2011 Annual Clery Report
And Fire Disclosure Report

North East Campus
Mercyhurst University: North East Campus

The Mercyhurst University North East Campus consists of 17 buildings on about 84 acres of land in North East, Pa. 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 a number of outbuildings to the northwest of the college, a radio station building located at 17 West Main Street, a Public Safety Institute and Licensed Practical Nursing building located at 5999 Station Road, and a swimming pool building located at 43 North Lake Street. There are about 250 students, out of a total of more than 1060, living on the Mercyhurst North East campus, and there are approximately 126 full-time and 6 part-time employees there.

State and Federal Campus Security Acts

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

Mercyhurst North East 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 University
community. The Mercyhurst University Department of Police and Safety has an authorized complement of 14 full-time and 5 part-time officers. They are the chief of police, deputy chief, one patrol corporal, one lieutenant, one patrol sergeant and up to 11 police and safety officers. Four full-time and two 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, deputy chief, lieutenant, sergeant, patrol corporal, 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 university, and on all public property adjacent to the campus. 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 University Police and Safety Department. The Mercyhurst University Police and Safety Department has a written memorandum of understanding with the Erie Police Department. If requested, these departments will assume entire responsibility for the incident and/or investigation. Mercyhurst University 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 University 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 University Department of Police and Safety strives to create an environment that is conducive to good living and learning by supporting the Mercyhurst University mission, and by recognizing the individual's right to pursue their personal goals. The department enforces state and federal laws and Mercyhurst University rules and regulations, and at the same time strives to protect the rights of each and every individual.

**Reporting Crime**

Any person who is the victim of a crime, either on or off campus, is encouraged to report the incident to the appropriate law enforcement agency. Victims and witnesses are encouraged to report crimes on a voluntary, confidential basis. Campus pastoral counselors and campus professional counselors, when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. However, they are encouraged if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. The university reports crimes occurring on campus to state and federal authorities as required by law. Mercyhurst University North East can be reached during the day at (814) 725-6100. Police and Safety can be reached 24/7 at 824-2304. Additionally, the Police and Safety Department can be reached at (814) 725-6103. This department and individuals should be contacted to report crimes for statistical inclusion, and/or to initiate timely warnings pursuant to crimes that have occurred. Alternatively, crimes may be reported
to any university staff member or official. During power failures or emergencies, an officer can also be reached by dialing the Mercyhurst University Erie Campus Police and Safety Department cell phone number at (814) 881-7359 or North East campus cell phone at (814) 881-5024. 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 numbers for the state and borough police departments that have law enforcement authority and respond to incidents and requests for assistance at the Mercyhurst University North East campus are:

**Pennsylvania State Police**
4320 Iroquois Avenue
PO Box 10607
Erie, PA 16514
(814) 898-1641

**North East Borough Police Department**
58 East Main Street
North East, PA 16428
(814) 725-4407
(814) 725-2807 (non-emergency)

The Pennsylvania State Police and North East Borough 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 university or criminal justice system, you may still want to consider making a confidential report. With your permission, a member of the Police and Safety Department can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the university can keep accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the university. Additionally, an alternative way to report crime anonymously via the Internet is available by going to my.mercyhurst.edu. The silent witness form can be found under the services heading under police and safety. The form is on the left side of the screen. It can be filled out and submitted electronically to Chief Kuhn.
Monitoring Criminal Activity At Off Campus Sites

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

Policies

Drug Policy

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

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

Alcohol Policy

In keeping with the university mission statement that "Mercyhurst is a Catholic institution... dedicated to the lifelong development of the whole person," we affirm the posture of the 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 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.

University 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 university's policy as well, to adhere to all municipal, state, and federal laws, including those governing the use of alcohol. Alcohol possession and consumption by students is not permitted on Mercyhurst North East property, regardless of age.

