



# 2008 Annual Clergy Report

Erie Campus

## Mercyhurst College: Erie Campus

The Mercyhurst College Erie campus consists of 57 buildings on about 75 acres of land in the City of Erie, Pa. It is bordered to the north by East 38th Street, to the south by the Sisters of Mercy Mother House and Mercyhurst Preparatory School on East Grandview Boulevard, to the west by Parade Street Boulevard, and to the east by Wayne Street. There are approximately 1880 students, out of a total of more than 3100, living on the Mercyhurst Erie campus, and there are approximately 430 full-time and 170 part-time employees working there.

*(Statistics are per Federal Government Reporting Integrated Postsecondary Education Data System [IPEDS] information of October 15, 2008).*

## 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 College 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 College, Erie PA, 16546, or by calling Chief Ken Sidun at (814) 824-2104 (e-mail: [ksidun@mercyhurst.edu](mailto:ksidun@mercyhurst.edu))

## Mercyhurst Erie Campus: Police and Safety Department

The Mercyhurst College 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 College community. The Mercyhurst College Department of Police and Safety has an authorized complement of 12 full-time and 7 part-time officers. They are the chief of police, patrol sergeant, two patrol corporals, and up to 14 police and safety officers. Two full-time and four part-time communications officers are also assigned to the camera and communications center located in the department's Police and Safety Erie campus office. Officers are on duty 24 hours a day, 365 days a year. The chief, patrol sergeant, two patrol corporals, and seven police officers are Act 120 trained, or have the equivalent training required by state law to be certified as sworn police officers. These officers are sworn and have full arrest powers on all property owned or controlled

by the college, and on all public property adjacent to the Erie, North East and West campuses. Other police and safety officers are in the process of being certified and sworn as law enforcement officers. An attempt is made to have all campus security officers Act 235 trained within one year of their date of hire. Act 235 training is a 40-hour course that includes constitutional law, Pennsylvania Crimes Code, limited authority, detainment, and defensive skills. All police officers are Act 120 trained. A close liaison is maintained with the Erie Police Department and the Pennsylvania State Police. In major incidents or investigations, the Erie Police Department and the Pennsylvania State Police will assist the Mercyhurst College Police and Safety Department. The Mercyhurst College Police and Safety Department has a written memoranda of understanding with the Erie Police Department. If requested, these departments will assume entire responsibility for the incident and/or investigation. Mercyhurst College safety officers are not police officers and therefore do not have law enforcement authority, including powers of arrest. They are, however, governed by the same rules, regulations, and standard operating procedures (SOP), and perform the same duties as the college police officers. Weapons are not permitted on the Mercyhurst college campus. Police and safety officers are unarmed, but may carry non-lethal weapons, such as pepper-spray or expandable batons, if they are properly trained in their use. The Mercyhurst College Department of Police and Safety strives to create an environment that is conducive to good living and learning by supporting the Mercyhurst College mission, and by recognizing the individual's right to pursue their personal goals. The department enforces state and federal laws and Mercyhurst College rules and regulations, and at the same time strives to protect the rights of each and every individual.

## 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 college reports crimes occurring on campus to state and federal authorities as required by law. The Mercyhurst College 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. Kenneth Sidun, can be reached by calling **(814) 824-2104**. The department, Chief Sidun, 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 college staff member or official. During power failures or emergencies, the Police and Safety communications center can also be reached by dialing the Mercyhurst College Police and Safety Department cell phone number at **(814) 881-7359**. The on-duty communications officer will handle requests for assistance or information, and will dispatch a police or safety officer to respond when necessary and/or requested. The address and telephone number for the City of Erie Police Department that has law enforcement authority and responds to incidents and requests for assistance at the Mercyhurst College Erie campus is:

City of Erie Police Department  
626 State Street, Erie, PA 16501  
Phone: **(814) 870-1125**

The City of Erie Police Department can be contacted for emergency purposes only by dialing **911**.

