

# CLARION UNIVERSITY

## Student Rights, Regulations & Procedures

GUIDE TO CLARION UNIVERSITY  
JUDICIAL POLICY

[WWW.CLARION.EDU/STUDENTRIGHTS](http://WWW.CLARION.EDU/STUDENTRIGHTS)

## A Note from the Vice President for Student Affairs:

The College and University Security Information Act (PA. Act 1989-73), the Drug Free Schools and Communities Act Amendment of 1989 (U.S. Public Law 010-226), the Crime Awareness Act of 1990 (Public Law 101-542), the Family Educational Rights and Privacy Act of 1974, and the Higher Education Amendments of 1998 require that certain information be distributed annually to all students and employees.

New students, faculty, and staff receive a brochure each year. This brochure outlines important sections of the Student Rights, Regulations, and Procedures Handbook, identifies relevant websites, and lists telephone numbers for university services. Student Rights, Regulations, and Procedures Handbook topics include:

- student rights with regard to the classroom, student publications, and student records;
- Clarion University student regulations, policies, and procedures, including student organizations;
- the Academic Honesty Policy;
- description of regulations and laws pertaining to the unlawful possession/distribution of illicit drugs and alcohol;
- description of health risks associated with the use of illicit drugs and abuse of alcohol;
- description of drugs and alcohol treatment, rehabilitation programs, and sanctions; and
- explanation of sex misconduct policies, procedures, and possible sanctions.

Clarion University's annual security report includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings owned or controlled by Clarion University, and on public property within, or immediately adjacent to, and accessible from the campus.

The report also includes institutional policies concerning campus security such as policies addressing alcohol and drug use, crime prevention, the reporting of crimes, sexual misconduct, and other matters.

You may obtain a copy of information pertaining to student policies at [www.clarion.edu/judicial](http://www.clarion.edu/judicial), or a copy of this document at [www.clarion.edu/studentrights](http://www.clarion.edu/studentrights) directly. Copies of information pertaining to the Clarion University Campus Security and Fire Report may be obtained at [www.clarion.edu/crimestats](http://www.clarion.edu/crimestats) or by contacting the Department of Public Safety/University Police.



Susanne Fenske, Ph.D.  
Vice President for Student Affairs/Title IX Coordinator

# CONTENTS

<b>Student Rights and Regulations</b> .....	<b>5</b>
Preamble.....	5
Students Rights.....	5
In the Classroom/Educational Complaint Process.....	5
Grade Appeal Process.....	6
Academic Integrity Policy.....	6
Online Proctoring.....	8
Student Publications/Student Records.....	8
Maintenance of Records.....	9
Release Procedures.....	9
Student Regulations*.....	10
Conduct Policy/Conduct Jurisdiction.....	10
Conduct Regulations.....	11
Recognized Student Organization Regulations.....	13
Administrative Policies Regarding Fraternities and Sororities.....	14
Eligibility/Education Programs/Depledges/Initiation.....	14
Communication/Rosters/Scholarship Reports.....	15
Social Functions/Fraternity & Sorority Housing/Policy Violations.....	15
<b>Recognized Student Organizations (RSO) Hearing Procedures</b> .....	<b>16</b>
University Conduct Board Jurisdiction over RSOs/Informal Hearings/Formal Hearings.....	16
<b>Policy on Withdrawal, Reassignment and/or Termination of a Field Assignment</b> .....	<b>17</b>
Background.....	17
Rules and Regulations of the Field Site.....	17
Rules and Regulations of the University.....	17
Policy Reasons for Field Assignment Withdrawal, Reassignment and/or Termination.....	18
Initiation Process for Withdrawal, Reassignment and/or Termination.....	18
District or Agency Initiated/Situational/University Initiated.....	18
Appeal Process.....	19
<b>Additional Student Conduct Information</b> .....	<b>20</b>
The PA Anti-Hazing Law and Clarion University Anti-Hazing Policy.....	20
General Residence Hall Regulations.....	21
Section I: Visiting in Public Areas.....	21
Section II: General Prohibitions.....	22
Section III: Visitation.....	22
Off-Campus Housing.....	22
Residency Requirement.....	22
Food Service.....	23
Disciplinary Procedures Code.....	23
Administration/Misconduct Complaint & Notice/Official Notification.....	23
Informal Hearings/Formal Hearings.....	23
Conduct of Hearing/ Use of Evidence.....	24
Waivers/Missed Hearings/Adjudication Appeals.....	25
University Conduct Board.....	25
Disciplinary Guidelines.....	26
Interim Suspensions/Maintenance of Status/Academic Transcripts/Enforcement.....	26
Disciplinary Sanctions.....	26
Dismissal/Suspension/Probation.....	26
Reprimand/Additional Actions.....	27
<b>Compliance Manual</b> .....	<b>28</b>
Drug-Free Schools and Communities Act and Drug-Free Workplace Act.....	28
State System of Higher Education Drug-Free Workplace Policy Statement.....	28
Disciplinary Sanction/Employer Notification.....	28
Clarion University Alcohol Policy.....	28
Alcohol On Campus/Alcohol Off Campus.....	29
Alcohol Amnesty/Act 66.....	30

<b>Sexual Violence and Sexual Assault Information .....</b>	<b>32</b>
Notice of Nondiscrimination .....	32
Reporting .....	32
Title IX Compliance Coordinator .....	32
Investigation .....	32
Resolution and Appeals .....	33
Education .....	33
Timeline .....	33
<b>Clarion University Students' Bill of Rights for Reported Survivors of Sexual Violence and Other Acts of Violence .....</b>	<b>34</b>
Reporting Criminal Activity .....	35
<b>Sexual Harassment Policy and Procedures .....</b>	<b>36</b>
Policy .....	36
<b>What to Do if You Are a Victim of Sexual Violence .....</b>	<b>37</b>
Medical Treatment on Clarion Campus .....	37
Medical Treatment at Venango College .....	38
Police Investigation .....	38
<b>On-Campus Safety and Equity Resources .....</b>	<b>39</b>
Rape/Sexual Assault .....	39
Sexual Harassment/Sex Discrimination .....	40
Racial Harassment/Ethnic Intimidation .....	40
Disability Harassment/Discrimination .....	40
Sexual Orientation Harassment/Discrimination .....	41
Veterans' Status Discrimination .....	41
Other Discrimination .....	41
<b>Appendices</b>	
A. Offices and Agencies Providing Assistance .....	<b>42</b>
B. Statement on Student Health Insurance .....	48
C. On Campus Alcohol and Drug Prevention and Intervention Services .....	49
D. Off Campus Alcohol and Drug Prevention and Intervention Services .....	50
E. Alcohol and Other Drug Violations and Penalties .....	51
F. Illicit Drugs Uses, Effects and Penalties .....	53
G. PA Clean Indoor Air Act/Smokeless Tobacco & Electronic Smoking Devices .....	59
H. Assembly Policy .....	60
I. Posting Policy .....	61
J. Late Night Event Policy .....	62
K. Behavioral Assessment and Referral Team (BART) .....	64
L. Coasting Device Policy .....	66
M. Policy on Use/Painting of the Apple .....	68
N. Weapons, Firearms & Dangerous Devices Policy .....	69
O. PASSHE Policy 2014-01: Protection of Minors .....	70
P. Missing Student Policy .....	71

# Student Rights and Regulations

## Preamble

Clarion University of Pennsylvania exists for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable for the attainment of these goals.

As members of the university community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Academic freedom is essential to this community of scholars.

Students and recognized organizations are cautioned that any material posted on the Internet, including social networking sites and Internet blogs is not private or protected information. You may be held accountable for content posted in this manner and information obtained from this source may be considered in cases of misconduct. For complete information on the potential consequences of posting inappropriate content on an internet site, please visit [www.clarion.edu/judicial](http://www.clarion.edu/judicial).

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the university community.

## Student Rights

### In the Classroom

The professor in the classroom and in conference shall encourage free discussion, inquiry, and expression. Student performance shall be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

Students shall be free to take reasonable exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructors, coaches, advisors, and counselors shall be considered confidential. Judgments of ability and character may be provided with the knowledge and consent of the student. Students may protest improper disclosure.

### Education Complaint Process

In compliance with 34 CFR 668.43(b) Code of Federal Regulation and U.S. Department of Education (USDOE) rules, an institution offering distance education must "provide its students or prospective students with contact information for filing complaints with its accreditor and with its State approval or licensing entity and any other relevant State official or agency that would appropriately handle a student's complaint."

Clarion University of Pennsylvania encourages all current, former, and prospective students, regardless of their residency, to FIRST submit any grievances, complaints, or concerns directly to Clarion University as follows. For complaints or concerns,

1. Related to a particular class, students should follow the procedures and policies outlined in Clarion University's undergraduate and graduate catalogs and the Rights, Regulations, and Procedures handbook. The student should first discuss the problem with the faculty member who issued the grade. If not resolved to the student's satisfaction, they should then discuss the matter with the appropriate department chairperson.
2. Unrelated to a particular class, complete the Online Educational Complaint Form.
3. If students feel the issue cannot be resolved by the university, the Pennsylvania State System of Higher Education or its accreditor, the Middle States Commission on Higher Education.

## Grade Appeal Process

Disagreements between students and faculty members concerning grades, yet not related to alleged violation of the academic honesty policy, should be appealed in the following manner. The student should first discuss the problem with the faculty member who issued the grade. If not resolved to the student's satisfaction, they should then discuss the matter with the appropriate department chair. Subsequent appeals may be heard in private conference with the student or in a conference involving both the student and faculty member by the college dean and provost, in that order. The decision of the provost shall be final. Should the department chair be the faculty member who issued the grade in question, the student may proceed immediately to a meeting with the college dean after discussing the grade with the faculty member. **Should the dean be the faculty member who issued the grade in question, the student should proceed to a meeting with the appropriate department chair after discussing the grade with the course instructor; a subsequent appeal may be made to the Provost.** Student, faculty member, and department chair must be informed of the decision at each administrative level. **All grade appeals must be initiated no later than six months after the final course grade has been issued.**

Cases involving an alleged violation of students' academic rights may be heard by the university Conduct Board. A student who has a grievance involving academic rights must file a complaint with the vice president for student affairs to initiate the hearing.

## Academic Integrity Policy

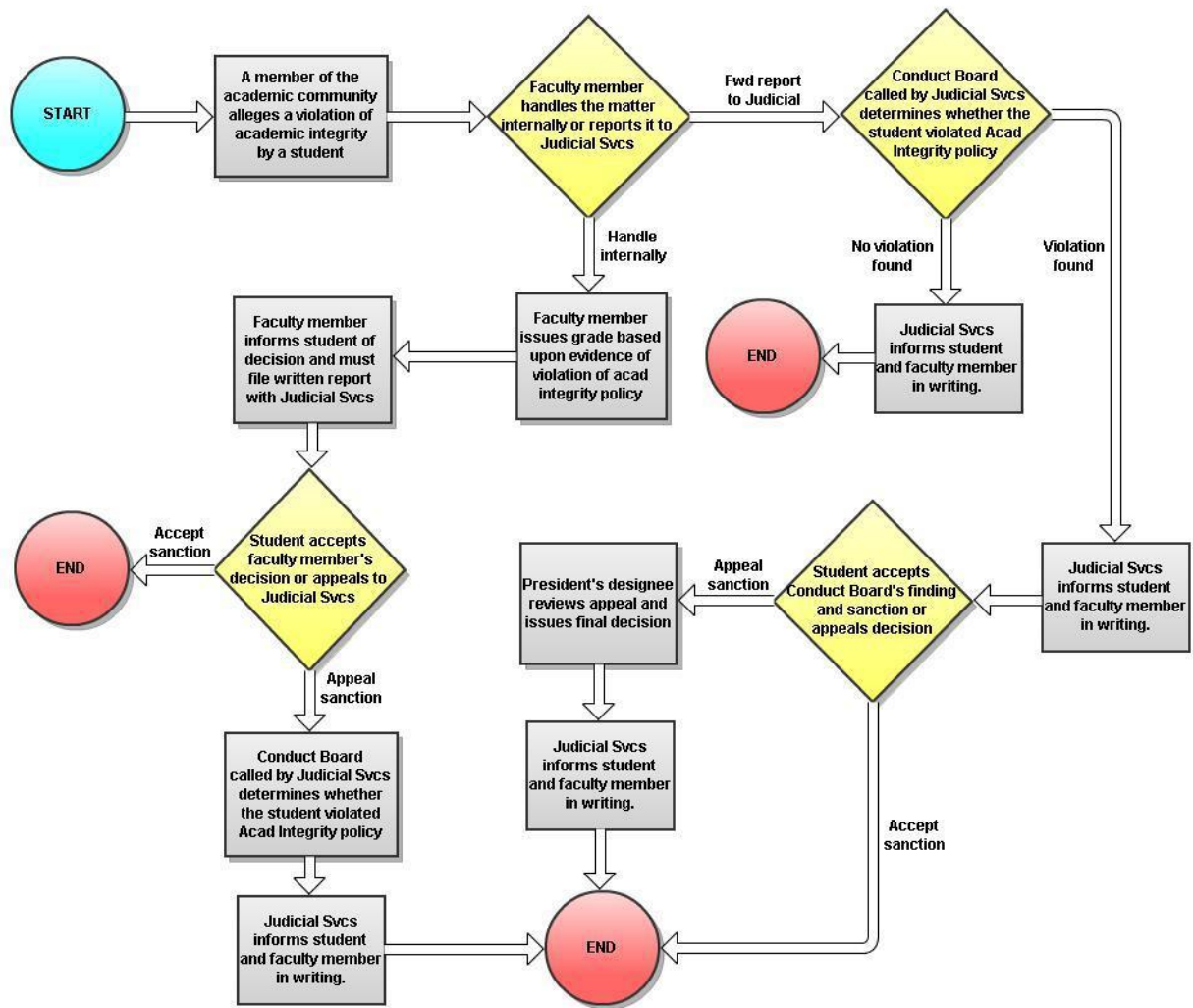
All students, including online-only and in-classroom students, shall maintain a high standard of honesty in scholastic work. As members of the university community, students have a responsibility to be familiar with the conduct regulations found in the university catalogs, Residence Hall Handbook, Student Rights, Regulations, and Procedures handbook, and other university documents. Among the conduct regulations addressed are acts of academic integrity, including plagiarism or cheating on assignments, examinations, or other academic work; or without prior approval of the instructor, submitting work already done for another course.

Any student under investigation for a possible violation of the Academic Integrity Policy may not withdraw from the course prior to resolution of the complaint.

All students, including online-only and in-classroom students, shall avoid all forms of academic dishonesty, including, but not limited to:

1. **Plagiarism**—the use of another's words without attribution or without enclosing the words in quotation marks. Plagiarism may also be defined as the act of taking the ideas or expression of ideas of another person and representing them as one's own even if the original paper has been paraphrased or otherwise modified. A close or extended paraphrase may also be considered plagiarism even if the source is named. Downloading partial or entire text from one or more Internet paper mills and cutting/pasting entire and partial text from one or more Internet Websites constitute plagiarism.
2. **Collusion**—collaborating with another person in the preparation of notes, themes, reports, or other written work offered for credit, unless specifically permitted by the instructor.
3. **Cheating on an examination or quiz**—giving or receiving information or using prepared material on an examination or quiz.
4. **Falsification of data**—manufacturing, falsification of information, including providing false or misleading information, or selective use of data to support a particular conclusion or to avoid conducting actual research.

Complaints of academic dishonesty may be brought against a student by any member of the academic community. Sanctions for academic integrity can range from a failing grade on a particular assignment or examination to dismissal from the university, based on the seriousness of the action and whether it is part of a pattern of academic integrity based violations. Faculty members will submit information indicating that a violation of academic integrity occurred to the Office of Judicial and Mediation Services at the Academic Integrity Referral Link on the Office of Judicial and Mediation Services page ([www.clarion.edu/judicial](http://www.clarion.edu/judicial)) to create a record of such infractions even if no further action



CLARION UNIVERSITY - ACADEMIC INTEGRITY APPEAL POLICY



is requested. Sanctions extending beyond a particular course, such as suspension or dismissal from an academic program or from the university can only be imposed as a result of complaints filed under the Disciplinary Procedures Code and addressed through a formal hearing before a University Conduct Board. Reports may be sent electronically using the Academic Integrity Report Form which is found on the Judicial and Mediation Services webpage at [www.clarion.edu/judicial](http://www.clarion.edu/judicial) .

## **Online Proctoring**

As noted, all students, including those taking online coursework will be held accountable for academic integrity based violations under the Rights, Regulations, and Procedures handbook. Academic integrity based violations may include but are not limited to plagiarism, collusion, cheating, or falsification of data as defined by the Rights, Regulations, and Procedures. All students, including those in the online environment, are held accountable for academic integrity based violations.

Clarion University employs online proctoring software both for essay and other written assignments as well as for general examinations. Online proctors detect cheating, collusion, plagiarism, falsification of data and/or other violations of academic integrity. All students taking online coursework should be aware that online proctoring is utilized to assist in assuring fair and accurate grading.

All online learners are required to agree to terms acknowledging they understand online proctoring is in use. Agreement simply acknowledges a students' understanding that they may be held accountable for an academic integrity based violation should online proctoring identify a concern with an assignment, quiz, exam, or other coursework submitted by a student.

## **Student Publications**

The student press shall be free of censorship and advance approval of copy, and its editors and managers shall be free to develop their own editorial policies and news coverage within guidelines established by the agency responsible for the appointment.

Editors and managers shall be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes shall editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for their removal before the appointment of editors and managers shall be the agency participating in the University Conduct Board.

All university published and financed student publications shall explicitly state on the editorial page that the opinions there expressed are not necessarily those of the university or the student body.

## **Student Records**

It has been a long-standing policy of Clarion University to publish a statement of Student Rights, Regulations and Procedures. Included in this statement is a policy on student records. This policy is included in the Student Rights and Regulations handbook, which is available to all students from the Office of Judicial Affairs and Mediation Services, 218 Becht Hall.

The privacy rights of parents and students with respect to educational records are enunciated in the General Education Provisions Act. Copies of this act are available for inspection at the Office of the Vice President for Student Affairs, 103 Carrier Administration Building, and the Office of the Provost and Academic Vice President, 115 Carrier Administration Building.

