due to rugged terrain and wild animals. The area around Fort Burgwin is sparsely populated and little crime is reported. Most campus buildings and facilities are accessible to members of the campus community, guests and visitors during normal business hours. Access to the buildings after business hours is restricted unless they are sites for specific classes or events.

Visitors to Ft. Burgwin are not allowed into the residential area and are required to stay in the common areas and buildings. Signage identifies those areas that are open to the public, and also instructs visitors to check in at the main office during business hours. Visitors to campus are welcome, but are expected to adhere to all University regulations and policies. Visitors are encouraged to contact the Administrative Offices for information on University regulations. The University reserves the right to restrict the access of any person who does not adhere to University policies and procedures. Any person may be required, upon request by any University official, to present their SMU ID card while on campus. Residents are encouraged to report all suspicious people to the SMU/ Fort Burgwin staff or the SMU security guard.

### **Maintenance, Grounds and Lighting: Taken from the SMU-Taos Annual Security Report**

University facilities, lighting, and landscaping are maintained so as to reduce hazardous conditions within the limits allowed by Ft. Burgwin's remote location. Many restrictions are in place due to the fort's location surrounded by a national forest. Malfunctioning lights and other unsafe conditions are reported for repair or correction on a daily basis to the facilities manager

### **Reporting Crime**

Any person who is the victim of a crime, either on or off campus, is encouraged to report the incident to the appropriate law enforcement agency. Victims and witnesses are encouraged to report crimes on a voluntary, confidential basis. Campus pastoral counselors and campus professional counselors, when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. However, they 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 into the annual crime statistics. The university reports crimes occurring on campus to state and federal authorities as required by law. The Mercyhurst University Department of Police and Safety can be reached 24 hours a day, 365 days a year at **(814) 824-2304**. The department chief of police, Mr. Robert Kuhn, can be reached by calling **(814) 824-2104**. The

department, Chief Kuhn, or his designee should be contacted to report crimes for statistical inclusion, and/or to initiate timely warnings pursuant to crimes that have occurred.

Alternatively, crimes may be reported to any university staff member or official. During power failures or emergencies, the Police and Safety communications center can also be reached by dialing the Mercyhurst University Police and Safety Department cell phone number at **(814) 881-7359**.

### **SMU-in-Taos**

For reporting crimes while at SMU-TAOS, SMU employs a full-time security guard at the Fort Burgwin campus. The security guard lives on campus and is available 24 hours a day. The security guard patrols the campus and responds to calls for service. Additionally, students may talk to the security guard about security and crime prevention issues. The Fort falls within the jurisdiction of both the Taos County Sheriff's Department and the New Mexico State Police. The address and telephone number for the Taos County Sheriff and New Mexico State Police Departments that has law enforcement authority and responds to incidents and requests for assistance at the Mercyhurst University Taos campus is:

Taos County Sheriff  
105 Albright Street Suite Q  
Taos, NM 87571  
**(575) 737-6480**

New Mexico State Police Department  
241 Paseo Del Canon W  
Taos, NM 87571  
**(575) 758-8878**

### **Confidential reporting procedures**

If you are the victim of a crime and do not want to pursue action within the university or criminal justice system, you may still want to consider making a confidential report. With your permission, a member of the Police and Safety Department can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the university can keep accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the university. Additionally, an alternative way to report crime anonymously via the Internet is available by going to *my.mercyhurst.edu*. The silent witness form can be found under the services heading under police and safety. The form is on the left side of the screen. It can be filled out and submitted electronically to Chief Kuhn.

## **Monitoring Criminal Activity At Off Campus Sites**

Mercyhurst University does not have any off-campus student organizations recognized by the university that are engaged in activities by Mercyhurst University students. Nor does Mercyhurst University have any off-campus housing facilities. The campus does, however, maintain a close relationship with state, city and municipal law enforcement agencies having jurisdiction on Mercyhurst University campus, and in areas surrounding the campus. Formal requests are made of each of these agencies for annual crime statistics.