## Confidential reporting procedures

If you are the victim of a crime and do not want to pursue action within the college 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 college 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 college. Additionally, an alternative way to report crime anonymously via the Internet is available by going to [lakernet.mercyhurst.edu/departments/police\\_safety/forms.asp](http://lakernet.mercyhurst.edu/departments/police_safety/forms.asp).

### Monitoring Criminal Activity At Off Campus Sites

Mercyhurst College does not have any off-campus student organizations recognized by the college that are engaged in activities by Mercyhurst College students. Nor does Mercyhurst College 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 College 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 college's policy as well to adhere to all municipal, state, and federal laws, including those governing the use of drugs. Mercyhurst College 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 college shall initiate appropriate measures, which may include disciplinary action. When such activity occurs off campus, the college may consider disciplinary action if the college determines that the activity has a substantial adverse effect upon the college or members of the college community.

Violators will be subject to penalties, which may include separation from the college. In addition, the college 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 college mission statement that "Mercyhurst is a Catholic institution... dedicated to the lifelong development of the whole person," we affirm the posture of the college to uphold the legal requirements of the Commonwealth of Pennsylvania 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 shortterm 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 residents of Pennsylvania and 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: Section 6308 of the Pennsylvania Crimes Code states, "A person is guilty of a summary offense if he/she, being less than 21 years of age, attempts to purchase, purchases, consumes, possesses or transports any alcohol, liquor, or malt, or brewed beverages." Section 493 of the Pennsylvania Liquor Code states, "It shall be unlawful for any...person. To sell, furnish or give away liquor or malt or brewed beverages, or to permit any liquor or malt or brewed beverages to be sold, furnished or given, to any person visibly intoxicated, ...or to any minor, or to habitual drunkards, or persons of known intemperance habits." The Supreme Court of Pennsylvania stated in the case of *Congini v. Portersville Valve Co.*, 504 Pa. 157, 470 a. 2d. 515 (1983) that social hosts are negligent per se in serving alcohol to the point of intoxication to a person less than 21 years of age, and they can be held liable for injuries proximately resulting from the minor's intoxication. That liability can extend to include claims for injuries to the intoxicated minor.

### College Requirements

Municipal ordinances, the Pennsylvania Liquor Code and related state statutes and federal law govern all matters relating to alcohol. 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 college'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 College believes that everyone is entitled to equal opportunity regarding all aspects of his or her involvement with the college. It is therefore necessary that all members of the

college 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 college 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 college 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 College sexual harassment and affirmative action officer is responsible for developing policy regarding sexual harassment on campus. An offender is always subject to college 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 College 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 College sexual harassment advocates, or the office of Mercyhurst College Counseling Services (814-824-2468 or 2561) are completely confidential.

### 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 college judicial system or the criminal court system or both. The college will assist you in notifying the appropriate college 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 College 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 College Police and Safety Department

In addition to notifying a member of the Mercyhurst College 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 College Department of Police and Safety.

When an incident of sexual assault is reported to a college 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 College Erie Campus Police and Safety Department at 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 college employee should:

1. Contact the Counseling Center at campus telephone extension 3650.
2. The director of the Counseling Center will:
  - a. Meet with the complainant to discuss the incident and explain the options available, including the process for taking disciplinary action if she/he wants to file a formal complaint through the college;
  - b. Ensure medical attention is provided if necessary;

- c. 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.
3. If the complainant decides to file a formal complaint through the college, the director of the Counseling Center will:
    - a. Contact the sexual harassment officer;
    - b. Contact the chief judicial officer;
    - c. Initiate a formal investigation into the charges.