Students' education records, except that information which is otherwise public, are confidential in nature. Release of these records shall occur only upon written consent of the student or upon subpoena. Exceptions to this requirement are:

1. the release of records to administrators and faculty of the university when such information is necessary to conduct their university duties; and
2. the release of records for research when the identity of the student can be protected and when the researcher can assure acceptable standards of confidentiality. If such assurance is questionable, the university shall obtain the consent of the student prior to the release of information.



## Maintenance of Records

1. No record of information shall be made or retained unless there is demonstrable need for it which has a reasonably substantial relevance to the educational and related purposes of the university.
2. The categories, locations, and officials responsible for records maintenance are:
  - a) Academic Records—Registrar, 1st Floor Information Desk, Becht Hall.
  - b) Student Discipline Records—Office of Judicial and Mediation Services, 218 Becht Hall.
  - c) Credential Records—Director of Career Development, 419 Becht Hall.
  - d) Financial Records—Director of Student Financial Services, 1<sup>st</sup> Floor Information Desk, Becht Hall.
  - e) Student Accounts Records, 1<sup>st</sup> Floor Information Desk, Becht Hall.
3. No records of religious or political beliefs shall be made or retained by the university without the student's knowledge or consent.
4. Academic transcripts shall include current and non-current academic suspension and probation, awards, and honors. Clarion University will note student disciplinary expulsions and suspensions on academic transcripts. This notification will be viewed on official, unofficial and electronic transcripts.
5. Student disciplinary records are retained for a minimum period of five years as required by the Pennsylvania State System of Higher Education Board of Governors guidelines.
6. Students shall have the right to inspect their records, the release of which requires the student's consent. The inspection or review of a record requires the student personally make such a request at the office in which the record is maintained by completing an Inspection-Request Form.
7. Every record containing information about a student's character shall state when the information was acquired and the name and position of the person who gave it.
8. The right to inspect records does not include direct access to medical, psychiatric, or counseling records which are used solely in connection with treatment.
9. Except for publicity releases concerning students' achievement and honors, the university shall release nothing more than "directory information" without the student's consent. The following are considered to be "directory information": the student's name, age, local, and permanent addresses, and telephone numbers, university E-mail address, major field of study, dates of registered attendance, enrollment status, participation in officially recognized activities and sports, any honors and awards received, and the most recent educational agency or institution attended, nature of any degrees granted, and the date they were conferred. A student may refuse to permit disclosure of "directory information" by submitting in person to the Office of the Registrar, 1<sup>st</sup> Floor Information Desk, Becht Hall, during the first five days of each semester, written statement of such refusal.
10. As the right of privacy belongs to the individual, the student may relinquish this right. When a request for confidential information concerning a student or graduate has been made by a proper agency and the student has formally authorized in written form the release of that information, the university is obligated to respond.
11. The university will provide the opportunity to challenge information contained in any file or record regarding a student which, in the opinion of that student, is not accurate. If, when reviewing a record, a student desires to discuss the content of that record, the student may formally request a hearing with the Office of the Vice President for Student Affairs for that purpose.

## Release Procedures

1. Students requesting access must fill out a "Student Request for Access" (Form 001) which may be obtained from the office where the files are located. When a student completes this, the student must return it to the location of the file or record. This form is then kept with the record and completed with the appropriate information, which includes the date the notice is sent to the student and the date the student reviews the information.

2. The office from which information is requested should arrange to have the student review the record on file in the presence of a staff member from that office, and notify the student of time, date, and location of this review. An effort should be made to reply within seven to ten working days of the request, if possible.
3. The student should be allowed to review information only after presenting a valid student I.D. and only in the presence of a representative of the office. The student should not be permitted to remove records from any office.
4. If a student wishes copies of any original file or record, the student must assume costs of reproduction. Students pay a one-time \$50 academic records fee their first semester of enrollment, which covers the cost of academic transcripts. All other records are 50 cents per page.
5. If a student wishes to question or challenge the content of any file or record, the student may apply to the office of the vice president for student affairs (Form 003). An administrative hearing will be granted by the vice president for student affairs or a designate, with complete procedural due process granted to all parties.
6. If a hearing results in a decision to amend a record or file, notice of such change will be given by the hearing officer. The student will receive a copy of the amended record or file. If the decision is not to make such a change, the student shall be afforded the opportunity to place a statement of comment in the record.
7. No records, files, or information, other than directory information, are to be released to any third party without the written consent of the student (Form 004).
8. Requests for information which are not accompanied by a written consent may be responded to with Form 005, which requires the party requesting the information to obtain written consent.
9. All files, folders, and records must contain a Record of Inspection (Form 006). This form must be signed by any individual using the information for legitimate educational interest, as defined by the law, and must state specific use of the information.
10. Form 007 should accompany any outgoing information on individual students. This indicates that information cannot be released to a third party without the student's consent. Students may go to [www.clarion.edu/judicial](http://www.clarion.edu/judicial) to print and sign a Release of Conduct Information Form. The form must be submitted to the Office of Judicial & Mediation Services (218 Becht Hall).
11. If a file contains information about more than one student, for example, grade books, the individual student may not have access to it in order to protect the rights of other members of that class. However, individual information must be provided in the appropriate manner.

## **Student Regulations**

### **Conduct Policy**

Clarion University students are expected to regulate their conduct according to the laws of society, of which the university is a part, as well as the rules of the educational community. It is an implicit expectation of the educational community that student members will engage in the activities associated with that role. Therefore, a student may be charged with misconduct and be subject to university discipline for offenses against the law or the rules of the university.

### **Conduct Jurisdiction**

University authority will be used only to discipline students for misconduct which violates university rules and regulations, and the laws of society, of which the university is a part. The exercise of university disciplinary authority, however, does not protect the student from, nor does the university consider it to be a substitution for civil or criminal prosecution. In general, the scope of university disciplinary authority is limited to the university's:

1. concern with matters which impinge upon academic achievement and standards, and the personal integrity of its students;

2. obligation to protect its property and the property of members of its community;
3. interest in the mental and physical health and safety of members of its community;
4. concern for preserving the peace, for ensuring orderly procedures, and for maintaining student morale;
5. responsibility for character development, for maintaining standards of decency and good taste, and for providing an appropriate moral climate on the campus; and
6. protection of its good relations with the community.

## Conduct Regulations

As members of society, students have a responsibility to be familiar with the law. Among the acts prohibited by law and university regulations are:

1. acts against people including:
  - **Assault** which may be thought of as attempts to cause bodily injury to another which may include the use of an object to cause harm, striking with hands, striking with fists, or striking with other appendages, use of submission holds, choking, strangling, and the like.
  - **Harassment** which may be thought of as when the person uses intent to harass, annoy or alarm another person by striking, shoving, kicking or otherwise subjecting the person to physical contact, or attempts, or threatens to do the same. Harassment also includes following the person in or about a public place, or uses a course of repeated conduct serving no legitimate purpose after being told to cease this action.
  - **Coercion** which may be thought of as the use or risk of force or blackmail to compel another person to do something against their general will to do such acts. This may include but is not limited to compelling another person to commit a crime and/or violation of University policy, wrongfully accuse a person of a violation of the law or University policy should they refuse to act on a request, or expose a secret about an individual which may subject them to hatred, contempt, or ridicule if they refuse the request.
  - **Other Acts** causing or threatening injury or danger to people;
2. acts against property, including vandalism, theft, trespass, tampering, and other acts causing or risking damage or loss of property;
3. acts of disorderly conduct; intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk; and/or
  - Engaging in fighting, threatening, violent, or tumultuous behavior.
  - Making unreasonable noise which violates University Policy, Clarion Borough Loud Noise Ordinance, or other applicable noise restrictions covered by the law or residential policy;
4. acts of sexual misconduct
  - a. acts of engagement in, or attempt to engage in, a sexual assault. Sexual assault is the imposition of non-consensual sexual conduct (excluding rape). It includes, but is not limited to caressing, fondling, or touching a person's genitalia, buttocks, or breasts. It shall also be considered sexual assault when the victim is compelled to caress, fondle, or touch the assailant's genitalia, buttocks, or breasts.
  - b. acts committed, or an attempt to commit, a rape. Rape (date, acquaintance, and stranger) includes all acts of non consensual sexual intercourse involving any penetration of a bodily cavity with a foreign object, tongue, digit, or genitalia. A rape occurs when imposed under any of the following circumstances:
    - When the complainant is incapable of giving legal consent for mental, developmental, or physical

reasons and this fact is known or reasonably should have been known by the person committing the act;

- When the act is committed without the person's explicit consent or is against the person's wishes. Rape incorporates any or all of the following: the use of force, threat, intimidation, coercion, duress, violence, or by causing a reasonable fear of harm;
- When the complainant is prevented from consenting or resisting because of intoxication or unconsciousness at the time of the act.
- Use of intoxicating substances shall not be viewed as justification for the commission of rape or sexual assault.

**Consent** means explicit cooperation, both verbally and behaviorally. It must be voluntary and with full knowledge concerning the nature of the interaction/encounter. Previous sexual interactions shall not be considered implied consent. Silence or passivity shall not constitute consent.

- c. **Domestic Violence** is defined as violence committed by a current or former spouse or intimate partner of the survivor, by a person with whom the survivor shares a child in common, by a person who is cohabitating with or has cohabitated with the survivor as a spouse or someone similarly situated to a spouse, or by a person from whom the survivor is protected under the domestic or family violence laws.
  - d. **Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the survivor. The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; the frequency of interaction between the persons in the relationship.
  - e. **Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. Stalking includes but is not limited to cyberstalking, verbal contact, writing, by phone, electronic media, a third party or by other means to pursue or track another person.
5. acts of intimidation and/or discrimination committed against a person, with malicious intent and in direct combination with the violation of other policies, due to the race, color, ethnicity, religion, sexual orientation, gender identity, disability, veteran status, or national origin of another individual or group of individuals;
  6. possession, use, and sale of controlled narcotics and drugs, including drug paraphernalia;
  7. possession or use by, and sale or furnishing of, alcoholic beverages to those under 21 years of age;
  8. false alarms of fires, bomb threats, and other emergencies; and
  9. misuse or tampering with fire fighting equipment.

As members of the university community, students have a responsibility to be familiar with the conduct regulations found in the Students Rights, Regulations and Procedures handbook, and other university documents. These university regulations include the following prohibitions:

1. acts of academic dishonesty, including plagiarism or cheating on assignments, examinations, or other academic work;
2. misuse or unauthorized use of university transcripts, records, or identification;
3. possession or use of firearms, firecrackers, explosives, or other dangerous substances or articles in or around university and university-supervised facilities or on university property (see Appendix N: Weapons, Firearms and Dangerous Devices Policy);

4. possession or consumption of alcoholic beverages in or around university and university supervised facilities or on university property; unless otherwise authorized for those 21 years of age or older by the President in designated areas;
5. unauthorized use of or possession of university and university-supervised facilities or property;
6. breach of building security measures in university and university-supervised facilities;
7. falsification of information given during a university disciplinary investigation or hearing;
8. willful obstruction of a university staff member in the performance of duties;
9. failure to comply with university disciplinary procedures and decisions;
10. failure to provide identification upon the request of a properly identified university staff member;
11. acts of sexual harassment; defined as a form of sex discrimination occurring when there is deliberate or repeated use of sexual comments, attempted physical contact, or actual physical contact in the workplace or academic environment that creates a hostile environment for the recipient. Notably, sexual harassment involves knowledge that a sex-based condition is being imposed in exchange for personal advancement, academic achievement, or any other benefit. For purposes of this policy, unsolicited sexual advances, requests for sexual favors, verbal comments, gestures, or physical contact of a sexual nature which are unwelcome constitute sexual harassment when: Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing.

The conduct directed at an individual is so severe, pervasive, and objectively offensive that it undermines and detracts from the victim's educational experience. A reasonable person exhibiting the same characteristics of the victim of the harassing conduct would be adversely affected to a degree that interferes with their abilities to participate and utilize the benefits of an institutional activity, employment, academic performance, or resources.

12. acts prohibiting the Acceptable Use of Technology Resources policy including but not limited to copying and copyright infringement; use of network to abuse, defame, harass, or threaten individuals or groups; and other acts not in accordance with university policies. The policy in its entirety can be found at <http://www.clarion.edu/about-clarion/computing-services/about-computing-services/acceptable-use-policy.html>. Related policies pertaining to the Legal use of Copyrighted Material and File Sharing at Clarion University can be found at <http://www.clarion.edu/about-clarion/computing-services/about-computing-services/dmca.html>.

## Recognized Student Organization Regulations

Actions of recognized student organizations (RSOs) in good standing with Student Senate, and groups in the process of becoming recognized are subject to review. Failure to operate in accordance with the information contained in the Student Rights, Regulations, & Procedures handbook may result in an organizational disciplinary hearing. Sanctions may range from a documented verbal reprimand to the revocation of university recognition and the privileges associated with such recognition. The administrator of the code may charge the RSO, the individual members involved, or both with a violation.

1. RSOs are responsible for ensuring that all applicable federal, state, and local laws, as well as university policies, are being upheld and enforced during any and all functions sponsored by the organizations regardless of whether they are held on or off campus.
2. The serving of alcoholic beverages by a RSO to any student which contributes to subsequent conduct by that student that causes the student to be charged under the university Adjudication Code is prohibited.
3. RSO members must comply with authorized requests of properly identified university officials.

4. The university cannot assist with, cooperate in, approve, or otherwise condone any activity which involves the violation of the laws of the commonwealth. Therefore, a RSO which is found to have engaged in such activity shall be in violation of university policy.
5. All on-campus functions sponsored by RSOs must be registered in compliance with the policies and procedures of Conference and Events Services.
6. RSOs are expected to comply with Act 175 of the Pennsylvania General Assembly and the Clarion University Anti-Hazing Policy (see policy in this document).
7. Clarion University Publicity Posting Policy (see Appendix I)
8. Clarion University Assembly Policy (see Appendix H)
9. RSOs wishing to engage in fund-raising activities must complete the registration process in CU Connect and receive approval from the Clarion Students' Association (CSA). Permission is limited to RSOs in good standing with Student Senate, and groups in the process of becoming recognized.

## **Administrative Policies Regarding Fraternities & Sororities**

The university expects the operation and activities of general fraternities and sororities to comply with all applicable federal, state and local laws, as well as all university, governing council and inter/national organization policy.

### **Eligibility**

1. Perspective new members must have earned a minimum of 12 credit hours, have a cumulative quality-point average (QPA) of at least 2.4 or meet the organization's specified minimum standard to join, whichever is higher, and be in good academic standing before they can be offered an invitation to join. Students transferring to Clarion University will be declared eligible provided that they had cumulative QPA of at least 2.4 at their previous institution and are transferring at least 12 credit hours.
2. The Center for Leadership and Involvement (CLI) will process Eligibility Verification Forms on a continuous basis and distribute an eligibility list on a regular basis, to be determined at the beginning of each semester.
3. No potential new member may be offered an invitation to join or extended a bid until his/her eligibility has been confirmed by the CLI.
4. Once a bid has been accepted, a signed individual bid acceptance form must be turned into the CLI within 48 hours after it has been signed.
5. While this policy prohibits general fraternities and sororities from offering invitations of membership to students without a Clarion University QPA and transfer student with less than 12 credit hours, fraternities and sororities are permitted to have contact with such students for the purposes of generating future interest in Greek life.

### **New Member Education Programs**

Each semester, the chapter officer responsible for administering the organization's new member educator is required to meet with a member of the CLI staff before the new member education program begins. The officer should bring a detailed, written copy of the program to this meeting.

### **Depledges**

In the event that new member depledges at any point in the semester, a depledged form must be turned into the CLI. In the event that a Depledge Form is not received, the individual(s) in question will remain on the chapter's grade report for that semester and may be removed from the chapter's roster the following semester.

### **Initiation**

Each chapter is required to submit an Initiation Form to the CLI within 48 hours after new members are initiated into the organization.

## **Communication**

In addition to complying with Student Senate's RSO Policy, all chapter presidents, advisors, and IFC/PHC delegates must join the IFC or PHC CU CONNECT group. These individuals are responsible for checking the page on a regular basis and ensuring that all information communicated is relayed to their respective chapter.

## **Rosters**

At the beginning of each semester, the CLI will distribute rosters to each chapter. These rosters will be used for billing IFC/PHC membership dues. Any revisions to the roster will be due in CLI by 5 p.m. on the Friday of the second week of school.

## **Scholarship Reports**

1. Each semester, the CLI will compile scholarship reports for each individual chapter, as well as for the entire Greek community. Preliminary reports for each semester will be distributed at the beginning of the following semester. The final report will be generated 30 days after the first day of class the following semester. No adjustments will be made to the official grade report after that time.
2. In the event that new member depledges at any point in the semester, a depledged form must be turned into the CLI. In the event that a depledged form is not received, the individual(s) in question will remain on the chapter's grade report for that particular semester.

## **Social Functions**

Fraternities and sororities are required to register all social functions, where alcohol is present, with CLI at least 48 hours prior to the event and include a guest list. For the purpose of this document, a "social function" is defined as a mixer, party, date party, brotherhood/sisterhood event, formal/semiformal, parent event, alumni event or any situation sponsored or endorsed by the chapter at which there is the possession, use and/or consumption of alcoholic beverages regardless of whether it occurs on or off the chapter's premises.

## **Fraternity & Sorority Housing**

While Clarion University does not recommend, inspect, or otherwise approve off-campus housing, the university expects the operation and activities of general fraternities and sororities, and their members, to comply with all applicable federal, state and local laws, as well as all university, governing council and inter/national organization policy while on chapter premises, during a fraternity event, in any situation sponsored or endorsed by the chapter, or at any event or residence that an observer would associate with a chapter.

## **Policy Violations**

1. In the event that CLI becomes aware of alleged violations of this, or any other university policy, the director of CLI will review the alleged violation to determine whether or not the adjudication of the offense should best be handled through a formal or informal hearing. If the violation is deemed serious enough to warrant a formal hearing, the matter will be referred to the Office of Judicial & Mediation Services for review. If it is deemed that an informal hearing is warranted, the matter will be referred to the director of CLI for review. These hearings will be conducted in accordance with the Disciplinary Procedures Code outlined in the Student Rights, Regulations, & Procedures handbook.
2. Each chapter is expected to utilize their internal disciplinary process to adjudicate alleged violations of organizational standards/expectations/policies and/or institutional policies by its members and notify the CLI of the outcomes of all such hearings.
3. In accordance with the Student Rights, Regulations, & Procedures handbook, decisions resulting from either an informal hearing, or a council judicial body, may be appealed to the Office of Judicial & Mediation Services.

