

2023

Annual Security Report and Fire Safety Report



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INTRODUCTION

University of the Arts is dedicated to providing a safe and secure environment for students, faculty, staff and visitors to our Center City, Philadelphia campus along the Avenue of the Arts. The Avenue of the Arts continues to evolve with significant residential development replacing office space, creating new sources for economic development and commercial growth. South Broad Street has been recognized by the American Planning Association as one of the "Great Places of America". The Avenue's renowned performance venues, luxury hotels and eateries, universities, and residences are just a few reasons why the Avenue was given this prestigious recognition.

Many individuals and departments are involved in campus safety and security. This information can help keep you and others safe at the University of the Arts. At the University of the Arts, we endeavor to provide accurate information to our community regarding the safety of our campus. In furtherance of these efforts, we make our policies, procedures, and statistics available electronically at www.uarts.edu/about/campus-crime-fire-reports.

THE ANNUAL SECURITY REPORT

University of the Arts, in compliance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Higher Education Opportunity Act and the Violence Against Women Act, and The College and University Security Act of 1988, reports annually to its current and prospective students and employees. The annual security report (ASR) contains statistics for the previous three (3) years pertaining to reported crimes that have occurred on-campus, in certain non-campus buildings or property that is owned or controlled by the University of the Arts and on public property within, or immediately adjacent to and accessible from the campus. All institutions participating in Federal student financial aid programs are required to provide information to the public regarding campus safety and security policies and procedures. Statistics regarding crimes related to their campuses must also be reported. The definition set used for this format is according to the FBI Uniform Crime Reporting (UCR)/National Incident-Based Reporting System (NIBRS).

OFFICE OF PUBLIC SAFETY OVERVIEW

University of the Arts Office of Public Safety is responsible for the safety and security of the University's students, staff and faculty. In addition to monitoring the campus, Public Safety also conducts training sessions for resident assistants and students.

The Office of Public Safety presently consists of the Public Safety Director, the Site Supervisor, 3 full-time Security Supervisors, 40 full-time Security Officers and 35 part-time Security Officers. All members of Public Safety are employed by Allied Universal Security and contracted by the University of the Arts to provide safety and security services for the campus community. All members are fully trained professionals who undergo continuous training in the latest life-saving/first aid techniques, the needs of higher education institutions and communities, Clery Act requirements and University of the Arts Policies. We pride ourselves on being an important resource for our students, faculty and staff on campus.

ENFORCEMENT AUTHORITY

University of the Arts Office of Public Safety officers have the authority to ask persons for identification determining whether individuals have lawful business at all owned and managed University facilities. Public Safety officers have the authority to issue parking violation warnings and have vehicles in violation of University parking policy ticketed and towed. Tickets are issued by Philadelphia Police or Parking Authority Personnel and all towing fees are the responsibility of the vehicle's owner.

Public Safety Officers do not possess arrest power. Public Safety personnel are authorized to observe and report violations of University policies and/or Federal, State and City laws and ordinances to the responsible agency or department head. Criminal incidents are referred to the local police who have jurisdiction on the campus. The Public Safety Department at the University of the Arts maintains a highly professional working relationship with the Philadelphia Police Department, State Police and local law enforcement offices.

REPORTING OF CRIMES AND OTHER EMERGENCIES

To report a crime, contact:

By phone:

- + Philadelphia Police dial 9-1-1 (all emergencies)
- + University Public Safety at **215-717-6666** (all emergencies) or **215-717-6404** (non-emergencies)
- + Office of Student Affairs at **215-717-6617**
- + Philadelphia Police 6th District (non-emergencies) **215-686-3060**
- + Philadelphia Police 9th District (non-emergencies) **215-686-3090**
- + Philadelphia Fire Department (non-emergencies) **215-922-6000**

In person:

- + Furness Operations Center at 1499 Pine St., 24 hours per day/7 days per week
- + Any security officer on campus
- + Office of Student Affairs at Gershman Hall, Rm 311
- + Philadelphia Police 6th District at 235 North 11th Street
- + Philadelphia Police 9th District at 401 North 21st Street
- + Philadelphia Fire Department Engine 01/ Ladder 05 at 711 S Broad Street

CAMPUS SECURITY AUTHORITY (CSA)

A Campus Security Authority (CSA) is an individual who is an official of the institution that has significant responsibility for student and campus activities, including but not limited to:

- + Public Safety Officers (Allied Universal Security)
- + Associate VP for Student Affairs
- + Campus Life Staff
- + Title IX Coordinator
- + Faculty Advisors to Student Groups
- + Academic Advisors
- + Campus Conduct Staff
- + Student Resident Assistants (RA) or Graduate Assistants (GA)
- + Physicians and Health Educators
- + Campus Medical Personnel
- + Counselors including peer counselors

Employees have the option of reporting an incident to their supervisor. Faculty members may report an incident to their Dean.

Under the Clery Act, a crime is reported when a victim, witness, other third party or even the offender brings it to the attention of a CSA or local law enforcement

personnel. It does not matter whether the individual(s) involved in the crime or reporting the crime are associated with the institution. If a CSA receives the crime information and believes it was provided in good faith, they should document it as a crime report and provide this report to the Office of Public Safety. In "good faith" means there is a reasonable basis for believing that the information is not simply rumor or hearsay. CSAs are not responsible for investigating crimes; their role is to report all incidents immediately, no matter how minor an incident may seem. All investigations and crime classifications are the responsibility of sworn law enforcement personnel, including, but not limited to the Philadelphia Police Department.

There are two classifications of individuals who, although they have significant responsibilities for student and campus activities, are not considered CSAs under the Clery Act. They are pastoral counselors and professional counselors. A pastoral counselor is defined as a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor. A professional counselor is defined as a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope

of his or her license or certification. This definition also applies to professional counselors who are not employees of the institution but are under contract to provide counseling at the institution.

Although pastoral counselors and professional counselors do not have to report crimes that are brought to their attention while serving in an official capacity, they are encouraged to inform their client(s) of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

PROMPT CRIME REPORTING

Under the *Clery Act*, a crime is “reported” when it is brought to the attention of a Campus Security Authority, the Public Safety Office, or local law enforcement personnel by a victim, witness, other third party or even the offender. It does not matter whether the individuals involved in the crime, or reporting the crime, are associated with the institution. All crime victims and witnesses are strongly encouraged to immediately report the crime to the campus Public Safety Office and the appropriate police agency in a timely manner. Prompt reporting will ensure timely warning notices on-campus and timely disclosure of crime statistics.

VOLUNTARY CONFIDENTIAL CRIME REPORTING

The University of the Arts Public Safety Department along with the City of Philadelphia Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Except for communication made to pastoral counselors and licensed professional counselors, all CSAs have the obligation to report all offenses. CSAs are to report statistical information which may not include personal identifiers.

Confidential reports that provide sufficient detailed information for classification of the offense by using the FBI Uniform Crime Reporting Guidelines will be included in crime statistics.

TIMELY WARNING

The University of the Arts immediately will 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 or employees occurring on campus.

University of the Arts will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate one or more of the listed notification systems, 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 warning will keep victim identities confidential to the fullest extent possible.

This notification will involve one or more of the following delivery methods:

1. Regroup TEXT Alert System – UARTS has installed a cell phone text messaging system through Regroup, which allows brief emergency messages to be communicated at the rate of 6,000 messages per minute. While all students, faculty, and staff are automatically registered with the system through their email accounts, cell phone text and voice messages can only be sent to those who sign up or “opt-in” for the service.

The University of the Arts encourages all students/faculty/staff to sign up for alert text messaging as a secondary means to receive University emergency notifications. You will only receive text messages in cases of emergency, school closing, weather alert or other high priority.

By default, all University members will receive emails related to emergency, school closing, weather alerts and high priority messaging. Email notification to @uarts.edu addresses is enforced and cannot be changed as it is University policy. Registering for text messaging is optional; you may opt-in or out at any time.

You may register additional email addresses and cell phone numbers to receive emergency alerts as well. Perhaps registering a parent cell phone number or significant other’s email address is of value to you. You have the ability to register as many email/cell contacts as you’d like.

- + Log into the portal, mycampus.uarts.edu. You must have an active University username and password to access the Portal and Emergency Alert System.
- + Click on the link to access Emergency Notifications (Regroup) in the QuickLaunch left hand menu. You will automatically be signed into the Emergency Alert system and directed to the site to register cell phone number(s) and additional email address.
- + Be sure when adding cell phone numbers to check off "text" to receive text messaging. UArts is not using the "voice" feature as of yet. You may leave voice unchecked.
- + Click SAVE after edits are complete.

2. Web alerts – The university website, uarts.edu, allows for quick posting of emergency alerts and updates on the home page. This is the most reliable place to check whether the campus is being closed for any emergency, including weather related closures.

At times, the University of the Arts will not immediately issue an emergency notification for a confirmed emergency or dangerous situation if in doing so will compromise efforts to:

- + assist the victim,
- + contain the emergency,
- + respond to the emergency or,
- + otherwise mitigate the emergency.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

The University of the Arts recognizes its responsibility to provide accurate and timely information to the campus community during emergencies. The policy established by the Crisis Management Team establishes the approval process, criteria, and method for communicating with the students, faculty, and staff in the event of an emergency at any of its locations.

Once a significant emergency is confirmed, the On-Site Response Team, consisting of the University Public Safety Department Shift Supervisor on duty and the Professional on Duty (POD), will notify the Director of Public

Safety and the Student Affairs Administrator on Call (AOC). The Director of Public Safety and AOC will assemble the Crisis Management Team and contact the

Executive Leadership Group. These parties together will decide

who will be notified of the incident, determine the content of the notification, and initiate any or all notification systems available.

The Director for Media Relations and Communications will disseminate relevant information to the larger community through the most appropriate and expedient methods.

GENERAL EVACUATION PROCEDURE

An evacuation is implemented under conditions when it is no longer safe for students, faculty, and staff to remain in a building or a specific area in a building. This requires occupants to move out and away from a building to a designated rally point and away from a specific area within a building. It is most commonly used when there is a suspected fire or hazardous material spill in a building.

In the event that you must evacuate, you should:

- 1. WHEN THE FIRE ALARM SOUNDS, LEAVE AT ONCE.**
Close the doors behind you and proceed into the fire exit and LEAVE THE BUILDING.
- 2. DO NOT USE THE ELEVATORS.** If the power fails, the elevators will stop, causing the occupants to become trapped. Since elevator shaft ways are like chimneys, smoke could enter the elevator shaft thereby asphyxiating the occupants who are trying to evacuate the building.
- 3. Feel the door** that leads from your area to the corridor before opening it. If it is hot or smoke is seeping in, do not open. If you cannot reach the fire exit, keep the door closed and seal off any cracks. Use the telephone to call the Fire Department by dialing 9-1-1, and give the address of the building, the floor you are on, and the office number.
- 4. Stay low** if caught in smoke or heat. **Take short breaths** through your nose until you reach an area of refuge.
- 5. If the door feels cool, open cautiously.** Be prepared to close it quickly if the corridor is filled with smoke or if you feel heat pressure against the door. If the corridor is clear, precede with the building evacuation instructions.
- 6. Keep moving** for at least 200 feet and proceed to the designated rally point after leaving the building.
- 7. People with needs** should plan to evacuate to an area of refuge (fire tower). Once there, call Public Safety at

215-717-6666 or the Fire Department – 911. Identify your location and floor, being sure to indicate if you require special equipment to descend the stairs. Plan in advance to have a responsible person to assist during an emergency.

Area of Refuge: If your floor has to be evacuated, relocate to a protected area, such as oversized landings in fire-safe stairwells on the floor. Next, call Public Safety (215-717-6666) or the Fire Department (911) and provide your location. Wait in the protected space until fire department personnel can remove you. Personal Preparedness: Plan in advance to have a responsible person assist you in the event of fire. Use a “buddy” system to help you get to a protected area. Anticipate situations where the “buddy” may not be available in an emergency.

Fire towers are enclosed stairways that have fire-rated doors and walls that provide a refuge from smoke and heat in a fire emergency. Doors leading into fire towers are inspected periodically to ensure that they open and close properly and should never be tied or propped open. Fire towers cannot be used for storage or as smoking areas. Fire towers are to be clean, well-lit, and free of obstructions at all times. Fire towers are an Area of Refuge.