#### 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 assistant vice president of student affairs 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 assistant vice president of student affairs 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 six members of the college community. Two members of the faculty shall be appointed by the faculty senate; two members of the student body shall be appointed by the Mercyhurst Student Government; and two members of the administration shall be appointed by the President. 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 assistant vice president of student affairs. The assistant 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 college. The director shall have access to the complete record of the case. If the assistant vice president of student affairs 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, and the respondent, the director 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 hearing 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 College recognizes its responsibility to provide judicial procedures which reflect due process provisions. The college adopts, for the purpose of this Code, the following protection for students: adequate notice of the hearing; advance notice of matters requiring student response; impartial proceedings; an opportunity to provide evidence and witnesses in defense; and the right to appeal.
- **ALL INFORMATION, DOCUMENTATION, AND TESTIMONIES ARE STRICTLY CONFIDENTIAL FOR ALL INVOLVED PARTIES!**

- Upon appeal, the judicial board, the assistant vice president of student life, Student Conduct Panel, or the president of Mercyhurst College 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 Conduct

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, sanction will range from 25 hours of community service to expulsion;
  - b. Written apology to the victim;
  - c. Disciplinary probation.
2. Sexual Assault:
  - a. Possible expulsion.

#### Registered Sex Offenders

The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act determined the requirements for sexual offender registration and community notification. In accordance with this Act, information concerning registered sex offenders may be obtained by going to the Web site:

[www.pameganslaw.state.pa.us](http://www.pameganslaw.state.pa.us)

An e-mail request may then be submitted to the Pennsylvania State Police for information regarding registered sex offenders.

#### Emergency Response and Evacuation Procedures

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, the Director of Public Relations will immediately notify the campus community at the direction of the Emergency Response Team. The larger community will be notified by the Director of Public Relations at the direction of the Emergency Response Team as well. The Mercyhurst College Emergency Response Team will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system which can include announcements from the Director of Public Relations as well as campus emails and the E2 cell phone notification system. Announcements can also be made on the Mercyhurst College Website. This notification will take place unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

The emergency will be evaluated by the correct members of the Emergency Response Team. The correct emergency level will be assigned. If a Level I or Level II emergency exists, the members of the Emergency Response Team will determine whom to notify and how.

INITIAL EMERGENCY COMMUNICATIONS WILL BE SENT IMMEDIATELY AND CONVEY ONLY THE MOST CRITICAL INFORMATION.

Members of the college community can subscribe to the E2 campus notification system at [http://lakernet.mercyhurst.edu/departments/res\\_life/e2campus/index.asp](http://lakernet.mercyhurst.edu/departments/res_life/e2campus/index.asp)

The Mercyhurst College Emergency Response Team Members are:

Executive Vice President for Administration  
Associate Vice President of Student Development  
Chief of Police  
Director of Residence Life and Student Conduct  
Director of Public Relations  
Director of Counseling Services

A procedure for testing the Mercyhurst College emergency response is being completed and will be included in the 2009 Annual Clery Report.

## Missing Person Policy

The purpose of this policy is to establish procedures for the college's response to reports of missing students, as required by the Higher Education Opportunity Act of 2008.

This policy applies to students who reside in on campus housing.

For purposes of this policy, a student may be considered to be a "*missing person*" if the person's absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life-threatening situation, or has been with persons who may endanger the student's welfare.

- I. Procedures for designation of emergency contact information
  - a. Students age 18 and above and emancipated minors:

Students will be given the opportunity during each semester registration process to designate an individual or individuals to be contacted by the college no more than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. A designation will remain in effect until changed or revoked by the student. This designation will be held confidentially over the course of this time. If it is not immediately clear to the Office of Police and Safety if a minor is emancipated, they will be treated as a student who is not an emancipated minor addressed below.

b. Students under the age of 18:

In the event a student who is not emancipated is determined to be missing pursuant to the procedures set forth below, the college is required to notify a custodial parent or guardian and any designated contact person no more than 24 hours after the student is determined to be missing in accordance with the procedures set forth below.