# Recognized Student Organization (RSO) Hearing Procedures

## University Conduct Board Jurisdiction over RSOs

1. Cases involving the alleged violation of any university policy or regulation, misconduct, or disruptive behavior by a RSO, or other groups in the process of becoming recognized.
2. Cases may be heard against an RSO if students involved in the alleged offense belong to a particular RSO, or if the planning or leadership of an event where an alleged offense occurred are members of a particular RSO.
3. The university conduct board shall also hear appeals from student boards of whatever type that have imposed sanctions on a RSO.

## Informal Hearings

Cases not involving the revocation of recognition may be heard informally, as specified by university procedures, with notice and the opportunity to be heard afforded to the RSO. The director of CLI, or his/her designee, will discuss the charges with representatives of the RSO and afford the RSO an informal hearing. Should justification be found, or should the alleged misconduct merit consideration of loss of recognition, the matter will be referred for a formal hearing.

## Formal Hearings

Such hearings shall be conducted, as warranted, by the Office of Judicial and Mediation Services or the University Conduct Board. The university's rules of procedure for formal hearings shall provide RSOs with the following procedure guarantees:

1. reasonable specific advanced written notice of charges containing a description of the alleged acts of misconduct, including time, date, and place of occurrence; and the rules of conduct allegedly violated by the RSO;
2. reasonably advanced written notice of the date, time, and place of the hearing, unless such right is waived in writing by the RSO;
3. a reasonably sufficient interval between the date of notification of charges and the date of the hearing, to allow the RSO to prepare a defense;
4. an opportunity for submission of written, physical, and testimonial evidence, and for reasonable questioning of witnesses by the RSO and the accuser;
5. an impartial hearing which may consist of a committee, board, panel, or individual appointed by the university;
6. maintenance of a written summary or digital recording of the hearing at university expense, though RSO may be required to pay the cost of copies of requested records;
7. a decision based upon a preponderance of the evidence presented;
8. a written adjudication in which the facts and reasons for the decision are set forth with reasonable specificity shall be issued within 30 working days after the close of the proceedings. In cases of alleged sexual assault, the accuser shall be informed of the outcome of the hearing; and
9. a RSO may identify an advisor, who may be an attorney, to be present at hearings. The advisor may only consult and interact privately with the RSO, unless otherwise determined by the university regarding a particular case. In cases of alleged sexual assault, the accuser is entitled to have an advisor present at the hearing.



# Policy on Withdrawal, Reassignment, and/or Termination of a Field Assignment

## Background

Clarion University collaborates with a large number of business organizations, school districts and other agencies each year to provide field experiences for majors. The university requires these field experiences and so do many of the licensing boards that govern the specialty areas Clarion graduates are entering. Field experiences consist of, but are not limited to, student teaching, participation in nursing clinics, or internships and externships with local businesses or government agencies.

Clarion University is able to place field participants (students) in particular settings because the business organizations, school districts, or agencies invite those participants to experience activities in the field as guests of the business organization, school district or agency. Accordingly, the field participants must recognize that the university has been given the privilege to place students at field sites and, therefore, the overriding factor is that the student is at all times a guest of that business organization, school district, or agency.

## Rules and Regulations of the Field Site

Each field site has regulations, procedures, institutional practices, and professional expectations for personnel, which apply to field participants assigned to the business organization, school district or agency. It is the responsibility of the field participant to become aware of the expectations, rules, and the code of conduct at the business organization, school district or agency to which he or she is assigned.

The acceptance of a field assignment indicates an understanding of the guest/host relationship and an understanding that the field participant is expected to abide by the regulations, procedures, institutional practices, and professional expectations of the particular business organization, school district or agency in which the assignment has been accepted. Field participants are ultimately guests of the cooperating business organization, school district or agency and may be removed by the business organization, school district or agency officials.

## Rules and Regulations of the University

The students must abide by the university's Student Rights, Regulations and Procedures handbook. Copies of the handbook are available in the Office of Judicial Affairs and Mediation Services, 218 Becht Hall. In addition, the university has other regulations, procedures, institutional practices, and professional expectations for students, which apply to field participants assigned to business organizations, school districts, or agencies. It is the responsibility of the field participant to become aware of the expectations (qualifications and conditions), rules, and the code of conduct at the university. Check the Office of Field Services Website at <http://www.clarion.edu/academics/colleges-and-schools/college-of-arts-education-and-sciences/school-of-education/office-of-field-services/>.

It is the underlying premise of Clarion University that any student within any of the degree programs available at the university will need to meet the qualifications and conditions for application for field experiences regardless if the student must do so with or without assistance devices. If the student, as a field participant, cannot meet the qualifications and conditions for application in a field experience, then he or she should contact the university official responsible for directing the field services, hereafter referred to as the director of Field Services. Should a student at anytime believe that he or she needs to be accommodated due to a disability, then that student should contact not only the director of Field Services, but also the coordinator of Disabilities Support Services (DSS) at Clarion University. Students must meet all requirements of the profession.

A student may be removed from a field placement for either unsatisfactory academic performance, not meeting requirements of the profession, or due to unacceptable behavior. If at any time under any of the initiation processes or during the appeal process, the student can demonstrate that the reason for his or her unsatisfactory academic performance or unacceptable behavior is due to a disability-related issue, then the student should make the director of Field Services aware of this matter in writing. As soon as the director of Field Services is aware of such issue, the director of Field Services shall have the obligation to inform the coordinator of the Disability Support Services for consultation, to request an appropriate assessment and, if necessary, to permit the participation of the coordinator as a part of the committee during the review processes. It should also be noted that since each student's situation is different, each case that falls under this policy would be determined on a case-by-case basis.

## **Policy Reasons for Field Assignment Withdrawal, Reassignment and/or Termination**

Clarion University may remove the field participant from a field assignment for any of the following reasons:

1. Behavior unacceptable to business organization, school district or agency: If the behavior exhibited by the field participant is not acceptable to the business organization, school district or agency, the business organization, school district or agency initiated process will be followed.
2. Behavior unacceptable to university: If the university supervisor determines that the behavior exhibited by the student is not acceptable to the university, the university initiated process will be followed.
3. Unsatisfactory skill performance within a business, school district or agency: If it is determined, either by the cooperating professional or university supervisor or by the personnel administrator of the business organization, school district or agency that the skill performance or competency of the student is at an unsatisfactory level, then the university initiated process will be followed.

## **Initiation Process for Withdrawal, Reassignment and/or Termination**

### **District or Agency Initiated:**

A request by the cooperating professional and/or a district administrator to terminate a student from a field assignment will receive an immediate response. A thorough review of the events leading up to the request by the business organization, school district or agency will determine whether or not remediation, withdrawal or termination is appropriate.\*

If the behavior exhibited by the field participant is not acceptable to the business organization, school district or agency, the business organization, school district or agency decides unilaterally as to whether the student will be automatically terminated from that field assignment or whether further review will be given by the personnel administrator in collaboration with the cooperating professional, the university supervisor, and the director of Field Services to determine the appropriate course of action to be taken. If the business organization, school district or agency gives further review with the student, and improvement is evidenced satisfactorily to the organization, school district or agency, no further action will be taken by the business organization, school district or agency. However, if the behavior continues, at the discretion of the business organization, school district or agency, the field assignment will be terminated. Moreover, if the field assignment is terminated by the business organization, school district or agency without further review being permitted by that business organization school district or agency, then the second level of review under the university initiation process will be followed at this point.

### **Situational:**

A student who withdraws from a field assignment citing extenuating circumstances that are beyond that student's control, such as health or other personal reasons, may request future consideration. Conditions for that reconsideration should be stated in writing by the student to the director of Field Services.\*

\* If the initiation process is instituted by either the district or situational, then the director of Field Services in conjunction with the university supervisor and the student will make an initial determination. Such determination shall be placed in writing by a letter and given to the student from the director of Field Services as to how the student will proceed in his or her degree program.

### **University Initiated:**

If it is determined by the university supervisor that the competency of the student is at an unsatisfactory level of performance (whether academic, professional, or behavior related), based on the competencies indicated on either the appropriate evaluation form for whichever field assignment the student is participating in; or are not in the best interest of the clients, a three-way conference of the cooperating professional, the university supervisor, and the student will be held to discuss the concern, possible outcomes, and remedial strategies. This action will result in earnest attempts by the cooperating professional and university supervisor to assist the student with acknowledging problems and making corrections as documented in writing in the student observation reports. If the initial conference did not alleviate the unsatisfactory level of performance by the student, a second level of review will result with a committee consisting of the three parties, as identified above, in conjunction with the director of Field Services.

At the second level of review, it will be determined whether there will be a withdrawal, reassignment or termination of the field assignment. This committee may recommend an intervention course, if available, within the student's degree program. If the student is given the option of the intervention course and elects to take the same, a student, upon successfully completing such course, may be reassigned to a field assignment. If a remediation strategy is inappropriate for the situational needs of the student, recommendations for other available options will be discussed on an individual basis with the student at the time of the termination of the assignment. In the event the second level of review process is being used as a result of the initial business organization, school district or agency initiated process, then the cooperating personnel manager will not be a part of the review at this second level.

Any exceptions to the above rule under the university initiated process would include, but not be limited to, those policies as outlined in the Student Rights, Regulations and Procedures handbook as well as the Non-Discrimination Policy and Procedures Handbook.

## **Appeal Process**

If a student, as a field participant, is not satisfied with the decision made by the university as it relates to the initial determination of a withdrawal, reassignment or termination, then that student will have five (5) business days from the date they are notified of that decision to appeal such decision to the dean of the college from which that student is seeking a degree (certification officer). The dean will convene a committee comprised of herself/himself, the department chair of the student's degree program, and the academic advisor or a departmental designee. The committee will render a decision regarding the withdrawal or termination of the field assignment.

If the student, as a field participant, remains dissatisfied with the results at this level of determination, he or she should so inform the provost and academic vice president within five (5) business days from the date that he or she was informed of the findings at this level. If the student is, as a field participant, dissatisfied with the findings of the provost and academic vice president, he or she should so inform the president within five business days of the date he or she was informed of the provost's findings. At any juncture during the appeal process, if the student believes he or she has or is being discriminated against, the non-discriminatory process shall be used. The university's Non-Discrimination Policy and Procedures Handbook sets forth the procedures and review process that must be utilized in such instances. A copy of this policy can be obtained in the Office of Social Equity, Carrier Administration Building, Clarion, Pennsylvania 16214. The telephone number of the Office of Social Equity is 814-393-2109.

## **The Pennsylvania Anti-Hazing Law and Clarion University Anti-Hazing Policy**

Act 175 of the General Assembly makes hazing a criminal offense within the Commonwealth of Pennsylvania. "Hazing" is defined in the law as:

Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating under the sanction of an institution of higher education. The term shall include, but not be limited to any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual. For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

Hazing is deemed criminal misconduct and is made a third degree misdemeanor, punishable by a year's imprisonment. 24 P.S. 5353 (Purdon's Leg. Service); 18 P.S. 1101. Colleges and universities are expressly authorized to suspend, expel, or fine students who engage in hazing, and to withhold grades and diplomas to compel payment of fines. 24 P.S. 5354(3) (Purdon's Leg. Service).

The object of the law is to ensure that no student at a Pennsylvania college or university, public or private, is subjected to physical or mental harm as a condition of joining, affiliating, or holding membership in fraternities, sororities, or other officially recognized student organization.

An organization and its members are engaged in hazing if it engages in any activity, for purpose of initiation or continuing membership, which recklessly or intentionally endangers the physical or mental health of a student. This means any potentially dangerous forced physical activity; any activity which could cause a student to suffer extreme mental stress, as well as any other form of forced activity potentially harmful to the mental health or dignity of a student.

Hazing activities include, but are not limited to, the following: whipping, beating, branding, forced calisthenics, exposure to the elements; forced consumption of any food; liquor, drugs (legal or illegal), or other substance; sleep deprivation, forced exclusion from social contact; conduct which could result in extreme embarrassment; and/or nudity, coerced sexual activity, confinement, physical restraints, or mental harassment.

An organization and its student members are also engaged in hazing if pledge, initiation, or continuing membership activities cause the willful destruction or removal of public or private property.

Act 175 provides that no student can consent to being hazed. Any activity falling within the definition of hazing activities is considered to be a forced activity, subjecting the organization and its members to the full range of penalties.

In compliance with Act 175 and in accordance with long-standing policy, Clarion University has the following regulation:

All activities of student groups and organizations, including pledging and initiations, shall be conducted in such a way as not to embarrass or injure participants or in any way adversely reflect upon Clarion University.

In general, the following acts would constitute violations of the university regulation on hazing:

1. conducting activities which are abusive and/or humiliating to participants;
2. coercing participation in disagreeable, objectionable, and/or embarrassing activities; and
3. engaging in activities defined by law as hazing.

Several factors need to be understood relative to violations of the university regulation. Firstly, the test for determining if an activity was abusive or humiliating does not rest solely on the reactions of the participants. If it is believed that such was the intent of the activity or the result of the activity, it would be hazing whether or not the participants considered the activity hazing. Secondly, if continuation of pledging, initiation, or membership was contingent upon participation in an activity, that participation in effect coerced. Should the activity be disagreeable, objectionable, or embarrassing to a participant, it would be hazing. Thirdly, the consent of the participant has no effect upon the determination of the activity being recognized as hazing.

Additional guidelines for determining the hazing potential of an activity are:

1. the activity is liable to be harmful because it involves improper or wrongful use of something,
2. the activity is liable to result in injury because the intent is to create an element of danger or fear,
3. the activity involves deliberate maltreatment of participants,
4. the activity is liable to be harmful due to negligence or lack of knowledge on the part of those conducting it,
5. the activity would be degrading of participants because it would subject them to public shame, scorn, or ill-repute, and
6. the activity involves something which the participants would not freely do because of its offensiveness or unpleasant elements.

It should be remembered that university regulations are also violated by:

1. activities which are dangerous, either by their nature or the conditions under which they are conducted, and
2. activities in which the possibility of injury to participants is evident.

Any organization found to have engaged in hazing may have its official recognition revoked. Any student who participates in hazing may be fined, suspended, or expelled from the university. Hazing is also a criminal offense. Any student who participates in hazing may be arrested and prosecuted. Conviction may result in a jail term of one year in addition to any other applicable penalty under the Pennsylvania Crimes Code.

## **General University Housing Regulations**

In addition to the provisions of the Conduct Code, there are general university housing regulations which pertain to all students whether residents, guests (a guest is any person who has permission to stay overnight) or visitors (a visitor is any person who is not a resident or guest). University housing policies and regulations are found in greater detail in the University Housing Handbook (and in the individual hall council minutes).

### **Section I: Visiting in Public Areas**

All university housing will remain locked on a 24-hour basis. The first floor of Givan Hall, which houses the Service Desk and ResNET, shall remain open as well as other public space in the Suites on Main. Students inside a building must not prop open locked doors.

Because university housing areas will be locked on a 24-hour basis, it is important that students familiarize themselves and their guests with our university policies, particularly our guest and escort policies. Outside telephones are available at the main entrances to Campus View, Valley View and the Suites on Main.

## **Section II: General Prohibitions**

Regulations governing the use of community equipment in university housing are established by each hall council. Cooking in suites and open flames of any type are prohibited. Health and safety measures are to be treated as university regulations. Any student may be charged for damage done in university housing regardless of whether or not the student is a resident in university housing. Tape or nails may not be used on any walls. Painting or writing on university housing property will result in charges being applied to the student's account.

Identification cards that are used for building entrance and keys to university housing should be used only by the person to whom they are issued. Lending or improper use is a violation of regulations. The loss or theft of keys will result in a \$50 charge to the person to whom they were issued.

## **Section III: Visitation**

Visitation regulations must be strictly adhered to. Each visitation policy includes the following provisions binding to both the students and the visitors.

1. Students are permitted to have visitors in their room only if there is no objection from their roommates.
2. Guests and visitors must be escorted at all times in the building. Unescorted guests or visitors at any time shall be presumed to be in violation of these rules and procedures. An unescorted guest or visitor who is a student of the university shall be subject to university discipline. Unescorted nonstudents shall be subject to state and local trespass laws.

## **Off-Campus Housing**

Clarion University does not recommend, inspect, or otherwise approve off-campus housing. It is the sole responsibility of the property's landlord to ensure the structure complies with Act 45 of the 1999 Pennsylvania Uniform Construction Code statute and all other applicable laws and/or policies. When a student becomes involved in housing difficulties, the matter must be referred to local authorities, such as the borough council, local police, zoning and codes office, district magistrate, etc.

## **Residency Requirement**

For all incoming undergraduate students (students meeting the following criteria) are required to live in university housing (residence halls, The Suites, or The Villages) for a period of four semesters (effective Fall 2013):

- First-year students who are enrolled full time
- Transfer students (who have earned less than 24 credits at a previous institution) who are enrolled full time

### **Exemptions:**

- First-time-in-college students or transfers living with a parent/guardian at their permanent address within a 30-mile radius of Clarion
- Married students
- Students over the age of 21
- Part-time students
- Single parents
- Veterans who have been honorably discharged with at least two (2) years active Federal service

## **Food Service**

Students must present ID/meal tickets to the checker at each meal for admission into the dining area. Meal tickets are **not** transferable.

Dress regulations, adopted by Student Senate, June 25, 1969: Students should appear in **neat and appropriate attire**.

## **Disciplinary Procedures Code**

### **Administration**

Administrative responsibility for student disciplinary procedures is assigned to the Vice President for Student Affairs.

### **Misconduct Complaint**

Any member of the university community may file a complaint alleging student misconduct. Complaints are filed using an Incident Report form, which is available online at [www.clarion.edu/judicial](http://www.clarion.edu/judicial) . Please contact the office at 814-393-1918 if you are unable to utilize the online incident report form.

### **Misconduct Notice**

When, as a result of a complaint by a member of the university community or as a result of a disciplinary investigation, there is reason to believe a student has violated conduct regulations, the student will be so notified in writing. Eagle e-mail is considered notification in writing. The student must respond as required by the notice.