Sexual and Other Harassment Policy

Mercyhurst University believes that everyone is entitled to equal opportunity regarding all aspects of his or her involvement with the university. It is therefore necessary that all members of the university community ensure that no individual or group is discriminated against due to race, color, creed, sex, sexual orientation, age, national origin, ancestry, marital status, physical and mental handicap, education, or any other condition. The university does not and will not tolerate harassment, sexual or otherwise, of any kind by any member or members of the faculty, administration, staff, or student body. While the university subscribes to federal and state laws, which declare harassment to be unacceptable and illegal conduct, its policy is also predicated on the moral truth that all individuals are entitled to be treated with dignity, and to be free from unwelcome physical and verbal intrusions to their bodies and to their minds. The Mercyhurst University sexual harassment and affirmative action officer is responsible for developing policy regarding sexual harassment on campus. An offender is always subject to
university discipline. However, the sexual harassment officer, along with campus advocates, also ensures that proper counseling and safeguards are available to victims of any type of sexual harassment or assault. Various information sessions are provided to incoming students regarding the serious nature of and potential disciplinary action, and/or criminal charges that can result from any form of sexual harassment or assault. The sexual harassment and affirmative action officer for Mercyhurst University is Attorney Tina Fryling. Her office address is Preston 122, and her telephone number is (814) 824-2352. Attorney Fryling can provide assistance regarding information and consultation, resolution of informal complaints, and the filing of formal complaints. All discussions with Tina Fryling, any of the Mercyhurst University sexual harassment advocates, or the office of Mercyhurst University North East Counseling Services (725-6136) 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 university judicial system or the criminal court system or both. The university will assist you in notifying the appropriate university personnel and the local law enforcement agency to accomplish this.
5. Seek counseling to help cope with what has occurred.
6. Report the crime to the Mercyhurst University Police and Safety Department at 725-6103. 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 North East Counseling Center at 725-6136.

Notifying The Mercyhurst University Police and Safety Department

In addition to notifying a member of the Mercyhurst University administration of improper sexual conduct, we strongly encourage students who are victims of improper sexual conduct to cooperate with North East Police Department or Pennsylvania State Police to bring about a prosecution in the criminal court system. All sexual assaults and other serious offenses will be investigated by the North East Police Department or Pennsylvania State Police with the cooperation and assistance of the Mercyhurst University Department of Police and Safety. When an incident of sexual assault is reported to a university employee and the victim is willing to make a formal complaint to the Mercyhurst Police and Safety Department or the law enforcement department having jurisdiction, the employee should:

1. Contact the Mercyhurst University Erie Campus Police and Safety Department at 725-6103, or any other campus security authority.
2. The Police and Safety Department will:
   a. Advise the victim that the Erie Police Department will be contacted and will investigate the incident and make a determination as to what charges will or will not be filed. Police and Safety will also advise the sexual harassment officer who will take independent disciplinary action as needed;
   b. Arrange to transport the victim to an approved rape treatment center for medical treatment;
   c. Notify the victim of his/her option of access to existing counseling services on campus and in the community;
   d. Notify the counselor on call;
   e. Notify the on-duty assistant director of residence life.
3. The director of the counseling center will:
   a. Maintain contact with the sexual harassment officer and coordinate counseling support services for the victim;
   b. Work with the academic dean and/or the assistant vice president of student affairs, if the victim so requests, to arrange for alternative classes and/or housing if such classes and housing are reasonably available.

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

1. Contact the Counseling Center at campus telephone extension 6136.
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 university, 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 associate vice president of student life or other determining party. All parties and witnesses and any other persons who may have information that would help settle the matter would be interviewed separately. When at all possible, all persons who could corroborate one another’s stories will be called in to make statements simultaneously, so that outside corroboration cannot take place.