SHELTER-IN-PLACE PROCEDURE

A shelter-in-place warning may be issued when conditions outside the building are unsafe due to severe weather, an airborne hazard, civil disturbance or other emergency. Notification to shelter in place may be made using all means of communication available. Once issued, individuals should immediately seek shelter inside the nearest campus building until the “All Clear” is given.

The basic steps of Shelter in Place are as follows:

1. **Stay inside** your building.
2. **Move to interior rooms** or hallways.
3. **Close all exterior windows and doors** to prevent inadvertent opening.
4. **Turn off all heating, ventilation, and air conditioning (HVAC) systems** (if manual controls are present) if the hazard is identified as a chemical, biological or radiological release.
5. **Cover or seal** the windows if possible.
6. **Await** further instructions.
7. **Do not evacuate** the building until the “All Clear” is given by emergency personnel.

CAMPUS GEOGRAPHY

Crimes are reported as having occurred in one of four categories:

1. **On-Campus** is defined as any building or property owned or controlled by the University which is within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes and property within the reasonably contiguous area that is owned by the institution but controlled by another person which is used by students and supports institutional purposes (such as food or other retail vendors).
2. **Residence Hall** is defined as any student housing facility that is owned or controlled by the University or is located on property that is owned or controlled by the University which is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.
3. **Public Area** is defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
4. **Non-Campus Property** is defined as 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 education that is used in direct support of, or in relation to, the institution’s educational purposes, is used by students and is not within the same reasonably contiguous geographic area of the institution.

SECURITY OF AND ACCESS TO CAMPUS FACILITIES, INCLUDING CAMPUS RESIDENCES – PROCEDURE AND POLICY STATEMENT

University of the Arts is a private institution located in the heart of Center City Philadelphia. As such, we have an open campus with numerous city streets offering access onto the campus. Most University facilities are open to the public during the day and evening hours when classes are in session.

All University facilities and public campus areas are patrolled on a 24-hour per day basis by Public Safety personnel on foot. Facilities are also monitored by camera and emergency alarm systems that are connected to the Public Safety offices and an outside alarm company.

Security Officers are stationed at access points of all buildings on campus during operational hours and in residence halls 24 hours per day. Maintenance problems observed by or reported to Public Safety are forwarded to the Facilities Management Department for correction, including lighting and landscaping issues.

MAINTENANCE OF CAMPUS FACILITIES

The University of the Arts Facilities and Operations department helps keep University buildings and grounds safe and secure. The Assistant Vice President of Facilities Management and Operations or a designated representative inspects campus facilities regularly, promptly notifies the appropriate authority for repairs affecting safety and security, and responds to reports of potential safety and security hazards. The University Office of Public Safety assists Facilities Operations personnel by reporting potential safety and security hazards discovered during the daily patrols or building security checks. Students, faculty, staff, and visitors may also report any safety or security hazards by calling 215-717-6825.

MONITORING AND RECORDING CRIMINAL ACTIVITY OFF CAMPUS

University Public Safety members do not provide law enforcement service to off-campus residences of any student or recognized organization, nor are activities off-campus recognized by university authority. Criminal activity at off-campus residences is monitored and addressed by the Philadelphia Police Department (PPD). Upon notification of a crime or crimes involving students at off-campus locations, the Director of Public Safety or a designee contacts the local agency and establishes protocol for exchange of information. Student Affairs and Public Safety members enjoy a close working relationship with PPD when violations of statutes surface. This cooperative team approach addresses situations as they arise as well as future concerns. University of the Arts

does not have recognized student organizations located off campus. The University Public Safety Department establishes case numbers for incidents in question. The crime or crimes will be reflected in the University's annual disclosure of crime statistics if the incident fits the requirements for reporting under the Clery Act.

WORKING RELATIONSHIP WITH STATE, FEDERAL & LOCAL POLICE AGENCIES

The Office of Public Safety enjoys an excellent working relationship with the Philadelphia Police Department's 9th District (West side of Broad Street), 6th District (East side of Broad Street) and Center City District, The District Attorney's Office, and the Department of Homeland Security and FBI University Division.

The University Public Safety Department maintains liaisons with these law enforcement agencies to ensure the monitoring and recording of criminal activity which may impact our campus community. Each year, the Director of Public Safety or a designee forwards letters to the Chief, Sheriff, or other Director of these agencies asking for statistical information regarding crimes or emergencies reported to them that occurred within the geographical area mandated by the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act for the University of the Arts.

All local, state, and federal law enforcement agencies readily make themselves available to assist our Public Safety Department whenever called upon.

CRIME PREVENTION EDUCATION AND AWARENESS

The University Office of Public Safety offers crime awareness, safety, and security presentations during orientation programs for parents, new students, and new employees. Know the Code and Campus Safety presentations center on crime awareness and prevention, campus security policies and procedures, and how to contact the University Office of Public Safety Department for any assistance needed.

Information concerning crime prevention and awareness is also made available through crime alert and community awareness bulletins, the University Office of Public Information, crime prevention posters and brochures.

SAFETY TIPS

- + Here are some tips on how to protect yourself and your property on and off campus:
- + Do not travel alone at night when possible. Use the University's Escort Service or take a friend along. If you must travel alone, use well-lit streets in populated areas.
- + Always let a friend or roommate know where you are going and when you should return.
- + Do not lend your residence key to anyone. Do not hide your keys under a mat or in other obvious places.
- + Always keep residence doors shut and locked, even if you are just going down the hall. Close and lock windows whenever you leave the room.
- + Keep valuables out of sight.
- + If you return home to find your door or window forced open, DO NOT ENTER. Call the Office of Public Safety or the Police before entering.
- + Do not leave laptops, smart phones, books, wallets, purses, or supplies unattended in classrooms, studios, or lounges.
- + Park your car in a supervised lot when possible. Keep your car locked, even when you're in it. Secure bicycles on the racks located throughout the campus.
- + Don't overload circuits in your room. Make sure wires and extension cords are in good condition. Don't hide them under rugs; keep them out in the open.
- + Note where the fire extinguishers are in your apartment and on your apartment floor and in classrooms. Learn fire emergency routes.
- + Program emergency phone numbers into your cell phone.
- + Report all thefts, accidents and incidents to the Office of Public Safety immediately.

ALCOHOL AND DRUG POLICY AND PREVENTION

University of the Arts strives to provide a safe, productive, healthy and supportive environment for students, faculty, staff, and guests. Recognizing that the abuse of

alcohol and other drug use is a major societal concern and health problem, UArts sets forth policies and conducts counseling and educational programs to guide community members in making knowledgeable choices which foster ethical, healthy, and responsible lifestyle behaviors.

Each year, the Office of Campus Life, under the direction of the Associate Vice President for Student Affairs, conducts mandatory Title IX, alcohol and drug, and diversity education training for all students. All students were required to complete Alcohol Edu, an online educational program designed specifically for students to ensure they are informed about drugs, alcohol, and peer pressure.

University of the Arts also maintains policies regarding the possession, use, consumption, and sale of alcoholic beverages on campus. These policies include enforcement of State alcohol control laws, including underage drinking and open containers, by the Public Safety Department and outline sanctions which may be levied through the University's Community Standards Coordinator for violations of these policies.

University of the Arts maintains policies regarding the possession, use, consumption, and sale of controlled dangerous substances (drugs) on campus. These policies include enforcement of State and Federal controlled dangerous substance laws by the Public Safety Department and outline sanctions which may be levied through the University's conduct process for violations of these policies.

The University's alcohol and controlled substances policy is documented in the Student Handbook uarts.edu/life-at-uarts/community-standards/student-handbook.

At the start of each academic year, the Associate Vice President for Student Affairs informs all students of these policies and directs them to these resources via email.

ALCOHOL & OTHER DRUGS POLICY

All members of the University of the Arts community are hereby notified of the primary components of the Substance Abuse Prevention Policy in compliance with the Drug-Free Schools and Community Act of 1989 and subsequent amendments.

LOCAL, STATE AND FEDERAL LAWS

A person in the Commonwealth of Pennsylvania who is under 21 years of age commits a summary offense if they attempt to purchase, consume, possess or transport alcohol. If convicted of this offense the minor's driver's license will be suspended for 90 days. There is a \$300 fine for a first offense and second offense will yield a fine up to \$500. The police must notify the parents of any individual under the age of 18 charged with violating this law. Any person who intentionally provides alcohol to a minor will be convicted of a misdemeanor of the third degree. There will be a \$1,000 fine for the first offense and a \$2,500 fine for subsequent offenses. Maximum penalties are \$2,500 in fines and one-year imprisonment.

Minors carrying or using false I.D. cards face a 90-day driver's license suspension and are subject to fines up to

\$500. For subsequent offenses, a driver's license can be suspended for one year for the second offense and two years for additional offenses. Imprisonment is possible up to 90 days for the first offense and one year in prison is possible for subsequent offenses. Manufacturing or selling a false I.D. card has been made a criminal offense, punishable by minimum fines of \$1,000 for a first offense and \$2,500 for subsequent offenses. Maximum penalties are \$5,000 in fines and two years in prison.

Federal and state laws prohibit the possession, use and distribution of illegal drugs. The sanctions for violating drug laws consist of mandatory imprisonment and substantial fines. The penalties for particular offenses vary widely, depending on the nature of the offense and the type and quantity of the drug involved. For example, under federal law, simple possession of a controlled substance carries with it a penalty of imprisonment of no more than one year, plus a fine of an amount between \$1,000 and \$5,000. If the controlled substance contains a cocaine base and the amount exceeds five grams, the offender will be imprisoned for not less than five years and not more than twenty years, or fined, or both. Also under federal law, anyone who is at least eighteen years old and who distributes drugs to anyone under age 21 will be imprisoned and/or fined up to twice what is otherwise provided by law, with a minimum prison sentence of one year.

Pennsylvania law, which prohibits the use, possession and distribution of drug, are also strict. In addition to imposing fines and/or prison terms for violations of its drug laws, Pennsylvania has also enacted a forfeiture statute that allows the state to seize property used to accomplish the violation of Pennsylvania's anti-drug laws, including automobiles.

For more details, please refer to the Pennsylvania Liquor Control Board web page at: lcb.state.pa.us/PLCB/index.html.

STANDARDS OF CONDUCT

The following behaviors are specifically prohibited in the University of the Arts community, regardless of whether the infraction occurs on or off campus property. Students, whether residential or commuter, may not use, possess, manufacture, distribute, dispense or sell controlled substances of any kind, including illegal drugs or drug paraphernalia, on University premises or in University-owned vehicles. Additionally, students may not:

- + Be under the influence of an unauthorized substance or illegal drug on University premises or in University-owned vehicles.
- + Be in possession, including internal possession, of an unauthorized substance or illegal drug on
- + University premises or in University-owned vehicles.
- + Use alcohol or other controlled substances or drugs to the extent that the performance of the employee or student is adversely affected.
- + Use alcohol or other controlled substances to the extent that the safety of one's self or of others on the campus is jeopardized.

HEALTH RISKS OF ALCOHOL AND OTHER DRUGS

Alcohol depresses the central nervous system, slowing the thought process, reflexes and other physical skills. Under the influence of alcohol, a person may become confused, moody, angry, emotional and disoriented. Larger doses can result in unconsciousness, coma and/or death. Dangers associated with alcohol use include addiction, damage to key organs, automobile accidents, social problems, and birth defects, among other negative consequences.

Marijuana impairs physical coordination, sensory perception, judgment, reasoning skills and memory. Marijuana use has also been linked to chronic anxiety disorders and schizophrenia, among other mental health problems.

Ecstasy can cause severe depression, fatigue, internal hemorrhaging (bleeding), permanent brain damage and failure of body organs including the kidneys, heart and liver.

Cocaine, LSD (acid), and heroin, among other drugs, impact the mind and body in different ways, but each has dangerous or deadly consequences. Cocaine, for example, raises blood pressure, heart rate and body temperature; narrows arteries; restricts blood flow to the heart; causes tremors, convulsions, nausea and vomiting and can lead to failure of the respiratory system. Hallucinogenic drugs such as Acid cause severe psychological distress including panic and psychotic episodes that can last for weeks or months and return as flashbacks years later.