### **Eagle E-Mail is the Official Form of Communication for Student Conduct**

E-mail messages sent from the Office of Judicial and Mediation Services, or by way of an appointed hearings officer, to students through university-assigned e-mail addresses will constitute an official means of communication. All correspondence regarding incidents will be communicated through Eagle E-mail. Official correspondence involving incidents may also come from the Center for Residence Life or other offices such as but not limited to Social Equity, The Office of the Vice President for Student Affairs, Center for Leadership and Involvement, Intercollegiate Athletics, or other offices. It is the student's responsibility and obligation to access and respond to official university E-mail correspondence. Failure to check and/or read official Eagle E-mail will not be considered a valid reason to change an outcome or request a new hearing.

### **Informal Hearings**

Cases not involving the sanctions of dismissal or suspension may be heard informally, as specified by university procedures, with notice and the opportunity to be heard afforded students. An adjudication officer, appointed from the professional staff of the Student Affairs Division, will discuss the charges with the student and afford the student an informal hearing. Should the adjudication officer find justification, an appropriate disciplinary sanction will be issued. Should the adjudication officer find that the charges require further examination, or should the alleged misconduct merit consideration of suspension or dismissal, the matter will be referred for a formal hearing.

### **Formal Hearings**

Such hearings shall be conducted, as warranted, by the Office of Judicial and Mediation Services as a hearing with the Coordinator of Judicial and Mediation Services and/or with professional staff of the Student Affairs Division. Please note that cases involving alleged sexual assault or rape shall be referred to a University Conduct Board. Separate guarantees for the rights of the alleged as well as the reported survivor of incidents involving sexual violence apply and are found on page 34 under the "Clarion University Sexual Violence Student Bill of Rights." Additionally resources regarding instances of sexual violence may also be found in the Compliance Manual.

University Conduct Board constitutes the most formal student conduct hearing. In both instances, the university's rules of procedure for formal hearings shall provide alleged students with the following procedure guarantees:

1. reasonable specific advanced written notice of charges containing a description of the alleged acts of misconduct, including time, date, and place of occurrence; and the rules of conduct allegedly violated by the student;
2. reasonably advanced written notice of the date, time, and place of the hearing, unless such right is waived in writing by the student;
3. a reasonably sufficient interval between the date of notification of charges and the date of the hearing, to allow the student to prepare a defense;
4. an opportunity for submission of written physical and testimonial evidence, and for reasonable questioning of witnesses by both parties;
5. a student may identify an advisor, who may be an attorney, to be present at hearings. The advisor may only consult and interact privately with the student, unless otherwise determined by the university regarding a particular case. In cases of sexual violence, the alleged survivor is entitled to have an advisor present at the hearing.
6. an impartial hearing which may consist of a committee, board, panel, or individual appointed by the university. A committee may consist of three faculty members, students or staff members voting to determine if a violation of policies and procedures has occurred, and if so, determine a sanction. A committee is also used for the purposes of meeting with students attempting reinstatement following a behavioral suspension. A panel board consists of two voting faculty or staff members, one voting student, and a board chair. A full board consists of three voting faculty or staff members, two students and a board chair.
7. maintenance of a written summary or audio record of the hearing at university expense. Students may be required to pay the cost of copies of requested records;
8. a decision based upon presented evidence sufficient to make a reasonable person believe that a fact sought to be proved is more likely than not; and
9. a written adjudication in which the facts and reasons for the decision are set forth with reasonable specificity shall be issued within 30 working days after the close of the proceedings. In cases of alleged sexual assault, stalking, domestic violence or dating violence, the accuser shall be informed in writing of the outcome of the hearing.

## **Conduct of Hearing**

1. The conduct of hearings shall be committed to the university which may make all rules reasonable and necessary for the orderly and efficient disposition of cases.
2. The conduct of hearings shall ensure that the accused student has had a fair and reasonable opportunity to answer, explain, and defend against the charges.
3. The university shall have the burden of proof in all cases.

## **Use of Evidence**

Hearings shall not be bound by formal rules of evidence. However, all evidence must be inherently reliable.

1. Hearsay shall not be used as the sole evidence to establish any fact necessary to establish a violation has occurred or not.
2. A student's previous disciplinary record shall not be used to establish whether or not a student has violated a university regulation in a current case. However, the hearing may include a student's previous disciplinary record, in the event a student has been found to be in violation as charged to determine the appropriate disciplinary penalty or sanctions to be imposed.
3. A student's failure to function as a student, irregular class attendance, failure to take tests or exams, or failure to complete assignments or requirements, may be considered in determining disciplinary sanctions.



## Waivers

A student, by submitting a Hearing Waiver Form online to the Office of Judicial and Mediation Services, may waive his or her rights to a hearing. Hearings which are waived will be reviewed using the available evidence for the case. University Conduct Board hearings may not be waived, including all cases of sexual violence; however, an alleged student may not be compelled to speak at a hearing. A hearing will be held in the absence of a student choosing not to attend. This applies to both informal and formal administrative hearings.

## Missed Hearings

Students who fail to check Eagle E-Mail to find a notice of a hearing, or, who fail to contact the Office of Judicial and Mediation Services prior to missing a hearing will not be able to reschedule a hearing held in their absence. Hearings will be held in the absence of students who do not attend a hearing. It is the responsibility of students to request a hearing date/time be changed prior to the date/time of the hearing. Requests to change the date/time are not guaranteed as University Conduct Board hearings are based on academic schedules as well as the schedules of witnesses, victims/survivors, as well as the schedules of members of the board.

## Adjudication Appeals

Decisions of adjudication officers that students have violated conduct regulations and decisions of faculty members that students have engaged in academic dishonesty may be appealed to the university Conduct Board. Decisions of the University Conduct Board or vice president for student affairs that students have violated conduct regulations may be appealed to the university president or a designee, which may include an Appeals Board. These appeals are made by submitting the Formal Hearing Appeal Form to the Office of Judicial and Mediation Services within three business days of receiving your Hearing decision. The form may be hand-delivered or mailed to Room 218 Becht Hall, or faxed to 814-393-1860. Upon reasonable request, the three business day deadline may be extended by the Coordinator of Judicial Affairs and Residence Life Education. Discretionary authority to review adjudication decisions is retained by the university president, or a designee, which may include an appeals board. An appeal or review may result in a new hearing of the case, or the original decision may be affirmed, reversed, or modified.

Reported survivors of sexual violence may also follow the appeal process as stated in the Formal Hearing Appeal Form located on the Judicial and Mediation Services website at [www.clarion.edu/judicial](http://www.clarion.edu/judicial).

Appeals are related to the following criteria. An appeal may consist of any or all points of appeal. It is the responsibility of the appealing party to elaborate on the points of appeal. Appeals to informal or formal cases, including University Conduct Board decisions, may be made under the following reasons for appeal:

- a. There was a procedural error in the original case.
- b. Information or evidence not considered in the original case is now available.
- c. The decision reached in the original case was not based on substantive information and evidence.
- d. The action taken in the original case was inappropriate for the offense.

## University Conduct Board

The Student and Faculty Senates will each appoint, from their respective constituencies and subject to approval of the president, at least five individuals who will be eligible to serve as Conduct Board members. An appointment will be for a term of two years.

The Office of Judicial and Mediation Services shall convene a board composed of students, faculty and staff from the eligible membership. The Coordinator of Judicial Affairs and Residence Life Education, in most cases, shall serve ex-officio as presiding/recording officer. The coordinator will present charges, ask questions, and observe the proceedings without serving as a voting member of the board. Other Board members may be appointed with the approval of the Vice President for Student Affairs who wish to volunteer as student, faculty, or staff for the purpose of adjudicating cases. No student currently on academic probation or behavioral probation may serve as a voting member of the University Conduct Board.

In addition to its jurisdiction as already defined on page 10, the university Conduct Board will hear the following:

1. cases involving administrative denial of a student's registration for non-academic reasons, and
2. cases involving an alleged violation of a student's academic rights.

## **Disciplinary Guidelines**

The following apply to all misconduct cases:

### **1. Interim Suspensions**

The president or a designee may suspend students from the university, including their privilege to enter any university property or facility pending the final disposition of their case if it is determined that their continued presence constitutes an immediate threat of harm to themselves, other students, university personnel, or to university property. In the event a student is suspended under such conditions, a hearing shall be convened within 10 working days unless extenuating circumstances warrant an extension, in which case a hearing would be provided at the earliest possible date.

### **2. Maintenance of Status**

Unless an interim suspension is imposed, as provided in these regulations, a student shall continue his or her matriculation with all normal privileges until the case is fully adjudicated through university procedures.

### **3. Disciplinary Notification on Academic Transcripts**

Clarion University will note student disciplinary expulsions and suspensions on Academic Transcripts (effective July 1, 2012). This notification will be viewed on official, unofficial, and electronic transcripts.

### **4. Enforcement**

The university may withhold transcripts, grades, diplomas, or other official records pending the disposition of cases, if such action is reasonably necessary to preserve the university's ability to enforce its disciplinary rules.

## **Disciplinary Sanctions**

### **(Expulsion) Dismissal**

This action is taken when the student's misconduct or disciplinary involvement is of such seriousness that it merits the student's separation from the university community. A dismissal action will specify the conditions, if any, under which the student may become eligible for readmission. Any student who is expelled from Clarion University under the student conduct policy cannot receive or be granted a Clarion University degree. Expelled students cannot transfer credits from another institution to complete degree requirements at Clarion University.

### **Suspension**

This action is taken when the seriousness of the student's misconduct or disciplinary involvement merits interruption of the student's enrollment. A suspension action will specify a date and/or requirement for reinstatement.

### **Probation**

This action is taken when the student's misconduct or disciplinary involvement merits a period of official censure. A probation action will specify any conditions with which the student must comply or any privileges which may be withheld.

### **Reprimand**

This action is taken when the student's misconduct or disciplinary involvement merits an official admonition.

## **Additional Actions**

1. Any disciplinary sanction may include, if appropriate, a requirement that the student fulfill some specified act of restitution or correction.
2. When warranted, a disciplinary action not specified above may be imposed.
3. Clarion University of Pennsylvania recognizes that students, parents, guardians, and the university are in a partnership in which each has the responsibility to promote a healthy and productive educational experience.
4. Due to the recent amendments to the Family Educational Rights and Privacy Act (FERPA)/Buckley Amendment by the U.S. Department of Education, it is permissible for Clarion University to notify the parent or guardian of dependent students when those students have been found responsible for alcohol and drug related offenses and the student is under 21.
5. Disciplinary sanctions are implemented by presenting to the student a letter and/or e-mail explaining the decision. A copy of the letter will be placed in the university disciplinary files. Appropriate university offices and personnel will be notified when necessary for sanction implementation.
6. A letter may be defined as an official university e-mail. It is the responsibility of students to check their Clarion e-mail. It is not the fault of the university if a student fails to check their e-mail, has exceeded their mailbox capacity and did not receive student conduct e-mail, deleted e-mail without reading, or if the student viewed but did not fully read their official e-mail.
7. The president reserves the right to amend sanctions or grant appeals at any time for a violation of the student conduct policy.

# Compliance Manual

## Drug-Free Schools and Communities Act and Drug-Free Workplace Act

The Drug-Free Schools and Communities Act Amendment of 1989 (U.S. Public Law 101-226) and the Drug-Free Workplace Act require annual distribution of certain information to all students and employees. This booklet is being provided in compliance with these requirements. This booklet includes the following:

1. campus standards prohibiting unlawful possession, use, or distribution of illicit drugs and alcohol;
2. description of laws pertaining to the unlawful possession, use, or distribution of illicit drugs and alcohol;
3. description of health risks associated with the use of illicit drugs and abuse of alcohol;
4. description of drug and alcohol treatment and rehabilitation programs;
5. description of sanctions; and
6. a policy statement concerning the disciplining of employees who violate laws and policies concerning illicit drugs and alcohol.

Direct inquiries to the office of Health Promotions & Programs at the Keeling Health Center, 814-393-1949.

## State System of Higher Education Drug-Free Workplace Policy Statement

As required by the federal "Drug-Free Workplace Act of 1988," the State System of Higher Education, Commonwealth of Pennsylvania, hereby declares as its policy that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited at any workplace under the authority of the Board of Governors. Any employee violating the policy will be referred to the commonwealth's employee assistance program and/or disciplined, in an appropriate manner, up to and including termination. Discipline, when appropriate, shall be taken under relevant provisions of collective bargaining agreements, Civil Service Policy, or other Personnel Policies adopted by the Board of Governors.

NOTE: The above policy was adopted by the Board of Governors of the State System of Higher Education on April 20, 1989. Clarion University of PA is a member of the State System.

### Disciplinary Sanction

Students violating any of the above unlawful acts are subject to disciplinary actions, up to and including expulsion. Discipline procedures are explained in the Student Rights, Regulations and Procedures handbook. Since Clarion University is a member of the Network of Colleges and Universities Committed to the Elimination of Drug and Alcohol Abuse, the minimum sanction for illegal sale and distribution of drugs would include separation from the institution and referral or prosecution.

Employees and students may also be subject to arrest for violation of federal, state, and local drug and alcohol laws and ordinances.

### Employer Notification

The Drug-Free Workplace Act requires the employee to notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

## Clarion University Alcohol Policy

Two basic factors dictate Clarion University's policy on alcohol:

1. Studies indicate that a majority of the misconduct incidents involving students are related to alcohol consumption.

2. Clarion University is a state agency, and as such it cannot authorize, condone, sanction, or otherwise support activities in which state law is violated. The consumption of alcoholic beverages by those under 21 years of age is such a violation.

Because of these factors, the university has adopted regulations under which the following acts constitute student misconduct:

1. the possession or consumption of alcoholic beverages in or around university and university-supervised facilities and property;
2. the possession or use by, and sale or furnishing of, alcoholic beverages to those under 21 years of age;
3. the serving of alcoholic beverages to a student which contributes to subsequent misconduct by that student; and
4. the act of public intoxication as defined by PA law and driving while intoxicated.
5. residential prohibitions include empty alcohol containers of any kind for the traditional halls, suites, and apartments.
6. alcohol violations depicted on social media, on or off campus are addressed through the student conduct system.
7. knowingly and willingly being present while a violation, including alcohol and drugs, constitutes a violation of a university policy. All students are encouraged to report violations and/or minimally remove themselves from the incident or address the issue as a bystander.

In addition to its regulations, the university attempts to provide a program of alcohol awareness, education, treatment, counseling, and information to help students understand the university's alcohol policy and its implementation.

## **Alcohol On Campus**

With the exception of special university events in designated locations with presidential approval, the consumption, possession, or transport of alcohol is prohibited on campus. Student possession or consumption of alcoholic beverages in or around university supervised facilities and property is considered an act of misconduct without exception. This prohibition is not a matter of law, but university policy. Simply put, the university's position is that the interests of both the students and the university are best served by an alcohol-free campus.

Therefore, students who bring or consume alcoholic beverages on campus will be penalized. Students under 21 years of age who become involved with Campus Police will also be subject to citation for underage possession and/or consumption.

## **Alcohol Off Campus**

In *Kusnir v. Leach*, 1982, the Commonwealth Court of Pennsylvania affirmed that the university could exercise disciplinary jurisdiction over off-campus conduct. With regard to university alcohol regulations, misconduct off campus can be grounds for disciplinary action.

Experience and common sense indicate the potential for problems related to "open" type parties and/or furnishing of alcohol to a minor.

Many who attend such parties have no acquaintance or association with the party organizers, whose primary motive is to make money. Typically, alcoholic beverage consumption is the primary focus of the activity, but there is little or no mutual sense of responsibility between party attenders and organizers. Thus, the party participants have little concern if unfortunate events occur during or following a party. While there is always the possibility that underage consumption of alcoholic beverages will get the consumer and/or furnisher into difficulty, it should be obvious that neither university nor law enforcement officials have the resources or inclination to monitor all the off-campus activities of university students. It should be equally obvious, however, that the likelihood of reaction by authorities is much greater in situations where alcoholic beverages are present when the situation involves public disturbance, fighting, indecent acts, or the like. Again, such incidents tend to be associated with "open" type parties. Because "open" type parties have such problematic potential, disciplinary violations associated with such activity are considered serious misconduct acts.

In *Fassett v. Delta Kappa Epsilon*, 1986, The U.S. Court of Appeals, Third Circuit, affirmed the criminal culpability of those who furnish alcoholic beverages to minors. The court reasoned that it is a violation of the criminal code for minors to consume alcoholic beverages, and under Pennsylvania law those who furnish alcoholic beverages to a minor were accomplices to the minor in violating the code. The court held, further, that this standard could be applied to civil actions as well.

In defining “furnishing,” the court rejected the notion that only the actual server was culpable. An accomplice, said the court, was one whose actions promoted or aided a minor’s consumption.

It specifically held that:

1. allowing a party to take place on one’s premises with the knowledge that minors will be served alcoholic beverages constitutes being an accomplice, and
2. participating in the planning of a party or in the buying of alcoholic beverages to be served at a party with the knowledge that minors will be served constitutes being an accomplice.

In exercising its disciplinary authority in alcohol violations off campus, the university applies these findings.

## **Clarion University Notice for Students Regarding ACT 66 of 2011 Alcohol Amnesty Information (Effective: September 5, 2011)**

### **ACT 66 is:**

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in provisions relating to minors, further providing for the offense of purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

### **The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:**

Section 1. Section 6308 of Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:

§ 6308. Purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

\* \* \*

(f) Exception for person seeking medical attention for another.—A person shall be immune from prosecution for consumption or possession under subsection (a) if he can establish the following:

- (1) The only way law enforcement officers became aware of the person’s violation of subsection (a) is because the person placed a 911 call, or a call to campus safety, police or emergency services, in good faith, based on a reasonable belief and reported that another person was in need of immediate medical attention to prevent death or serious injury.
- (2) The person reasonably believed he was the first person to make a 911 call or a call to campus safety, police or emergency services, and report that a person needed immediate medical attention to prevent death or serious injury.
- (3) The person provided his own name to the 911 operator or equivalent campus safety, police or emergency officer
- (4) The person remained with the person needing medical assistance until emergency health care providers arrived and the need for his presence had ended.