Sexual Harassment Grievance Panel

The Sexual Harassment Grievance Panel will serve as an advisory board to the director of Residence Life & Student Conduct or other determining party. Following the gathering of statements from all involved parties and/or witnesses to an alleged incident, the Sexual Harassment Grievance Panel will meet to discuss the case. The Sexual Harassment Grievance Panel will review all written statements and will hear testimony from the associate vice president of student life or other determining party, and from the sexual harassment officer. The Sexual Harassment Grievance Panel will then make a recommendation as to the appropriate charges(s) to bring against the accused, along with suggested sanctions. The Committee shall consist of six members of the university 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 associate vice president of student life. The associate vice president of student life will receive and review the panel's report and recommendation of sanctions, if any, which can include dismissal from the university. The director shall have access to the complete record of the case. If the associate vice president of student life determines that the sanctions recommended by the panel are inappropriate, he or she shall indicate his or her reasons in writing to the panel. After consulting with the panel, the complainant, 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 adjudicating body.
• In instances involving more than one student, individual hearings will be provided.
• The accused has the right to be assisted by an adviser or his/her choice and at his/her own expense. However, the accused is responsible for presenting his/her own case and therefore, advisers are not permitted to speak or to participate directly in any hearing.
• The accused and the adjudicating body shall have the privilege of presenting witnesses, who shall be subject to cross examination by the adjudicating body only.
• Permanent records, exhibits and written statements may be accepted as evidence for consideration at the discretion of the adjudicating body.
• All procedural questions are subject to final decision by the adjudicating body.
• The hearing may be taped by the adjudicating body.
• Proceedings under the Student Code are not criminal proceedings, and shall not be construed as such.
• Mercyhurst University recognizes its responsibility to provide judicial procedures which reflect due process provisions. The university 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 associate vice president of student life, Student Conduct Panel, or the president of Mercyhurst University has the capability to recommend a decrease, increase, or no change of the previous decision made by the adjudicating officer.
• In cases dealing with responsibility or non-responsibility, the judicial board may recommend that the previous sanction made by the adjudicating officer be revoked.
• When the judicial board cannot come to a majority decision (in case of a tie), the chairperson votes.
• Both the accuser and the accused shall be informed of the outcome of any institutional disciplinary proceeding brought alleging a sexual offense.

Sanctions For Improper Sexual 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

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 University 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 University 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 university community can subscribe to the E2 campus notification system at my.mercyhurst.edu. The subscription can be found in the residence life section of the portal under “Resources” on the left hand column.

The Mercyhurst University Emergency Response Team Members are:

Chief Operating Officer
Dean of Academics
Dean of Admissions
Dean of Students
Human Resources / Administrative Services
Chief of Police and Safety
Sergeant of Police and Safety
Director of I.T. Services
Director of Counseling Services
Director of Media Relations
Director of Physical Plant
EMERGENCY RESPONSE

Mercyhurst University includes a written plan that addresses the ability of the university to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, staff and employees.

The university, without delay, will take into account the safety of the university community and initiate the notification system, respond to, or otherwise mitigate the emergency. The process to accomplish this notification is identified in the college’s Emergency response Plan (ERP) and Emergency Response Guide (ERG).

On Campus Notifications:

1. Broadcast email messaging
2. Cellular phone text messaging (E2)
3. Broadcast voicemail messaging
4. Web Site announcements
5. Other media

The university also includes the utilization of in-place building protections and systems for the notification of occupants to an emergency:

- Fire Alarm Systems.

These systems are tested and maintained in accordance with accepted codes and standards.

Emergency notification methods are tested annually to ensure reliability:

- The Emergency Response Plan is periodically reviewed. Updates and changes are completed as necessary.
- The notification processes are tested at least annually.
- Meetings are regularly held throughout the year with key personnel and stakeholders.

Physical testing of systems notification:

- All in-place methods of emergency notification are tested by announced activations.
- Call lists are updated
- Response levels reviewed
- Communications tested.
- Operations Center reviewed.
• Planning the exercise
• Developing methods
• Conducting exercise
• Evaluating testing results

Testing Procedure:
• Conduct testing
• Alert the community
• Measure test response
• Evaluate effectiveness
• After action evaluation

The periodic review of the college’s Emergency Notification methods is a continuing process. Through these evaluations, methods have been developed and included in the college’s ERP. Recent results:

• Increase of notification testing to once per term (3 times annually)
• Planning of physical emergency evacuation exercises (drills).
• Measure response of Emergency Response Team
• Develop special projects to include the expansion of physical notification methods.

