

**MERCYHURST COLLEGE
NORTH EAST CAMPUS**

2003 ANNUAL SECURITY REPORT

FOR DISTRIBUTION ON OCTOBER 1, 2004

XX

Mercyhurst College North East

The North East Campus consists of 7 buildings on about 84 acres of land. The campus is bordered to the north by Sunset Drive, to the south by West Division Street, to the east by Lake Street, and to the west by North Pearl Street. The North East Campus also includes grape vineyards, a farmhouse and a number of outbuildings to the northwest of the college, a police academy building located at 17 West Main Street, and a swimming pool building located at 43 North Lake Street.

There are about 200 students living at the Mercyhurst College North East Campus, and there are approximately 90 full-time and 10 regular part-time employees working at the campus.

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.

The Mercyhurst North East Police and Safety Department

The Mercyhurst College Police and Safety Department is committed to providing a safe and secure environment for the entire Mercyhurst College community. The Department has an authorized compliment of eleven full-time and ten part-time officers. The Mercyhurst College Chief of Police and Safety oversees the department. Police and Safety Department personnel are scheduled to be on duty at all times. Coverage at the North East Campus is 24 hours a day during the academic school year, and when administrative offices are closed during the summer months.

All campus officers must, at a minimum, have Act 235 training within one year of their date of hire. Act 235 training is a forty-hour course that includes constitutional law, Pennsylvania Crimes Code, limited authority, detainment, and defensive skills. Most officers are Act 120 trained. One full-time and six part-time officers are also assigned to the camera and communications center located at the department of police and safety office at the main campus.

Mercyhurst College police officers have full arrest powers on all property owned or controlled by Mercyhurst College, and on all public property adjacent to both the Main and North East campus. A close liaison is maintained with the Pennsylvania State Police, the North East Borough Police Department, and the Erie Police Department. In major incidents or investigations, the Pennsylvania State Police or the North East Borough Police will assist the Mercyhurst College North East Police and Safety 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 either the Mercyhurst College Main or North East 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 and certified in their use.

The Mercyhurst College Police and Safety Department 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, as well as professional and pastoral counselors, are encouraged to report crimes on a voluntary, confidential basis. The college reports crimes occurring on campus to state and federal authorities as required by law.

Mercyhurst College North East can be reached during the day at (814) 725-6100. Additionally, the Police and Safety Department can be reached at 725-6103, the North East Dean of Administration, Mr. James Lanahan, can be reached at 725-6135, and the North East Executive Vice President, Dr. Gary Brown, can be reached at 725-6118. These departments and individuals should be contacted to report crimes for statistical inclusion, and/or to initiate timely warnings pursuant to crimes that have occurred.

During power failures or emergencies, an officer can also be reached by dialing the Mercyhurst College Main Campus Police and Safety Department cell phone number at 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 North East Campus on-duty officer can also be reached by dialing him/her directly at cell phone number 881-5024.

The address and telephone numbers for the State and Borough Police departments that have law enforcement authority and respond to incidents and requests for assistance at the Mercyhurst College North East Campus are:

Pennsylvania State Police
4320 Iroquois Avenue
PO Box 10607
Erie, Pa. 16514
Phone: (814) 898-1641

North East Borough Police Department
58 East Main Street
North East, Pa. 16428
Phone: (814) 725-8606

The Pennsylvania State Police and North East Borough Police Department can be contacted **for emergency purposes only** by dialing **911**.

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.

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 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 residents of Pennsylvania and members of the Mercyhurst community students have a right to be informed of the law and 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 twenty-one 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 years of age. 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.

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 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.

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 Tina Fryling. Her office address is Preston 115, and her telephone number is 814-824-2352. Ms. 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 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 North East Administration, and/or the Police and Safety Department. 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 X-2468 or 2561.