The university reserves the right to provide alcohol amnesty to the reported survivor and/or the person reporting an act of sexual violence in efforts to increase the likelihood of reporting such incidents.

Section 2. Act 66 (Alcohol Amnesty Compliance).

Clarion University is committed to abiding by Act 66 and will comply with provisions of this Amendment to Title 18 of the Pennsylvania Consolidated Statutes went into effect on September 05, 2011. There will be no student conduct action taken (informal or formal hearing) for individuals who qualify for amnesty. A student must meet each of the four listed criteria above to qualify for amnesty.

Students qualifying for amnesty will be asked to speak with a Student Affairs professional and will be asked to complete the BASICS alcohol workshop and only modules relating to decision making and alcohol at no cost to the student. Education in the form of BASICS and modules is an integrated approach to lowering risks associated with dangerous drinking behaviors.

Due to recent Commonwealth legislation, the university reserves the right to provide drug amnesty to the reported survivor and/or the person reporting an act of sexual violence in efforts to increase the likelihood of reporting such incidents. Additionally, drug amnesty is provided to the individual calling for medical assistance for someone who has overdosed due to drugs when the caller is under the influence of a controlled substance and/or in possession of a small amount of a controlled substance.

Please contact the following offices with questions:

University Police; 814-393-2111

Office of Alcohol & Drug Programming; 814-393-1949

Office of Judicial and Mediation Services; 814-393-1918

# Sexual Violence and Sexual Assault Procedure

Clarion University, like other institutions receiving federal funds, is required to comply with Title IX and all applicable state laws associated with sexual violence. Clarion University, pursuant to those directives, has established policies and procedures for educating, reporting, investigating, and resolving any possible act of sexual assault and/or rape, intimate partner/domestic violence, stalking, and sexual harassment which the University has been made aware of.

## Notice of Nondiscrimination:

It is the policy of Clarion University of Pennsylvania that there shall be equal opportunity in all of its educational programs, services and benefits, and there shall be no discrimination with regard to a student's or prospective student's race, color, religion, sex, national origin, disability, age, sexual orientation/affection, gender identity, veteran status or any other factors that are protected under local, state, and federal laws. Direct equal opportunity inquiries to the Office of Social Equity, Carrier Administration Building, Clarion University of Pennsylvania, Clarion, PA 16214-1232, 814-393-2109.

## Reporting:

Possible sexual assault and/or rape, intimate partner/domestic violence, stalking, and sexual harassment may be reported to:

1. Office of the Vice President for Student Affairs/Title IX Coordinator; 814-393-2351
2. Clarion University Police; 814-393-2111
3. The Office of Judicial and Mediation Services; 814-393-1918

\* It is recommended that University Police, or other Law Enforcement, be contact for reporting acts of sexual violence in order for investigatory procedures to be implemented by law enforcement.

## Title IX Coordinator:

Dr. Susanne Fenske, Student Affairs  
814-393-2351

Incidents may also be reported to Judicial and Mediation Services by filling out an incident report found at [www.clarion.edu/judicial](http://www.clarion.edu/judicial) and submitting the materials for review. Please go to [www.clarion.edu/crimestats](http://www.clarion.edu/crimestats) for information related to Clarion University Clery Statistics which includes forcible and non-forcible sex offenses as required by the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 20 U.S.C § 1092(f).

## Investigation:

Investigations may be made by University Police, the Office of Social Equity, the Office of Judicial and Mediation Services, or other office designated to investigate claims. Investigations may take time to ensure all information has been collected while still maintaining a prompt and equitable resolution. The Office of Civil Rights (OCR) states that the resolution of a case should take no longer than 60 days from the complaint to the disposition in most cases. The University will investigate regardless if a report is made to law enforcement. The University must investigate even if University Police, Clarion Borough Police, Oil City Police, Pennsylvania State Police or other laws enforcement agencies are investigating.



## **Resolution and Appeals:**

As the Title IX Coordinator, a representative from Student Affairs will be utilized to ensure compliance under Title IX for a prompt and equitable resolution while maintaining that the process and investigation is conducted impartially for both the complainant and the accused student. A University Conduct Board is the required process for the student conduct adjudication of charges under the Rights, Regulations, and Procedures related to sexual violence or sexual harassment. Both the reported survivor and alleged perpetrator(s) will be provided written notice of the hearing, written notice of charges, the ability to have an advisor, the ability to have witness, and the ability to discuss the incident and provide other relevant evidence. Both parties may also request that a decision be appealed. Appeals for the complainant are based on new evidence which was not available at the time of the hearing, there was procedural error in the original case, or on the grounds that evidence in the original hearing was not considered during the deliberation of the case. Further information related to the student conduct process is contained in this publication.

Resolution through University Police and the Criminal Justice System may run concurrent with student conduct proceedings but is a separate process held to a different standard than that of the process utilized through the Office of Judicial and Mediation Services.

## **Education:**

Information pertaining to this topic is disseminated through on campus programs in the residence halls and other areas of campus, through Discovery Weekend, and via other forms of mass communication.

## **Timeline:**

Unless under extenuating circumstances, an investigation will begin within 24 hours of the report of an incident. Reported survivors of sexual violence will be provided information related to on and off campus resources within 24 hours of the report of an incident. The Office of Judicial and Mediation Services will also provide No Contact Orders and/or Persona Non Grata Orders within that timeframe. Verbal orders may be given to involved parties if circumstances prohibit the issuance of written documents and/or e-mail notifications until a later time.

A reported instance of sexual violence will be investigated, charges filed, and a resolution provided within a 60 day framework. A University Conduct Board is the process used by Clarion University for cases involving possible acts of sexual assault, rape, intimate partner/domestic violence, stalking, and sexual harassment. Both the reported survivor and the alleged perpetrator(s) will be provided written notice of the board decision simultaneously once a signed copy of the board decision is available.

Appeals documentation will be provided to both the complainant and the accused student. Appeals shall be in writing and based on specified criteria. Appeals shall be submitted within 72 hours (workday hours) of the issuance of the documents. Appeals for a University Conduct Board are reviewed by the president or president's designee. There are no other appeals following this decision. Appeal decisions are made in writing generally within seven (7) to ten (10) working days but no longer than 30 days from the receipt of the appeal. The person reviewing the appeal will have access to all information including written and audio files. Please refer to page 25 for specific information related to the appeals criteria.

For further information regarding Sexual Harassment Policy and Procedures please refer to page 36.

## Clarion University Students' Bill of Rights for Reported Survivors of Sexual Violence & Other Acts of Violence

The Students' Bill of Rights specifically was created to aid reported survivors of sexual violence and others experiencing violent acts.

**As required by Title IX and applicable local, state and federal laws; Clarion University provides survivors of sexual assault, sexual harassment, stalking, and/or intimate partner/domestic violence, or other violent acts with the following rights:**

- The right to have any and all alleged violations treated with seriousness. This includes an investigation, and adjudication to bring closure to the incident. Mediation shall not be an option for resolution of incidents involving sexual assault, rape, domestic violence, dating violence or stalking.
- The right to a prompt and equitable resolution to the complaint. All determinations will use a preponderance of the evidence presented to determine if charges are founded.
- The right to receive access to medical care.
- The right to be treated with dignity.
- The right to pursue any and all avenues of redress.
- The right to be informed of university resources, including, but not limited to the Office of Social Equity, University Police, Counseling Services, Health Services and off campus resources.
- At reported survivors' option, the right to present alleged violations to the University Conduct Board, request that the coordinator of Judicial Affairs and Residence Life Education present charges for the survivor, or permit a designee from the Office of Judicial and Mediation Services to present charges. A University Conduct Board hearing is the process for adjudicating incidents involving sexual violence.
- The right, upon request, to a No Contact Order to have no unwanted contact with the accused student(s).
- The knowledge that a Protection from Abuse Order (PFA) or order under The Protection of Victims of Sexual Violence and Intimidation (PSVI) Act will be honored.
- The right, upon request, to have a persona non grata (trespass order) filed limiting the accused students' access to particular buildings, areas of campus, and/or classroom buildings. A reported survivor may request a housing assignment change.
- The right to reasonable accommodations for academics, transportation, and on campus student employment.
- The right to an advisor at any administrative hearing or related proceedings. The advisor may be any person of her/his choice and may include legal counsel at the expense of the student.
- The right to present charges at a hearing, under the assistance of the coordinator of Judicial Affairs and Residence Life Education including all information related to the case and the right to present witnesses or other information (physical evidence) as relevant to the case.

- The right to have only those questions relevant to the alleged violations asked during the disciplinary information gathering process and hearing. The University Conduct Board or hearings officer may exclude statements and questions concerning the prior sexual history of any party if deemed irrelevant.
- The right to provide a victim's impact statement verbally or in writing to the University Conduct Board or hearings officer.
- The right to be present and hear all information and evidence related to the alleged violation(s) and ask questions of all involved parties including witnesses and the alleged perpetrator(s). The reported survivor and alleged perpetrator(s) will not directly ask questions of each other as to not perpetuate a hostile environment any further. The reported survivor may also choose to be included via conference call from a safe and undisclosed location rather than be present in the room with the alleged perpetrator(s).
- The right to be notified of the outcome of disciplinary proceedings in writing simultaneously with the alleged perpetrator.
- The right to submit an appeal based on the set appeals criteria found on page 25 of the Rights, Regulations, and Procedures handbook. All appeal decisions at this level are final.

There are several offices available to assist survivors/victims of crime and/or students who have experienced harm on or off campus including the University Police, Health Services, Counseling Services, Office of Social Equity, PASSAGES, SAFE, and the Office of Judicial and Mediation Services. Further information may be obtained online at [www.clarion.edu/judicial](http://www.clarion.edu/judicial) through the Office of Judicial and Mediation Services or through the Office of Social Equity at [www.clarion.edu/socialequity](http://www.clarion.edu/socialequity). University Police may be reached at 814-393-2111 to report an incident directly to the police or go to [www.clarion.edu/crimestats](http://www.clarion.edu/crimestats) for information pertaining to Clery Statistics for Clarion University of Pennsylvania. Additional information pertaining to resources and more information related to reporting may be found in the Rights, Regulations, and Procedures at [www.clarion.edu/studentrights](http://www.clarion.edu/studentrights).

## **Reporting Criminal Activity**

Students, faculty, and staff are directed to contact University Police at 814-393-2111 if you see, hear about, or know about possible abuse of children in any form, including child abuse, child pornography, sexual contact with a child, or other illegal acts with children on Clarion University Property. This includes acts involving camps, conference groups, other guests, or other individuals who may be utilizing facilities on campus. Callers who are Faculty or Staff members should, inform their immediate supervisor who, in turn, will contact his/her respective vice president. Students reporting abuse are urged to contact the Office of Judicial and Mediation Services, Office of Student Affairs and/or Office of Social Equity once University Police are contacted. It is essential that University Police are notified immediately in order for investigatory procedures to be implemented.

More information on preventing the sexual abuse of children may be found on the Stop it Now website at <http://www.stopitnow.org/>. Protection of minors is addressed in Clarion University Policy "Protection and Supervision of Minors" and PASSHE Policy 2014-10 "Protection of Minors" (Appendix O).

# Policy on Sexual Misconduct Equal Opportunity, Harassment, Nondiscrimination

<http://www.clarion.edu/about-clarion/offices-and-administration/university-support-and-business/office-of-social-equity/policies-and-compliance/sexual-misconduct-policy-2017.pdf>

## Overview of Policy Expectations with Respect to Physical Sexual Misconduct

- The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing (or affirmative, conscious, if you wish to track the CA affirmative consent statute) and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous consent does not imply consent to sexual activity in the future. Silence or passivity — without actions demonstrating permission — cannot be assumed to show consent. Consent, once given, can be withdrawn at any time. There must be a clear indication that consent is being withdrawn.
- Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.
- Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and "Yes" may not always mean "Yes." Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a "no."

# What to do if you are a victim of Sexual Violence

## **Get medical attention immediately.**

You could be injured—externally and internally. You could become pregnant, or you could get a sexually transmitted disease. A medical examination could also provide important evidence of rape for prosecution. Community police officers will help. Rape Crisis Center (814-226-RAPE, hot line) 9-1-1, or the Rape Crisis Center in Oil City (814-677-7273) also provide trained support staff to assist you.

## **Don't bathe or douche.**

Bathing or douching might be the first thing you want to do—but don't. You might literally be washing away valuable evidence. Wait until you have a medical examination.

## **Save your clothing.**

It's all right to change clothes, but save what you were wearing. Your clothing could be used as evidence for prosecution. Place all items in a paper bag.

## **Report to the Campus Police 814-393-2111 (Clarion Campus). Report to the Oil City Police Department 814-678-3080 (Venango College).**

Reporting a rape isn't the same thing as prosecuting a rape. Please call the Campus Police (Clarion Campus) or the Oil City Police Department (Venango College) and report the rape. Prosecution can be determined later. It's up to you, but some rapists are repeat offenders and police can only apprehend offenders when they know about the crimes.

## **We are here to help.**

Understanding officers will be assigned to work with you to help you to apprehend the offender. Your contact with the police officers will be confidential. The assigned officer will explain the various aspects of criminal prosecution should the offender be identified.

The necessity for quick reporting cannot be overemphasized. If an attacker rapes you, rapes someone you know, or attempts to commit a rape on the campus, notify Campus Police immediately on the Clarion Campus at **814-393-2111**. The Oil City Police Department can be reached at **814-678-3080**.

- Get medical attention immediately.
- Don't bathe or douche.
- Save your clothing.
- Report incident to police immediately.
- We are here to help.

## **Medical Treatment on Clarion Campus**

A medical examination is conducted at Clarion Hospital following a reported rape. If you wish to keep the option of prosecution open, the exam at the hospital ensures legal evidence is obtained. This evidence

would include human hair, evidence of seminal stains, and other identifying markers. Follow-up care for disease, injury, or pregnancy is available at the hospital. Counseling is recommended and available at Counseling Services, 256 Becht Hall, 393-2255, or at the Rape Crisis Center, 814-226-RAPE.

## **Medical Treatment at Venango College**

A medical examination is conducted at Northwest Medical Center following a reported rape. If you wish to keep the option of prosecution open, the exam at the hospital ensures legal evidence is obtained. This evidence would include human hair, evidence of seminal stains, and other identifying markers. Follow-up care for disease, injury, or pregnancy is available at the hospital. Counseling is recommended and available at Counseling Services, 234 Montgomery Hall, or at the Rape Crisis Center, 814-677-7273.

## **Police Investigation**

An officer will immediately be dispatched when a rape is reported. The officer will provide transportation to a medical facility and will, if possible, obtain a description of the attacker and information about the time and location of the attack. He or she will not seek detailed information but only enough to permit all officers to begin looking for the attacker.

An investigator will then be assigned to you and will be in contact with you from the initial interview through the entire investigation and any criminal prosecution which might result. He or she will interview you in detail about the offense, and it will be necessary that you work closely with the officer while attempting to identify the offender. Some questions may be embarrassing but they are important in apprehending the attacker.

The officer will explain the criminal complaint process, the preliminary hearing, a pre-trial conference, and the trial. He or she will explain in detail what is expected of a victim should a prosecution be initiated. He or she will also advise you about available counseling services and assist you in any manner possible.

Reporting a crime and prosecuting the attacker are two separate things. Begin by reporting to Campus Police. Your report can help other women—or yourself—in the future.

# On-Campus Safety and Equity Resources

As you may be aware, Clarion University has been ranked as one of the top 15 safest campuses in the country. However, like any other community, we must continue to remain cautious, vigilant, and aware of our own personal safety.

To assist you in becoming informed about the services Clarion University provides, we have developed this reference guide of on-campus resources.

It is in our own best interest to take the time to educate ourselves and others on ways to prevent acts of abuse and discrimination. Our collective efforts will continue to ensure that Clarion University remains a safe and tolerant community.

## On-Campus Safety and Equity Resources

Clarion University does not tolerate harassment or discrimination in any of its many forms. In the university's continuing efforts to provide support and education to the entire campus community, the following is provided as a reference guide of on-campus resources available to persons who feel they have been harassed or discriminated against.

Any student of the Clarion, Venango, or Pittsburgh sites may avail himself or herself of the resources referenced in this brochure.

### Rape/Sexual Assault

Inasmuch as all allegations of sexual assault and rape have the potential to involve criminal conduct, the university strongly urges all victims to report incidents directly to the Title IX Coordinator.

*Title IX Coordinator (Student Affairs Office), Ext. 2351*

Investigates allegations of sexual harassment; provides support training; brochures and printed materials; videos; referrals to other appropriate agencies.

*Campus Police, Ext. 2111*

Explanation of process; investigation of incident; arrange transportation to hospital; brochures and printed materials; referrals to other appropriate agencies.

*Counseling Services, Ext. 2255*

Free and confidential services; short-term counseling; group support; self-help materials/videos; referrals to other appropriate agencies.

*Student Affairs, Ext. 2351*

Investigates allegations/Student Conduct Code; brochures/printed materials; referrals to other appropriate agencies.

*Health Services, Ext. 2121*

Medical treatment; STD testing; brochures and printed materials; referrals to other appropriate agencies.

*Catholic Campus Ministry, Telephone 814-226-8433, Ext. 109*

Clergy contact; counseling services; brochures and printed materials; referrals to other appropriate agencies.

## **Sexual Harassment/Sex Discrimination**

*Social Equity, Ext. 2109*

Investigates allegations; provides support training; brochures and printed materials; videos; referrals to other appropriate agencies.

*Student Affairs, Ext. 2351*

Investigates allegations/Student Conduct Code; brochures and printed materials; referrals to other appropriate agencies.

*Counseling Services, Ext. 2255*

Free and confidential services; short-term counseling; group support; self-help materials/videos; referrals to other appropriate agencies.

## **Racial Harassment/Ethnic Intimidation**

*Social Equity, Ext. 2109*

Investigates allegations; provides support training; brochures and printed materials; videos; referrals to other appropriate agencies.

*Student Affairs, Ext. 2351*

Investigates allegations/Student Conduct Code; brochures and printed materials; referrals to other appropriate agencies.

*Campus Police, Ext. 2111*

Investigates allegations; brochures and printed materials; referrals to other appropriate agencies.

*Counseling Services, Ext. 2255*

Free and confidential services; short-term counseling; group support; self-help materials/videos; referrals to other appropriate agencies.