ALCOHOL POLICY VIOLATIONS

The following are considered violations of the UArts alcohol policy:

- + Consumption by underage persons on or off campus.
- + Consumption on campus or possession of alcoholic beverage or containers intended to contain alcoholic beverages, whether empty of alcohol, used for purposes other than holding alcohol or not regardless of age.
- + Being intoxicated as indicated by appearance or behavior, such as: slurred speech, unstable walk, unconsciousness, destruction of property, use of abusive language, alcohol on breath, vomiting or disturbance to others.
- + Sale or trade of alcohol on the campus property or to members of University of the Arts community.

All student conduct policies, including those related to alcohol, are applicable while a student is studying abroad. Students are expected to abide by the legal drinking age in the country or countries in which they are studying. If students choose to consume alcoholic beverages while participating in a study abroad program, the University expects responsible behavior and moderation. Students are responsible for their behavior and any misconduct that is related to the consumption of alcohol.

Resident(s) in whose UArts housing alcohol is being consumed are responsible for the behavior of non-UArts guests.

Students found to be in the presence of alcohol but not drinking will be considered responsible for condoning the violation.

Alcohol is prohibited at any University sponsored events for students with exceptions to this policy granted only by the Associate Vice President of Student Affairs (or their designee). Exceptions will ONLY be considered with a faculty/staff sponsor and arrangements for food and beverage made through Parkhurst Catering. The sponsoring faculty/staff member must complete the Alcohol Permission Request for Reception form on the UArts portal no less than two (2) weeks before the event. Approved events may be required to have UArts Public Safety present. The sponsor and/or the students are responsible for all costs for the event, with the exception of Public Safety staff members which will be provided by the University at no additional cost.

Any University official who has a reasonable suspicion that the alcohol policy is being violated may access any University facility to determine an appropriate course of action. University officials are authorized to intervene in any situation that warrants action including, but not limited to: removal of attendees; closing of the event; and/or confiscation of illegal drugs and paraphernalia; and notification of University personnel. All confiscated alcohol and drugs are turned over to the Office of Public Safety for disposal, in conjunction with the Philadelphia Police Department.

SANCTIONS FOR ALCOHOL VIOLATIONS

The disciplinary response to alcohol policy violations provides a balance between punitive action and an opportunity for education and personal growth. These sanctions are applicable to both residential and commuter students. Sanctions for alcohol violations accumulate over the duration of a student's matriculation at University of the Arts.

A University conduct review body determines the sanctions imposed by the University for students (see Standard Sanctions section). Generally, the minimum sanctions for violations of the alcohol policy are:

- + **First Violation:** Alcohol education, monetary fine and probation.
- + **Second Violation:** Alcohol education to include a mandated alcohol assessment, monetary fine and continued probation.

- + **Third Violation:** Alcohol education to include a mandated alcohol assessment, parent/guardian notification (if under age of 21), monetary fine, continued probation and loss of privileges (guest or building access).
- + The parents/guardians of dependent students are informed of alcohol violations by University personnel (see Student Records policy).
- + A conduct review body may alter the above sanctions at their discretion in certain circumstances depending upon the quantity and type of alcohol involved in a case or by the number of people impacted by the violation, among other factors.
- + All funds collected as a result of alcohol policy fines are credited to a Student Affairs account dedicated to alcohol education efforts, non-alcoholic events, and community-building programs on campus.

DRUG POLICY VIOLATIONS

The following acts are considered violations of the UArts drug policy:

- + Consumption or possession of illegal drugs on or off campus.
- + Being under the influence of illegal drugs as indicated by appearance or behavior, such as: slurred speech, unstable walk, unconsciousness, destruction of property, use of abusive language, vomiting or disturbance to others.
- + Sale, distribution or trade of illegal drugs on the campus property or to members of The University of the Arts community.
- + Possession of drug paraphernalia.
- + Being in the presence of drugs.

The resident(s) in whose apartment illegal drugs are being consumed is (are) responsible for the behavior of guests and will be held accountable for policy violations. It is the responsibility of the host to ensure that guests do not consume illegal drugs.

Intent to sell is defined as possession of what is perceived by University staff to be beyond a level of personal use. Possession of paraphernalia such as a scale and multiple containers, as well as the growth and germination of marijuana and other illegal narcotics will be considered indicative of trafficking and may result in suspension or expulsion.

Any University official (including members of Public Safety and the Student Affairs staff) who has a reasonable suspicion that the drug policy is being violated may access any University facility to determine an appropriate course of action. University officials are authorized to intervene in any situation that warrants action including, but not limited to: removal of attendees; closing of the event; and/or confiscation of illegal drugs and paraphernalia; and notification of University personnel. All confiscated drugs are turned over to the Office of Public Safety for disposal, in conjunction with the Philadelphia Police Department.

A student found by University staff to be in the presence of illegal drugs will be subject to a hearing in which a conduct officer will determine if the student committed any of the violations described above. Students found to be in the presence of illegal drugs but not using drugs will be considered responsible for condoning the violation of community standards and will be sanctioned through the University conduct process.

The presence of marijuana within a room may be determined by odor or odor-masking devices, paraphernalia and/or materials later determined through testing to be marijuana. If suspected drugs are confiscated and the student denies the substance(s) are drugs, the Office of Public Safety will provide for testing of the substance. If the substance is found to be an illegal drug, the student will be charged for the cost of the testing, in addition to the other sanctions that may be imposed through the student disciplinary process.

When University officials confiscate illegal drugs, such items will be turned over to the Philadelphia Police Department as required by law. Prosecution for violation of the law will be made at the discretion of the Philadelphia Police Department. In the case of alleged supplying of or selling of illegal drugs, students may be referred to the Campus Standards Board or an administrative hearing for conduct review action. Sanctions could include suspension or permanent expulsion from the University.

The University reserves the right to test a student for the presence of drugs in their system if necessary and may prevent a student's return to University housing (or withhold other privileges) until compliance and/or such tests show an absence of illegal drugs.

SANCTIONS FOR DRUG POLICY VIOLATIONS

The disciplinary response to drug policy violations provides a balance between punitive action and an opportunity for education and personal growth. These sanctions are applicable to both residential and commuter students.

Sanctions for drug violations accumulate over the duration of a student's matriculation at The University of the Arts.

A University conduct review body determines the sanctions imposed by the University for students (see Standard Sanctions).

Generally, the minimum sanctions for violations of the drug policy are:

- + **First Violation:** Drug education including a mandated drug assessment, monetary fine and possible suspension from University housing. Commuter students face drug education including a mandated drug assessment, monetary fine and possible suspension from all non-academic facilities and events.
- + **Second Violation:** Possible minimum of one (1) semester suspension from the University for use; one (1) year suspension from the University for distribution.
- + **Third Violation:** Possible expulsion from the University.
- + The parents/guardians of dependent students are informed of drug violations by University personnel (see Student Records policy).
- + A conduct review body may alter the above sanctions at their discretion in certain circumstances depending upon the quantity and type of drugs involved in a case or by the number of people impacted by the violation, among other factors.
- + All funds collected as a result of drug policy fines are credited to a Student Affairs account dedicated to drug education efforts and community-building programs on campus.

SEX- AND GENDER-BASED MISCONDUCT POLICY

[Note: This policy is located in the Student Handbook, the Faculty Handbook, and the Staff Manual, as well as on the UArts Title IX Resource website, uarts.edu/titleix. A full text of the policy which was in effect in 2022 is found below.]

I. PURPOSE OF POLICY

The University of the Arts ("the University") is committed to creating and maintaining a workplace and educational environment, as well as other benefits, programs, and activities, free from acts of Sex- and Gender-Based Misconduct, including acts of sexual harassment, sexual assault, dating violence, domestic violence, stalking, and other forms of sex- and gender-based misconduct. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of safety and respect in all aspects of the educational program or activity, the University has developed internal policies and procedures that provide a prompt, thorough, and impartial process for those involved in allegations of sexual harassment and other forms of sex- and gender-based misconduct. The University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process.

II. TITLE IX COORDINATOR

The University's Title IX Coordinator oversees implementation of the University policies relating to equal opportunity, harassment, and nondiscrimination, including Sex- and Gender- Based Misconduct, as addressed by this Policy. The Title IX Coordinator is responsible for coordinating the University's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent Sex- and Gender-Based Misconduct prohibited under this Policy. To contact the University's Title IX Coordinator, please e-mail titleix@uarts.edu (full contact information just below) or visit www.uarts.edu/titleix.

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures. University employees involved in the University grievance process under this Policy are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants 1 and/or Respondents 2, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the University of the Arts President at president@uarts.edu. Concerns of bias or a potential conflict of interest by any other University of the Arts employee involved in the Title IX process should be raised with the Title IX Coordinator.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the University President at president@uarts.edu. Reports of misconduct or discrimination committed by any other employee involved in the Title IX process should be reported to the Title IX Coordinator.

+ **A Complainant** is an individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

+ **A Respondent** is an individual who has been reported to be the perpetrator of conduct that could constitute a violation of this Policy.

III. ADMINISTRATIVE CONTACT INFORMATION

The University has determined that the following administrators are Officials with Authority to address and correct Sex- and Gender-Based Misconduct. Formal Complaints or notice of alleged Policy violations, or inquiries about or concerns regarding this Policy and procedures, may be made internally to:

Director for Title IX, Equity and Compliance
Diana L. Moro, J.D.

320 South Broad Street, Philadelphia, PA 19102
Hamilton Hall 151
215-717-6362

titleix@uarts.edu

Chief of Staff
Franklyn Cantor
320 South Broad Street, Philadelphia, PA 19102
Hamilton Hall 110
215-717-6380

fcantor@uarts.edu

Associate Vice President for Student Affairs
Sara Pyle
401 South Broad Street, Philadelphia, PA 19102
Gershman Hall 311
215-717-6627

spyle@uarts.edu

President
Kerry Walk, Ph.D.
320 South Broad Street, Philadelphia, PA 19102
Hamilton Hall 110
215-717-6380

president@uarts.edu

IV. COMPLAINTS TO EXTERNAL AGENCIES

Inquiries may be made externally to:

U.S. Department of Education's Office for Civil Rights
Philadelphia Office
100 Penn Square East, Suite 515, Philadelphia, PA 19107-3323
215-656-8541

OCR.Philadelphia@ed.gov

<https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

Pennsylvania Human Relations Commission
Philadelphia Regional Office
110 North 8th Street, Suite 501, Philadelphia, PA 19107
215-560-2496

<https://www.phrc.pa.gov/Pages/default.aspx>

Equal Employment Opportunity Commission
Philadelphia District Office
801 Market Street, Suite 1000, Philadelphia PA 19107-3126
1-800-669-4000

PDOContact@eeoc.gov

<https://www.eeoc.gov/employees/howtofile.cfm>

V. MANDATED REPORTING

All University employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator who will take action when an incident is reported to them.

VI. PRIVACY VS. CONFIDENTIALITY

References made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances,

such as a health and/or safety emergency or child abuse. References made to privacy mean University offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues.

VII. CAMPUS AND COMMUNITY RESOURCES

The University is committed to treating all individuals with dignity, care and respect. A Complainant, Respondent, or any other individual impacted by a report of behavior under this policy will have equal access to support, resources and counseling services through the University. We encourage community members to seek the support of campus and community resources. The University's Title IX Coordinator can provide information about this Policy and University procedure, connect individuals with resources and supportive measures, and assist any party in the event that an official report and/or resolution is pursued. Individuals are encouraged to use all available resources, regardless of whether the incident occurred recently or in the past.

A. LAW ENFORCEMENT:

In the event of an emergency, please call 911, then notify Public Safety on the emergency line: 215-717-6666.

You may also make a report directly to a University Public Safety Officer (PSO). Public Safety officers are stationed in University buildings. When a PSO receives a report of sexual misconduct, they will notify the Professional On-Duty (POD) staff member, who is trained to inform reporting parties of the options and resources available.