Missing Person Policy

The purpose of this policy is to establish procedures for the university’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 university 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 university 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 university’s Office of Public Relations. All inquiries to the university regarding missing students, or information provided to any individual at the university 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 University 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

The Division 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 Dean of Students, Director of Student Life, Assistant Director of Student Life and the Director of Counseling & Wellness. Meetings may also include Resident Directors, Resident Assistants 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.
Drug And Alcohol Abuse Education Programs

Students found in violation of the university’s alcohol or drug policies may be 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 participate in personal counseling to promote healthy and responsible decision-making skills.

Timely Warning Policy

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

1. A letter may be sent to all employees and students.
2. Information may be published in the university student newspaper (The Chancellor).
3. Information may be published in the university newsletter (The Morning Buzz).
4. Information may be displayed in the cafeteria and the student union.
5. Information may be posted on the police and safety department home page.
6. Flyers may be posted on university bulletin boards, and/or distributed by assistant housing directors and resident assistants.

Facilities

There are two residence halls located within the North East campus main structure: both are coed. There are 24 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 contract, 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 townhouses. 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 provide photo identification. Visits by members of the opposite sex are limited to visiting hours. Guests must be 18 years of age, or siblings of the resident, to enter the resident halls. Any visitor under the age of 18 requires parent approval and emergency contact information. All residents are informed of housing and visitation policies via the Student Handbook and during an initial meeting at the beginning of the term. Additional meetings are held and notification is sent on an as-needed basis. Students granted permission to stay on campus during breaks having made special arrangements with the college are reminded that since there will be fewer students around they should be especially cautious. Guests may not stay on campus unless registered...
with the Director of Student Life, 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 entrances 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.

Access to Campus

Mercyhurst has all of its facilities open during the normal workday. Guests of the university 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 University community.

Housing, Maintenance and Facilities Information

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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 University North East campus is maintained at that campus’ administrative office. Mercyhurst University 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 University is a very safe and secure university. 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 University 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 director of administrative services at 725-6399.
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, and should 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 2011 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.

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23
*** 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 University Police and Safety Department prepares this report using the following procedures:

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

Overview

• College Owned / Controlled Student Housing Erie Campus
• Specific Fire Prevention Related Policies
• Fire Safety Training and Education
• Future Improvements in Fire Safety

II. Disclosure of Fire Safety Standards and Measures

• 2010 On Campus Student Housing
• On Campus Student Housing Facility Fire Safety Systems
• Residential Apartments
• Dormitories

III. Fire Exit Drills

IV. Statement Addressing Procedures for Student Housing Evacuations in the Case of Fire

V. Rules / Policies on Portable Electric Appliances, Open Flames and Smoking

• Fire Safety Training
• Fire Safety Education

VI. Future Improvements in Fire Safety

VII Student residence Fire Safety Systems

VIII. 2010 Fire / Alarm Statistics Erie Campus

IX. 2010 Fire / Alarm Statistics North East Campus
MERCYHURST UNIVERSITY
NORTH EAST

2011 HEOA / CLEARY

Disclosure of Fire Safety Standards and Measures

Mercyhurst University is an eligible institution that maintains on-campus student housing facilities and is required to participate under this title.

NORTH EAST CAMPUS

A. 2011 On-Campus Student Housing Fire Statistics

There were no fire events in Mercyhurst North East student housing facilities

On campus student housing facility fire safety systems:

Student Living Apartments

- **North Campus Townhouses** There are 3, 8 unit buildings. All living units are equipped with 110V / battery back-up, code compliant local smoke detection. All units are equipped with ABC Portable Fire Extinguishers.

- **West Campus Townhouses**. There are 12 student living units. All units are equipped with 110V / battery back-up, code compliant local smoke detection. All units are equipped with ABC portable fire extinguishers.

Dormitories:

- **Redemptress Hall** is a 2-story. 14 pod-type living unit dormitory. The building is protected by an automatic fire alarm system comprised of photoelectric automatic smoke detection, fixed temperature heat detection, manual fire pull stations and horn / strobe fire alarm notification. The building is equipped with full fire sprinklers. Each living unit is equipped with an ABC portable fire extinguisher.

