

**Metro Beauty Academy**

**4977 Medical Center Circle**

**Allentown, PA 18106**

**(610) 398-6227**

**<https://www.metrobeautyacademy.edu/>**

# **Annual Security Report**

**2020**

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## **Introduction**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), requires that all institutions who participate in Federal Title IV programs, without exception, prepare, publish, and distribute an Annual Security and Fire Safety Report, including the campus policies regarding reporting criminal offenses. The Clery Act is enforced by the U.S. Department of Education.

Metro Beauty Academy is committed to providing students with a safe environment in which to learn and to keep the campus and surrounding community well-informed about campus security. In accordance with the Crime Awareness and Campus Security Act of 1990, and the Higher Education Act Section (a) and (f), the institution collects campus crime statistics and prepares a report for distribution to all students, employees and applicants for enrollment or employment. This report contains information on Occurrences within 2017, 2018, and 2019 Calendar Years, Campus Security and Crime Awareness, Timely Warning and Emergency Notification System, and Emergency Response and Evacuation.

The Administration Team at Metro Beauty Academy prepares, publishes and distributes the Annual Security Report (ASR). The ASR may be distributed or posted in any of the following ways: student meetings, orientations, email blast, public areas, and school website. Students and employees will receive electronic notification regarding the url address and availability of paper documents. The complete Campus Security and Crime Awareness Policy is distributed after its revision each year. A paper copy may be obtained at any time from the Office of the Assistant Director upon request at Metro Beauty Academy. The report is published yearly by October 1<sup>st</sup>.

Metro Beauty Academy does not take any retaliatory action against anyone with respect to the implementation of any provision under this act. Metro Beauty Academy does not have any student residential housing, nor do we recognize any off campus student organizations that would be covered under this act. Anyone may obtain a paper copy of the Annual Security Report for free through the Office of the Assistant Director.

## **Security Contacts**

### **Jeffrey Corpora**

Assistant Director

(610) 398-6227 ext. #322

[jcorporametrobeautyacademy.com](mailto:jcorporametrobeautyacademy.com)

### **Sara Afflerbach**

Office Coordinator

(610) 398-6227 ext. #317

[safflerbachmetrobeautyacademy.com](mailto:safflerbachmetrobeautyacademy.com)

### **Bethany Lowrie**

Director of Spa Services & Title IX Coordinator

(888) 782-7221

[TitleIXCoordinatormetrobeautyacademy.com](mailto:TitleIXCoordinatormetrobeautyacademy.com)

### **Chad Schneider**

Owner

610-398-6227

### **Pennsylvania State Police**

Emergency 9-1-1

Non-Emergency (610) 395-1438

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

# **Campus Authorities, Jurisdiction, Campus Access, Reporting Crimes, & Other Emergencies**

## **Campus Authorities & Jurisdiction**

Campus Security Authorities (Owners, Director of Education, Director of Finance, & Director of Spa Services) have the authority to question all persons on school property to determine their legitimate presence and to escort unauthorized persons to the proper office or off school property, control the actions of persons violating school rules or local, state, or federal laws and cooperate with all local, state, or federal agencies should that become necessary. Campus Security Authorities do not possess arrest power. Criminal incidents are referred to the state police who have jurisdiction on this campus. Campus Security Authorities maintain a highly professional working relationship with the state police. All crime victims and witnesses are strongly encouraged to immediately report crime to Campus Security Authorities and the appropriate police agency. All reports will be investigated. Metro Beauty Academy does not have procedures for voluntary, confidential reporting of crime statistics through pastoral or professional counselors.

## **Campus Access, Reporting Crimes, & Other Emergencies**

During business hours, Metro Beauty Academy is open to students, staff, and the general public. Admittance to the school is permitted only at designated entrances. The emergency exits located in the back and side of the school are only accessible from the outside by key. Only designated officials for the school are in possession of the facilities key. Metro Beauty Academy facilities are also protected with a security alarm, which is only able to be armed/disarmed by the designated officials. Anyone who tries to access the facilities without a designated official will activate the alarm and local authorities will be dispatched to the campus. Metro Beauty Academy facilities are also under 24-hour surveillance by cameras in the school's common areas such as entrances, clinic floor, and hallways. Only designated security authorities have access to view these security cameras and recordings.

Students and employees are encouraged to be responsible for their own security. Off-campus events sponsored by the school are supervised by campus employees. Campus employees will monitor and report any criminal activity at such events to local law enforcement authorities, should they occur. Students are issued student ID cards to show proof of enrollment upon request from any school official.

Maintenance personnel employed by the campus are required to submit to a background check. Maintenance personnel not employed by the campus are required to check in at guest relations. Metro Beauty Academy does not employ any pastoral or professional counselors.

The campus does not employ campus security officials. The security of the campus is the direct responsibility of each employee (excluding clerical and maintenance staff) and the Campus Security

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Authority (CSA) officials with significant responsibility for students which are the Office of the Assistant Director, the Office Coordinator, and the Title IX Coordinator. CSA officers report to the Office of the Assistant Director.. Training is provided as required and deemed necessary and appropriate for our CSAs. The campus does not have sworn or commissioned law enforcement agency. Metro Beauty Academy does not have agreements, such as written memoranda of understanding (MOU) with agencies for the investigation of alleged criminal offenses.

Individuals are encouraged and requested to immediately report any known criminal offense, or other emergency, occurring on campus to The Office of the Assistant Director, the Office Coordinator, the Title IX Coordinator. Individuals are also encouraged to accurately and promptly report all crimes to appropriate law enforcement agencies. It is imperative that individuals preserve evidence that may be related to the alleged criminal offense. The Office of the Assistant Director will report all known criminal offenses to local law enforcement authorities upon obtaining knowledge of any criminal offense, including in incidences when the victim is unable to make such a report. Reporting a criminal offense is voluntary and confidential to the extent of inclusion in the annual security report.