B. MEDICAL SERVICES:

Those who have experienced conduct prohibited by this Policy are strongly encouraged to seek medical treatment. A medical provider can provide emergency and/or follow-up medical services, and the opportunity to discuss any health care concerns in a confidential medical setting. A medical exam following a sexual assault has two goals: first, to diagnose and treat the full extent of any injury or physical effect (sexually transmitted infection or pregnancy) and second, to properly collect and preserve evidence. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence.

On-Campus:

Student Health Services: Student Health Services can provide confidential medical services to University students, such as evaluation and treatment of minor injuries, pregnancy tests, and HIV and STI testing.

Gershman Hall 306

M-F 9am-5pm

215-717-6230

uarts.edu/students/health-services

Off-Campus:

The Philadelphia Sexual Assault Response Center (PSARC) is designated to provide forensic rape examinations to victims of sexual assault. It is recommended that individuals who wish to pursue legal action receive this examination, which includes a collection of evidence. You do not need to file a police report to receive services at PSARC. PSARC is located within the same building as the Philadelphia Police Department Sexual Victims Unit. During this examination, you can receive treatment for injuries and sexually transmitted infections (STIs) as well as emergency contraception. You are not responsible for payment of the medications or medical forensic examination. Transportation to PSARC can be provided by the Philadelphia Police Department.

300 E. Hunting Park Avenue, Philadelphia, PA 19124

215-800-1589

C. CONFIDENTIAL RESOURCES:

The following resources maintain confidentiality for notice received within their confidential roles. Generally, any information disclosed to the resources listed below will be held in confidence unless the individual sharing the information gives their consent to the disclosure of that information.

Confidential resources are not obligated to share information with the University's Title IX Coordinator and disclosure to a confidential resource does not constitute a report to the University.

On Campus:

Student Counseling Center: Services at the University Counseling Center are available to all University students, free of cost. Counseling provides a safe, confidential place to talk and discuss varying issues in a private and confidential setting. Therapists in the Counseling Center are trained to assist students impacted by sexual, physical, and emotional abuse, including those students who may have witnessed or have been accused of sexual misconduct.

Gershman Hall 205/206
M-F 11am-1pm (walk in hours)
215-717-6630

counseling@uarts.edu
uarts.edu/counseling

Student Health Services
Gershman Hall 306
M-F 9am-5pm
215-717-6230

healthservices@uarts.edu
uarts.edu/students/health-services

Employee Assistance Program (for employees only): All University employees are entitled to use the confidential Employee Assistance Program (EAP). Through EAP, employees can access counseling services via telephone and in-person. University employees can obtain more information about EAP here.

Off-Campus:

Philadelphia Center Against Sexual Violence (formerly known as WOAR): The Philadelphia Center Against Sexual Violence provides free and confidential individual and group counseling to children and adults who have experienced sexual violence: this includes sexual abuse, sexual assault, rape/date rape, and incest.

1617 John F. Kennedy Blvd., Suite 800
215-985-3333

woar.org

Women Against Abuse: Women Against Abuse provides a number of services to victims of abuse, including 24-hour emergency safe havens, legal advocacy and representation, long-term housing and supportive services, and more.

100 South Broad Street, Suite 1341, Philadelphia, PA 19110
215-386-1280

womenagainstabuse.org

For more local and national resources, please visit the Title IX Resource Page at uarts.edu/titleix.

VIII. SUPPORTIVE MEASURES

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the

other party, including measures designed to protect the safety of all parties or the University community, or deter further acts of harmful behavior.

The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide the supportive measures. The University will act to ensure as minimal an academic impact on the parties as possible, and will implement measures in a way that does not unreasonably burden the other party. Supportive measures may include, but are not limited to:

- + Referral to medical and mental health services, including counseling;
- + Referral to the Employee Assistance Program;
- + Academic accommodations;
- + Public Safety escort services;
- + No Contact Directives (mutual restrictions on contact between the parties);
- + Leaves of absence;
- + Changes in campus housing or assistance in finding alternative housing;
- + Assistance in arranging for alternative University employment arrangements and/or changing work schedules;
- + Student financial aid counseling;
- + Safety planning;
- + Persona Non Grata orders;
- + Transportation accommodations;
- + Visa/immigration services (phila.gov/departments/office-of-immigrant-affairs/); or
- + Assistance in identifying additional resources including off-campus and community advocacy, support, and services.

The University may provide supportive measures regardless of whether a Complainant seeks to pursue the University's Formal Grievance process. Supportive measures may be requested by both Complainants and Respondents. The University determines which measures are most appropriate on a case-by-case basis.

IX. EMERGENCY REMOVAL

The University may determine that it is necessary to remove a Respondent from the University on an emergency basis, if the Respondent poses an immediate threat to the physical health or safety of any student or other individual in the University community, based on the specific allegations raised under this Policy. This risk analysis is performed by the Title IX Coordinator in conjunction with the appropriate University administrators, including but not limited to the Associate Vice President for Human Resources, the Associate Vice President for Student Services, and/or the Director of Public Safety.

In all cases in which an emergency removal is imposed, the student or employee will be notified of the action and provided with an opportunity to challenge the decision following the removal, and be given the option to meet with the Title IX Coordinator and other appropriate University administrators prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it equitable to do so. A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator and other appropriate University administrator for the meeting regarding any emergency removal. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation. The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this Policy will be grounds for discipline, which may include expulsion or termination. The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties. The University reserves the right to place a non-student employee respondent on administrative leave even if the emergency removal provision does not apply.

X. CONDUCT PROHIBITED BY POLICY

A. SEXUAL HARASSMENT

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of quid pro quo sexual harassment, hostile environment sexual harassment, sexual assault, domestic violence, dating violence, and stalking.

Sexual Harassment is conduct on the basis of sex that satisfies one of the following:

- i. **Quid Pro Quo Sexual Harassment:** An employee of the University conditions (implicitly or explicitly) the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.
- ii. **Hostile Environment Sexual Harassment:** Unwelcome conduct, determined by a reasonable person to be so severe, and pervasive, and objectively offensive that it effectively denies a person equal access to the University's educational program or activity.
- iii. **Sexual Assault:**
 1. **Sex Offenses, Forcible:** Any sexual act directed against another person, without the consent of the complainant, including instances in which the complainant is incapable of giving consent.
 2. **Forcible Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant
 3. **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 4. **Sexual Assault with an Object:** The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which

the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

5. Forcible Fondling: The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

6. Incest: Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Pennsylvania law.

7. Statutory Rape: Non-forcible sexual intercourse, with a person who is under the statutory age of consent in Pennsylvania.

iv. Dating Violence: Violence on the basis of sex committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant.

The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of the definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

v. Domestic Violence: Violence on the basis of sex committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under domestic or family violence laws of Pennsylvania, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

vi. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.

B. OTHER FORMS OF SEX- AND GENDER-BASED MISCONDUCT:

i. Discriminatory Harassment: Unwelcome conduct based on a person's actual or perceived sex, gender, gender-identity, or sexual orientation, and such conduct unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities by creating a hostile environment. A hostile environment is one that is severe or pervasive, and objectively offensive. The University does not tolerate discriminatory harassment of any employee, student, visitor, or guest, and the University will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment" under this section.

ii. Sexual Exploitation: An act or acts of conduct in which a person exploits or takes advantage of another person in a sexual manner without consent. Examples of Sexual Exploitation include, but are not limited to, the following:

1. Recording (audio or video) or photographing sexual activity without the knowledge and consent of all parties involved
2. Electronic or printed transmission (posting online, texting, emails, etc.) of sounds or images of sexual activity without the knowledge or consent of all parties involved
3. Voyeurism (spying on others who are engaged in an intimate or sexual act)
4. Going beyond consent (having consensual sex but allowing other people to watch without the knowledge of the consenting party)
5. Prostituting another person
6. Public indecency (exposing yourself without consent)
7. Knowingly exposing an individual to a sexually transmittable infection or virus without his or her knowledge.

XI. SEXUAL HARASSMENT: RELATED DEFINITIONS

As used in the Sexual Harassment offenses listed above, the following definitions and understandings apply:

- A. Coercion:** Coercion is verbal and/or physical conduct used to compel another individual to engage in sexual activity against their will. Coercion may include a wide range of behaviors, including manipulation, abuse of trust or power, intimidation, or express or implied threats of physical or emotional harm.
- B. Consent:** Consent is an affirmative, voluntary, and clear communication indicating a willingness to engage in a mutually agreed upon sexual activity. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. Consent cannot be obtained through the use of coercion or force or by taking advantage of the incapacitation of another person. Consent to engage in sexual activity may be withdrawn by any party at any time. Withdrawal of consent must also be outwardly demonstrated by words and/or actions that indicate a desire to end sexual activity. Withdrawal of consent may in some cases be demonstrated through nonverbal conduct alone. Once withdrawal of consent has been clearly expressed, sexual activity must reasonably cease. A previous sexual relationship and/or current relationship with a partner, do not, by themselves, imply consent.
- C. Force:** Force is the use or threat of physical violence or intimidation to overcome an individual's free will to choose whether or not to consent to engage in sexual activity.
- D. Incapacitation:** Incapacitation is a state in which an individual is unable to make an informed and rational decision to engage in sexual activity because the person lacks conscious awareness of the nature of the act or is physically helpless. Engaging in sexual activity with an individual who one knows, or based on the circumstances should reasonably know, to be mentally or physically incapacitated constitutes a violation of this policy. Incapacitation may result from the use of alcohol or drugs, whether voluntary or involuntary, if an individual's level of impairment is such that they are unable to make conscious decisions or are physically helpless. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important that anyone engaging in sexual activity be aware of the other person's level of intoxication. Consumption of drugs or alcohol may diminish one's

ability to give consent to engage in sexual activity, but being intoxicated or impaired due to consumption of drugs or alcohol is never an excuse for sexual misconduct, and does not diminish one's responsibility to obtain consent.

- E. Substantial Emotional Distress:** Substantial emotional distress is defined as significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

XII. RETALIATION

Protected activity under this Policy includes reporting an incident that may implicate this Policy, participating in the Informal Resolution Process or Formal Grievance Process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation. It is prohibited for the University or any member of the University community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure. Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

XIII. AMNESTY

The University encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report or provide information in connection with an investigation under this Policy because of the perceived potential for disciplinary consequences for their own conduct. When information is uncovered through the Title IX investigative process that involves alcohol or drug usage in violation of the Student Code of Conduct, this information will not be used to pursue any disciplinary action for alcohol or drug use, provided that any such violations did not and/or do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

Student health and safety are of primary concern of the University. As such, in cases of significant intoxication as a result of alcohol or other substance abuse, we encourage individuals to seek medical assistance for themselves or others. Please see the Medical Amnesty Policy in the Student Handbook for more information.

XIV. REPORTS INVOLVING MINORS

For purposes of this Policy and relevant law, a child is defined as an individual under the age of 18. Any University employee who has reasonable cause to suspect abuse of a child that the employee has come into contact with during the course of employment must make a report to the Title IX Coordinator, who will facilitate a report to local law enforcement and the Pennsylvania Department of Public Welfare division of Child Welfare Services. This requirement applies to an employee's suspicion of past or present abuse of a person who is a child at the time of the report.

All other members of the University community (students, visitors, guests, etc.) are strongly encouraged to report whenever child abuse is suspected. In the interest of protecting the safety and welfare of a child, any uncertainty about whether reporting is required or whether abuse has actually occurred should always be resolved in favor of making a report. Do not investigate, attempt to obtain proof, or try to solicit information from the child. This responsibility lies with the Pennsylvania Department of Human Services. If the child is in immediate danger, please call 911 immediately.

Employees may submit a report of suspected child abuse directly to the Pennsylvania Department of Human Services by submitting an online report (preferred method) to the Pennsylvania Department of Human Services at compass.state.pa.us/cwis or calling Pennsylvania's Child Line at 800-932-0313 (alternative method). Please Note: If you call Childline, you must also submit a written report within 48 hours. Once an employee submits a report to the Pennsylvania Department of Human Services, they must then notify the University's Title IX Coordinator by calling (215) 717-6362 or emailing titleix@uarts.edu.