II. Official notification procedures for missing persons

a. Any individual on campus who has information that a resident student may be a missing person must notify the Office of Police and Safety as soon as possible. Note: In order to avoid jurisdictional conflicts when an off-campus and/or commuter student is believed to be missing, the reporting person should immediately notify local law enforcement authorities. The Office of Police and Safety will assist off campus authorities with these investigations as requested.

b. The Office of Police and Safety will gather all essential information about the resident student from the reporting person and from the student's acquaintances (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental well being of the student, an up-to-date photograph, class schedule, etc.). Appropriate campus staff will be notified to aid in the search for the student.

c. If the above actions are unsuccessful in locating the student or it is immediately apparent that the student is a missing person (e.g., witnessed abduction), the Office of Police and Safety will contact the appropriate local law enforcement agency to report the student as a missing person and the local law enforcement agency will take charge of the investigation.

d. No later than 24 hours after determining that a resident student is missing, the Assistant Vice President of Student Life will notify the emergency contact (for students 18 and over) or the parent/guardian (for students under the age of 18) that the student is believed to be missing.

III. Campus communications about missing students

In cases involving missing persons, law enforcement personnel are best situated to provide information to the media that is designed to elicit public assistance in the search for a missing person. Therefore, all communications regarding missing students will be handled by outside law enforcement authorities, who may consult with the college's Office of Public Relations. All inquiries to the college regarding missing students, or information provided to any individual at the college about a missing student, shall be referred to the Office of Police and

Safety, who shall refer such inquiries and information to law enforcement authorities.

Prior to providing the Mercyhurst College community with any information about a missing student, the Office of Public Relations shall consult with the Office of Police and Safety and with local law enforcement authorities to ensure that communications do not hinder the investigation.

## Security, Safety and Crime Prevention Programs

Safety and security issues are reviewed during resident assistant training, freshman orientation, and other meetings in an effort to foster a trusting and productive relationship with students and staff. Additional programs include:

- A handout is given to each freshman resident student detailing various precautions students can take to lessen their chances of being a victim of a sex offense.
- Resident assistants participate in extensive training from the Crime Victims Center, and the college Counseling Center that addresses these issues and how the resident assistants should respond when dealing with someone they suspect has been a victim of a sexual offense.
- New resident assistants attend an on-going training class through the first term that addresses safety and security issues.
- During mandatory meetings, resident assistants and assistant directors discuss various precautions students should take to lessen their chances of becoming a victim of a sex crime or other offense.
- Mercyhurst College is one of 15 institutions nationwide to receive a grant from the National Collegiate Athletic Association (NCAA) intended to help eliminate high-risk alcohol consumption on college campuses by promoting low-risk choices. The three-year, \$30,000 NCAA CHOICES grant runs September 2008 through June 30, 2011. The CHOICES program involves training for coaches and student-athletes, as well as campus-wide events like alcohol-free celebrations after Mercyhurst sporting events. Student mentors will be trained to act as resources and to recognize and intervene with students whose choices around alcohol are unhealthy. The campus will collect outcome measures to determine how the mentors and related activities help shift student beliefs and choices about alcohol.
- In September, as a part of freshman orientation, the college sponsors a program titled Hypnotic Intoxication which features an alcohol consumption, behavior and responsibility for self and friends lecture and the actual hypnotism of several students who then act out many alcohol related behaviors. Prior to this program, students also watch a short documentary on these issues.
- During the fall term, programs are scheduled through Erie County Victim Services in which their representatives come to the college and speak about available services.
- The Division of Student Life through its counseling Center also sponsors a play called "One Night."
- In October, during National Collegiate Alcohol Awareness Week, the Center for Student Engagement and Leadership Development coordinates and co-sponsors a week-long series of events. The week is comprised of speakers, events and activities geared at educating students on topics such as alternatives to alcohol consumption, the effects of consuming alcohol, recognizing alcohol related problems and abuse, and what to do/how to react when alcohol problems and abuse arise. There is also a "Pledge Table" set up in the Student Union where students are able to

pledge to make responsible decisions regarding the consumption of alcohol. The week concludes with a Remembrance Ceremony open to the campus community.