To inform students about campus security procedures and practices, the policy is provided and signed during the enrollment process, practices and policies discussed and acknowledged by signature during student orientation. To inform employees about campus security procedures and practices, the policy is provided and signed during the initial hire paperwork.

Metro Beauty Academy will provide written notification to students about student financial aid services available at the school. A copy of the Student's Rights or Employee's Rights Policies can be requested from the Office of the Assistant Director.

## **Emergency Notification & Evacuation, Timely Warning, & Preparing Annual Report**

### **Emergency Notification & Timely Warning**

When a Clery reportable crime may pose an ongoing threat, or when there is an emergency or *(serious, immediate and continuous situation with guidance and coordination from law enforcement, ie. Pennsylvania Police)* dangerous situation that may pose a health or safety risk, Metro Beauty Academy will issue a timely warning to the entire campus community, with content of the notification and dissemination being developed by the Owner. This content will take into account the safety of the community and will be done without delay, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

## **Procedures for Disseminating Emergency Information to the Larger Community (i.e., individuals and organizations outside the campus community):**

If the campus activates its Emergency Notification in response to a situation that poses an immediate threat to members of the campus community, the Owner will develop, disclose and disseminate to the larger community about the situation and steps the campus has taken to address the emergency. The Owner will collaborate with local law enforcement to determine the methods to disclose and disseminate the appropriate information to the larger community.

A significant emergency or dangerous situation involving an immediate threat to health or safety of students or faculty is confirmed when an unforeseen situation that threatens students, faculty, or the public; disrupts or shuts down operations; or causes physical or environmental damage. Emergencies may be natural or manmade.

The Assistant Director, the Office Coordinator or Title IX Officer will issue timely warnings with guidance from local law enforcement. Those in the building will be immediately notified by a school employee making an official announcement in each section of the building. Metro will also send an announcement via email to each student and faculty member. Metro Beauty Academy does not have a policy regarding notification about missing students.

Individuals are encouraged and requested to immediately report any known emergency, occurring on campus to any of the following: The Office of the Assistant Director, the Office Coordinator, the Title IX Coordinator.

In the event that an immediate notification is confirmed, a staff member will announce for all students and clients to calmly exit the building according to the evacuation plan. Evacuation plans are posted in different locations throughout the building and reviewed with students at orientation. An Emergency Alert may include a fire alarm sounding, a whistle blowing, or an announcement by a staff member. Immediately proceed to your nearest exit according to the evacuation plan. When leaving the building, the following procedure should be followed:

- Follow the posted evacuation route to exit the building with Instructor.
  - Walk, do not run; talk quietly; do not stop to obtain items from lockers; do not clock in or out; do not go to cars; no smoking.
- Instructors will pick up the client ticket (for the purpose of accounting for all individuals at the safe zone) and instruct clients to accompany the group.
- Admissions, Financial Aid, and Front Desk staff will escort any visitors in their office area out.
- Instructors will pick up the class roster (for the purpose of accounting for all individuals at the safe zone) and ensure that all students leave the building.
- A Director and Front Desk staff will check all areas to ensure that the building is evacuated, turning off lights and closing doors as each area is cleared in three minutes or less.
- At the designated safe spot Instructors will take student roll call, and check student tickets to ensure that everyone is accounted for.
- Everyone should remain in the designated safe spot until released by authorities.



In the case of fire or evacuation drills, the Owner, Administrators, or Directors will coordinate and evaluate the drill, time the clearing of the building, and be responsible for checking all rooms after the building is clear. Drills are scheduled at least annually. In the event of an actual emergency, the Owner, Administrators, or Directors will be responsible to call 9-1-1.

Emergency response and evacuation procedures are announced during employee and student orientation which occurs at least annually. The Director of Education documents and describes each drill performed in a drill log.

### **Preparing Annual Report**

Metro Beauty Academy Assistant Director and the Office Coordinator reports campus crime statistics to the Department of Education for the three most recent completed years.

### **Awareness & Prevention Programs**

Prior to enrollment, all prospective students are provided access to the school catalog containing policies, procedures, and practices. At orientation, students will again review campus security policies, procedures, and practices. All active students and employees receive updated campus crime data and information on campus security procedures and practices annually on October 1st as part of the school's annual security report and crime disclosure. Metro Beauty Academy acknowledges National Campus Safety Awareness Month and plans campus activities accordingly. Metro Beauty Academy does not offer crime prevention programs.

Students and employees are encouraged to be aware of their responsibility for their own security and the security of others in reporting and preventing crime. Students and employees should be assertive, trust your instincts, don't prop open self-locking doors, watch your keys, watch out for unwanted visitors, be wary of isolated spots, travel in groups or pairs, stay or walk in well-lit areas, report suspicious activities or persons, lock vehicles and personal belongings, and know where police and campus authorities can be reached at any time.