XV. FILING A FORMAL COMPLAINT WITH THE UNIVERSITY

Notice or complaints of Sex- and Gender-Based Misconduct may be made using any of the following options:

- + File a complaint with, or give verbal notice to, the Title IX Coordinator, Associate Vice President for Human Resources, Associate Vice President for Student Services, or University President. Such a report may be made at any time by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.
- + Report online, using third party provider EthicsPoint, at uarts.ethicspoint.com. A report may be made anonymously through EthicsPoint, however please know that the University may be limited in its ability to respond to a report of prohibited discrimination, harassment, or retaliation without identifying information of all parties involved, and will be excluded from providing the Complainant with supportive measures and options without that individual's name and contact information.

A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the University of the Arts investigate the allegation(s). A Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing

the Formal Complaint. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the University.

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. The University of the Arts will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further but will receive all notices issued under this Policy.

Nothing in this Policy prevents a Complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process, and the University will assist the Complainant in contacting law enforcement, if requested.

Upon receipt of a Formal Complaint, the University of the Arts will provide the Complainant with information about the option to use the Informal Resolution Process or the Formal Grievance Process, as outlined below.

The timeframe for the completion of the Formal Grievance Process begins with the filing of a Formal Complaint. The Formal Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) business days after the filing of the Formal Complaint, provided that the Formal Grievance Process may be extended for a legitimate reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

XVI. INFORMAL RESOLUTION PROCESS

Informal Resolution can include three different approaches:

- + When the parties agree to resolve the matter through an alternative resolution mechanism including but not limited to mediation or restorative practices;
- + When the Respondent accepts responsibility for violating this Policy, and desires to accept a sanction and end the resolution process; or
- + When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a Formal Complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue the Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

The Respondent may accept responsibility for all or part of the alleged Policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of University Policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

XVII. FORMAL GRIEVANCE PROCESS

A. JURISDICTION

i. Jurisdiction Under the May 2020 Title IX Final Rule

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that mandates a grievance process that this University must follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment. See, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>.

The Formal Grievance Process will apply for purposes of Title IX when all of the following elements are met, in accordance with the May 2020 Final Rule, and in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred in the United States; and
2. The conduct is alleged to have occurred in the education program or activity of the University of the Arts, where the University has control over both the program and the alleged harasser; and
3. The alleged conduct, if true, would constitute covered Sexual Harassment as defined in section IXa or Other Forms of Sex- and Gender-Based Misconduct as defined in section IXb of this policy; and
4. The Complainant was participating in or attempting to participate in the University's educational program at the time of the complaint.

If any one of these elements is not met, the Title IX Coordinator will notify the parties that the Formal Complaint is "dismissed for the purposes of Title IX." Each party may appeal this dismissal using the procedure outlined in "Appeals," below.

Upon dismissal for the purposes of Title IX, the Formal Complaint may be reinstated under the Formal Grievance Process pursuant to the section below.

ii. Reinstatement of the Formal Grievance Process

At the discretion of the Title IX Coordinator, as determined on a case by case basis, the Formal Grievance Process may be reinstated when the following elements are met, irrespective of the location of the alleged conduct:

1. The conduct is alleged to have occurred between individuals who are current members of the University community;

2. The alleged conduct has had or can be reasonably predicted to have a continuing negative effect on the University and its students, faculty, visiting faculty, affiliates, staff, contractors, vendors, visitors or guests; and
3. The alleged conduct, if true, would constitute covered Sexual Harassment as defined in section IXa or Other Forms of Sex- and Gender-Based Misconduct as defined in section IXb of this policy.

If any one of these elements is not met, the Title IX Coordinator will notify the parties that the Formal Complaint is dismissed under the Formal Grievance Process. Each party may appeal this dismissal using the procedure outlined in "Appeals," below.

Additionally, the University of the Arts retains discretion to utilize the Student Code of Conduct, Staff Manual, and/or Faculty Handbook to determine if a violation of such policies have occurred. If so, the University of the Arts will refer the allegations to the appropriate resolution process.

B. DISCRETIONARY DISMISSAL GROUNDS

The Title IX Coordinator, in consultation with appropriate University administrators, may dismiss the Formal Complaint under the Formal Grievance Process, at any time during the investigation or hearing, if:

1. A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint; or
2. The Respondent is no longer enrolled or employed by the University of the Arts; or,
3. If specific circumstances prevent the University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

The Title IX Coordinator will notify the parties that the Formal Complaint is dismissed under the Formal Grievance Process if determined appropriate under the discretionary dismissal grounds. Each party may appeal this dismissal using the procedure outlined in "Appeals," below. Additionally, the University of the Arts retains discretion to utilize the Student Code of Conduct, Staff Manual, and/or Faculty Handbook to determine if a violation of such policies have occurred. If so, the University of the Arts will refer the allegations to the appropriate resolution process.

C. NOTICE

i. Notice of Allegations

The Title IX Coordinator will draft and provide the Notice of Allegations, containing a notice of the date, time, and location of initial interview, to any party to the allegations under this Policy after the institution receives a Formal Complaint of the allegations. The University will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator, in consultation with appropriate University officials, may determine that the Formal Complaint must be dismissed on the grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

ii. Ongoing Notice

If, in the course of an investigation, the institution decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations and are otherwise prohibited under this Policy, the University will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means. The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

D. RIGHT TO AN ADVISOR

i. Who May Serve as an Advisor

The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the University community. An Advisor who is

chosen from outside of the University community is requested to meet with the Title IX Coordinator to review the Advisor role.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. Any Advisor provided for a party by the University will be trained by the University and be familiar with the University policy and procedures.

The University may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

ii. Role of the Advisor

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings.

The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or the Hearing Body except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by University. The University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

Any Advisor who oversteps their role as defined by this Policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be

ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

E. INVESTIGATION

i. General Rules of Investigations

The Title IX Coordinator will designate a qualified investigator to perform an investigation of the allegations under a reasonably prompt timeframe after issuing the Notice of Allegations. The University, and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility. The University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or about whom the records include information. The University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

ii. Inspection and Review of Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility; and
2. Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

The University will send the evidence made available for each party and each party's Advisor, if any, to inspect and review.

The parties will have ten (10) calendar days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before revising the Investigative Report.

The University will provide the parties five (5) calendar days after the initial inspection and review of evidence, and before the investigator completes their Investigative Report, to provide additional evidence in response to their inspection and review of the evidence, and then provide the parties five (5) calendar days to inspect, review, and respond to the party's additional evidence through a written response to the investigator. Those written responses will be disclosed to the parties.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of questioning.

The Advisors must agree not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process.

The Advisors must agree not to photograph or otherwise copy the evidence.

iii. Investigative Report

The investigator will prepare an Investigative Report that fairly summarizes relevant evidence. Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations) will be included in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

F. HEARING

i. General Rules of Hearings

The University will not issue a disciplinary sanction arising from the Formal Grievance Process under this Policy without holding a live hearing, unless otherwise resolved through an Informal Resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. The University will use technology that will enable participants simultaneously to see and hear each other. At its discretion, the University may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through audio recording. That recording will be made available to the parties for inspection and review.

ii. Continuances or Granting Extensions

The University may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) may be needed to complete a hearing. If so, the University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

iii. Participants in the Live Hearing

All participants in the live hearing are subject to the Rules of Decorum. Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

1. Complainant and Respondent (The Parties)

The parties cannot waive the live hearing, though they are not required to attend. The University may still proceed with the live hearing in the absence of a party and may reach a determination of responsibility in their absence, through admissible and available evidence. Evidence of statements by parties or witnesses cannot be considered if those parties or witnesses do not testify at the hearing. However, a verbal or written statement constituting part or all of the allegation itself is not a statement that must be excluded if the maker of the statement does not submit to questioning about that statement. A statement would not include a document, audio

recording, audiovisual reading, and/or digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint.

The University will not threaten, coerce, intimidate, or discriminate against the party in an attempt to secure the party's participation. If a party or witness does not submit to questioning at the hearing, the Hearing Body cannot rely on any prior statements made by that party or witness in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a "statement" by that party or witness.

The Hearing Body cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer questions.

2. The Hearing Body

The Hearing Body will consist of either a single decision-maker (external to the University); or a hearing panel of three (3) voting panel members, including a Chair.

No member of the Hearing Body will also have served as the Title IX Coordinator, Title IX Investigator, or Advisor to any party in the case, nor may any member of the Hearing Body serve on the Appeals Body in the case.

The Hearing Body will be trained on topics including how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias, issues of relevance and questions, including how to apply the prior sexual history/predisposition protections provided for complainants, any technology to be used at the hearing, the definition of sexual harassment, the scope of the institution's education program or activity, and how to conduct a grievance process. No member of the Hearing Body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case. The parties will have an opportunity to raise any objections regarding the Hearing Body's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

3. Advisor

Questioning is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any questioning.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, the University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Hearing Body during the hearing.

4. Witnesses

Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation.

If a witness does not submit to questioning, as described below, the Hearing Body cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing.

5. Hearing Procedures

For purposes of this section, the "Hearing Chair" refers to either a single decision maker or a member of a panel chosen for that role.

For all live hearings conducted under the Formal Grievance Process, the procedure will be as follows:

- + The Hearing Chair (either a single external decision maker or the Chair, as described above) will open and establish rules and expectations for the hearing;
- + The parties will each be given the opportunity to provide opening statements;
- + The Hearing Body will ask questions of the parties and witnesses;
- + Parties will be given the opportunity for questioning after the Hearing Body conducts its initial round of questioning. During the

Parties' questioning, the Hearing Chair will have the authority to pause questioning at any time for the purposes of asking the Hearing Body's own follow up questions; and any time necessary in order to enforce the established rules of decorum.

v. Questioning Procedure

Each party's Advisor will conduct questioning of the other party or parties and witnesses. During questioning the Advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time. Before any question is answered, the Hearing Chair will determine if the question is relevant. Questions that are duplicative of those already asked, including by the Hearing Chair, may be deemed irrelevant if they have been asked and answered. Abusive questions may be deemed irrelevant as well.

vi. Review of Recording

The recording of the hearing will be available for review by the parties during the timeframe of the appeal, unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors.

G. DETERMINATION OF RESPONSIBILITY

i. Standard of Proof

The University uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of Formal Complaints covered under this Policy. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Policy occurred.

ii. General Considerations for Evaluating Testimony and Evidence

While the opportunity for questioning is required in all hearings under the Formal Grievance Process, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Hearing Body.

The Hearing Body shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a Complainant, Respondent, or witness, nor will it base its

judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the truthfulness of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Parties may call "expert witnesses." The University does not provide for expert witnesses in other proceedings. The expert witness will be allowed to testify and be questioned, and their testimony evaluated accordingly.

Parties may call character witnesses to testify, though their testimony must be relevant to the complaint.

The University will admit and allow relevant testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes.

Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Hearing Body may draw an adverse inference as to that party or witness' credibility.

iii. Components of Determination Regarding Responsibility

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. The Determination will include:

- + Identification of the allegations potentially constituting prohibited conduct under this Policy;
- + A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the

parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

- + Findings of fact supporting the determination;
- + Conclusions regarding which section of the Policy if any, the Respondent has or has not violated.
- + For each allegation:
 - + A statement of, and rationale for, a determination regarding responsibility;
 - + A statement of, and rationale for, any disciplinary sanctions the University of the Arts imposes on the respondent; and
 - + A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the University of the Arts' education program or activity will be provided by the University of the Arts to the Complainant; and
- + When the determination is considered by the institution to be final, and any changes to the determination that could occur prior to finalization.
- + The University's procedures and the permitted reasons for the Complainant and Respondent to appeal (described below in "Appeal").

iv. Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the University within ten (10) calendar days of the completion of the hearing.