## **Disability Harassment/Discrimination**

*Social Equity, Ext. 2109*

Investigates allegations; provides support training; brochures and printed materials; videos; referrals to other appropriate agencies.

*Student Affairs, Ext. 2351*

Investigates allegations/Student Conduct Code; brochures and printed materials; referrals to other appropriate agencies.

*Counseling Services, Ext. 2255*



Free and confidential services; short-term counseling; group support; self-help materials/videos; referrals to other appropriate agencies.

## **Sexual Orientation Harassment/Discrimination**

*Social Equity, Ext. 2109*

Investigates allegations; provides support training; brochures and printed materials; videos; referrals to other appropriate agencies.

*Student Affairs, Ext. 2351*

Investigates allegations/Student Conduct Code; brochures and printed materials; referrals to other appropriate agencies.

*Counseling Services, Ext. 2255*

Free and confidential services; short-term counseling; group support; self-help materials/videos; referrals to other appropriate agencies.

## **Veterans' Status Discrimination**

*Social Equity, Ext. 2109*

Investigates allegations; provides support training; brochures and printed materials; videos; referrals to other appropriate agencies.

*Student Affairs, Ext. 2351*

Investigates allegations/Student Conduct Code; brochures and printed materials; referrals to other appropriate agencies.

*Counseling Services, Ext. 2255*

Free and confidential services; short-term counseling; group support; self-help materials/videos; referrals to other appropriate agencies.

## **All Other Discrimination**

*Social Equity, Ext. 2109*

Investigates allegations; provides support training; brochures and printed materials; videos; referrals to other appropriate agencies.

*Student Affairs, Ext. 2351*

Investigates allegations/Student Conduct Code; brochures and printed materials; referrals to other appropriate agencies.

*Counseling Services, Ext. 2255*

Free and confidential services; short-term counseling; group support; self-help materials/videos; referrals to other appropriate agencies.

# Appendix A

## Offices and Agencies Providing Assistance

### CLARION UNIVERSITY CAMPUS RESOURCES

Student Affairs (Title IX Coordinator) ..... 103 Carrier Hall	814-393-2351
Clarion University Police ..... University Police Building	814-393-2111
Judicial Affairs ..... 218 Becht Hall	814-393-1918
Counseling Services Department..... 256 Becht Hall	814-393-2255
Health Services ..... 256 Becht Hall	814-393-2121
Behavioral Assessment Referral..... Team (BART)	<a href="http://www.clarion.edu/bart">www.clarion.edu/bart</a>

### VENANGO COLLEGE RESOURCES

Office of Director of Student Affairs..... 114 Rhoades, Venango Administration	814-676-6591 Ext. 1270
Counseling Services Department..... 234 Montgomery Hall	814-676-6591 Ext. 1281

### MEDICAL & PSYCHOLOGICAL ASSISTANCE

Clarion Hospital ..... One Hospital Drive, Clarion, PA 16214	814-226-9500
UPMC Northwest..... 100 Fairfield Drive, Seneca, PA 16348	814-676-7600
Adagio Health – Clarion ..... 1064 East Main Street, Suite A, Clarion, PA 16214	814-226-7500
Adagio Health – Venango ..... 3292 State Route 257, Seneca, PA 16346	814-676-1811
Clarion Psychiatric Center..... 2 Hospital Drive, Clarion, PA 16214	814-226-9545 800-253-4906
AAA Life Service (Pregnancy Related) ..... 140 Greenville Avenue, Clarion, PA 16214	814-226-7007
Clarion County Counseling Center..... 214 South 7th Avenue, Clarion, PA 16214	814-226-6252
Rape Crisis Domestic Violence Services ..... 716 E. Second Street, Oil City, PA 16301	814-677-7273

Liberty Street Counseling Center/Church of God..... 240 Liberty Street, Clarion, PA 16214	814-226-8669 <b>(Adults)</b> 814-316-5491 <b>(Children)</b>
Family Psychological..... 160 S. Second Avenue, Clarion, PA 16214	814-226-4912
Family Psychological..... 334 N. Main Street, Knox, PA 16232	814-797-0281
Patricia Morgan, PhD (EMDR)..... 498 Greenville Pike, Clarion, PA 16214	814-297-7079
Clarion Behavioral Health..... 30 Pinnacle Drive, Clarion, PA 16214	814-223-9914
Rural Mental Health Associates, Inc. .... 21159 Paint Blvd, Suite 2, Shippensburg, PA 16254 19 Central Avenue, Floor 3, Oil City, PA 16301 191 Howard Street, Suite 210, Franklin, PA 16323	814-226-9727 888-678-6901 814-678-6900 814-432-2537
New Perspectives Counseling Services..... 498 Greenville Pike, Clarion, PA 16214	814-227-2747
DeCorte Counseling..... 963 S. 5 <sup>th</sup> Avenue, Clarion, PA 16214	814-226-9810 814-226-0205
Rural Mental Health Associates, Inc. .... 19 Central Avenue, Floor 3, Oil City, PA 16301	814-678-6900 888-678-6901
Shamrock Solutions, Inc..... 413 Wood Street, #A, Clarion, PA 16214	814-223-8696
Behavioral Health (Cranberry)..... 100 Fairfield Drive, Seneca, PA 16346	814-676-7700
Craig Psychological Associates..... 3226 State Route 257, Suite 8, Seneca, PA 16346	814-676-2804 800-242-9106
Paolette Psychological Service PC..... 300 Liberty Street, Franklin, PA 16323	814-437-5770
Brookville Behavioral Health, Inc. .... 70 Second Avenue, Brookville, PA 15825	814-849-2844
Behavioral Health/DuBois Regional Medical Center..... 635 Maple Drive, #3, DuBois, PA 15801	814-375-6379
Burke Counseling Services, Inc. .... 107 Breckenridge Street, Suite 1, Grove City, PA 16127	724-458-4330
Community Counseling Center of Mercer County..... 2201 E. State Street, Hermitage, PA 16148	724-981-7141
Neuropsychiatric Associates, Inc. (Indiana)..... 850 Hospital Road, Suite 2200, Indiana, PA 15701	724-464-0270

COMMUNITY RESOURCES - CLARION

PASSAGES ..... 24-Hour Hotline	800-793-3620
PASSAGES ..... 1300 E. Main Street, Clarion, PA 16214	814-226-7273
Stop Abuse For Everyone (SAFE) .....	800-992-3039
Stop Abuse For Everyone (SAFE) ..... 1302 E. Main Street, Clarion, PA 16214	814-226-8481 or Dial 911 and ask for SAFE
Clarion Victim Assistance Programs .....	800-793-3620
Clarion County Crisis Intervention Line .....	814-226-7223
Pennsylvania Suicide Hotline .....	800-784-2433

COMMUNITY RESOURCES - VENANGO

PASSAGES ..... 24-Hour Hotline	800-793-3620
Rape Crisis Center ..... 716 E. Second Street, Oil City, PA 16301	814-677-7273
Domestic Violence Rape Crisis Center ..... 716 E. Second Street, Oil City, PA 16301	814-676-5476
Venango Victim Assistance Programs .....	800-243-4944
Crisis Hotline of Venango County .....	814-432-9111
Pennsylvania Suicide Hotline .....	800-784-2433

COMMUNITY RESOURCES – JEFFERSON

PASSAGES ..... 18 Western Avenue, Suite E, Brookville, PA 15825	814-849-5303
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LAW ENFORCEMENT

Clarion University Police ..... University Police Building	814-393-2111
Pennsylvania State Police ..... 209 Commerce Road, Clarion, PA 16214	814-226-1710
Pennsylvania State Police ..... 6724 U.S. 322, Franklin, PA 16323	814-676-6596
Clarion Borough Police..... 1400 East Main Street, Clarion, PA 16214	814-226-9140
Oil City Borough Police ..... 21 Seneca Street #100, Oil City, PA 16301	814-678-3080
Clarion County Sheriff's Office ..... Clarion County Courthouse, 421 Main Street, Ste. 11, Clarion, PA 16214	814-226-7611

Venango County Sheriff's Office ..... 814-432-9565  
Venango County Courthouse, 1<sup>st</sup> Floor, 1168 Liberty Street, PO Box 831, Franklin, PA 16323

LEGAL RESOURCES

Laurel Legal Services ..... 814-226-4340  
231 W. Main Street, Clarion, PA 16214

Clarion County District Attorney's Office ..... 814-226-4423  
502 Liberty Street, Clarion, PA 16214

Venango County District Attorney's Office ..... 814-432-9598  
1168 Liberty Street PO Box 831, Franklin, Pennsylvania 16323

Public Defender's Office for Clarion County ..... 814-226-7380  
16 Grant Street, Clarion, PA 16214

Public Defender's Office for Venango County ..... 814-432-9593  
Venango County Courthouse, Ground Floor, 1168 Liberty Street, PO Box 831, Franklin, PA 16323

Protection from Abuse Assistance/Clarion ..... 814-226-8481

Protection from Abuse Assistance/Venango ..... 814-676-5476

OFFENDER RESOURCES

Project Point of Light/Clarion ..... 814-226-1159  
20231 Paint Boulevard, Shippenville, PA 16254

Pathways/Project Point of Light/Venango ..... 814-678-0093  
370 North Seneca Street, Oil City, PA 16301 888-540-4629

STATE RESOURCES

Equal Employment Opportunity Commission ..... [www.eeoc.gov](http://www.eeoc.gov)  
1000 Liberty Avenue, Suite 1112, Pittsburgh, PA 15222 ..... 800-669-4000

Commonwealth Information Center ..... [www.pa.gov](http://www.pa.gov)  
402 Finance Building, Harrisburg, PA 17120 ..... 717-787-2121  
Governor's Action Line ..... 800-932-0784

Pennsylvania Human Relations Commission ..... [www.phrc.state.pa.us](http://www.phrc.state.pa.us)  
333 Market Street, 8<sup>th</sup> Floor, Harrisburg, PA 17101 ..... 717-787-4410  
301 Fifth Avenue, Suite 390, Pittsburgh, PA 15222 ..... 412-565-5395  
110 North 8<sup>th</sup> Street, Suite 501, Philadelphia, PA 19107 ..... 215-560-2496

Pennsylvania Bureau of Equal Opportunity ..... [www.dhs.state.pa.us](http://www.dhs.state.pa.us)  
625 Forster Street, Health & Welfare Building, Harrisburg, PA 17120 ..... 717-787-1127  
300 Liberty Avenue, Apt. 702, Pittsburgh, PA 15222 ..... 412-565-5028  
801 Market Street, Suite 5034, Philadelphia, PA 19107 ..... 215-560-2230

## Additional Resources

Five presidential commissions have been appointed by the president to increase the level of awareness and sensitivity of the campus population concerning issues of equity and diversity. These commissions serve in an advisory capacity, and therefore do not function as investigatory bodies. The commissions are listed below in alphabetical order.

- Presidential Commission on Disabilities
- Presidential Commission on Human Relations
- Presidential Commission on LGBT Concerns
- Presidential Commission on Sexual Harassment
- Presidential Commission on the Status of Women

### **Sections of this booklet were prepared as follows:**

Student Rights and Regulations Compliance Manual

*Prepared by Office of the Vice President for Student Affairs*

Sexual Harassment Policy and Procedures

*Published jointly by the Office of Social Equity and the Presidential Commission on Sexual Harassment. Approved by the Council of Trustees April 15, 2010; supersedes previous policy statement(s) on this subject.*

University Security Information Crime Statistics and Policy Report

*Both the College and University Security Information Act and the Crime Awareness and Campus Security ACT of 1990 require the publication of certain information and statistics to be distributed to students, employees, and applicants.*

On-Campus Safety and Equity Resources

*Information in this section provided by the Office of Social Equity*

What to do if you are a Victim of Sexual Violence

*Department of Public Safety, Clarion University of Pennsylvania and special thanks to Ohio University Health Education Services for information contained in this section.*

Pennsylvania Human Relations Act of 1955,

*as amended, prohibits discrimination based on sex, race, color, religion, and national origin in the Commonwealth of Pennsylvania.*

The Equal Pay Act of 1963,

*an amendment to the Fair Labor Standards Act, prohibits pay discrimination based on sex on jobs that are substantially equal.*

Title VII of the Civil Rights Act of 1964

*prohibits discrimination based on sex, as well as on race, color, religion and national origin, in hiring or firing; wages; fringe benefits; referring, assigning, or promoting; extending or assigning use of facilities; training, retraining, or apprenticeships; or any other terms, conditions, or privileges or employment.*

Title IX of the 1972 Education Amendments

*states no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.*

The Women's Education Equality Act of 1974

*authorizes activities at all levels of education to overcome sex-stereotyping and achieve equality for women.*

The Job Training Partnership Act of 1982, PS 97300,

*permanently authorizes job training programs for economically disadvantaged individuals and others who face serious barriers to employment. JTPA replaces Comprehensive Education and Training Act. Programs and activities funded or otherwise financially assisted in whole or in part under this act are considered to be programs and activities receiving federal financial assistance and thus subject to prohibitions against discrimination based on sex under Title IX of the Education Amendments of 1972.*

Excellence & Equity (1995)

*SSHE general sexual harassment policy and procedure guidelines.*

The Executive Order 11246,

*as amended by Executive Order 11375, requires federal contracts to include language by which contractors pledge not to discriminate against any employee or applicant for employment because of sex, race, color, religion, or national origin. Large contractors must further pledge to take affirmative action to ensure nondiscriminatory treatment.*

The Vocational Education Act,

*as amended, requires the provision of activities to eliminate sex bias, stereotyping, and discrimination in federally funded vocational education programs and requires each state to employ a full-time sex equality coordinator to ensure the elimination of bias and occupational segregation in those programs.*

Commonwealth of Pennsylvania Governor's Executive Order # 1988-1

*prohibits any agency under the jurisdiction of the Governor from discriminating against any employee or applicant for employment based on race, color, religious creed, ancestry, union membership, age, sex, sexual orientation, national origin, or non-job related handicap or disability.*

Article 43: Collective Bargaining Agreement

*negotiated between the State System of Higher Education and APSCUF, delineates the provisions regarding the investigation of complaints against faculty members.*

## Appendix B

### Statement on Student Health Insurance

University policy requires students have medical insurance coverage to be eligible for participation in university sanctioned, sponsored and /or approved activities, including intercollegiate sports. The assumption is students participating in such activities are covered by medical insurance and proof of coverage can be produced upon the University's request.

For more information about Student Health Insurance, please visit the following website <http://www.clarion.edu/student-life/health-fitness-and-wellness/health-care-services/insurance/index.html>



## Appendix C

# On Campus Alcohol and Drug Prevention and Intervention Services

Clarion University provides alcohol and other drug prevention and intervention services to its students and employees through the Office of Health Promotions and Programs located at 256 Becht Hall. Some of the services provided include alcohol education/intervention workshops. The Office of Health Promotions and Programs supports a Clarion University-Clarion Community Coalition on the prevention of alcohol abuse and violence task force. The staff offers presentations to university groups, classes, treatment referral services, student field experiences, and literature distribution. Students and employees are welcome to visit the offices at 256 Becht Hall or call 814-393-1949.

Clarion University, in conjunction with all Pennsylvania State System of Higher Education institutions provides Brief Alcohol Screening and Interactions (BASICS) for all known first-time offenders of the Clarion University Alcohol Policy. BASICS is a two-session preventative alcohol education program offered to Clarion University students who want to further explore their alcohol use.

Some students are required to take the BASICS workshop through being referred by Judicial Services, Athletics, Residents Life Services, or by the District Magistrate for violating the campus drug and alcohol policy. There is a \$75 charge for all students who are required to take the BASICS workshop. Other students may take the BASICS workshop who are interested in learning moderation strategies and risk-reduction strategies to reduce harmful consequences of drinking.

Using risk-reduction strategies, the program assists students in examining their own drinking behaviors and the goals are selected by the student to reduce the harmful effects of drinking.

Any student with a blood alcohol level or portable breathalyzer test equal to or greater than a .16% (twice the legal limit) will be referred for a formal alcohol assessment to be conducted by the Counseling Services staff.

More information related to BASICS and other information related to the Office of Alcohol & Drug Programming may be found at <http://www.clarion.edu/atod>. You may also make your BASICS appointments online at [www.clarion.edu/basics](http://www.clarion.edu/basics).

During the past year, a new workshop has been offered to students who violate the university drug policy or want to make a self-referral to complete the workshop. The marijuana and other drugs workshop allows students to gain additional skills and strategies that they can utilize instead of using drugs. This workshop is facilitated between the health promotions and counseling offices. Students will learn background information, coping mechanisms, refusal skills, terms associated with drug use, abuse information, and the effects of drugs on the mind, body, and performance factors. Students may go to [www.clarion.edu/basics](http://www.clarion.edu/basics) to submit an electronic form to be contacted or you may contact either Counseling Services at 814-393-2255 or the coordinator of Health Promotions at 814-393-1949 for more information.

Employees of the state and their immediate families are also provided services by the State Employee Assistance Program (SEAP). This service is voluntary and confidential. The SEAP was established to help employees cope with personal problems which affect their lives at home or on the job. SEAP helps the employee focus on the primary problem and determine the kind of professional assistance needed. Services focus on the following areas: alcohol and drug abuse, emotional problems, family/marital, legal, and financial. SEAP will assess your needs and provide a referral to an appropriate community service. SEAP offices may be contacted by calling 800-692-7459. Supervisors are encouraged to make employees aware of SEAP as an aid in the early intervention and treatment of employee problems which affect job performance.

Assistance is also available from Clarion County Counseling Center Inc., 214 South Seventh Ave., Clarion, PA, 16214, telephone 814-226-6252. Clarion University Counseling Services is available to students. It is located in 256 Becht Hall, telephone 814-393-2255. The marijuana and other drugs workshop has a \$75 charge for students required to take this workshop as part of a sanction.