## **Policies**

### **Drug Policy**

Municipal ordinances and state and federal law govern all matters relating to drugs. It is the university's policy as well to adhere to all municipal, state, and federal laws, including those governing the use of drugs. Mercyhurst University does not condone the medically unsupervised use, possession, sale, manufacture, or distribution of illegal drugs or drug paraphernalia. When such activity occurs on campus, the university shall initiate appropriate measures, which may include disciplinary action. When such activity occurs off campus, the university may consider disciplinary action if the university determines that the activity has a substantial adverse effect upon the university or members of the university community.

Violators will be subject to penalties, which may include separation from the university. In addition, the university may report such matters to the appropriate enforcement agencies for criminal disposition.

1. Residents are responsible and accountable for the behavior of their guests and will be sanctioned if their guests violate the drug policy.
2. Any violation of the drug policy will result in the confiscation of any related paraphernalia.

### **Alcohol Policy**

In keeping with the university mission statement that "Mercyhurst is a Catholic institution... dedicated to the lifelong development of the whole person," we affirm the posture of the university to uphold the legal requirements of the State of New Mexico in regard to the possession, transportation, consumption and distribution of alcoholic beverages. Furthermore, we recognize our moral obligation to ensure the well-being of each member of the Mercyhurst community by taking whatever steps necessary to

discourage and prevent the wanton and reckless and illegal consumption of alcohol that may render short term and/or long-term harm to the consumer, to his/her neighbor, and to the physical premises of this campus. In order to accomplish this goal, the following guidelines and rules and regulations are set forth:

### **Legal Requirements**

As members of the Mercyhurst community, students have a right to be informed of the law, and have a responsibility to obey the law, including the following:

Taken from SMU-TAOS ASR:

The University is dedicated to providing a healthy, comfortable, and productive environment for students, faculty, staff, and guests. All members of the University community are expected to maintain self-control. Conduct should be consistent with ideals of academic excellence, health, and responsible social behavior, including recognition of the rights of others. In recognition of the University being owned by the South Central Jurisdiction of the United Methodist Church, community members are urged to adhere to the Social Principles of the United Methodist Church, which state:

We affirm our long-standing support of abstinence from alcohol as a faithful witness to God's liberating and redeeming love for persons. We support abstinence from the use of any illegal drugs. Since the use of illegal drugs, as well as illegal and problematic use of alcohol, is a major factor in crime, disease, death, and family dysfunction, we support educational programs as well as other prevention strategies encouraging abstinence from illegal drug use and, with regard to those who choose to consume alcoholic beverages, judicious use with deliberate and intentional restraint, with Scripture as a guide (para.162J pg. 108 UMBOD 2004). It is also recognized that Southern Methodist University is a community of free and open inquiry in which adults are encouraged to make responsible decisions in their lives, including abstinence from or careful use of alcohol. The University recognizes the freedom of conscience that determines such issues, but cautions that such freedom does not imply license to violate the law or University policy.

### **University Requirements**

The drinking age in the state is 21. No person under the age of 21 is permitted to consume, transport, or possess any alcoholic beverages. As a member of the student body one is required to observe municipal, state, and federal laws. It is the university's policy as well, to adhere to all municipal, state, and federal laws, including those governing the use of alcohol.

## **Sexual and Other Harassment Policy**

Mercyhurst University believes that everyone is entitled to equal opportunity regarding all aspects of his or her involvement with the university. It is therefore necessary that all members of the university community ensure that no individual or group is discriminated against due to race, color, creed, sex, sexual orientation, age, national origin, ancestry, marital status, physical and mental handicap, education, or any other condition. The university does not and will not tolerate harassment, sexual or otherwise, of any kind by any member or members of the faculty, administration, staff, or student body. While the university subscribes to federal and state laws, which declare harassment to be unacceptable and illegal conduct, its policy is also predicated on the moral truth that all individuals are entitled to be treated with dignity, and to be free from unwelcome physical and verbal intrusions to their bodies and to their minds.

The Mercyhurst University sexual harassment and affirmative action officer is responsible for developing policy regarding sexual harassment on campus. An offender is always subject to university discipline. However, the sexual harassment officer, along with campus advocates, also ensures that proper counseling and safeguards are available to victims of any type of sexual harassment or assault.