H. SANCTIONS

Factors considered when determining a sanction may include, but are not limited to:

- + The nature, severity of, and circumstances surrounding the violation(s)
- + The Respondent's disciplinary history
- + The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- + The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation

- + The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- + The impact on the parties
- + Any other information deemed relevant by the Hearing Body

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

i. Student Sanctions:

Sanctions may include, but are not limited to, the following:

- + **Warning:** A written notification that a violation of the Student Code of Conduct occurred and that any further responsible finding of misconduct may result in more severe disciplinary action. Warnings are typically recorded for internal purposes only and are not considered part of a student's permanent student conduct record. Though disclosed with a student's signed consent, a student who receives a warning is still considered in good standing*.
- + **Probation:** A written notification that indicates a serious and active response to a violation of the Student Code of Conduct. Probation is for a designated period of time and includes the probability of more severe sanctions, if found responsible for additional violations of the Student Code of Conduct, including suspension or expulsion from the University. Notification of probation is considered a change in good standing 3 status.
- + **Loss of privileges:** Denial of the use of certain University facilities or the right to participate in certain activities, events, programs, or to exercise certain privileges for a designated period of time.
- + **Restitution:** A student may be required to make payment to an individual or to the University related to the misconduct for damage, destruction, defacement, theft, or unauthorized use of property.

- + **Fines:** University of the Arts reserves the right to impose fines, as appropriate, in addition to requiring payment for costs resulting from or associated with the offenses.

- + **Relocation or removal from (University-operated) housing:** Relocation is the reassignment of a student from one living space to another. Removal from housing is the removal of a student from all University-operated housing. Relocation and removal from housing are typically accompanied by the loss of privileges regarding the visitation to specific residential areas for a specified period of time. The University may take such action for remedial, rather than disciplinary purposes.

- + **Revocation of Affiliation:** Revocation of affiliation is the permanent removal of a student as a member of a specific organization and/or the permanent removal of an organization's recognized affiliation with the University.

- + **No Contact Directives:** No Contact Directives are directives to students that restrict the contact and/or communication between or among designated parties. No Contact Directives may be the result of a student conduct process or put in place temporarily. No Contact Directives are not legal protective orders as those are issued by a court of law.

- + **Persona Non Grata:** Persona Non Grata prohibits an individual from a specific or all campus property. Violation of a persona non grata may subject the violator to arrest for trespass.

- + **Educational/Assessment/Referrals:** The University reserves the right to impose counseling or substance assessments or other required educational sanctions.

- + **Suspension:** The separation of a student from the University for a specified period of time, after which the student is eligible to return. Conditions for re-enrollment may be required and will be included in the notification of suspension. During the period of suspension, the student may not participate in University academic or extracurricular activities and may be barred from all property owned or operated by the University.

A student is not in good standing when the student has been found responsible for a student

conduct policy violation and as a result is serving a sanction of probation, suspension, or expulsion. Students employed as a Resident Assistant or First Year Guide must be in and remain in good standing throughout their employment.

Suspension from the University will result in automatic "W" grades in all classes for the semester in which suspension was sanctioned. Students who are suspended may not be on campus without specific, written permission of the Associate Vice President for Student Services or designee. Suspension is for a designated period of time and includes the probability of more severe sanctions, including expulsion, if found responsible for violations of the Student Code of Conduct. Notification of suspension will normally be sent to parents, as it results in a change in good standing status.

- + **Expulsion:** Expulsion is the permanent separation of the student from the University. Expulsion from the University will result in automatic "W" grades in all classes for the semester in which expulsion was sanctioned. Students who are expelled may not be on campus without specific, written permission of the Assistant Vice President for Student Services or designee. Notification of expulsion will normally be sent to parents/guardians, as it results in a change in good standing status. The following sanctions, among others, may be imposed upon student groups or organizations:

- + **Deactivation:** Loss of privileges, including University recognition, for a specified period of time.

More than one of the above sanctions listed may be imposed for any single violation. Other than University expulsion, disciplinary sanctions shall not be made part of the student's academic transcript but will become part of the student's permanent record. A student's permanent record is subject to review only by those authorized to request it, such as transfer higher-education institutions and future employers and in other cases when the student initiates the disclosure.

ii. Employee Sanctions

Sanctions may include, but are not limited to, the following:

- + **Verbal Warning:** An in-person meeting with the Title IX Coordinator, the Respondent's supervisor or other appropriate administrator, to discuss behavioral expectations and standards for University community members.
- + **Written Warning:** Notice, in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
- + **Educational Requirements:** Completion of training, projects, programs, or requirements designed to help the employee manage behavior and understand why it was inappropriate. Includes appropriate and relevant community service opportunities.
- + **Suspension:** Exclusion from University premises, attending classes, and other privileges or activities for a specified period of time, as set forth in the suspension notice. Notice of this action will remain in the employee's file. Conditions for return to work may be specified in the suspension notice.
- + **Termination:** Permanent termination of employment status and exclusion from University premises, privileges, and activities. This action will be permanently recorded in the employee's file.
- + Other discipline may be imposed instead of, or in addition to, those specified above.

More than one of the disciplinary outcomes listed above may be imposed for any single violation.

I. APPEALS

Each party may appeal the dismissal of a Formal Complaint or any included allegations and/or a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) calendar days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- + Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the institution's own procedures);
- + New evidence that was not reasonably available at the time the determination regarding responsibility

or dismissal was made, that could affect the outcome of the matter;

- + The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal. If a party appeals, the University will as soon as practicable notify the other party in writing of the appeal, however the time for appeal will be offered equitably to all parties and will not be extended for any party solely because the other party filed an appeal.

Appeals for matters involving student Respondents will be decided by the Vice President for Enrollment Management and Student Affairs; appeals for matters involving staff Respondents will be decided by the Vice President for Finance and Administration, and appeals for matters involving faculty Respondents will be decided by the Vice President for Academic Affairs.

Appeal Officers are free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or on the Hearing Body in the same matter.

Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

XVIII. OBLIGATION TO PROVIDE TRUTHFUL INFORMATION

All University community members are expected to provide truthful information in any report or proceeding under this Policy. Knowingly submitting or providing false or misleading information in connection with an alleged Policy violation is prohibited and subject to disciplinary sanctions. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not ultimately substantiated. Nor should a finding of policy violation, alone, be used to support a complaint that that Respondent lied in the resolution process.

XIX. STATEMENT OF ACADEMIC FREEDOM

The free expression and study of ideas are essential to the pursuit of a higher education. At times, it will be necessary to consider ideas that some community members may find unpleasant or offensive, for the simple reason that offensive ideas are part of our history and culture. All University community members must be empowered to discuss any topic or idea that is germane to the subject at hand, while at the same time acting as good citizens and participants in a shared endeavor with people of all political and social worldviews and with varied backgrounds. This calls for honest discussion, the asking of questions to clear up misconceptions, and a search for the universal growing from careful examination of the specific contexts of studied works. It calls for treating other community members as human beings with individual sets of experiences and opinions, treating them with dignity, but also extending to them the respect not only of their experiences and opinions, but also of their intellectual curiosity and resilience. Additionally, this Policy adopts the Statement of Academic Freedom found in the University's Faculty Handbook. Speech that meets the policy definition of sexual harassment, above, is not protected by academic freedom or free speech rights.

XX. RECORDKEEPING

University of the Arts will maintain for a period of [at least] seven years records of:

- + Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- + Any disciplinary sanctions imposed on the Respondent;
- + Any remedies provided to the Complainant designed to restore or preserve equal access to the University of the Arts' education program or activity;
- + Any appeal and the result therefrom;
- + Any Informal Resolution and the result therefrom;
- + All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. University of the Arts will make these training materials publicly available on University of the Arts' website. (Note: If the University of the Arts does not maintain a website, the University of the Arts must make these materials available upon request for inspection by members of the public.); and

- + Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
- + The basis for all conclusions that the response was not deliberately indifferent;
- + Any measures designed to restore or preserve equal access to the University of the Arts' education program or activity; and
- + If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances. University of the Arts will also maintain any and all records in accordance with state and federal laws.

XXI. DISABILITIES ACCOMMODATIONS IN THE RESOLUTION PROCESS

University of the Arts is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University of the Arts' resolution process.

Anyone needing such accommodations or support should contact the Director of Educational Accessibility or AVP for Human Resources, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

XXII. REVISION OF THIS POLICY AND PROCEDURES

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The University of the Arts reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be constructed to comply with the most recent government laws or regulations or court holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective August 14, 2020.

EDUCATIONAL PROGRAMS TO PROMOTE AWARENESS OF SEXUAL ASSAULT, RELATIONSHIP AND DOMESTIC VIOLENCE, AND STALKING

TITLE IX WEBSITE

The University's Title IX Resource page, uarts.edu/titleix, contains the Sex and Gender-Based Misconduct Policy and resources for victims of sexual misconduct, confidential reporting options, information about on and off-campus support services, contact information for the Title IX Coordinator, and information about programming and education about sexual misconduct at UArts.

TITLE IX TEAM TRAINING

As required by the Campus SaVE Act, the UArts Title IX Coordinator completes training that includes

trauma-informed investigations and providing resources and support to those who may be involved in an investigation.

NEW STUDENT TRAINING

In order to educate the community about sexual assault prevention, and to ensure compliance with the Violence Against Women Act (VAWA) and the Campus Sexual Violence Elimination Act (SaVE), all students are required to complete an online course through outside provider EverFi called "Sexual Assault Prevention." Sexual Assault Prevention provides students with a comprehensive foundation in four areas: sex in college, partying smart, sexual violence, and healthy relationships the Sexual Assault Prevention program includes mandatory modules on preventing and identifying sexual assault and date rape. The completion rate was above 97%.

STUDENT LEADER TRAINING

The Title IX Coordinator provides training to all Student Leaders: Resident Assistants, First Year Guides, Student Clubs and Organization officers, and Community Assistants for the Pre-College Program. The presentations include information about Title IX, the Clery Act, and VAWA/the Campus SaVE Act, reporting obligations for student employees, the University's Sex and Gender-Based Misconduct Policy, bystander intervention, and resources and options on and off-campus for those who may have been impacted by sexual misconduct.

EMPLOYEE TRAINING

All new UArts employees are required to participate in a Title IX/VAWA compliance training within 90 days of the start of employment. All UArts employees are required to participate in the same training on an annual basis, whether in-person by the Title IX Coordinator, or online through our United Educators portal. The Title IX Coordinator conducts additional training for employees by request.

OTHER EDUCATIONAL PROGRAMMING

The University conducts educational programs throughout the year that include awareness of risks and myths regarding sexual assault and relationship violence, risk-reduction strategies for individuals, bystander intervention techniques and strategies, information regarding local resources and responses to reports, and self-defense programs. These educational programs include Sexual Assault Awareness Month (April) and Domestic Violence Awareness Month (October) programming, social media and poster campaigns, guest lecturers, community art and activism projects, informational tables throughout campus, and more.

CRIMINAL DEFINITIONS OF DATING VIOLENCE, DOMESTIC VIOLENCE, AND SEXUAL ASSAULT IN THIS JURISDICTION

DOMESTIC VIOLENCE / DATING VIOLENCE

The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

1. Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent

assault, indecent assault or incest with or without a deadly weapon.

2. Placing another in reasonable fear of imminent serious bodily injury.
3. The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).
4. Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).
5. Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

(23 Pa.C.S. § 6102)

STALKING

A person commits the crime of stalking when the person either:

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

(18 Pa.C.S. § 2709.1)

RAPE

A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

1. By forcible compulsion.
2. By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
3. Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.

4. Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.
5. Who suffers from a mental disability which renders the complainant incapable of consent.
6. (Deleted by amendment).

(18 Pa.C.S. § 3121)

A full list of sexual offenses as defined by Pennsylvania law can be found here: <http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=31>.

CONSENT

The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negates an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

CONSENT TO BODILY INJURY

When conduct is charged to constitute an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury is a defense if:

1. the conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
2. the consent establishes a justification for the conduct under Chapter 5 of this title (relating to general principles of justification).

INEFFECTIVE CONSENT

Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:

1. it is given by a person who is legally incapacitated to authorize the conduct charged to constitute the offense;
2. it is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;
3. it is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or

4. it is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.
- (18 Pa.C.S. § 311)

CAMPUS SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS

(Excerpt from Student Handbook)

In accordance with section 485 of the Higher Education Act of 1965, the University of the Arts has implemented the following bill of rights that shall be afforded to all victims of reported campus-related sexual assaults. These rights have been adapted for UArts from the language used in the Higher Education Act.