### **On-Campus Prohibition of Drugs or Alcohol/Drug Free Workplace/Alcohol & Drug Prevention Policy**

Metro Beauty Academy, in its policies, supports and endorses the Federal Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or abuse of alcohol by anyone on school property or as part of a school event is prohibited. Drug abuse is defined as: *"The unlawful manufacture, distribution, possession or use of illicit, controlled substances, including alcohol."*

The institution prohibits possession, use and sale of alcoholic beverages and illegal drugs, enforces the state underage drinking laws, and enforces state and federal drug laws. The Drug Free Awareness

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Initiative includes the providing of material at employee or student orientation on drug awareness and abuse with the Metro Beauty Academy Drug & Alcohol Prevention Program Guide. Hotlines and off-campus resources are posted in the classroom. On-campus drug or alcohol counseling, treatment, or rehabilitation programs are not available at Metro Beauty Academy. Please reference the Metro Beauty Academy Drug & Alcohol Prevention Program Guide for further information. Penalties that may be imposed on students and employees for drug abuse violations occurring on campus include:

- Notification of the abuse to the proper authorities;
- A Leave of Absence from enrollment/employment during which time the individual must consider the responsibilities of his/her enrollment/employment; become free from any dependencies and prove it; and, certify that if he/she is reinstated, that he/she will no longer participate in abuse activities that affect performance;
- Expulsion or termination will be considered, based on the circumstances surrounding the violation.

Any action taken by Metro Beauty Academy against a violation of the drug-free workplace policy will occur immediately upon the administration obtaining such information. The school will notify the Department of Education within 30 days of an employee or student being involved in any criminal drug statute conviction for a violation occurring in the workplace.

### **Federal Penalties & Sanctions for Possession of a Controlled Substance**

21 U.S.C. 844 1st conviction: Up to one-year imprisonment and fined at least \$1,000, or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years, and fined at least \$2,500.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years, and fined at least \$5,000. Special sentencing provisions for possession of substance with a cocaine base:

Mandatory 5 years in prison or more, not to exceed 20 years, and fined a minimum of \$1,000, or both if:

- (a) First conviction and the amount of crack possessed exceeds 5 grams.
- (b) Second crack conviction and the amount of crack possessed exceeds 3 grams.
- (c) Third or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853(a)(2) and 881(a)(7) Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment.

21 U.S.C. 881(a)(4) Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 862 Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses.

16 U.S.C. 922(g) Ineligible to receive or purchase a firearm.

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## **Pennsylvania Penalties & Sanctions for Possession of a Controlled Substance**

Pennsylvania Marijuana Possession Penalties Possession of Marijuana (pot) Penalties in PA are as follows:

For 30 grams or less, you are facing misdemeanor charges of up to 30 days in jail, and a fine of \$500.

For possession of more than 30 grams, the penalties go up to 1 year in jail and \$5000 in fines.  
Automatic six month loss of license.

If you are a first time marijuana offender, it is possible to get probation without a verdict. For second (2nd) offense possession charges, or multiple subsequent offenses, the penalties may double.

If you have more than 30 grams of marijuana, you run the risk of being charged with possession with intent to deliver or distribute in many cases.

### **Pennsylvania Drug Possession Penalties**

Possession of other Controlled Substances Penalties (Heroin, Cocaine, LSD/Acid, Ecstasy/MMDA, Meth, and prescription drugs including Vicodin and Oxycontin or illegal steroids)

Up to one year in prison, and/or a \$5,000 fine first (1st) offense.

Up to two years in prison for a second (2nd) offense.

Up to three years in prison for a third (3rd) offense.

Possession of more than five grams of crack (cocaine) may be subject to a minimum penalty of 5 years in prison.

### **Possession of Drug Paraphernalia, or Selling/distributing Marijuana**

Up to 1 year in jail and/or a fine of up to \$2500.

For selling to a minor, under Pennsylvania Drug laws, it can be a felony charge of up to 2 years in jail and a \$5000 fine.

## **Alcohol & Drug Prevention & Treatment**

### **New Jersey**

Director Division of Narcotic and Drug Abuse Control Department of Health

CN 362

Trenton, NJ 08625

609-292-5760

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## **Pennsylvania**

Deputy Secretary Drug and Alcohol Programs Department of Health  
P.O. BOX 90  
Harrisburg, PA 17108  
717-787-9857

### **Hotlines**

Alcoholics Anonymous  
1-800-356-9996

American Council on Alcoholism Helpline  
1-800-527-5344

National Institute on Drug Abuse Hotline  
1-800-662-HELP  
Cocaine Hotline  
1-800-COCAINE

National Council on Alcoholism  
1-800-NCA-CALL

## **Title IX/VAWA/Clery Act Policy**

### **Violence Against Women Reauthorization Act**

Metro Beauty Academy recognizes the provisions regulations issued under the Higher Education Act of 1965, as amended (HEA), to implement the changes made to the Clery Act by the Violence Against Women Reauthorization Act of 2013 (VAWA). Categories of violence against women include but are not limited to:

- Domestic Violence
- Dating Violence
- Stalking
- Sexual Assault

### **Domestic Violence**

A felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim
- a person with whom the victim shares a child in common

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- a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

## **Dating Violence**

Violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim.

Where the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors:

- The length of the relationship
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship 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. Any incident meeting this definition is considered a crime for purposes of Clery Act reporting.

## **Stalking**

Stalking Means engaging in a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or the safety of others
- Suffer substantial emotional distress.

## **Sexual Assault**

An offence that meets the definition of rape, incest, or statutory rape against another person without the consent of the victim, including instances where the victim is incapable of giving consent, as used in the FBI's UCR Program.

- Rape- The 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 victim.
- Incest-Sexual intercourse between persons related to each other within the degrees wherein marriage is prohibited by law.

- Statutory Rape- Sexual intercourse with the person who is under the statutory age of consent.
- Consent- Permission for something to happen or agreement to do something.