# Appendix D

## Off Campus Alcohol and Drug Prevention and Intervention Services

### CLARION COUNTY

ARC Manor/Addiction Recovery Center.....	814-223-9923	
30 Pinnacle Drive, Clarion, PA 16214	800-323-1333	<b>(Outpatient Only)</b>
Clarion Drug & Alcohol Services .....	814-226-6350	
1350 East Main Street, Clarion, PA 16214		<b>(Case Management)</b>

### ARMSTRONG COUNTY

ARC Manor/Council on Alcohol and Other Drugs .....	724-548-7607	
200 Oak Avenue, Kittanning, PA 16201		<b>(28 Day Treatment)</b>

### VENANGO COUNTY

Turning Point Chemical Dependency Treatment Center .....	814-437-1750	
4849 U.S. 322, Franklin, PA 16323	888-272-8922	<b>(Detox)</b>

### BUTLER COUNTY

Butler Regional Recovery Program/Family Resource Center.....	724-284-4894	
216 N. Washington Street, Butler, PA 16001		
Ellen O'Brien Gaiser Addiction Center .....	724-256-8882	
315 Liberty Street, Butler, PA 16001		<b>(Outpatient)</b>
165 Old Plank Road, Butler, PA 16001	724-287-8205	<b>(Inpatient)</b>
Butler Regional Recovery Program/Butler Memorial Hospital .....	724-284-4357	
One Hospital Way, Butler, PA 16001		
VA Butler Healthcare System/Addiction Treatment Program .....	724-477-5033	
325 New Castle Road, Butler, PA 16001		
Gateway Rehabilitation Center (North Hills) .....	724-776-4844	
1659 Route 228 5-6, Cranberry Township, PA 16066	800-472-1177	
Discovery House .....	724-779-2010	
301 Smith Drive, Cranberry Township, PA 16066		

## Appendix E

# Alcohol and Other Drug Violations and Penalties (State and Local)

The following is a listing of the most common alcohol and other drug violations, and their penalties, committed under federal and state law. For a more complete description of the offenses, consult the appropriate federal and state criminal and vehicle codes.

### **Alcohol Offenses**

#### **Misrepresentation of age to secure liquor or malt or brewed beverages.**

Penalty: first offense—summary violation, up to \$500 fine and 30 days in jail; second offense—misdemeanor, up to \$4,500 fine and jail. Operator's license will be suspended.\*

#### **Purchase, consumption, possession, or transportation of liquor or malt or brewed beverages.**

Penalty: first offense—up to \$500 fine and 30 days in jail; second offense—up to \$1,000 fine and jail. Operator's license will be suspended.\*

#### **Representing that minor is of age.**

Penalty: misdemeanor, fine of not less than \$500.

#### **Inducement of minors to buy liquor or malt or brewed beverages.**

Penalty: misdemeanor, fine of not less than \$500.

#### **Selling or furnishing liquor or malt or brewed beverages to minors.**

Penalty: misdemeanor, fine of not less than \$1,000 for the first violation and \$2,500 for each subsequent violation.

#### **Manufacture or sale of false identification card.**

Penalty: misdemeanor, fine of not less than \$1,000 for first violation and not less than \$2,500 for each subsequent violation.

#### **Carrying a false identification card.**

Penalty: summary offenses first violation, fine up to \$500 and up to 30 days in jail; misdemeanor for subsequent violations, fine up to \$1,000 and jail. Operator's license will be suspended.\*

#### **Restrictions on alcoholic beverages.**

The driver of any vehicle may not consume any alcoholic beverage or illegal drug.

Penalty: summary, fine up to \$500 and up to 30 days in jail.

#### **Driving under influence of alcohol or controlled substance.**

Penalty: misdemeanor, fine of not less than \$500, jail for not less than 48 hours; not less than 30 days in jail for second violation; not less than 90 days in jail for third violation; not less than one year for fourth offense .

#### **Homicide by vehicle while driving under influence.**

Penalty: Felony, not less than three years imprisonment, fine, revocation of operating privileges.

## **Other Liquor Law Violations**

Other violations include bringing alcoholic beverages into the state without paying Pennsylvania taxes and selling or offering for sale alcoholic beverages without a liquor license. Violations of these laws can result in fines, imprisonment, and confiscation of vehicles.

### **Under legislation enacted by the Pennsylvania General Assembly, the following is now law:**

Any individual under 21 years of age convicted of attempting to purchase, purchasing, consuming, possessing, or transporting alcoholic beverages, or possessing an identification card falsely identifying the individual as 21 years of age, shall be subject to a fine up to \$500, plus court costs, and 90 days suspension of driver's license. Subsequent violations may result in fines of \$1,000 and suspension of driver's license for two years.

\*Operator's License Suspensions:

First offense—90 days  
Second offense—1 year

Third offense—2 years  
Subsequent offenses—2 years

## Appendix F

### Illicit Drugs Uses, Effects and Penalties

#### **Clarion University is Committed to a Drug-free Learning Environment**

In an effort to advance the vision of Clarion University as a high-achieving, nationally recognized, comprehensive university that delivers a personal and challenging academic experience, the university regularly collaborates with area policing agencies including the Clarion Narcotics Enforcement Team. In working with the Clarion Narcotics Enforcement Team, we are working to reduce the sale and consumption of illegal drugs on the Clarion Campus by our students. Our collaboration takes many forms annually including, but not limited to, aggressive measures designed to detect and respond to drug activity such as covert investigative techniques which could include undercover police officers posing as student on campus. Other forms of collaboration are intended to reach students through prevention efforts. Prevention efforts include resident hall programming, wellness presentations, alcohol and drug education, counseling services, and through education offered during orientation prior to students attending Clarion University. Our commitment is to reasonably create a productive and civil learning environment.

A conviction of Trafficking in a school zone results in a mandatory 2 year state prison sentence per sale. This is a minimum sentence.

**DRUGS OF ABUSE/Uses and Effects**  
**U.S. Department of Justice, Drug Enforcement Administration**

Drugs/ CSA Schedules	Trade and Other Names	Medical Uses	Physical Dependen ce	Psychological Dependence	Tolerance	Duration (Hours)	Usual Method	Possible Effects	Effects of Overdose	Withdrawal Syndrome
<b>NARCOTICS</b>										
Heroin Substance I	Diamorphine, Horse, Smack Black tar, <i>Chiva, Negra</i> (black tar)	None in U.S., Analgesic, Antitussive	High	High	Yes	3-4	Injected, snorted, smoked	Euphoria, drowsiness, respiratory depress, constricted pupils, nausea	Slow and shallow breathing, clammy skin, convulsions, coma, possible death	Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating
Morphine Substance II	MS-Contin, Roxanol, Oramorph SR, MSIR	Analgesic	High	High	Yes	3-12	Oral, injected			
Hydrocodone Substance II, Product III, V	Hydrocodone w/Acetaminophen, Vicodin, Vicoprofen, Tussionex, Lortab	Analgesic, Antitussive	High	High	Yes	3-6	Oral			
Hydro-morphine Substance II	Dilaudid	Analgesic	High	High	Yes	3-4	Oral, injected			
Oxycodone Substance II	Roxicet, Oxycodone w/Acetaminophen, OxyContin, Endocet, Percocet, Percodan	Analgesic	High	High	Yes	3-12	Oral			
Codeine Substance II, Products III, V	Acetaminophen, Guaifenesin or Promethazine w/Codeine, Fiorinal, Fioricet or Tylenol w/Codeine	Analgesic, Antitussive	Moderate	Moderate	Yes	3-4	Oral, injected			
Other Narcotics Substance II, III, IV	Fentanyl, Demerol, Methadone, Darvon, Stadol, Talwin, Paregoric, Buprenex	Analgesic, Antidiarrheal, Antitussive	High-Low	High-Low	Yes	Variable	Oral, injected, snorted, smoked			
<b>DEPRESSANTS</b>										
<i>gamma</i> Hydroxybutyric Acid Substance I, Product III	GHB, Liquid Ecstasy, Liquid X, Sodium Oxybate, Xyrem®	None in U.S., Anesthetic	Moderate	Moderate	Yes	3-6	Oral	Slurred speech, disorientation, drunken behavior without odor of alcohol, impaired memory of events, interacts with alcohol	Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
Benzodiazepines Substance IV	Valium, Xanax, Halcion, Ativan, Restoril, Rohypnol (Roofies, R-2), Klonopin	Antianxiety, Sedative, Anti- convulsant, Hypnotic, Muscle Relaxant	Moderate	Moderate	Yes	1-8	Oral, injected			
Other Depressants Substance I, II, III, IV	Ambien, Sonata, Meprobamate, Chloral Hydrate, Barbiturates, Methaqualone (Quaalude)	Antianxiety, Sedative, Hypnotic	Moderate	Moderate	Yes	2-6	Oral			

**DRUGS OF ABUSE/Uses and Effects**  
**U.S. Department of Justice, Drug Enforcement Administration**

Drugs/ CSA Schedules	Trade and Other Names	Medical Uses	Physical Dependence	Psychological Dependence	Tolerance	Duration (Hours)	Usual Method	Possible Effects	Effects of Overdose	Withdrawal Syndrome
<b>STIMULANTS</b>										
Cocaine Substance II	Coke, Flake, Snow, Crack, Coca, Blanca, Perico, Nieve, Soda	Local Anesthetic	Possible	High	Yes	1-2	Snorted, smoked, injected	Increased alertness, excitation, euphoria, increased pulse rate & blood pressure, insomnia, loss of appetite	Agitation, increased body temperature, hallucinations, convulsions, possible death	Apathy, long periods of sleep, irritability, depression, disorientation
Amphetamine/ Meth- amphetamine Substance II	Crank, Ice, Cristal, Krystal Meth, Speed, Adderall, Dexedrine, Desoxyn	Attention deficit/hyperactivity disorder, narcolepsy, weight control	Possible	High	Yes	2-4	Oral, injected, smoked			
Methylphenidate Substance II	Ritalin (Illy's), Concerta, Focalin, Metadate	Attention deficit/hyperactivity disorder	Possible	High	Yes	2-4	Oral, injected, snorted, smoked			
Other Stimulants Substance III, IV	Adipex P, Ionamin, Prelu- 2, Didrex, Provigil	Vaso-constriction	Possible	Moderate	Yes	2-4	Oral			
<b>HALLUCINOGENS</b>										
MDMA AND Analog Substance I	(Ecstasy, XTC, Adam), MDA (Love Drug), MDEA (Eve), MBDB	None	None	Moderate	Yes	4-6	Oral, snorted, smoked	Heightened senses, teeth grinding and dehydration	Increased body temperature, electrolyte imbalance, cardiac arrest	Muscle aches, drowsiness, depression, acne
LSD Substance I	Acid, Microdot, Sunshine, Boomers	None	None	Unknown	Yes	8-12	Oral			
Phencyclidine and Analogs Substance I, II, III	PCP, Angel Dust, Hog, Loveboat, Ketamine (Special K) PCE, PCPy, TCP	Anesthetic (Ketamine)	Possible	High	Yes	1-12	Smoked, oral, injected, snorted			
Other Hallucinogens Substance I	Psilocybe muchrooms, Mescaline, Peyote Cactus, Ayahausca, DMT, Dextro- methorphan* (DXM)	None	None	None	Possible	4-8	Oral			

DRUGS OF ABUSE/Uses and Effects										
U.S. Department of Justice, Drug Enforcement Administration										
Drugs/ CSA Schedules	Trade and Other Names	Medical Uses	Physical Dependence	Psychological Dependence	Tolerance	Duration (Hours)	Usual Method	Possible Effects	Effects of Overdose	Withdrawal Syndrome
<b>CANNABIS</b>										
Marijuana Substance I	Pot, Grass, Sinsemilla, Blunts, <i>Mota</i> , <i>Yerba</i> , <i>Grifa</i>	None	Unknown	Moderate	Yes	2-4	Smoked, oral	Euphoria, relaxed inhibitions, increased appetite, disorientation	Fatigue, paranoia, possible psychosis	Occasional reports of insomnia, hyperactivity, decreased appetite
Tetrohydro- cannabinol Substance I, Product III	THC, Marinol	Antinauseant Appetite stimulant	Yes	Moderate	Yes	2-4	Smoked, oral			
Hashish and Hashish Oil Substance I	Hash, Hash oil	None	Unknown	Moderate	Yes	2-4	Smoked, oral			
<b>ANABOLIC STEROIDS</b>										
Testosterone Substance III	Depo Testosterone, Sustanon, Sten, Cypt	Hypogonadism	Unknown	Unknown	Unknown	14-18 days	Injected	Virilization, edema, testicular atrophy, gyneco- mastia, acne, aggressive behavior	Unknown	Possible depression
Other Anabolic Steroids Substance III	Parabolan, Winstrol, Equipose, Anadrol, Dianabol, Primabolin- Depo, D-Ball	Anemia, Breast cancer	Unknown	Yes	Unknown	Variable	Oral, injected			
<b>INHALANTS</b>										
Amyl and Butyl Nitrite	Pearls, Poppers, Rush, Locker Room	Angina (Amyl)	Unknown	Unknown	No	1	Inhaled	Flushing, hypotension, headache	Methemo- globinemia	Agitation
Nitrous Oxide	Laughing gas, balloons, Whippets	Anesthetic	Unknown	Low	No	0.5	Inhaled	Impaired memory, slurred speech, drunken behavior, slow onset vitamin deficiency, organ damage		
Other Inhalants	Adhesives, spray paint, hair spray, dry cleaning fluid, spot remover, lighter fluid	None	Unknown	High	No	0.5-2	Inhaled			
ALCOHOL	Beer, wine, liquor	None	High	High	Yes	1-3	Oral			

### Alcohol Effects

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and deaths; if combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.



## Federal Trafficking Penalties

The Controlled Substance Act provides for unlawful manufacturing, distribution, and dispensing of controlled substances. The penalties are basically determined by the schedule of the drug or other substance, and sometimes are specified by drug name, as in the case of marijuana. As the statute has been amended since its initial passage in 1970, the penalties have been altered by Congress. The following charts are an overview of the penalties for trafficking or unlawful distribution of controlled substances. This is not inclusive of the penalties provided under the CSA.

<b>Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)</b>				
<b>Schedule</b>	<b>Substance/Quantity</b>	<b>Penalty</b>	<b>Substance/Quantity</b>	<b>Penalty</b>
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million of an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture	PCP 100 grams or more pure or 1 kilogram or more mixture		
<b>Substance/Quantity</b>		<b>Penalty</b>		
Any Amount of Other Schedule I & II Substances		<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid				
Flunitrazepam (Schedule IV) 1 Gram				
Any Amount of Other Schedule III Drugs		<b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
Any Amount of All other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
Any Amount of All Schedule V Drugs		<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

<b>Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances</b>	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	<b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual. <b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants.	<b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual. <b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual.
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants.	<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual. <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Hashish More than 10 kilograms	
Hashish Oil More than 1 kilogram	
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)  1 to 49 marijuana plants	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual. <b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish 10 kilograms or less	
Hashish Oil 1 kilogram or less	

## Synthetic Marijuana and Bath Salts

Effective June 23, 2011, Pennsylvania Law prohibits bath salts and synthetic marijuana and salvia divinorum. Bath salts and synthetic marijuana have been designated as schedule I controlled substances due to their high rate of addiction under the Controlled Substances Act by the Drug Enforcement Administration (DEA). Schedule I status is reserved for those substances with a high potential for abuse, no currently accepted use for treatment in the United States and a lack of accepted safety for use of the drug under medical supervision.

## Tobacco on Campus

Smoking on all university-owned property is permitted, however, smoking in buildings and at entry ways is prohibited. Clarion University, in compliance with Senate Bill no. 2046 (The Pennsylvania Clean Indoor Air Act), maintains smoke-free public buildings. No faculty, staff, students, or guests may smoke indoors. Further restrictions at university-sponsored athletic events may also apply in compliance with NCAA policies governing tobacco-free venues. Violations of Senate Bill no. 2046 will be reported to the Office of Human Resources for faculty and staff and to the Office of Judicial and Mediation Services for student offenders. Student violations may result in a formal conduct hearing and sanctions may be issued.

Electronic cigarettes and other electronic nicotine delivery devices are prohibited for use in University Housing effective July 1, 2014.

**Appendix G**  
**Pennsylvania Clean Indoor Air Act Compliance**  
**And**  
**Statement on Smokeless Tobacco and Electronic Smoking Devices**

Clarion University of Pennsylvania complies with the Pennsylvania Clean Indoor Air Act. The Clean Indoor Air Act (Act 27 of 2008) prohibits smoking in a public place or a workplace. All University facilities are public and, as a result, smoking is prohibited in all University facilities.

In addition, the University treats smokeless tobacco and electronic smoking devices in the same manner in which other tobacco products are treated. As a result, smokeless tobacco and electronic smoking devices are prohibited in all University facilities.

# Appendix H

## Clarion University Assembly Policy

Revision Proposed by Student Affairs Division  
Revisions Recommended by PEC, 3/18/15

Clarion University's campus primarily exists to serve as the vehicle through which its students, faculty, and staff advance the institution's educational mission. As a public university, part of that mission includes encouraging the free exchange of viewpoints and ideas by individuals or groups regardless of their affiliation with the University. The University also has a significant interest in furthering its educational mission and protecting the educational experience of its students by ensuring the safety and security of the campus.

Clarion University acknowledges the rights of individuals, regardless of their affiliation to the University, to assemble in groups. Therefore, anyone may distribute printed material, offer petitions for signature, make speeches, and hold protests or demonstrations outside university buildings. All such activities must avoid acts or credible threats of violence and preserve the normal operation of the university.

This policy prohibits harm to others, damage to or defacement of property, blockage of access to university buildings, or the disruption of classes. The enforcement of this policy will not depend in any way on the message or sponsorship of the act or event. Should activities be deemed by the University Administration to interfere with the operation of the University, jeopardize the public safety, and/or fail to abide by the standards set forth above, the University Police may take any actions they deem appropriate, including ending the event. Failure to abide by the directives of the University Police may result in citation and/or arrest.

# Appendix I

## Clarion University Publicity Posting Policy

The university reserves the right to regulate the time, place, and manner of the posting and distribution of printed material on campus and in all university facilities. The university is not responsible for monitoring the content of publicity materials developed by individual students, Recognized Student Organizations (RSOs) or off-campus entities.

### Printed Material

Bulletin boards that can be used for public posting are identified in each facility where one is available.