Various information sessions are provided to incoming students regarding the serious nature of and potential disciplinary action, and/or criminal charges that can result from any form of sexual harassment or assault. The sexual harassment and affirmative action officer for Mercyhurst University is Attorney Tina Fryling. Her office address is Preston 122, and her telephone number is (814) 824-2352. Attorney Fryling can provide assistance regarding information and consultation, resolution of informal complaints, and the filing of formal complaints. All discussions with Tina Fryling, any of the Mercyhurst University sexual harassment advocates, or the office of Mercyhurst University Counseling Services (814-824-2468 or 2561) are completely confidential. The Title IX Coordinator is Meredith Bollhiemer.

### **Sexual Assault Policy**

Notification is hereby provided that the Sexual Assault Victims' Bill of Rights (the Ramstad Amendment) includes the following provisions:

- Both accuser and accused have the right to have others present (in support or advisory roles) during a campus disciplinary hearing;
- Both parties have the right to be informed of the outcome of any disciplinary hearing involving sexual assault;
- Students have the right to be informed of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses;

- Survivors have the right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community; and
- Students have the right to be notified of their options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.

## **What to Do if You Are a Victim of Improper Sexual Conduct**

1. If you need assistance you should contact a resident assistant, police and safety officer, or counselor to discuss the procedures you wish to follow.
2. Do not change clothes or shower.
3. Go to the hospital for treatment of injuries, a medical examination, and a collection of evidence of sexual assault.
4. Determine whether you would like to pursue action either through the university judicial system or the criminal court system or both. The university will assist you in notifying the appropriate university personnel and the local law enforcement agency to accomplish this.
5. Seek counseling to help cope with what has occurred.
6. Report the crime to the Mercyhurst University Police and Safety Department at 824-2304. If you do not wish to report the incident to the police, or are unsure as to what you want to do, you should contact the director of the Counseling Center at 824-3650.

## **[Notifying the Mercyhurst University Police and Safety Department](#)**

In addition to notifying a member of the Mercyhurst University administration of improper sexual conduct, we strongly encourage students who are victims of improper sexual conduct to cooperate with City of Erie Police Department to bring about a prosecution in the criminal court system. All sexual assaults and other serious offenses will be investigated by the Erie Police Department with the cooperation and assistance of the Mercyhurst University Department of Police and Safety.

When an incident of sexual assault is reported to a university employee and the victim is willing to make a formal complaint to the Mercyhurst Police and Safety Department or the law enforcement department having jurisdiction, the employee should:

1. Contact the Mercyhurst University Erie Campus Police and Safety Department at (814) 824-2304, or any other campus security authority.
2. The Police and Safety Department will:
  - a. Advise the victim that the Erie Police Department will be contacted and will investigate the incident and make a determination as to what charges

will or will not be filed. Police and Safety will also advise the sexual harassment officer who will take independent disciplinary action as needed;

b. Arrange to transport the victim to an approved rape treatment center for medical treatment;

c. Notify the victim of his/her option of access to existing counseling services on campus and in the community;

d. Notify the counselor on call;

e. Notify the on-duty assistant director of residence life.

3. The director of the counseling center will:

a. Maintain contact with the sexual harassment officer and coordinate counseling support services for the victim;

b. Work with the academic dean and/or the assistant vice president of student affairs, if the victim so requests, to arrange for alternative classes and/or housing if such classes and housing are reasonably available.

If the complainant does not want to report the incident to the police, or is unsure what she/he wants to do, the university employee should:

1. Contact the Counseling Center at campus telephone extension 3650.

2. As of April 2011, under the Title IX an investigation is completed.

### **Formal Complaint Process**

Allegations and complaints of any type of harassment must be reported as soon as possible, and should be made in writing to the sexual harassment officer. The complaint process will follow the specific guidelines set forth below. If a charge of harassment cannot be resolved through informal procedures, or if a person who believes he or she has been harassed wishes to pursue formal procedures, the complainant may choose to utilize a more formal process.

### **Investigation**

Investigation into a sexual harassment allegation will be headed by the sexual harassment officer and/or the associate vice president of student life or other determining party. All parties and witnesses and any other persons who may have information that would help settle the matter would be interviewed separately. When at all possible, all persons who could corroborate one another's stories will be called in to make statements simultaneously, so that outside corroboration cannot take place.