## **Procedures For Victims of Dating Violence, Sexual Assault, Domestic Violence & Stalking**

There are options for reporting crime or violence. In an emergency, dial 9-1-1 for help. We urge you to report all criminal activity or violence against you, whether on or off campus, to local authorities, however you are not required to report violence. Below is written notification of options for reporting, as well as information regarding the involvement of law enforcement and campus authorities. If you or someone you know is/or has been a victim of sexual assault, there are people that can help. You are not alone. The following is a list of things you may want to do:

- Go to a safe place.
- If you want to report the crime, notify the police immediately and/or campus officials.
  - Report the disciplinary offense to the Office of the Assistant Director and/or the Title IX Coordinator ([TitleIXCoordinator@metrobeautyacademy.com](mailto:TitleIXCoordinator@metrobeautyacademy.com)) so an incident report can be produced.
  - Review options regarding law enforcement notification, including reporting the crime to local law enforcement agencies (1) on the victim's own, (2) with the assistance of the campus authorities, or (3) decline to notify such authorities.
- Call a friend or family member, or someone else you can trust
- Preserve any evidence, as may be necessary to prove dating violence, sexual assault, domestic violence & stalking, as it may be helpful in obtaining a protection order or filing a police report at the time of the incident or at a later date.
  - To file a police report please go to the Pennsylvania State Police at 8320 Schantz Road, Breinigsville, PA 18031 or call 610-395-1438.
  - Filing a police report may involve discussing details of the incident with an officer, have evidence collected and answer questions pertaining to the incident and individuals involved.
- Seek medical care as soon as possible as it may be necessary to obtain a forensic examination even though in obtaining an examination it may not be required to file a police report.
- Write down what you can remember.
- Request a change in the academic situation, if desired.
- Contact an appropriate agency or other services that may be needed for counseling or help.

### **National/Local Resources Available**

National Sexual Assault Hotline  
1-800-656-4673

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National Center for Victims of Crime  
1-855-4-VICTIM (1-855-484-2846)

National Domestic Violence Hotline  
1-800-799-SAFE (7233)

Crime Victims Council of Lehigh Valley  
(610) 437-6610: Allentown  
(610) 250-6313: Easton

New Jersey Coalition Against Sexual Assault (NJCASA)  
1-800-601-7200

## **Procedures For Disciplinary Action/Proceedings**

In response to student and employee complaints including but not limited to sexual assault, domestic violence, dating violence and stalking, Metro Beauty Academy promises prompt and fair resolution through a reliable and impartial investigation, including the opportunity for both parties to present witnesses or other evidence. The time necessary to conduct an investigation/proceeding will vary based on complexity but will generally be completed within sixty (60) days of receipt of the complaint.

Metro Beauty Academy shall maintain confidentiality for all parties to the extent possible, but absolute confidentiality cannot be guaranteed. In cases where a student does not give consent for an investigation, Metro Beauty Academy will weigh the student's request for confidentiality against the impact on school safety to determine whether an investigation must proceed.

Complainants should be aware that in a formal investigation due process generally requires that the identity of the charging party and the substance of the complaint be revealed to the person charged with the alleged harassment.

Proceedings will be conducted by the Title IX Coordinator who at minimum, receives Violence Against Women Act (VAWA) annual training on:

- the issues related to dating violence, domestic violence, sexual assault and stalking
- how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability

Disciplinary proceedings used by the institution are applicable to both students and employees in incidents regarding sexual assault, domestic violence, dating violence, or stalking allegations as described forthwith.

The clear and convincing evidence standard will apply to investigations, meaning Metro Beauty Academy will evaluate whether it is more likely than not that the alleged conduct occurred. Both parties will receive written notice of the outcome of the complaint. During the investigation, Metro Beauty Academy will provide interim measures, as necessary, to protect the safety and well being of students and/or employees involved. Following an allegation of sexual assault, domestic violence,  
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dating violence or stalking, Metro Beauty Academy will offer the victim a range of protective measures that may include but is not limited to, escorts, special parking assignment, or academic schedule changes. The Office of the Assistant Director and the Title IX Coordinator will determine what measures to take regarding reasonable requests for changes.

If Metro Beauty Academy is notified of an alleged incident of sexual assault, domestic violence, dating violence, or stalking have occurred involving a student or employee, immediate appropriate corrective action will be taken in accordance with the circumstances involved. Remedies and or sanctions imposed following the results of any disciplinary proceeding including, but are not limited to sexual assault, domestic violence, dating violence or stalking include an order to stay away, suspension, no less than 3 days, or termination.

To initiate a criminal investigation, reports of sexual violence should be made to “9-1-1” or local law enforcement. The criminal process is separate from Metro Beauty Academy’s disciplinary process. Metro Beauty Academy allows the accused and/or victim to appeal the school’s decision by making their appeal in writing within seven (7) days to the Office of the Assistant Director. Changes to the result will be provided in writing to both accused and victim within thirty (30) days of appeal receipt. The results will become final upon receipt of written outcome. The Office of the Assistant Director and the Title IX Coordinator are responsible for making decisions regarding disciplinary action against employees or students.

Metro Beauty Academy will not retaliate against anyone for filing a complaint, and will not tolerate retaliation by students or employees. If you believe you have been retaliated against, you should promptly notify the Title IX Coordinator.

Victims of sexual misconduct should be aware that Metro Beauty Academy administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to other members of the campus community. Metro Beauty Academy will make every effort to ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. Metro Beauty Academy reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

The school does not provide living situations, transportation situations, or working situations during enrollment. The school is obligated to change a victim's academic situation after the alleged sex offense, if requested by the victim, and the change is reasonably available regardless if the victim chooses to report the crime to local law enforcement.

Metro Beauty Academy will provide written notification to victims about options and assistance in and how to request changes to their academic situation. Metro Beauty Academy will provide written explanation of the student’s or employee’s rights and options to the student or employee when they report to the institution that the student or employee has been a victim of sexual assault, domestic violence, dating violence, or stalking whether the offence occurred on or off-campus.