- In 2008, faculty outreach regarding alcohol awareness was initiated by the Center for Student Engagement and Leadership Development. The goal is to raise awareness on how faculty can positively contribute to educating students on alcohol abuse and prevention. Supporting documentation provided by the Pennsylvania Liquor and Control Board.
- In December, during National AIDS Awareness Week, tables are set up in the student union to provide information pertaining to sexual issues and decisions.
- In March, during Women's History Month, information is provided and programs offered regarding mental and physical health and well being, personal relationships, sexual assault, and available counseling services. One such program is the annual Wellness Fair
- Throughout the year, workshops are randomly scheduled on subjects such as self-defense, date rape, crisis response, and conflict management.
- Each spring (generally the week prior to St. Patrick's Day), there is an alcohol awareness week of events, which sometimes includes a speaker, that addresses the student body in a program sponsored by the Center for Student Engagement and Leadership Development. Topics range from alternatives to alcohol consumption, the effects of consuming alcohol, recognizing alcohol related problems and abuse, and what to do/how to react when alcohol problems and abuse arise. The AWARE III Simulator is also available to students and is coordinated by the Office of the Student Union & Student Activities. This Simulator is designed to realistically show your students the dangers of Drinking and Driving. An impact video is also shown, which illustrates to students other student's lives from point of entry into the ER to years down the road, and all of the after effects of their accidents caused by alcohol. There is also a "Pledge Table" set up in the Student Union where students are able to pledge to make responsible decisions regarding the consumption of alcohol. The week concludes with a Remembrance ceremony open to the campus community.

## Drug And Alcohol Abuse Education Programs

During the fall term, each incoming residential and commuting freshman student is required to take *AlcoholEdu for College*, an online alcohol prevention course. Freshman students must earn at least a 70 percent on an exam at the end of the course as well as complete an anonymous survey 30 days following the completion of the exam. In addition to this mandatory course, freshmen take part in alcohol education and positive decision-making sessions during freshman orientation just prior to the start of the academic year. Furthermore, students found in violation of the college's alcohol and drug policies are mandated to complete an alcohol/drug education course. Students take *AlcoholEdu for Sanctions* for the firsttime and less severe alcohol policy violations. In more severe or repeat offenses, students may be required to participate in personal counseling to promote healthy and responsible decision making skills.

## Timely Warning Policy

The Mercyhurst College Police and Safety Department will issue timely warnings to the college 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 student newspaper (*The Merciad*).
3. Information may be published in the college newsletter (*The Morning Buzz*).
4. Information may be displayed on electronic signs located in the cafeteria and the student union building on the Erie campus.
5. Information may be posted on the police and safety department home page.
6. Flyers may be posted on college bulletin boards, and/or distributed by assistant directors of residence life and student conduct and resident assistants.

## Facilities

### Access to Campus

Mercyhurst has all of its facilities open during the normal workday. Guests of the college are invited to visit specific areas. During theatrical, athletic, and other special events particular areas are open and/or available at specific times to both the general public and the Mercyhurst College community.