- **Neumann Hall** is a 4 story, 45 living unit dormitory. The building is protected by an automatic fire alarm system comprised of photoelectric automatic smoke detection, fixed temperature heat detection, manual fire pull stations and horn / strobe fire alarm
notification. The building is equipped with full fire sprinklers and Class-1 standpipes. Common areas are equipped with ABC portable fire extinguishers

A. Mandatory / Supervised Fire Exit Drills
   • Fire exit drills are conducted quarterly in all freshman housing dormitories on both Erie and North East campuses

B. Rules / Policies on Portable Electric Appliances, Open Flames, Smoking
   • All rules and policies and regulations concerning fire safety in any student residence are proscribed and defined in the Mercyhurst University Student Handbook. These regulations are enforced by the Residence Life office by periodic health and safety inspections.
   • Electrical Appliances that are prohibited or pose a potential hazard are confiscated and removed in accordance with the housing rules and regulations section of the Student Handbook and any /all applicable local fire code requirements.

Appliances that are inspected for proper working order or compliance are:

   • Electric blankets, heating pads
   • Lamps (halogen bulbs and lamps are prohibited)
   • Stereos, TV’s, VCR’s, computers and equipment, hair dryers / curlers, hot air popcorn poppers, microwaves, coffee pots, electric razors
   • Power strips, extension cords, multi plug adaptors
   • Hot plates, sun lamps, toaster ovens, electric fryers, fog machines are all prohibited appliances

Open Flames

   • Candles, incense, and smoking are prohibited in all student living units

Procedures for Student Housing Evacuations in the Event of a Fire

   • University policy is that in the event of any fire alarm, in any University operated building, all occupants are required to; or directed to evacuate the building utilizing the nearest exit. Once the occupants have been evacuated, they are directed to pre-designated areas of assembly. The University does provide portable fire extinguisher orientation to residence life staff but does not encourage suppression activities; building evacuation is the priority function. All automatic fire alarm systems are monitored by the University’s Police and Safety operations and all received active fire alarms are forwarded to the appropriate fire agency using our established 911 reporting protocol. Follow-up calls to the Police and Safety operations are encouraged from building representatives for the provision of fire event information. The building is not re-occupied until instructed by responding emergency personnel. In the event of a
significant emergency, occupants are relocated to pre-designated areas of refuge utilizing established emergency response protocols.

**Fire Safety Training**

- Fire safety training is provided on an annual basis to all Residence Life staff
- Portable fire extinguisher training is provided to all Residence Life staff
- Emergency evacuation training is provided to all Residence Life staff

**Fire Safety Education**

- Fire safety / prevention education is periodically offered to the college community
- Fire safety / prevention information is presented by the Fire Safety office to the entire University community during national Campus Fire Safety Month and during National Fire Prevention Week (2nd week of October)

**Future Improvements in Fire Safety**

- Fire and Life Safety is an ongoing and daily awareness of conditions that could cause or contribute to the cause of fire.
- Periodic fire safety presentations offered to University employees and staff in all departments.
- The University is including and investing in the upgrade and replacement of aging fire protection equipment and protections as a part of its capital improvements budget. These projects are a part of a multi-year plan the University is organizing in response to a Facilities Conditions Assessment Report conducted by Aramark Corp in 2007.

**Fire Safety Testing, Inspection and Maintenance**

- All installed fire alarm systems are tested, inspected and maintained annually in accordance with accepted codes, standards and references.
- All installed fire safety systems are periodically inspected for proper operation.
- An annual Fire Safety / Fire Risk Analysis is conducted for all University owned buildings
- Any / all reported fire safety concerns are addressed in a timely manner, mitigated and re-inspected for compliance
### 2011 MERCYHURST NORTH EAST CAMPUS

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<th>Building</th>
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<th>Local Smoke Detection</th>
<th>Fire Sprinklers</th>
<th>Standpipes</th>
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### 2011 Fire Statistics North East Campus

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