Metro Beauty Academy does not provide existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance or other services for victims on campus, but may at times become aware of and may provide written notification to students and employees about those



services provided in the community and at the institution. Please reference the Community Resources Section of this document.

On campus disciplinary proceedings and action for students and employees in cases of alleged sexual assault, domestic violence, dating violence, or stalking will be based on findings by the law enforcement agency investigation, facts pertaining to the crime, and other related mitigating circumstances provided that:

- the accuser and the accused may have others present during the campus disciplinary proceeding and may be accompanied to any related meeting or proceeding by the advisor\* or their choice; and,
- both the accuser and the accused shall be informed simultaneously, in writing of:
  - the result of an institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking
  - the institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available
  - any change to the result
  - when such results become final

*\*Note- Advisor of Choice: The institution may not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. The institution may, however, establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.*

Extensions for disciplinary proceeding may be requested in writing to the Office of the Assistant Director..

Proceedings apply to student and employee allegations of sexual assault, domestic violence, dating violence and stalking.

Law enforcement agency information provided by the state concerning registered sex offenders may be obtained at <https://www.pameganslaw.state.pa.us/>

Metro Beauty Academy complies with Pennsylvania Law in recognizing any court ordered stipulations regarding protection including but not limited to Protection From Abuse Orders, “no contact” orders, restraining orders or similar lawful orders resulting from sexual assault, domestic violence, dating violence or stalking. Guidance can be obtained from the Pennsylvania State Police on filing for Protection From Abuse Orders, “no contact” orders, restraining orders or similar lawful orders.

Metro Beauty Academy cannot apply for a legal protective order or restraining order for a victim. The victim is required to apply directly for these services through the criminal court systems. Metro Beauty Academy fully complies with any protective order issued through the criminal or civil justice systems if made aware of such an order and will act accordingly to support that order.

Any person who obtains an order of protection from a court of any of the fifty states should provide a copy to the office of the Assistant Director. A complainant may then meet with the Assistant Director to develop a Safety Action Plan, which is a plan for Metro Beauty Academy and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but not limited to: escorts or special parking arrangements. Accommodations or protective measures are provided if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.

Metro Beauty Academy may issue an institutional no contact letter if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, Metro Beauty Academy offices will work cooperatively to ensure that the victim's health, physical safety, work and academic status are protected, pending the outcome of a formal investigation of the complaint.

Additionally, personal identifiable information about the victim of sexual assault, dating violence, domestic violence or stalking will be treated as confidential. Confidentiality is determined by the Office of the Assistant Director or the Title IX Coordinator per Clery Act Reporting and Disclosure guidance and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. The Office of the Assistant Director or the Title IX Coordinator will inform the victim before sharing personally identifying information that the institution believes is necessary to provide an accommodation or protective measure.

Metro Beauty Academy upon request, will disclose the results of any disciplinary proceedings conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense (incest or statutory rape) to the alleged victim or next of kin if the victim is deceased.

## **Awareness Programs**

Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. Guest speakers are scheduled at least semi-annually which may include handouts to promote awareness and prevent crime, rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. The school participates in these activities to promote prevention through awareness and to reduce risk to all parties. Posters are in restroom areas and materials available in the school library. Printed resources are also given to students and employees at orientation.

## **Bystander Intervention**

Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

Bystander intervention includes:

- Recognizing situations of potential harm
- Understanding institutional structures and cultural conditions that facilitate violence
- Overcoming barriers to intervening
- Identifying safe and effective intervention options; and
- Taking actions to intervene (help can be direct or indirect)

## **Ongoing Prevention & Awareness Campaigns**

Metro Beauty Academy prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as those terms are defined for purposes of the Clery Act. The Commonwealth of Pennsylvania defines these terms as follows:

Sexual Assault - Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

### **Code Sections 24 §15-1553**

Dating violence. Behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner.

Penalties: May be a felony or misdemeanor depending on the abuser's conduct and the underlying charges. Factors such as prior offenses or history of domestic violence help determine the severity of the punishment. Sentence may also include a restraining or protective order.

### **Code Section 18 §2709.1**

Stalking Defined as: course of conduct or repeated acts without authorization with intent to place in reasonable fear or cause substantial emotional distress

Punishment/Classification: Misdemeanor of the 1st degree. If previously convicted of a crime of violence against victim, family or household member: felony of the 3rd degree

Penalty for Repeat Offense; Felony of the 3rd degree

### **Code Sections 23 Pa.C.S. §6101 et. seq**

Definition of Domestic Violence under the Protection From Abuse Act, abuse is defined as any of the following between family or household members:

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1. Attempting to, or intentionally or recklessly causing bodily injury, serious bodily injury, rape, spousal sexual assault or involuntary deviate sexual intercourse with or without a deadly weapon;
2. Placing another in reasonable fear of imminent serious bodily injury;
3. False imprisonment;
4. Physically or sexually abusing minor children; and/or
5. Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, under circumstances which place the person in reasonable fear of bodily injury.

Family/Household Member Relationship Requirement: You can file for protection if the person who has threatened or is trying to harm you is a current or former spouses, persons who live or have lived as spouses, parents and children, other persons related by blood or marriage, current or former intimate or sexual partners (including same sex relationships), or persons who have a child in common.

An emancipated minor can file for a protection order. If the abused person is a minor, then a parent, adult household member or guardian ad litem can file on behalf of the child.

Penalties: May be a felony or misdemeanor depending on the abuser's conduct and the underlying charges. Factors such as prior offenses or history of domestic violence help determine the severity of the punishment. Sentence may also include a restraining or protective order.

Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution:

Primary prevention programs: Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe direction.

Risk reduction: Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

## **Risk Reduction & Prevention Tips**

There are things all of us can do to be as safe as possible. Here are some suggested strategies to help to reduce vulnerability to sexual violence, whether it be sexual assault, relationship abuse, or stalking.