### Housing, Maintenance and Facilities Information

There are three residence halls on the Erie campus that house freshmen students; one hall is female, one hall is male, and the other hall houses both male and female students, but not in the same way. Some single rooms are available in McAuley and Baldwin. All others are double, triple, or quad occupancy. There are 22 apartment buildings on the east side of campus along with 32 townhouses housing up to six residents each. Residents are housed in single-gender units. Freshmen are assigned to the residence halls using information provided by them on their submitted data sheet, or upon their request for a specific roommate. Upperclassmen select each other to live with in the apartments. Transfers are usually assigned to upperclassman apartment living. At both the residence halls, guests are required to check in at the desk and leave photo identification that is returned when they leave. Visits by members of the opposite sex are limited to visiting hours. The apartments have common hallways, but all apartment doors have locks. The main door on each apartment building is locked, as is each individual apartment door. At all residence halls, all exterior doors, except the main entrance, are locked. Residents are not permitted to enter or exit a residence hall except via the main entrance. The exterior doors are locked electronically. All student doors have door locks. Windows have various types of locking devices depending upon the architecture of the building. Residence halls are staffed by undergraduate resident assistants (RA's) and graduate hall directors (HD's). There are 24 RA's and three HD's for three residence halls. A full-time, master's level student affairs professional and college administrator (assistant director of residence life -AD) supervises the staff and administration of the freshman residence halls. The AD lives on campus. The AD also administrates the student conduct system for violations of the student conduct code by freshman students. The apartments for upperclassmen are staffed by RA's, who are supervised by one of four master's level student affairs professionals and college administrators (assistant/associate directors of residence life). The upperclassman AD's live in the residential areas they supervise. They also administrate the student conduct system for violations of the student conduct code by upperclassman students. Residence life staff members undergo annual training in August and attend in-service training sessions during the academic

year. In the freshman residential area, the front desks of the residence halls are staffed with students, graduate students, and adults 24 hours a day while classes are in session. Police and safety personnel walk through the hallways of the residence halls and around the apartment buildings while on patrol and when responding to calls for assistance. All residents are informed of housing policies on their contracts, during an initial meeting at the beginning of the term, and via the student handbook. Additional meetings are held and memoranda are sent on an as-needed basis. Students remaining in apartments during breaks are reminded that there will be fewer students around and that they should be cautious. Guests may not stay on campus unless permission is given by roommates, and then only for a maximum of three days. Prospective freshmen brought to campus are supervised by the admissions staff and are not permitted in regular student rooms unless they are invited. High-pressure sodium and metal halide lamps light the campus. Police and Safety Department personnel report safety concerns to the maintenance department either immediately or on a daily basis. A continuous attempt is made to trim and/or eliminate large bushes and other obstructions around entranceways or paths. Safety hazards are corrected when discovered or reported. Emergency call boxes are located on the outside of apartment buildings. Seven emergency blue light towers have been placed throughout campus for emergencies. Background checks are conducted on everyone hired by the police and safety and maintenance departments, and all other departments are encouraged to carefully check references and resumes of their applicants.

## Daily Crime Log

The Police and Safety Department must maintain a daily crime log, which lists all crimes reported to the Police and Safety Department that are committed on campus and on public grounds immediately adjacent to the campus. The crime log must contain information concerning the nature, date, time, and general location of each crime, and the disposition of the incident, if known. The crime log for the Mercyhurst College Erie campus is maintained at the Police and Safety Office. Mercyhurst College students, faculty, administrators, staff, and the general public can view the crime log between the hours of 8:30 a.m. and 4:30 p.m. on any weekday

## Student Responsibility Regarding Safety and Security

Mercyhurst College is a very safe and secure college. However, with all of the available activities on campus, it can be easy to become careless about safety and security issues. The cooperation and involvement of each member of the Mercyhurst College community in campus safety and security is critical. Community members must assume responsibility for their own personal safety and for the security of their own property, as well as the property and assets of the college, and are expected to take necessary precautions to avoid being victimized. Those responsibilities include, but are not limited to:

1. Report any safety and security concerns to the Department of Police and Safety at extension 2304 as soon as possible
2. Apartment and residence hall room doors should be locked at all times.
3. Strangers should never be allowed into apartments or residence halls. If and when a stranger is found to be wandering in and around student apartments or residence halls, their presence should be immediately reported to the Department of Police and Safety.

Students with cars or other vehicles must park them in designated areas as identified by color coded signs, and keep them locked at all times. Valuables left in cars should be locked inside the vehicle trunk.