1. All posted material must be placed on bulletin boards designated for that purpose. Such information may not be placed on motor vehicles, attached to windows, doors, walls or any surface not designated as a bulletin board.
2. Materials may not exceed 11" by 17".
3. The name of the individual or organization responsible must be clearly visible on any material posted.
4. Some facilities may have additional requirements for posting materials:
  1. Carlson Library –  
Materials for posting in the library, including but not limited to posters, fliers, table tents, etc. must be dropped off in the Dean's office in 123 Carlson. Please note, a plan for removal of these postings shall be required when dropping off the items.
  2. Chartwells Operated Dining Facilities –  
Individuals or groups wishing to post materials (i.e. posters, fliers, table tents, etc.) in Chartwells operated dining facilities (i.e. Carlson Café, Eagle Commons, Gemmell Snack Bar) must make arrangements with the facilities' manager.
  3. Gemmell Student Complex –  
Materials for posting in the student center must be dropped off at the second-floor Gemmell Information Desk (251 Gemmell).
  4. Residence Halls –  
Materials for posting within the residence halls on campus must be dropped off at the Center for Residence Life (218 Becht Hall). A maximum of 68 copies can be posted.
  5. Student Recreation Center –  
Materials for posting on Rec Center bulletin boards must be dropped off at the Rec Center front desk.
5. All other postings must be placed on bulletin boards for general use, unless the organization has its own designated bulletin board.

### Chalking

Chalking is permitted on campus as a means of advertising events. Chalking is permitted only on outside, horizontal, exposed surfaces where rain can wash the chalk away. Chalking is not permitted on vertical surfaces, buildings, under overhangs, or on steps, posts, trees, tables or similar objects. Violations of this policy may result in university judicial action and/or criminal prosecution.

# Appendix J

## Late Night Event Policy

**Gemmell Student Complex**  
**Revised October 9, 2008**

1. The space request must be submitted no later than two weeks prior to the event due to extensive scheduling and set up requirements for this type of event. Failure to do this will result in the event not being approved or confirmed by the Events & Scheduling office.
2. The advisor to the group will be contacted by the Events & Scheduling office by email and/or phone to confirm their presence and/or the presence of another designated advisor at the event. The Events & Scheduling office WILL NOT confirm or approve the space request without this approval/response from the group's advisor. The advisor must be present during the entire event.
3. Late Night events may be held every other weekend with no two occurrences on consecutive weekends.
4. Public Safety Officers must be present at every late night event. The director of Public Safety will determine the number of officers needed to staff an event.
5. Metal Detectors will be in use for every event.
6. Camcorders may be used at events to record persons entering the event as well as to record any altercations that occur. Tapes may be used as evidence in both campus judicial as well as criminal proceedings.
7. The sponsoring organization will provide on the space request, a list of individuals who will serve as "inside the event" security monitors.
8. The sponsoring organization should provide a list of any person who is not to be allowed into the event to Public Safety on the night of the event.
9. Events will start at 10 p.m. and end no later than 2 a.m. The last song of the night will be announced at 1:45 a.m.
10. The event will close off admission at 12 a.m. After 12 a.m., there will be no re-admittance to the event if a student leaves the building.
11. All participants attending the event will be required to show an ID before entering.
  - a. Clarion students must show a Clarion Student Identification Card to be admitted. A copy of the ID will be taken.
  - b. A non-Clarion University student who attends an institution of higher education, must present an ID from the College they attend. A copy of the ID will be taken.
  - c. All non college students, must present a driver's license or other official ID and must be accompanied by a Clarion University student. The student will present his/her ID, along with the drivers' license of those with the student. A photocopy of all ID's will be taken. The student is responsible for the behavior of their guests. Any violations of the student code of conduct by guests will be adjudicated against the Clarion University student.
12. A series of checkpoints will be developed leading from the west upper doors of the Gemmell Student Complex into the hall way. At the west doors, an ID must be shown. No ID, no admittance. The student or guest will then proceed to the metal detectors. Once through the metal detectors the student or guests will proceed to the ID copy, sign-in and pay station. Once the copies are made, the student and/or guest will write their name, and license number and address if they are a non-Clarion student on a sheet, pay the fee and then be allowed admittance into the party.

13. All Late Night events will use the entire Multi-Purpose Room. The divider wall will not be in use to close off any portion of the room. Inside security monitors will be posted at a minimum at the southeast door, and at the two other entrances into the multi-purpose room.
14. Public Safety will ordinarily provide security at no cost. Should there be a "serious altercation" during the event or if there is "significant damage" to the facility during the event, the group sponsoring the event will have to pay for Public Safety officers at each of their three next events. Public Safety will determine what is a "serious altercation," or what constitutes "significant damage."
  - a. The first event following an altercation, the sponsoring organization will pay 100 percent of the public safety cost at \$25 per hour per officer.
  - b. The second event following an altercation, the sponsoring organization will pay 50 percent of the public safety cost at \$25 per hour per officer.
  - c. The third event following an altercation, the sponsoring organization will pay 25 percent of the public safety cost at \$25 per hour per officer.
  - d. The fourth event, the sponsoring organization will not have to pay for public safety officers.

## Appendix K

# Behavioral Assessment and Referral Team (BART)

Campus threat emergencies may be avoided with effective prevention and threat assessment tools. The Behavioral Assessment and Referral Team (BART) serves to collect information regarding threatening behavior among the campus community. BART assesses that information received and responds to the incident as appropriate.

No tool or tactic will work effectively alone. But, together, the team can offer a measure of confidence that threats that may come to our campus are being dealt with in a timely and effective manner.

### **The Purpose of BART is:**

- To assess behaviors of concern of students, faculty, staff, and university-affiliated individuals to determine the level of threatening or violent behavior.
- To identify, refer, and/or assist any of these individuals who may be at significant risk to self or others.
- To educate the campus community in the identification and referral of these individuals for appropriate services.

Clarion University of Pennsylvania is committed to using its best efforts to provide faculty, staff, and students with an environment that is safe, secure, and free from threats, intimidation, and violence. Threats are unacceptable regardless of whether the person communicating the threat has the ability to carry them out, whether the threat is made on a present, conditional, or future basis, or whether the threat is made in person, through another person, over the phone, by mail, or electronically.

### **What to Look for**

Threatening behavior Includes, but is not limited to:

- Threats to self and/or others.
- Physical actions short of actual contact/injury (i.e., moving closer aggressively, waving arms or fists, yelling in an aggressive or threatening manner),
- General oral or written threats to people or property (i.e., “You better watch your back” or “I’ll get you”), I Non-specific oral or written threats to people or property. (“I want to kill someone, I’m going to find a gun and start shooting, ...you’ll be sorry!”),
- Harassment of a person that places the person in reasonable fear for his or her safety,
- Stalking behavior,
- Fighting words, or
- Implicit threats (i.e., “You’ll be sorry” or “This isn’t over yet”).

Violent Behavior Includes, but is not limited to:

- Any physical assault, with or without weapons,
- Behavior that a reasonable person would interpret as being potentially violent (i.e., throwing things, destroying property),
- Specific threats to inflict harm (i.e., a threat to shoot a named individual), or
- Use of any object to attack or intimidate another person.



## **Procedures for Making Referrals to BART:**

All faculty, staff, and students are encouraged to be alert to the possibility of violence. Any report of violence or threatening behavior will be handled in a confidential manner, with information released only on a need-to-know basis. Those who act in good faith by reporting real or implied violent or threatening behavior will not be retaliated against or subjected to harassment. Deliberately false or misleading reports of violent or threatening behavior under this policy will be handled as incidents of unacceptable personal conduct and those making such false or misleading reports will be subject to disciplinary action.

### **Imminent Threat:**

For crimes in progress, violent incidents, or specific threats of imminent violence, Clarion University Public Safety must be notified immediately at 814-393-2111. Examples of imminent threat include, but are not limited to, observing a person with a weapon or observing violent behavior.

### **Disturbing or Threatening Behavior:**

When disturbing or threatening behavior that does not pose an imminent threat is observed, a report should be sent to the BART committee or any member should be notified as soon as possible.

E-mail referrals should be sent to [bart@clarion.edu](mailto:bart@clarion.edu). Calls can be placed to 814-393-2121.

## Appendix L

# Policy on Skateboards, Longboards, Roller Skates, Foot Scooters, Rollerblades, Other Coasting Devices, Self-Balancing Scooters, & Segways

Skateboards, longboards, roller skates, foot scooters, rollerblades, and other coasting devices are prohibited on roadways dedicated solely to vehicular traffic and in parking lots within 25 feet of parked cars. Coasting devices are approved for use as transportation on university property, but cannot be used in any manner that places pedestrians at risk. Use of coasting devices for acrobatics, racing or other stunts is strictly prohibited. Persons may coast or ride upon any sidewalk or approved surface used for pedestrian purposes, provided they yield the right-of-way to pedestrians on foot.

Clarion University prohibits the use of coasting devices within any building on campus or on any surface features such as, but not limited to, handicapped ramps, benches, hand rails, walls, steps, or other architectural features that might reasonably be expected to become damaged due to such use. Persons using rollerblades or roller skates should remove them prior to entering all university owned or university affiliated buildings.

The use of coasting devices in a reckless or dangerous manner, or for reasons other than for transportation only, is prohibited. Individuals violating this policy will be subject to the student conduct system as defined in the Student Rights, Regulations, and Procedures Handbook.

The use of self-balancing scooters and like devices on university property or affiliated properties is prohibited due to the inherent risk of fire or explosions associated with the lithium ion battery. This includes storage both in buildings including University Housing or in automobiles parked on campus. Specific use of Segways are permitted outdoors however use indoors is prohibited. Use of a Segway should follow procedures for use of coasting devices.

### **Key definitions or phrases:**

1. Skateboard:  
a board mounted on skate-type wheels.
2. Longboard:  
a board mounted on skate-type wheels with a longer length than a skateboard and is typically used only for transportation.
3. Roller skate:  
a shoe, or attachment for a shoe, with a set of wheels connected for skating.
4. Rollerblade:  
a type of roller skate with in-line wheels.
5. Foot Scooter:  
a narrow platform mounted on in-line or skate-type wheels with a handle to allow steering by turning the front wheels.
6. Coasting device:  
any device such as a skateboard, longboard, roller skates, rollerblades, foot scooter, etc. which allows a rider to be transported by coasting either forward or backwards. Coasting devices are not classified as vehicles and are prohibited on all roadways. Coasting devices are also prohibited in parking lots owned by the university or university-affiliated entity.
7. Self-Balancing Scooters:  
a two wheeled battery propelled personal vehicle consisting of a skateboard like platform for the feet and wheels.
8. Segway:  
a two wheeled motorized personal vehicle consisting of a platform for the feet mounted above an axle and an upright post topped with handles.

9. Recreational use of a coasting device:  
the use of a coasting device to do tricks, leave the ground, jump on or off objects, grind on, or slide down objects, etc.

## Appendix M

# Clarion University Policy on Use/Painting of the Apple

The Apple is intended for use/painting by Clarion University Students, Registered Student Organizations and Registered University Organizations to promote their organizations and activities.

### **Painting of the Apple**

1. Content is not restricted unless messages posted contain obscene, libelous material, hate speech or information is in direct violation of federal, state, or local law.
2. While it is understood that some paint may be spilled on the concrete sidewalk around the Apple, due to safety concerns, painting the concrete sidewalk itself is prohibited. The sidewalk around the Apple, like all sidewalks on campus, falls under the university's posting policy and maybe chalked, but not painted.
3. Climbing on or attempting to sit on the Apple is strictly prohibited.

# Appendix N

## Weapons, Firearms and Dangerous Devices Policy

### **Procedure No. 70.300**

### **WEAPONS, FIREARMS AND DANGEROUS DEVICES POLICY**

Date Issued: 07/09/01

Date Effective: 03/19/01

Issued By: Public Safety

#### **Purpose:**

To define university policy regarding the possession of weapons, firearms and dangerous devices on campus.

#### **Policy:**

Clarion University of Pennsylvania is an institution of Higher Education. As an academic environment there is no legitimate purpose to possess or control weapons, firearms or dangerous devices on University property. Weapons, firearms and dangerous devices are instruments capable of causing harm and injury to the campus population.

Accordingly, it shall be prohibited for anyone to possess or control weapons, firearms or dangerous devices at Clarion University of Pennsylvania, except as provided for in the following paragraph. Prohibition of such devices and instruments on University property is an attempt to reduce the possibility of injury to the campus population.

Exceptions to this policy include the following:

- Small canisters of pepper spray such as those sometimes carried on key chains for personal protection.
- Pocketknives and other similar devices
- Tools carried by maintenance employees in furtherance of their assigned job responsibilities.
- Weapons carried by Law Enforcement officers in the performance of their duties.

Other exceptions to this policy may be granted in appropriate circumstances by the Director of Public Safety.

A facility to temporarily store weapons is located at the University Police Building. Failure to comply with the Weapons, Firearms and Dangerous Devices Policy, will result in campus administrative or judicial actions by the Department of Public Safety.

This policy complies with Clarion University of Pennsylvania President's authority under Act 188 to adopt policies governing the use of institutional facilities and property, and to do and perform those things necessary and required for the orderly operation of the institution.

## Appendix O Protection of Minors Policies

Clarion University Protection and Supervision of Minors

<http://www.clarion.edu/pom>

PASSHE Policy 2014-01: Protection of Minors

[http://www.passhe.edu/inside/policies/BOG\\_Policies/Policy%202014-01-A.pdf](http://www.passhe.edu/inside/policies/BOG_Policies/Policy%202014-01-A.pdf)

Stop it Now

<http://www.stopitnow.org/>

# Appendix P

## Clarion University of Pennsylvania

### Policy on Missing Students

#### PURPOSE:

In accordance with the Higher Education Opportunity Act of 2008, this policy will establish a protocol for the Clarion University community regarding the reporting, investigation, and notification when a student residing in University housing is believed missing.

#### SCOPE:

The application of this policy is directed primarily to students living in University housing defined as traditional residence halls, suite style residence halls, and Reinhard Villages. All members of the University community share responsibility for reporting to designated university officials when they believe that a student is missing.

#### OBJECTIVE:

To clearly define a protocol for reporting missing residential students.

#### DEFINITIONS:

- Residential Student: A student who resides in University housing, has signed a housing contract, and is currently enrolled at Clarion University.
- Missing - A residential student is presumed missing if a university official is notified that he or she has been unreachable by personal contact, telephone, e-mail, or other form of communication for 24 hour or more.
- Concerned party: A concerned party is defined as all Clarion University faculty, staff members, clerical personnel, administrators, and students. Friends of a student or family member who has regular contact with our missing student may also report a student missing as a concerned party.

#### POLICY:

As required by the Higher Education Opportunity Act, and consistent with Clarion University's commitment to student safety, this policy establishes notification procedures in the event that a residential student is defined as missing.

#### Specific requirements are outlined as follows:

- Residential students will be informed at the beginning of each academic semester via e-mail that she or he has the option to register a confidential contact person to be notified in the case that the student is determined to be missing. This person will be contacted by Student Affairs/Clarion University Police no later than 24 hours after the time student is determined to be missing. Residential students are responsible for ensuring that the contact information is kept current and accurate.
- Residential students under the age of 18 and not emancipated will be informed that Student Affairs/Clarion University Police is required to also notify a custodial parent or guardian within 24 hours after the time student is determined to be missing.
- Only designated University Officials appointed by the Vice President for Student Affairs and law enforcement officers in furtherance of a missing person investigation may have access to the confidential contact person's information.
- Clarion University Police will notify the appropriate law enforcement agencies within 24 hours upon determination that a student is missing, even if the student did not register a contact person.
- If circumstances warrant, these policy and procedures may be implemented in less than 24 hours.

#### RESPONSIBILITIES:

Clarion University Police will be responsibility for the following:

- Providing notification of this policy in their annual campus report(s).
- Serving as the site for residential students who wish to register a confidential contact person.
- Maintaining the registry of the confidential contact people.
- Initiating the emergency contact procedures, which include notifying the designated confidential contact persons, custodial parents, legal guardians, university officials, and other law enforcement agencies as appropriate.
- Coordinating any campus-based investigation and coordinate a search into a missing residential student, the search may include the assistance of Student Affairs personnel.

Clarion University Community Members are responsible for the following:

- Reporting any missing residential student to the Clarion University Police or Residence Life Services/Reinhard Villages staff.
- Residence Life Services or Reinhard Villages staff members are required to notify Clarion University Police if they are informed that a student is missing.

PROCEDURES:

Clarion University Police in cooperation with Student Affairs staff members will implement the following investigative procedures when a missing student report is received from a concerned party.

- Attempt to call the alleged missing person using the phone numbers supplied to the University.
- Talk with Residence Life Services or Reinhard Villages staff members to determine if the person has been seen.
- Have Residence Life Services or Reinhard Villages staff members check the assigned room and also have them talk with neighbors, friends, and roommates. Staff members should be Professional staff members or higher.
- Check the card access system log to determine when the person last entered their housing facility as well as check to see when their meal plan was last used, if purchases were made at a vending machine, or if their card was used at a copy machine on campus.
- Contact Computing Services staff to check the person's email account to determine the last time it was used.
- Contact the person's faculty members to determine class attendance.
- Consult with the Counseling Services staff and Health Services staff.
- If necessary, have the Residence Life Service or Reinhard Villages staff key into the room for health and safety purposes (Professional staff members).
- If the missing student is determined to be under the age 18, Student and University Affairs/Clarion University Police will contact the student's parent(s) or legal guardian within 24 hours in addition to any additional missing persons contact listed with the institution.
- If the missing student registered a confidential contact person that person will be contacted by Student Affairs/Clarion University Police within 24 hours.



**It is the policy of Clarion University of Pennsylvania that there shall be equal opportunity in all of its educational programs, services, and benefits, and there shall be no discrimination with regard to a student's or prospective student's gender, gender identity, race or color, ethnicity, national origin or ancestry, age, mental or physical disability, religion or creed, genetic information, affectional or sexual orientation, veteran status, or other classifications that are protected under Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and other pertinent state and federal laws and regulations. Direct inquiries to the Title IX Coordinator, Clarion University of Pennsylvania, 103 Carrier Administration Building, [sfenske@clarion.edu](mailto:sfenske@clarion.edu) or phone 814-393-2351, or the Director of Social Equity, 210 Carrier Administration Building 16214-1232; Email [asalsgiver@clarion.edu](mailto:asalsgiver@clarion.edu) or phone 814-393-2109. Inquiries may also be directed to the Director of the Office for Civil Rights, Department of Education, 330 Independence Avenue, SW, Washington, DC 20201.**