### **To reduce the risk of sexual assault**

- Respond assertively: Communicate any discomfort you feel with another person's behavior. Don't make excuses. Trust your instincts.
- Don't isolate with someone you just met: Always have a safe way to get home. Don't sleep over because you can't get home. Especially don't isolate with someone who tries to get too close, enjoys your discomfort or someone who doesn't listen or respond when you say "NO".
- Avoid drunk sex: Limit your alcohol consumption so that you can protect yourself, prevent aggressive behavior under the influence or help a friend who may need you.
- Believe in your right to set sexual limits for yourself: Learn how to communicate these limits and how to assert yourself by saying "NO" convincingly when you mean "NO" and "YES" when you mean "YES".
- Believe in another person's right to say "NO": Be aware of the affect peer pressure has on your decision here. Remember it's okay not to have sex. Accept that "NO" means "NO".
- Date men/women who are your equal thinking you have more of a right to your desires can lead to date rape or dating abuse.
- Remember active consent is necessary every time you have sexual contact with someone. Don't assume previous permission for sexual contact applies to the current situation (especially when a person is asleep or drunk).
- Don't assume behavior is a signal for sex. Thinking someone wants sex is not the same as knowing for sure. Be sure. Communicate.

### **To reduce the risks and warning signs of abusive relationship (Dating & Domestic Violence)**

- Listen to yourself if you are sensing "bad vibes", especially if you are feeling down on yourself or find yourself afraid in a relationship. Trust your instincts.
- Know that even one instance of physical, verbal or emotional violence is dating violence.
- Cruelty or physical violence to other people, animals or you, even if it happens just once, is a sure sign that more abuse is to come.
- Be alert to actions which reduce your personal independence and self-control, such as urging you to give up existing friendships or family connections, telling you either what to wear, or what to say or who to hang out with.
- Be alert to signs of jealousy and/or possessiveness. These are signs of insecurity, not love.
- Seek assistance from professionals who can help you learn more about abusive relationships and to explore options that are available to you.
-

## **To reduce the risks of stalking**

- If you are in immediate danger, call 9-1-1.
- Do not ignore any threat. Report any instance of stalking to University Police, immediately. Trust your instincts.
- Keep evidence of any threat or instance of stalking. Keep a daily journal containing information on time, date and place of each instance, and keep it all in a safe and confidential place. Keep emails, phone messages, letters, and notes.
- Don't downplay a sense of danger by thinking "it will just go away". If you feel unsafe, you probably are. Stalking behavior typically does not just stop.
- Tell family, friends, roommates and co-workers about the stalking and seek their support.
- Limit the distribution of personal information, including home address and phone numbers, and be wary of any person who seeks to obtain too much personal information about you too quickly. Be careful about what you choose to post on public web services, such as "Facebook". Fully shred all personal information before disposing of anything in the trash.
- Maintain quick access to critical telephone numbers and the location of safe places.
- Seek assistance from law enforcement and/or qualified professionals who can help you with safety strategies that are appropriate to your individual circumstances, including assistance with obtaining court issued orders of protection.

## **Discrimination & Hate Crimes**

### **Discrimination**

Metro Beauty Academy is committed to complying with all laws that prohibit discrimination on the basis of sex in admission to, employment with, and otherwise in the operations of its educational program and activities. Among the applicable laws, Title IX of the Education Amendments of 1972 prohibits sex discrimination and sexual harassment in schools. In compliance with Title IX, Metro Beauty Academy is committed to ensuring that all its student have equal opportunity to benefit from our program and activities, and that all its employees enjoy equal opportunity, free from sex discrimination and sexual harassment. The protections of Title IX also extend to third parties. Metro Beauty Academy has implemented this Title IX policy and the associated processes to ensure that all complaints of sex discrimination and sexual harassment—whether brought by students, employees, or third parties—are promptly investigated and, where a violation is found, that Metro Beauty Academy take action to end conduct, prevent its recurrence, and address its effects.

## **Hate Crimes**

Reportable Offenses: these crimes meet definition in the Uniform Crime Reporting System of the Department of Justice, FBI, as modified by the Hate Crime Statistics Act:

- Assault
- Arson
- Burglary
- Drug Abuse Violation
- Hate Crime
- Liquor Law Violation
- Motor Vehicle Theft
- Murder and Manslaughter
- Rape, Forcible and Non-Forcible Sexual Offenses
- Robbery
- Weapons Possessions

## **Categories of Hate Crimes**

### **Hate Crime**

A criminal act involving one/more of the listed crimes which was motivated by bias against any person or group of persons, or the property of any person or group of persons because of their ethnicity, race, national origin, religion, gender, sexual orientation, or disability of the person or group, or bias based upon the perception that the person or group has one or more of those characteristics.

### **Hate Incident**

Any non criminal act motivated by bias against any person or group of persons, or the property of any person or group of persons because of their ethnicity, race, national origin, religion, gender, sexual orientation or disability of the person or group, or bias based upon the perception that the person or group has one or more of those characteristics.

### **Intimidation**

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack. Destruction/Damage/Vandalism or Property (except Arson): to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### **Race**

A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind.

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**Gender**

A preformed negative opinion or attitude toward a group of persons because those persons are male or female. Religion A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and Purpose of the universe and the existence or nonexistence of a supreme being.

**Sexual Orientation**

A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.

Ethnicity/national origin A preformed negative opinion or attitude toward a group of persons of the same race or national origins who share common or similar traits, languages, customs, and traditions.