1. The right to have any and all sexual assaults against them treated with seriousness; the right, as victims, to be treated with dignity; and the right for campus organizations which assist such victims to be accorded recognition.
2. The right to have any sexual assaults committed against them investigated and adjudicated by the duly constituted criminal and civil authorities of the governmental entity in which the crimes occurred, if the victim so chooses; and the right to the full and prompt cooperation and assistance of University staff in notifying the proper authorities. The foregoing shall be in addition to any campus disciplinary proceedings.
3. Victims have the right to be free from any kind of pressure from University staff to: a. not report crimes committed against them to civil and criminal authorities or to public safety and student life staff; or b. report crimes as lesser offenses than the victims perceive them to be.

The right to be free from any kind of suggestion that sexual assault victims not report, or under-report, crimes because: a. victims are somehow 'responsible' for the commission of crimes against them; b. victims were negligent or assumed the risk of being assaulted; or c. by reporting crimes they would incur unwanted personal publicity.

4. The same right to legal assistance, or ability to have others present, in any campus disciplinary proceeding that the institution permits to the accused; and the right to be notified of the outcome of such proceeding.

5. The right to counseling services from any mental health services previously established by the institution, or by other victim-service entities, or by victims themselves.
6. After campus sexual assaults have been reported, the victims of such crimes shall have the right to require that appropriate University staff take the necessary steps or actions reasonably feasible to prevent any unnecessary or unwanted contact or proximity with alleged assailants, including immediate relocation of the victim to safe and secure alternative housing and transfer of classes if requested by the victims.
7. The right to report any inappropriate action, or lack thereof, in the handling of a reported sexual assault on the part of the University as a Title IX complaint.

Additionally, and in accordance with the SaVE Act, the University will work with the student to ensure that they are able to continue their studies safely while the matter is addressed. This includes applying, at the discretion of the Office of Student Affairs (or their designee) and as dictated by the situation and the needs of the victim, the use of administrative room changes, No Contact Directive, Persona Non Grata, and/or other steps deemed necessary.

DATABASE OF REGISTERED SEX OFFENDERS IN PENNSYLVANIA

The Federal Campus Sex Crimes Prevention Act went into effect on October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. It also requires the sex offender, already registered in a state, to provide notice to each institution of higher education in that state, as to where the person is employed, carries on a vocation, or is a student. Presently Pennsylvania State law does not require a sex offender to list the school of higher education of which he or she is a student.

The Commonwealth of Pennsylvania maintains a system for making certain registry information on violent sex offenders available to the public. Presently the only individuals listed on the 'public disclosure' registry list, are those classified under Megan's Law, as sexual predators or those individuals having moved to Pennsylvania and are on parole/probation for a sexual offense in that state from which they moved.

The information published above is in compliance with the PA College and University Security Information Act (PA Act 73 of 1988) and the Federal Student Right to Know and Campus Security Act of 1990 (P.L. 101-542) as amended through Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (34CFR668.41 and 34CFR668.46). www.pameganslaw.state.pa.us/

MISSING STUDENT NOTIFICATION FOR STUDENTS RESIDING IN ON-CAMPUS STUDENT HOUSING FACILITIES

This policy is enacted pursuant to 20 U.S.C. § 1092(j) and 34 C.F.R. § 668.46(h) and is intended to establish the missing student notification policy and procedure for the University of the Arts students who reside in on-campus student housing facilities. On-campus student housing facilities shall include all residence halls including Pine Hall, Juniper Hall, Furness Hall, Spruce Hall and any campus-sponsored housing in the University area.

Any student who resides in an on-campus residence hall may designate an individual(s) to be contacted by the University if the student is determined to be missing by the Office of Public Safety or local law enforcement. The contact information will be registered confidentially, accessible only to authorized University officials, and may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation or as otherwise provided by law. A student may designate and update the individual(s) to be contacted on the Emergency and Missing Student Contact Information form in their housing application records.

The following is a list of persons who can be contacted if someone is suspected missing:

Associate VP for Student Affairs
215-717-6627

Director of Public Safety
215-717-6827 or 215-717-6666 (24/7 number)

Most missing person reports in the university environment result from a student changing his or her routine without informing roommates and/or friends of the change. The Office of Public Safety shall promptly investigate each report to determine whether the student is missing. A student shall be deemed missing when he or she is absent from the University for more than 24 hours without any known reason.

The University shall take the following steps when the Office of Public Safety or local law enforcement determines that a student is missing in accordance with this policy:

- + The University will notify the contact person(s) designated by the student no later than 24 hours after the student is determined to be missing.
- + If the student is under 18 years of age and not an emancipated individual, the University will notify the custodial parent or guardian of the student and the contact person(s) designated by the student (if different from the student's custodial parent or guardian) no later than 24 hours after the student is determined to be missing.
- + If the Office of Public Safety has determined that a student is missing, the University will notify local law enforcement no later than 24 hours after a student is determined to be missing.

STUDENTS LIVING IN OFF-CAMPUS HOUSING

While this policy by law only applies to students residing in on-campus student housing facilities, anyone who believes that a student who resides in off-campus housing might be missing should immediately report his or her concern to the Office of Public Safety and/or law enforcement. If reported to the Office of Public Safety, the Office of Public Safety shall promptly notify law enforcement and provide any requested assistance to law enforcement in law enforcement's investigation. Students should maintain current emergency contact information on file with the University to assist in such an event. Students may designate and update their emergency contact information at any time through the UArts Portal and on the Emergency and Missing Student Contact Information form through the Office of Student Life.

UNIVERSITY OF THE ARTS STUDENT RESPONSIBILITIES

The cooperation and involvement of students in a campus safety program is absolutely necessary. Students must assume responsibility for their own personal safety and the security of their personal belongings by taking simple, common-sense precautions.

For example, although the streets surrounding the campus are well lit, any student- male or female- may feel more comfortable using the University's walking Escort Service. Residence hall rooms should be locked at all times. Valuable items such as laptops, smart phones, tablets, stereos, cameras, and televisions should be marked with engraving instruments. Bicycles should be secured with a sturdy lock. Students should report any suspicious looking individuals who they feel do not belong in their residence hall or any unusual incidents in and around the residence halls to a Resident Assistant or to any University Public Safety Officer.

Further information about campus safety can be obtained through the Office of Public Safety (215) 717-6827. We are committed to resolving all criminal matters in a timely fashion. All members of the University of the Arts know that for this to happen they must cooperate and work hand-in-hand with students, faculty, staff and guest of University of the Arts. By working together, the University of the Arts community can create a safe and secure environment.

CRIME STATISTICS

Under the *Clery Act*, for the purposes of counting and disclosing Criminal Offense, Hate Crime, arrest and disciplinary referral statistics the University must do so based on definitions provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program. The definitions for *Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations* are from the *Summary Reporting System (SRS) User Manual* from the FBI's UCR Program. The definitions of *Fondling, Incest, and Statutory Rape* are from the FBI's *National Incident-Based Reporting System (NIBRS) Data Collection Guidelines* edition of the UCR. Hate Crimes are classified according to the FBI's *Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual*.

For the categories of *Domestic Violence, Dating Violence, and Stalking*, the *Clery Act* specifies that the University must use the definitions provided by the *Violence Against Women Act of 1994* and repeated in the Department's *Clery Act* regulations.

It is possible that institutions may be asked to code incidents using different definitions for purposes

other than *Clery Act* reporting. However, for *Clery Act* purposes, it is essential that institutions classify and count reported incidents based on the definitions specified by the *Clery Act*. The University includes in the crime statistics the number of all reported offenses, without regard to the findings of a court, coroner or jury, or the decision of a prosecutor. Classifying and counting crimes from the records of calls for service, complaints and investigations.

In addition, The Pennsylvania Uniform Crime Reporting Act mandates the release of crime statistics and rates to registered students and employees, and, upon request, to new employees and applicants for admission. The index rate is calculated by multiplying the actual number of reported offenses by 100,000 (a theoretical population for comparison purposes) and dividing that product by the number of the university's Full Time Equivalent (FTE) students and employees. The FTE is calculated using a state required formula.

CRIME LOG

University of the Arts Office of Public Safety maintains a crime log of each recorded criminal offense and non-criminal incident reported to the Department. Additional information such as the case number, date and time the report was made to the University Public Safety Department, the date and time the incident occurred (if known), the general location where the incident occurred, and the disposition of the report is also included.

Dispositions of incidents recorded in the Log will be one of the following:

- + **Open** – This disposition designates a case that is under investigation or has otherwise not been closed or has been referred to another agency or Department.
- + **Pending** – This disposition designates a case that is pending court action or has been referred to another agency or court.
- + **Closed** – This disposition designates a case that is no longer under active investigation, has been adjudicated in court, has been referred to another agency, or has reached a point where there is no further action to be taken by the Department. This status also includes cases where no further leads are available or the victim has decided to not participate.

- + **Disciplinary Referral** – This disposition designates a case that has been referred to another University Department for action under University of the Arts policies and procedures and the University Office of Public Safety is no longer the primary acting agency on the case.

- + **Unfounded** – This disposition is only used by sworn or commissioned law enforcement authority. The University Public Safety Department are unsworn personnel.

The log is updated at least every two business days and is available for public viewing during regular business hours (9:00 a.m. through 4:00 p.m., Monday through Thursday, and 9:00 a.m. through 12:30 p.m. on Fridays, except holidays or during University closures).

UNIVERSITY OF THE ARTS CRIME STATISTICS FOR FEDERAL REPORTING PURPOSES

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes (formed by the Federal Student Right-to-Know and Campus Security Act) requires the reporting of statistics for certain criminal incidents, arrests, and disciplinary referrals. The law requires that the crime statistics be broken down according to the following geographical locations on campus; A) On-Campus, which includes Residential Halls; B) Residential; C) Non Campus, which includes non-contiguous properties controlled by the University and used in direct support or in relation to the University's educational purposes; and D) Public property, defined as property immediately adjacent to the University that does not include private apartments or businesses. Further, the Clery Act mandates the reporting of "Hate Crimes" (motivated by bias or prejudice) and disciplinary referrals for alcohol, drugs and weapons that are a violation of law. In addition, VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking incidents in their annual security reports. This disclosure is made in the following tables:

CAMPUS CRIME REPORT – UNIVERSITY OF THE ARTS (FEDERAL REPORTING)

	On Campus Including Residential Halls			Residential Halls			Non Campus			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Murder	0	0	0	0	0	0	0	0	0	1	0	0
Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense: Rape	1	0	1	0	0	1	0	0	0	0	0	0
Sex Offense: Fondling	2	2	0	2	0	0	0	0	0	0	0	0
Sex Offense: Incest	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense: Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	0	0	0	0	0	0	1	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	1	0	0
Burglary	1	1	3	0	0	3	0	0	0	2	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
VAWA OFFENSES												
Dating Violence	1	1	0	1	1	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	2	1	0	0	1	0	0	0	0	0	0	0
ALCOHOL, DRUGS, WEAPONS												
Weapons Arrests	0	0	0	0	0	0	0	0	0	1	0	0
Weapons Disciplinary Referrals	2	0	0	1	0	0	0	0	0	0	0	0
Drug Abuse Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Disciplinary Referrals	17	8	4	12	8	4	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Disciplinary Referrals	6	24	0	6	24	0	0	0	0	0	0	0

HATE CRIMES

2022	3
2021	0
2020	0

THE PENNSYLVANIA UNIFORM CRIME REPORTING ACT

The Pennsylvania Uniform Crime Reporting Act requires the release of crime statistics and rates to students and employees, and it requires that those statistics be available to applicants and new employees upon request. The rate is based on the actual number of Full Time

Equivalent (FTE) students and employees, calculated according to a state-mandated formula. The index in the table below is based on incidents per 100,000 FTEs. The University's FTE population was 1,337 for 2022, 1,914 for 2021, and 1,920 for 2020.