### **Sexual Harassment Grievance Panel**

The Sexual Harassment Grievance Panel will serve as an advisory board to the director of Residence Life & Student Conduct or other determining party. Following the gathering of statements from all involved parties and/or witnesses to an alleged incident, the Sexual Harassment Grievance Panel will meet to discuss the case. The Sexual Harassment Grievance Panel will review all written statements and will hear testimony from the associate vice president of student life or other determining party, and from the sexual harassment officer. The Sexual Harassment Grievance Panel will then make a recommendation as to the appropriate charges(s) to bring against the accused, along with suggested sanctions.

The Committee shall consist of five members of the university community. Two members of the faculty shall be appointed by the faculty senate; two members of the administration shall be appointed by the President and the assigned chair. After being convened, the panel shall elect one of its members as chair. None of the members of the panel shall be a person who receives a copy of the written decision of the grievance panel, as set forth below in section three (3). If any panel member, upon learning the names of the persons involved in the sexual harassment complaint, believes they have a conflict of interest or any potential bias, they shall, at their own initiative, excuse themselves from the case. The chair of the panel shall then appoint other committee members to make up the required panel.

### **Inquiry of the Sexual Harassment Grievance Panel**

At the conclusion of the inquiry, and within the five days of the inquiry, the panel shall prepare a written statement of facts. The statement shall include a summary of all relevant facts discovered in the course of the investigation. Additionally, the panel shall decide whether there has been a violation of the sexual harassment policy, and shall prepare a written statement of its decision indicating its reasons and including a proposed sanction. If the case involves a student, a copy of this statement shall be sent to the associate vice president of student life. The associate vice president of student life will receive and review the panel's report and recommendation of sanctions, if any, which can include dismissal from the university. The Director of Residence Life shall have access to the complete record of the case for review. If the associate vice president of student life determines that the sanctions recommended by the panel are inappropriate, he or she shall indicate his or her reasons in writing to the panel. After consulting with the panel, the complainant, respondent and the Director of Residence Life shall, within 10 working days of receipt of the panel's recommendation, enter the decision in the permanent discipline file of the respondent in any case in which a violation of the policy on harassment was found to have occurred.

## **Procedures for Campus Disciplinary Action**

Disciplinary hearings will be held in accordance with the standards set forth in the student handbook. The hearing shall be conducted during the traditional academic year and according to the following guidelines:

- Hearings normally shall be conducted in private; however, admission of any person to the hearing shall be at the discretion of the adjudicating body.
- In instances involving more than one student, individual hearings will be provided.
- The accused has the right to be assisted by an adviser or his/her choice and at his/her own expense. However, the accused is responsible for presenting his/her own case and therefore, advisers are not permitted to speak or to participate directly in any hearing.
- The accused and the adjudicating body shall have the privilege of presenting witnesses, who shall be subject to cross examination by the adjudicating body only.
- Permanent records, exhibits and written statements may be accepted as evidence for consideration at the discretion of the adjudicating body.
- All procedural questions are subject to final decision by the adjudicating body.
- The hearing may be taped by the adjudicating body.
- Proceedings under the Student Code are not criminal proceedings, and shall not be construed as such.
- Mercyhurst University recognizes its responsibility to provide review procedures which reflect fair and consistent guidelines for each situation. The university adopts, for the purpose of this Code, the following protection for students: adequate notice of the meeting; advance notice of matters requiring student response; impartial proceedings; an opportunity to provide relevant information such as evidence and witnesses in defense; and the right to request an appeal.
- **ALL INFORMATION, DOCUMENTATION, AND TESTIMONIES ARE STRICTLY CONFIDENTIAL FOR ALL INVOLVED PARTIES!**
- Upon appeal, the judicial board, the associate vice president of student life, Student Conduct Panel, or the president of Mercyhurst University has the capability to recommend a decrease, increase, or no change of the previous decision made by the adjudicating officer.
- In cases dealing with responsibility or non-responsibility, the judicial board may recommend that the previous sanction made by the adjudicating officer be revoked.
- When the judicial board cannot come to a majority decision (in case of a tie), the chairperson votes.
- Both the accuser and the accused shall be informed of the outcome of any institutional disciplinary proceeding brought alleging a sexual offense.