**Disability**

A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness

**Institutional Security Policies**

In compliance with the Federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics of 1998 and the Violence Against Women Act (VAWA) the following information is included in crime reporting statistics:

Murder and Non-Negligent Manslaughter

Negligent Manslaughter

Sex Offenses, Forcible

Sex Offenses, Non-Forcible

Robbery

Aggravated Assault

Burglary

Motor Vehicle Theft

Arson

Domestic Violence

Dating Violence

Stalking

Hate Crimes

Arrests or Disciplinary Referrals for Illegal Weapons Possession and Substance Law Violations of  
Illegal Weapons Possession

Drug Law Violations

Liquor Law Violations

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## Geographic Areas Associated with The Clery Act On-Campus

Any building or property owned or controlled (leased) by an institution within the same reasonably adjoining geographic area and used by the institution in direct support of, or in a manner related to the institutions educational purposes.

### Non-Campus

Includes any building or property owned or controlled by student organizations recognized by the school and any building or property owned or controlled by the school, that is not within the same reasonable adjoining area. Metro Beauty Academy does not have any non-campus buildings; this would not apply.

### Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

## Institutional Security Data/Crime Statistics

Campus is defined as "any building or property owned or controlled by the school within the same contiguous geographic area and used by the school in direct support of, or related to its educational purpose." The campus includes the facilities located at 4977 Medical Center Circle, Allentown, PA 18106. There are no buildings or properties owned or controlled by campus student organizations which are recognized by this institution. There are no off-campus student organizations recognized by Metro Beauty Academy. The following information was obtained from the Pennsylvania State Police Database through written request from Metro Beauty Academy. Metro Beauty Academy maintains its own crime log.

### Occurrences within the 2015, 2016 and 2017 Calendar Years

Crimes Reported	2017	2018	2019	Location C = Campus P = Public	* classified as a Hate Crime (indicate year)
Murder /Non-negligent manslaughter	0	0	0		0
Negligent manslaughter	0	0	0		0
Sex Offenses – Rape	0	0	0		0
Sex Offenses – Non-forcible – Incest	0	0	0		0
Sex Offenses – Non-forcible – Statutory Rape	0	0	0		0
Sex Offenses – Non-forcible – Fondling	0	0	0		0
Robbery	0	0	0		0
Aggravated Assault	0	0	0		0
Burglary	0	0	0		0
Motor Vehicle Theft	0	0	0		0
Arson	0	0	0		0
Simple Assault	0	0	0		0

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Larceny-theft	0	0	0		0
Intimidation	0	0	0		0
Destruction/Damage/Vandalism of Property	0	0	0		0
Domestic Violence/Domestic Violence/ Stalking (including cyber-stalking)	0	0	0		0
Unfounded Crime Reports	0	0	0		0

Number of arrests made for the following crimes	2017	2018	2019	Referred for campus disciplinary action? (Yes) (No)
Weapons Possession	0	0	0	NA
Liquor Law Violations	0	0	0	NA
Drug Abuse Violations	0	0	0	NA

\*Crimes in which the victim is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability as prescribed by the Hate Crimes Statistics Act (28 U.S.C. 534).

Hate crimes in the chart will be noted by category of bias.

## Community Resources

Off-campus services regarding Drug Abuse Information and Treatment, Crisis Intervention, Counseling, and Mental Health include:

- National Domestic Violence Hotline: 800-799-SAFE (7233)
- The National HelpLine: 1-800-662-HELP(4357) (Substance Abuse and Mental Health Services)
- National Sexual Assault Hotline: 1-888-656-HOPE (4673)
- National Sexual Violence Resource Center: 1-877-739-3895

## Appendix A - Important Definitions

*Advisor* means any individual who provides the accuser or accused support, guidance, or advice.

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

*Arson* - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

*Burglary* - The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

*Criminal Homicide / Manslaughter by Negligence* - The killing of another person through gross negligence.

*Criminal Homicide / Murder and Nonnegligent Manslaughter* - The willful (nonnegligent) killing of one human being by another.

*Destruction/Damage/Vandalism of Property* - To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner of the person having custody or control of it.

*Drug Abuse Violations* - The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

*Hate Crime* - A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purpose of this section the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

*Hierarchy Rule* - A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

*Intimidation* - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

*Larceny Theft (Except Motor Vehicle Theft)* - The unlawful taking, carrying, leading, or riding away or property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

*Liquor Law Violations* - The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

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

*Sex Offenses* - Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- A. Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- B. Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- C. Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent.

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*Simple Assault* - An unlawful physical attack by one person upon another where neither the offender display a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe lacerations or loss of consciousness.

*Rape* - The 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 victim.

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

*Weapons: Carrying, Possessing, Etc.* - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

*A prompt, fair, and impartial proceeding* includes a proceeding that is -

- Completed within reasonable prompt timeframes designated by an institution's policy, including a process that allows for the extension of time frames for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;
- Conducted in a manner that -
  - Is consistent with the institution's policies and transparent to the accuser and accused;
  - Includes timely notice of meetings at which the accuser or accused, or both, may be present, and
  - Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
  - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

*Proceeding* means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceedings does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

*Result* means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

*Personally identifying information* is defined in Section 40002(a) of the Violence Against Women Act of 1994 as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or

stalking, regardless of whether the information is encoded, encrypted, hashed or otherwise protected, including a first and last name;

- a home or other physical address;
- contact information (including a postal, email, or Internet protocol address, or telephone, or facsimile number);
- A social security number, driver's license number, passport number, or student identification number; and
- any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

*Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program.* - A nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes and the requirements for classifying crimes.

*Referred for campus disciplinary action* - The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

*All reported crimes must be recorded* (i) An institution must include in its crime statistics all crimes listed in paragraph (c) (1) of this section occurring on or within its Clery geography that are reported to a campus security authority for purposes of Clery Act reporting. Clery Act reporting does not require initiating an investigation or disclosing personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.S 13925(a)(20)).