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 the law enforcement agency having jurisdiction at the North East campus to bring about a prosecution in the criminal court system. All rapes and other felonies will be investigated by the

Pennsylvania State Police or the North East Borough Police Department with the cooperation and assistance of the Mercyhurst College North East Security Department and 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 North East Campus Police and Safety Department at 725-6103.
2. The Police and Safety Department will:
 - a. Advise the victim that the law enforcement agency having jurisdiction, either the Pennsylvania State Police or the North East 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 Dean of Residence Life, 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 Dean of Residence Life, 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.

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 advisor or his/her choice and at his/her own expense. However, the accused is responsible for presenting his/her own case and therefore, advisors 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 chairperson.
- 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!**
- The adjudicating body, the Dean of Administration, the student conduct panel, or the president of Mercyhurst College can recommend a decrease, increase, or no change of the previous decision made by the Dean of Residence Life and Student Conduct.
- In cases dealing with innocence or guilt, the Judicial board may recommend that the previous sanction made by the Dean of Residence Life and Student Conduct be revoked.
- When the Judicial Board can not come to a majority decision (in case of a tie), the previous sanction stands.
- 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 <http://www.psp2.state.pa.us/SVP/index.htm>. An email request may then be submitted to the Pennsylvania State Police for information regarding registered sex offenders.

Security, Safety and Crime Prevention Programs

The office of Student Life, in an effort to recognize that learning extends beyond the classroom, provides a variety of opportunities for the dissemination of security, safety and crime prevention information. Safety and security issues are reviewed during weekly Student Life staff meetings attended by the Director of Student Life, R. A's, and members of the North East campus security department. Issues include: student conduct, health and safety, and campus crime and crime prevention. Additionally, with the resources of our campus counseling center, the following programs are offered to residents at special presentations, residence hall meetings and individual sessions, as needed. Thus providing a means to disseminate information and foster a trusting and productive relationship between students and staff.

Additional efforts and programs include:

- Alcohol: A Drug of Choice
- Drugs: Their Effects and Their Addictions
- Sexuality, S.T.D.'s and Aids
- Sexuality: When No Means No!

Drug and Alcohol Abuse Education Programs

In addition to mandatory alcohol education sessions conducted during freshman orientation, students found in violation of the college's alcohol or drug policies are mandated to complete a drug and/or alcohol education course. This requirement is generally satisfied through the completion of an online computer module called *AlcoholEdu for Sanctions*. In more severe or repeat offenses, students may be required to attend an in-person class or to participate in personal counseling to promote healthy and responsible decision-making skills.

Timely Warning Policy

The Mercyhurst College Security 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 .
3. Information may be published in the college newsletter.
4. Information may be displayed on electronic signs located in the cafeteria and the student union building on Main 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 housing directors and resident assistants.

Access to Campus Facilities and Residences

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 two residence halls located within the North East campus main structure: one is male, and the other is co-ed. There are fourteen townhouses located north of the building proper, and both male and female students may occupy these apartments.

Freshmen are assigned to the residence halls and townhouses using information provided by them on their submitted data sheet, or upon their request for a specific roommate. Upperclassmen select each other in either the residence halls with doubles or singles (on a space-available basis) or in the apartments. Transfers are assigned according to their preferences for hall or apartment living. Changes may be made at the end of each trimester upon request of the resident and/or at the discretion of the college.

At both male and female 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. Guests must be 19 years of age, or siblings or the resident, to enter the resident halls.

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 wishing to stay on campus during breaks must make special arrangements with the college, and are reminded that since there will be fewer students around they should be especially cautious.

Guests may not stay on campus unless registered with a resident assistant, and then only for a maximum of 3 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. An emergency call box is located at the outside entrance of the Main Mercyhurst North East building.

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 list 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 North East Campus is maintained at the North East Campus Administrative Office. Mercyhurst College students, faculty, administrators, staff, and the general public can view the crime log between the hours of 8:30 AM and 4:30 PM 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 725-6103, or the Dean of Administration at 725-6135.
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 wondering in and around student apartments or residence halls, their presence should be immediately reported to the Security Department.

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

MISCELLANEOUS

Campus Security Act Authority:

Those individuals or organizations specified by the institution's statement of campus security policy to whom criminal offenses should be reported, and other officials of the institution who have significant counseling responsibilities.