### **Sanctions for Improper Sexual**

Following are the MINIMUM sanctions for sexual offenses:

1. Sexual Harassment (unwelcome sexual advances, requests for sexual favors, or other visual, verbal and physical conduct of a sexual nature, whether explicit or otherwise, all constitute sexual harassment):
  - a. Depending on the degree and type of offense, \$250.00 Fine and 50 Hours of Community Restitution;
  - b. Disciplinary Probation;
  - c. Possible Removal from University Housing;
  - d. Possible Suspension
2. Sexual Assault:
  - a. Possible expulsion.
  - b. Possible Arrest and Prosecution

### **Registered Sex Offenders**

Information concerning registered sex offenders in Taos may be obtained by going to the Web site:

<http://www.city-data.com/so/so-Taos-New-Mexico.html>

### **Emergency Response and Evacuation Procedures: Taken from SMU-Taos Annual Security Report**

#### **EMERGENCY NOTIFICATION PROTOCOL**

SMU attempts to provide immediate notification and instructions in case of an emergency on campus or one that affects the campus. Because an emergency often involves a life-threatening situation, initial notification will be guided by the first emergency responders (police and/or fire) called to the incident. Subsequent notifications will contain updates and more detailed information as it becomes available to SMU and other officials. Those in active or imminent danger will receive emergency alerts with instructions – **evacuate, seek shelter or lockdown**. The breadth and timing of notification for any type of emergency will depend upon the individual incident, using these guidelines:

**CAMPUS-WIDE EMERGENCY:** This level of emergency affects, or has the potential to affect, the entire campus. This type of emergency might include an approaching tornado or the threat of an active shooter or shooters at large on campus. In a campus-wide emergency, **a text message will be sent to students, faculty and staff**. Subsequent information will be sent using one or more of the following: additional texts, email, social media, SMU website, police bullhorns and campus fliers. It is important to note that in such cases, full information might not be immediately available. In those cases, until the exact nature of the emergency or threat is known, you may receive preliminary information with instructions for protective action, to be updated as more details become available.

**LIMITED AREA EMERGENCY:** This level of emergency affects a limited area of campus. An example might be a small fire or flooding in a building that requires evacuation but is otherwise contained. Officials will restrict access to the affected area. In a limited area

emergency, no general campus wide text message should be anticipated. **SMU will inform affected areas via police personnel, building managers and public address systems.** A targeted communication protocol aims to minimize the arrival of observers who may put themselves in danger and/or interfere with police activity. SMU may inform the broader campus at any point during or after the emergency has been resolved, depending on the circumstances of the emergency. Communication tools could include phone, email, social media, SMU website and campus fliers. For more information on emergency preparedness and procedures, see [smu.edu/emergency](http://smu.edu/emergency).

### **SMU AWARE**

This is a campus preparedness program developed by the SMU Risk Management Department to handle emergency/disaster situations. An emergency response plan has been developed to handle everything from everyday emergencies to those on a larger scale, such as tornados, floods, hazardous material spills, and terroristic threats. The SMU Police Department is committed to emergency preparedness planning to increase the safety of everyone on our campus. See below for more information on emergency preparedness.

<http://www.smu.edu/businessfinance/policeandriskmanagement/emergency>

## Timely Warning Policy

The Mercyhurst University Police and Safety Department will issue timely warnings to the university community whenever emergency, safety, and/or other security issues arise that pose a potential threat to students, faculty, or staff, whether the event(s) giving rise to the warnings occur on or off campus. Timely warnings may be made in any of the following ways:

1. A letter may be sent to all employees and students.
2. Information may be published in the college newsletter (*The Morning Buzz*).
3. Information may be posted on the police and safety department home page.
4. Flyers may be posted on university bulletin boards.