An institution may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar non campus official.

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is face or baseless and therefore "unfounded." Only sworn or commissioned law enforcement personnel may "unfound" a crime report for purposes of reporting under this section. The recovery of stolen property, the low value stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not "unfound" a crime report.

An institution must report to the Department and disclose in its annual security report statistics the total number of crime reports that were "unfounded" and subsequently withheld from its crime statistics during each of the three most recent calendar years.

*Crimes must be recorded by calendar year.* An institution must record a crime statistic for the calendar year in which the crime was reported to local police agencies or to a campus security authority.

*Recording reports of stalking.*

- When recording reports of stalking that include activities in more than one calendar year, an institution must record a crime statistic for each and every year in which the course of conduct is reported to the local police agency or to a campus security authority.
- An institution must record each report of stalking as occurring at only the first location within the institution's Clery geography in which:
  - A perpetrator engaged in the stalking course of conduct; or
  - A victim first becomes aware of the stalking.

*Identification of the victim or the accused.* The statistics do not include the identification of the victim of the person accused of committing the crime.

*Pastoral and professional counselor.* An institution is not required to report statistics under paragraph (c) of this section for crimes reported to a pastoral or professional counselor.

*Using the FBI's UCR program and Hierarchy Rule.* (i) An institution must compile the crime statistics for murder and nonnegligent manslaughter, negligent manslaughter, rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug law violations, and illegal weapons possession using the definitions of those crimes from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program. An institution must compile the crime statistics for fondling, incest, and statutory rape using the definitions of those crimes from the "National Incident-Based Reporting System (NIBRS) User Manual" from the FBI's UCR Program.

An institution must compile the crime statistics for the hate crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property using the definitions provided in the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program.

In counting crimes when more than one offense was committed during a single incident, an institution must conform to the requirements of the Hierarchy Rule in the "Summary Reporting System (SRS) User Manual."

If arson is committed, an institution must always record arson in its statistics, regardless of whether or not it occurs in the same incident as another crime.

If rape, fondling, incest, or statutory rape occurs in the same incident as a murder, an institution must record both the sex offense and the murder in its statistics.

*Statistics from police agencies.*

In complying with the statistical reporting requirements, an institution must make reasonable, good-faith effort to obtain statistics for crimes that occurred on or within the institution's Clery geography and may rely on the information supplied by a local or State police agency.

If the institution makes such a reasonable, good-faith effort, it is not responsible for the failure of the local or State police agency to supply the required statistics.

## **(Terms as defined under the Clery Act)**

*Consent* - Defined as voluntary, non-coerced and clear communication indicating a willingness to engage in a particular act. "Explicit consent" includes an affirmative verbal response or voluntary acts unmistakable in their meaning.

*Dating violence* - Defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting of party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship.

For the purpose of this 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 definitions of domestic violence.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

*Domestic violence* - Defined as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. Sexual Assault. An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

Stalking - (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to -

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition -

- A. Course of Conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property.
- B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - iii. For the purposes of complying with the requirements, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Pastoral counselor - 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.

Professional counselor - 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 the counselor's license or certification.

Sexual assault - Defined as any sexual act directed against another person without consent of the victim, including instances where the victim is incapable of giving consent.

### **(Terms as defined under Pennsylvania jurisdiction)**

#### **Pennsylvania Age of Consent:**

Age and experience create a power imbalance that makes it impossible for the younger person to freely give consent.

In Pennsylvania:

Children less than 13 years old cannot grant consent to sexual activity.

Teens between the ages of 13 and 15 cannot consent to sexual activity with anyone who is four or more years older than them.

People ages 16 and older can legally consent to sexual activity with anyone they choose, as long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute.

Sexual Assault - Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

#### **Code Sections 24 §15-1553**

Dating violence. Behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner.

Penalties: May be a felony or misdemeanor depending on the abuser's conduct and the underlying charges. Factors such as prior offenses or history of domestic violence help determine the severity of the punishment. Sentence may also include a restraining or protective order.

#### **Code Section 18 §2709.1**

Stalking Defined as: course of conduct or repeated acts without authorization with intent to place in reasonable fear or cause substantial emotional distress

Punishment/Classification: Misdemeanor of the 1st degree. If previously convicted of a crime of violence against victim, family or household member: felony of the 3rd degree

Penalty for Repeat Offense; Felony of the 3rd degree



### **Code Sections 23 Pa.C.S. §6101 et. seq**

Definition of Domestic Violence under the Protection From Abuse Act, abuse is defined as any of the following between family or household members:

1. Attempting to, or intentionally or recklessly causing bodily injury, serious bodily injury, rape, spousal sexual assault or involuntary deviate sexual intercourse with or without a deadly weapon;
2. Placing another in reasonable fear of imminent serious bodily injury;
3. False imprisonment;
4. Physically or sexually abusing minor children; and/or
5. Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, under circumstances which place the person in reasonable fear of bodily injury.

Family/Household Member Relationship Requirement: You can file for protection if the person who has threatened or is trying to harm you is a current or former spouses, persons who live or have lived as spouses, parents and children, other persons related by blood or marriage, current or former intimate or sexual partners (including same sex relationships), or persons who have a child in common.

An emancipated minor can file for a protection order. If the abused person is a minor, then a parent, adult household member or guardian ad litem can file on behalf of the child.

Penalties: May be a felony or misdemeanor depending on the abuser's conduct and the underlying charges. Factors such as prior offenses or history of domestic violence help determine the severity of the punishment. Sentence may also include a restraining or protective order.