PENNSYLVANIA UNIFORM CRIME REPORTING STATISTICS						
PART I Offenses	2022	Index per 100,000	2021	Index per 100,000	2020	Index per 100,000
Criminal Homicide	1	74.8	0	0	0	0
Forcible Rape	1	74.8	0	0	1	52.0
Robbery	2	149.6	0	0	0	0
Aggravated Assault	1	74.8	0	0	0	0
Simple Assault	7	523.6	1	52.2	1	52.0
Burglary	3	224.4	0	0	3	156.2
Theft	12	897.53	9	470.2	5	260.4
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Total Part I Crimes	27	2019.53	10	522.5	10	520.8
PART II Offenses						
Forgery/ Counterfeiting	0	0	0	0	0	0
Fraud	0	0	0	0	0	0
Embezzlement	0	0	0	0	0	0
Stolen Property - buying, receiving, possessing	0	0	0	0	0	0
Vandalism	25	1869.9	22	1149.74	25	1302.0
Weapons - carrying, possessing etc.	2	149.6	0	0	0	0
Commercialized Vice/ Prostitution	0	0	0	0	0	0
Non-forcible sex offenses	2	149.6	0	0	0	0
Drug abuse violations	17	1271.5	8	417.9	4	208.3
Gambling	0	0	0	0	0	0

	2022	Index per 100,000	2021	Index per 100,000	2020	Index per 100,000
Offenses against family or children	0	0	0	0	0	0
Driving under influence	0	0	0	0	0	0
Liquor Law	6	448.8	24	1253.9	0	0
Drunkenness	0	0	0	0	0	0
Disorderly Conduct	0	0	0	0	0	0
Vagrancy	0	0	0	0	0	0
Other Offenses *	23	1720.27	7	365.7	1	52.0
Total Part II Crimes	75	5460.07	61	3187.0	30	1562.0
GRAND TOTAL	103	7479.6	71	3709.5	40	2083.3

*All other offenses include harassment, harassment by communication, threats, unlawful restraint, loitering, and trespass.

FIRE SAFETY REPORT

FIRE SAFETY AND PREVENTION INFORMATION

Fire drills are conducted in every building four times a year per building by University staff and the Office of Public Safety. Additional drills may occur as required.

Smoke detectors have been installed in each student room for protection in case of fire. In addition to detectors all residence halls have sprinkler systems. It is unlawful to tamper with this equipment or any other fire safety equipment.

Flammable liquids such as propane and lighter fluids are prohibited. Candles, including decorative candles, incense, hookahs, space heaters, halogen lamps of ANY type (desk, floor, or otherwise) and lamps with plastic covers are not permitted in University housing.

Cooking appliances are allowed in residence halls. All appliances must have an automatic shut off and may not contain an external heating element. All appliances must be UL approved. Juniper residence hall is equipped with full kitchens. Pine and Furness residence halls are equipped with a microwave/mini-fridge combination unit in addition to a kitchenette with oven and range. Spruce residence hall is equipped with a

microwave/mini-fridge combination unit with an oven and range available for student use in the lounge.

Students are not permitted to bring their own appliances: a full list of prohibited kitchen items can be found online in the Student Handbook.

TESTING EMERGENCY AND EVACUATION OVERVIEW

Emergency situations may require evacuation of buildings. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in the case of an emergency. Evacuation drills are used as a way to educate and train the University of the Arts community on issues specific to their buildings. In

addition to educating the occupants of the buildings to the evacuation procedures during the drills, the process also provides the University of the Arts an opportunity to test the operation of fire alarm system components. In each building on campus, members of the University of the Arts community have volunteered to be part of an evacuation team. They have come together to help evacuate the building occupants in a quick and orderly manner to ensure everyone's safety. The University conducts four fire drills and two shelter-in-place drills per year outside of actual fire alarm incidents that are announced and unannounced.

FUNCTIONAL EVACUATION PROCEDURES

1. If you discover a fire or smoke, sound the building fire alarm. Know the location of the manual alarm signal pull stations and how they operate if there is an actual emergency requiring a fire department response.
2. The person stationed at the lobby desk and the assigned central station will immediately notify the Fire Department when an alarm is transmitted by dialing 9-1-1.
3. WHEN THE FIRE ALARM SOUNDS, LEAVE AT ONCE. Close the doors behind you and proceed into the fire exit and LEAVE THE BUILDING.
4. DO NOT USE THE ELEVATORS. If the power fails, the elevators will stop, causing the occupants to become trapped. Since elevator shaft ways are like chimneys, smoke could enter the elevator shaft thereby asphyxiating the occupants who are trying to evacuate the building.
5. Feel the door that leads from your area to the corridor before opening it. If it is hot or smoke is seeping in, do not open. If you cannot reach the fire exit, keep the door closed and seal off any cracks. Use the telephone to call the Fire Department by dialing 9-1-1, and give the address of the building, the floor you are on, and the office number.

6. If the door feels cool, open cautiously. Be prepared to close it quickly if the corridor is filled with smoke or if you feel heat pressure against the door. If the corridor is clear, precede with the building evacuation instructions.
7. If caught in smoke or heat, stay low where the air is better. Take short breaths through your nose until you reach an area of refuge

THE UNIVERSITY'S POLICIES ON PORTABLE ELECTRIC APPLIANCES, SMOKING AND OPEN FLAMES

Candles, incense, lanterns, potpourri and other flammable items including, but not limited to, hot plates, electric frying pans, halogen lamps, immersion coils, fireworks, flammable liquids, and flammable decorations are not permitted on campus unless officially sanctioned and supervised by University officials. Tampering with alarm-pull stations and/or fire extinguishers without just cause and failing to evacuate from a building during a fire alarm are strictly prohibited.

In the Student Residential Handbook, students are informed that guidelines have been established in the interest of individuals' safety and the preservation of University housing property. Within this, students are informed that the following items are not permitted within the facility:

- + halogen lamps of any type
- + flammable liquids
- + space heaters
- + hookahs
- + multiple-outlets without self-contained circuit breaker

Also, the following guidelines have been established regarding decorating personal space:

- + no items that could create a fire hazard
- + no hanging of sheets, blankets or any object obstructing emergency evacuation
- + no hanging posters or other decorations that cover large portions of wall or other surfaces that could present a fire hazard
- + no candles, incense or any other flame/heat producing items
- + nothing can be hung from the sprinkler heads

Smoking is prohibited in University housing. Specifically, smoking is prohibited inside University housing buildings, including but not limited to, student rooms, suites, lounges, bathrooms, common areas, stairwells, lobbies, and elevators.

Residents who smoke must do so outside of the building and must be far enough away from the building

(minimum 20 feet) so that smoke will not filter into the building via exterior doors, windows, or the building ventilation systems. Full cooperation with this policy is expected. Any violation of this policy will result in disciplinary action.

FIRE SAFETY EVACUATION AND TRAINING

Resident Assistants are trained and given specific information regarding:

- + who to contact in emergency
- + how to assess an emergency situation
- + how to respond using general response steps
- + how to respond to fire emergencies

In addition, Resident Assistants receive a Resident Assistant Manual that contains information for future reference. Resident Assistants put this training into practice when drills are conducted along with follow-up discussion for the purpose of improvement.

Additionally, Public Safety is trained to assist in safe and orderly emergency evacuation for all types of emergency situations. Public Safety will help direct all employees and students during emergency evacuation and serve as a resource of information about emergency procedures.

HEALTH AND SAFETY INSPECTIONS

The office of Campus Life performs residential inspections throughout the academic year - once each semester and at winter break closing. Residents are notified beforehand of the inspection process. The inspections are conducted to identify safety violations as well as conditions that may be detrimental to the health or wellbeing of the wider residential community.

The inspections include a visual examination of electrical cords, sprinkler heads, smoke detectors and other life

safety systems. In addition, each room is examined for the presence of prohibited items such as candles, halogen lamps, open coiled appliances, pets, etc. Rooms are also examined for evidence of prohibited activity such as smoking in the room, removal of door closers, unauthorized door locking or alarm mechanisms, tampering with life safety equipment, etc. This inspection also includes a general assessment of cleanliness of the room, including food and waste storage.

Safety inspection violations are reported to the residential program staff and are pursued by Campus Life staff. Those residential staff members are expected to communicate concerns with involved residents, informing them of possible sanctions ranging from fines to expulsion from housing, and to document such follow up.

The resident's signature on the Housing Agreement, required in order to take occupancy, signifies their acceptance of and responsibility for abiding by residential and University policies as provided through all printed publications, web sites, email and other vehicles. Specific Health and Safety policies and procedures are outlined in the Student Handbook as well as the Occupancy Agreement. Per the agreement, Campus Life staff may enter any room at any time for the purposes of inspection, establishment of order, maintenance, extermination, inventory correction, cleaning, or in case of emergency or other reasonable purposes.

REPORTED FIRES FOR 2022 BUILDING LOCATION FOR ALL UARTS RESIDENCE HALLS					
Building	Total Fires in Each Building	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Furness Hall (1499 Pine Street)	0	N/A	N/A	N/A	N/A
Pine Hall (1500 Pine Street)	0	N/A	N/A	N/A	N/A
Juniper Hall (311 S Juniper Street)	0	N/A	N/A	N/A	N/A
Spruce Hall (1228 Spruce Street)	0	N/A	N/A	N/A	N/A
Total Fires	0	N/A	N/A	N/A	N/A

REPORTED FIRES FOR 2021 BUILDING LOCATION FOR ALL UARTS RESIDENCE HALLS

Building	Total Fires in Each Building	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Furness Hall (1499 Pine Street)	0	N/A	N/A	N/A	N/A
Pine Hall (1500 Pine Street)	0	N/A	N/A	N/A	N/A
Juniper Hall (311 S Juniper Street)	1	Cooking	N/A	N/A	N/A
Spruce Hall (1228 Spruce Street)	0	N/A	N/A	N/A	N/A
Total Fires	1		0	0	N/A

REPORTED FIRES FOR 2020 BUILDING LOCATION FOR ALL UARTS RESIDENCE HALLS

Building	Total Fires in Each Building	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Furness Hall (1499 Pine Street)	0	N/A	N/A	N/A	N/A
Pine Hall (1500 Pine Street)	0	N/A	N/A	N/A	N/A
Juniper Hall (311 S Juniper Street)	0	N/A	N/A	N/A	N/A
Spruce Hall (1228 Spruce Street)	0	N/A	N/A	N/A	N/A
Total Fires	0	N/A	N/A	N/A	N/A

2022 FIRE SAFETY SYSTEMS BY BUILDING LOCATION FOR ALL UARTS RESIDENCE HALLS

Building	Fire Alarms Monitored	Equipped with Sprinkler	Fire Alarms & Smoke Detectors	Emergency Plan Posted	Number of Annual Evacuation Drills
Furness Hall (1499 Pine Street)	Yes	Yes	Yes	Yes	4
Pine Hall (1500 Pine Street)	Yes	Yes	Yes	Yes	4
Juniper Hall (311 S Juniper Street)	Yes	Yes	Yes	Yes	4
Spruce Hall (1228 Spruce Street)	Yes	Yes	Yes	Yes	4

2021 FIRE SAFETY SYSTEMS BY BUILDING LOCATION FOR ALL UARTS RESIDENCE HALLS

Building	Fire Alarms Monitored	Equipped with Sprinkler	Fire Alarms & Smoke Detectors	Emergency Plan Posted	Number of Annual Evacuation Drills
Furness Hall (1499 Pine Street)	Yes	Yes	Yes	Yes	4
Pine Hall (1500 Pine Street)	Yes	Yes	Yes	Yes	4
Juniper Hall (311 S Juniper Street)	Yes	Yes	Yes	Yes	4
Spruce Hall (1228 Spruce Street)	Yes	Yes	Yes	Yes	4


2020 FIRE SAFETY SYSTEMS BY BUILDING LOCATION FOR ALL UARTS RESIDENCE HALLS


Building	Fire Alarms Monitored	Equipped with Sprinkler	Fire Alarms & Smoke Detectors	Emergency Plan Posted	Number of Annual Evacuation Drills
Furness Hall (1499 Pine Street)	Yes	Yes	Yes	Yes	4
Pine Hall (1500 Pine Street)	Yes	Yes	Yes	Yes	4
Juniper Hall (311 S Juniper Street)	Yes	Yes	Yes	Yes	4
Spruce Hall (1228 Spruce Street)	Yes	Yes	Yes	Yes	4



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