CRIME DEFINITIONS

Aggravated Assault:

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that the results from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime was successfully completed.

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 there in. (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 and/or against that person's 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.

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-forcibly sexual intercourse with a person who is under the statutory age of consent.

Theft:

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

LOCATION DEFINITIONS

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, excluding 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 2003 annual security report have been compiled and published using guidelines provided by the Pennsylvania College and University Security Act and the federal Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act as amended. The crime rates were calculated by multiplying the number of recorded crimes by 100,000 to obtain the population base, and then dividing that number by the full-time equivalent (FTE) population of students and employees (792 on the Mercyhurst North East Campus for 2003).

The Mercyhurst College Director of Public Safety 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 by the Dean of Discipline 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.

It is noted that a formal police investigation and a subsequent formal police report is 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.

UNIFORM CRIME REPORTING STATISTICS NORTH EAST CAMPUS			
TYPE	2001 crime/crime rate	2002 crime/crime rate	2003 crime/crime rate
Murder & Negligent Manslaughter	0/0	0/0	0/0
Manslaughter by Negligence	0/0	0/0	0/0
Forcible Rape	0/0	0/0	0/0
Robbery	0/0	0/0	0/0
Assault (Aggravated)	3/395	1/131	0/0
Burglary	1/132	4/515	3/379
Larceny/Theft	19/2503	16/2100	32/4040
Motor Vehicle Theft	0/0	0/0	0/0
Other Assaults (Non-Aggravated)	0/0	1/131	1/126
Arson	0/0	0/0	0/0
Forgery and Counterfeiting	0/0	0/0	1/126
Fraud	0/0	0/0	0/0
Stolen Property: Receiving, Possessing	0/0	0/0	0/0
Vandalism	22/2899	7/919	17/2146
Weapons: Carrying and Possessing	0/0	0/0	0/0
Liquor Laws	18/2372	2/262	18/2273
Sex Offenses (Except Rape/Prostitution)	0/0	0/0	0/0
Drug abuse Violations	7/922	0/0	3/379
Drunkenness	0/0	0/0	2/253
Disorderly Conduct	1/132	0/0	1/126
Vagrancy	0/0	0/0	0/0
Hate Crimes	1/132	0/0	0/0
All Other Offences (Except Traffic)	4/527	2/262	7/884

CAMPUS CRIME STATISTICS

MERCYHURST NORTH EAST CAMPUS

CATEGORY	VENUE	2001	2002	2003
CRIMINAL HOMICIDE: MURDER & NON-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
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***	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 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***	1	4	3
	In Dormitories and Other Residential Facilities	1	4	3
	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	0	0	0

NUMBER OF ARRESTS FOR:

CATEGORY	VENUE	2001	2002	2003
LIQUOR LAW VIOLATIONS	On Campus ***	0	1	0
	In Dormitories or other Residential Facilities	0	0	0
	In or on a Non-Campus Building or Property	0	0	0
	On Public Property	0	1	0
DRUG RELATED VIOLATIONS	On Campus ***	0	0	1
	In Dormitories or other Residential Facilities	0	0	1
	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 or 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 REFFERALS FOR:

CATEGORY	VENUE	2001	2002	2003
LIQUOR LAW VIOLATIONS	On Campus	52	28	61
	Off Campus	0	0	0
DRUG RELATED VIOLATIONS	On Campus	10	9	4
	Off Campus	0	0	0
WEAPONS VIOLATIONS	On Campus	0	1	0
	Off Campus	0	0	0

There was one "hate" crime reported during the 2001 calendar year which was associated with a disorderly conduct incident listed in the Uniform Crime Reporting Statistics table on the 2002 Clery report. There were no "hate" crimes during reporting periods of 2001 or 2003.

*** This category includes all on-campus incidents, including "In Dormitories or other Residential facilities". Therefore, the two categories are not cumulative, but duplicative.

Questions concerning The College and University Security Information Act and The Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act may be addressed to the Chief of Police, Mercyhurst College, 501 East 38th Street, 16546, or by calling (814) 824-2304.