## 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 2008 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	2006	2007	2008
CRIMINAL HOMICIDE: MURDER & NON-NEGLIGENT MANSLAUGHTER	On Campus***	0	1	0
	In Dormitories and Other Residential Facilities	0	1	0
	In or On a Non-Campus Building or Property	0	0	0
	On Public Property	0	0	0
NEGLIGENT MANSLAUGHTER	On Campus***	0	0	0
	In Dormitories and Other Residential Facilities	0	0	0
	In or On a Non-Campus Building or Property	0	0	0
	On Public Property	0	0	0
SEX OFFENSES: FORCIBLE	On Campus***	2	2	3
	In Dormitories and Other Residential Facilities	2	1	1
	In or On a Non-Campus Building or Property	0	0	0
	On Public Property	0	1	0
SEX OFFENSES NON-FORCIBLE	On Campus***	0	0	0
	In Dormitories and Other Residential Facilities	0	0	0
	In or On a Non-Campus Building or Property	0	0	0
	On Public Property	0	0	0
ROBBERY	On Campus***	0	0	0
	In Dormitories and Other Residential Facilities	0	0	0
	In or On a Non-Campus Building or Property	0	0	0
	On Public Property	0	0	0
AGGRAVATED ASSAULT	On Campus***	0	0	0
	In Dormitories and Other Residential Facilities	0	0	0
	In or On a Non-Campus Building or Property	0	0	0
	On Public Property	0	0	0
BURGLARY	On Campus***	16	21	21
	In Dormitories and Other Residential Facilities	6	12	15
	In or On a Non-Campus Building or Property	0	0	0
	On Public Property	0	0	0
ARSON	On Campus***	0	0	0
	In Dormitories and Other Residential Facilities	0	0	0
	In or On a Non-Campus Building or Property	0	0	0
	On Public Property	0	0	0
MOTOR VEHICLE THEFT	On Campus***	0	0	0
	In Dormitories and Other Residential Facilities	0	0	0
	In or On a Non-Campus Building or Property	0	0	0
	On Public Property	1	0	0

## Number of Arrests

CATEGORY	VENUE	2006	2007	2008
LIQUOR LAW VIOLATIONS	On Campus***	29	7	8
	In Dormitories and Other Residential Facilities	19	7	2
	In or On a Non-Campus Building or Property	0	0	0
	On Public Property	7	3	0
DRUG RELATED VIOLATIONS	On Campus***	0	0	0
	In Dormitories and Other Residential Facilities	0	0	0
	In or On a Non-Campus Building or Property	0	0	0
	On Public Property	0	0	0
WEAPONS VIOLATIONS	On Campus***	0	0	0
	In Dormitories and Other Residential Facilities	0	0	0
	In or On a Non-Campus Building or Property	0	0	0
	On Public Property	0	0	0

## Number of Disciplinary Referrals

CATEGORY	VENUE	2006	2007	2008
LIQUOR LAW VIOLATIONS	On Campus***	356	393	234
	In Dormitories and Other Residential Facilities	335	379	213
	In or On a Non-Campus Building or Property	0	0	0
	On Public Property	6	16	8
DRUG RELATED VIOLATIONS	On Campus***	20	10	24
	In Dormitories and Other Residential Facilities	16	10	23
	In or On a Non-Campus Building or Property	0	0	0
	On Public Property	0	0	0
WEAPONS VIOLATIONS	On Campus***	1	1	0
	In Dormitories and Other Residential Facilities	1	1	0
	In or On a Non-Campus Building or Property	0	0	0
	On Public Property	0	0	0

There was no “hate” crime reported at Mercyhurst College during reporting periods of 2006 through 2008.

\*\*\* 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 college official who has a significant responsibility for student and campus activity.

The Mercyhurst College 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 College facilities to provide information regarding incidents investigated and arrests made on Mercyhurst College property and public property within a reasonable contiguous geographic area of the college. Note also that reported crimes may involve individuals not associated with Mercyhurst College.