



# 2017 Annual Security & Fire Safety Report

*Statistics for 2014, 2015 & 2016*

Wharton | *San Francisco*

## University of Pennsylvania Nondiscrimination Statement

---

*The University of Pennsylvania values diversity and seeks talented students, faculty and staff from diverse backgrounds. The University of Pennsylvania does not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, creed, national or ethnic origin, citizenship status, age, disability, veteran status or any other legally protected class status in the administration of its admissions, financial aid, educational or athletic programs, or other University-administered programs or in its employment practices. Questions or complaints regarding this policy should be directed to the Executive Director of the Office of Affirmative Action and Equal Opportunity Programs, Sansom Place East, 3600 Chestnut Street, Suite 228, Philadelphia, PA 19104-6106; or (215) 898-6993 (Voice) or (215) 746-7088 (FAX).*

*Front Cover:*

*2017 Annual Security and Fire Safety Report for Wharton | San Francisco Published: **September 2017**, for Calendar years 2014, 2015, 2016*

All Emergencies contact the San Francisco Police Department by dialing 9-1-1

---

## Table of Contents

---

|    |   |
|----|---|
| 4  | Important Phone Numbers   |
| 5  | Preparation of the Annual Security Report and Disclosure of Crime Statistics  |
| 5  | Campus Safety & Security: “A Shared Responsibility”   |
| 5  | <i>Wharton   San Francisco Campus/Building Access and Security Procedures</i>   |
| 6  | Reporting Crime, Fire, Hazardous Condition or Suspicious Behavior   |
| 6  | Memorandum of Understanding with Local Law Enforcement  |
| 6  | Campus Security Authority (CSA)   |
| 7  | <i>Confidential Crime Reporting</i>   |
| 7  | Timely Warnings   |
| 7  | Emergency Preparedness  |
| 7  | Emergency Notification System   |
| 8  | University Policy on Rape and Sexual Violence, Relationship Violence and Stalking   |
| 8  | Defining Sexual Assault/Rape, Domestic Violence, Dating Violence, and Stalking  |
| 8  | Policy Against Retaliation  |
| 8  | Support Services  |
| 9  | Additional options that provide reporting, counseling and support services  |
| 9  | Additional options that provide reporting, counseling and support services in San Francisco   |
| 11 | Reporting Options   |
| 11 | Procedures for Investigating Reports of Alleged Sexual Assaults, Relationship Violence, and Stalking Against Students   |
| 11 | Student Disciplinary Procedures for Resolving Complaints of Alleged Sexual Assault, Sexual Violence, Relationship Violence and Stalking   |
| 18 | Procedures for Investigating Alleged Sexual Assault, Sexual Violence, Relationship Violence and Stalking Against Staff Members  |
| 18 | Procedures for Resolving Complaints Against Faculty of Sexual Assault, Sexual Violence, Relationship Violence and Stalking  |
| 27 | Prevention and Education  |
| 27 | Programs for Faculty and Staff  |
| 27 | Programs for Students   |
| 28 | Campus Sex Crime Prevention: California Sex Offenders Information (Megan’s Law)   |
| 28 | Weapons Policy  |
| 29 | Alcohol and Drugs Policy  |
| 30 | Disciplinary Policies   |
| 30 | Missing Persons   |
| 31 | Student Residence   |
| 31 | Crime Prevention Education and Awareness  |
| 32 | The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act) Classifications   |
| 32 | Definitions of Crimes Reportable Under The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as Amended by the Higher Education Opportunity Act & the Violence Against Women Act |
| 35 | Campus Crime Statistics for University of Pennsylvania, Wharton   <i>San Francisco</i>  |
| 37 | Daily Crime Log   |
| 37 | Fire Safety   |
| 37 | Fire Protection Equipment/System  |

## **Important Phone Numbers**

### **Wharton | San Francisco**

|   |              |
|---|--------------|
| General Information Wharton   San Francisco   | 415-777-1000 |
| San Francisco Police Department               | 9-1-1        |
| San Francisco Police Dept. Non-Emergency Line | 415-553-0123 |
| San Francisco Police Station- South           | 415-553-0123 |
| San Francisco Fire Department                 | 9-1-1        |
| Executive Director, Wharton   San Francisco   | 415-267-6356 |
| Hills Plaza Security (24 hours)               | 415-777-3345 |

### **Other University of Pennsylvania Departments at Main Campus**

#### **University of Pennsylvania Division of Public Safety**

|   |                                       |
|---|---------------------------------------|
| General Information                                       | 215-898-7297                          |
| Office of the Vice President and Superintendent of Police | 215-898-7515                          |
| Special Services  | 215-898-4481 215-898-6600 (off-hours) |
| Fire & Emergency Services                                 | 215-573-7857                          |
| Security Technology                                       | 215-898-4484                          |
| PennComm & Emergency Communications                       | 215-573-6687                          |
| Finance & Administration                                  | 215-898-6696                          |
| Security Services   | 215-573-0644                          |
| Penn Police Detective Unit                                | 215-898-4485                          |
| Penn Police Records Department                            | 215-898-4482                          |