## **Campus Security Act Definitions**

### **Aggravated Assault:**

*An unlawful attack by one person upon another for the purpose of inflicting severe 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.*

### **Arson:**

*To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.*

### **Burglary:**

*The unlawful entry of a structure to commit a crime therein. (On campus this is breaking into an office that is not normally open for public access, or breaking into a residence hall bedroom).*

### **Hate Crimes:**

*Any of the crimes listed, and other crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim, that are reported to campus Police and Safety Department, or local police agencies.*

### **Manslaughter:**

*The killing of another person through negligence.*

### **Motor Vehicle Theft:**

*The theft or attempted theft of a motor vehicle. (Includes all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)*

### **Murder:**

*The willful (non-negligent) killing of one human being by another.*

### **Robbery:**

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

### **Sex Offenses, Forcible:**

*Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of consent.*

### **Forcible Rape:**

*The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).*

### **Forcible Sodomy:**

*Oral or anal sexual intercourse with another person, forcibly will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.*

### **Sexual Assault with an Object:**

*The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.*

### **Forcible Fondling:**

*The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.*

### **Theft:**

*The unlawful taking of property or services belonging to or provided by another thus depriving its owner of its use or compensation.*

**Sex Offenses,  
Non-forcible**

(Unlawful, non-forcible sexual intercourse):

**Incest:**

*Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.*

**Statutory Rape:**

*Non-forcible sexual intercourse with a person who is under the statutory age of consent.*

**LOCATION DEFINITIONS**

**On campus:**

*Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls, (Includes all academic, administrative, and athletic buildings on the main campus, all campus parking lots and common areas).*

**Non-campus building or property:**

*Any building or property owned or controlled by a student organization recognized by the institution; and any building or property (other than a branch campus) owned or controlled by an institution of higher learning that is used in direct support of, or in relation to, the educational institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.*

**Public property:**

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

## Crime Statistics

The statistics provided in this year's 2013 annual security report have been compiled and published using guidelines provided by the Pennsylvania College and University Security Act and the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act as amended.

CATEGORY	VENUE	2011	2012	2013
CRIMINAL HOMICIDE: MURDER & NON-NEGLIGENT MANSLAUGHTER	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0
NEGLIGENT MANSLAUGHTER	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0
SEX OFFENSES: FORCIBLE	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0
SEX OFFENSES NON-FORCIBLE	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0
ROBBERY	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0
AGGRAVATED ASSAULT	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0
BURGLARY	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0
ARSON	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0
MOTOR VEHICLE THEFT	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0

HATE CRIMES

LARCENY / THEFT	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0
SIMPLE ASSAULT	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0
INTIMIDATION	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0
VANDALISM	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0

Number of Arrests

CATEGORY	VENUE	2011	2012	2013
LIQUOR LAW VIOLATIONS	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0
DRUG RELATED VIOLATIONS	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0
WEAPONS VIOLATIONS	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0

Number of Disciplinary Referrals

CATEGORY	VENUE	2011	2012	2013
LIQUOR LAW VIOLATIONS	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0
DRUG RELATED VIOLATIONS	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0
WEAPONS VIOLATIONS	On Campus***			0
	In Dormitories and Other Residential Facilities			0
	In or On a Non-Campus Building or Property			0
	On Public Property			0

\*\*\* This category includes all on-campus incidents, including “In Dormitories or other Residential facilities.” Therefore, the categories are not cumulative, but duplicative. Please note that a formal police investigation and a subsequent formal police report are not required in order for criminal activity to be included in annual security report statistics. Students need only report the incident to any university official who has a significant responsibility for student and campus activity.

The Mercyhurst University Chief of Police prepares this report using the following procedures:

1. All Police and Safety Department incident and other reports are reviewed.
2. All Residence Life reports are reviewed.
3. The Daily Crime Log is reviewed.
4. The Police and Safety, Housing, and Student Affairs Departments are surveyed, as well as other individuals having significant responsibility for student and campus activities.
5. All disciplinary letters issued to students during the reporting period are reviewed.
6. A request is made to all law enforcement agencies having jurisdiction at Mercyhurst University facilities to provide information regarding incidents investigated and arrests made on Mercyhurst University property and public property within a reasonable contiguous geographic area of the university. Note also that reported crimes may involve individuals not associated with Mercyhurst University.

# MERCYHURST UNIVERSITY

## CAMPUS FIRE SAFETY RIGHT TO KNOW

### TAOS, NEW MEXICO CAMPUS

The Taos, New Mexico campus of the University is comprised of a single academic building and does not provide any University owned student residences. Students camp out in the desert in tents.