#### **Other University of Pennsylvania Departments**

|  |  |
|--|--|
| Counseling & Psychological Services (CAPS) Office  | 215-898-7021<br>215-349-5490 (off-hours) |
| Employee Assistance Program (EAP)                  | 888-321-4433                             |
| Human Resources                                    | 215-898-7281                             |
| Office of Alcohol & Other Drug Program Initiatives | 215-573-3525                             |
| Office of the Chaplain                             | 215-898-8456                             |
| Office of Sexual Violence Prevention & Education   | 215-898-6081                             |
| Office of Student Affairs                          | 215-898-6533                             |
| Office of Student Conduct                          | 215-898-5651                             |
| Penn Women's Center                                | 215-898-8611                             |
| Sexual Violence Investigative Officer              | 215-898-2887                             |
| Student Health Service                             | 215-746-3535                             |
| Title IX Coordinator/Office of Affirmative Action  | 215-898-6993                             |
| Vice Provost for University Life (VPUL)            | 215-898-6081                             |
| Student Intervention Services (SIS)                | 215-898-6081                             |

#### **Hospitals**

|                                |              |
|--------------------------------|--------------|
| San Francisco General Hospital | 415-206-8000 |
|--------------------------------|--------------|

## PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS

The Wharton | *San Francisco* Security Liaison provides data for reported criminal incidents to Wharton's Executive Director and the University of Pennsylvania Police Department for the purpose of compiling crime statistics. In addition, the San Francisco Police Department provides the University of Pennsylvania Police Department data regarding criminal incidents that occur on the Wharton | *San Francisco* Campus and in the adjoining public area. The information received is the basis for the crime statistics provided in the Annual Security and Fire Safety Report. When appropriate, Wharton | *San Francisco* uses Crime Alerts to notify the campus community of crimes that pose a threat to the community, including dissemination via campus postings and e-mail distribution lists.

This report complies with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act and contains statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned, leased, or controlled by the University of Pennsylvania at Wharton | *San Francisco* in San Francisco.

This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol, and other drugs.

The staff at Wharton | *San Francisco* distributes a notice of the availability of this Annual Security and Fire Safety Report by October 1 of each year to every member of the University community. Anyone, including prospective students and employees may obtain a paper copy of this report by contacting the staff at Wharton | *San Francisco* at 415-267-6300 or can access an electronic copy of the Annual Security Report on the following url link: [www.publicsafety.upenn.edu/clery/annual-security-fire-safety-report](http://www.publicsafety.upenn.edu/clery/annual-security-fire-safety-report). There are no fire related statistics included in this report as Wharton | *San Francisco* does not have any on-campus residence halls. This url connects to the Division of Public Safety Main Campus Clery web page. Look for the PDF file titled **2017 Annual Security and Fire Safety Report for Wharton | *San Francisco***

### *2017 Annual Security and Safety Report*

---

#### ▶ **Campus Safety & Security: "A Shared Responsibility"**

Campus Safety and Security at Wharton | *San Francisco* is a shared responsibility. Clearly, the best protection against campus crime is an aware, informed, alert campus community.

The vast majority of our students, faculty, staff and visitors do not experience crime at the Wharton | *San Francisco* campus. However, despite our best efforts, crimes may occur. This information is provided because of our commitment to campus safety and security and in compliance with the federal law, The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act), and the amendments to the VAWA (Violence Against Women Act) of March 7, 2013. It is meant to be useful to you. If you have concerns, questions or comments about federal or state law requirements or Penn's compliance with these laws, please contact the Vice President for Public Safety and Superintendent of Police at (215) 898-7515. You may also contact the Executive Director at Wharton | *San Francisco*, Brandon Lodriguss at 415-267-6356.

#### ▶ **Wharton | *San Francisco* Campus/Building Access and Security Procedures**

Wharton | *San Francisco* occupies the 6<sup>th</sup> floor of the historic Hills Brothers Plaza located at 2 Harrison Street along the city's Embarcadero. The building is open to the public between 8:15 a.m. and 5:00 p.m. Monday through Friday. The building is closed to the public on weekends and holidays. A private security firm contracted by Hills Brothers Plaza building management, monitors after-hours access to the building during evening and weekend classes. In addition, the security firm patrols the building after-hours. All other after-hours access requires an access swipe card. Access swipe cards are only distributed to building tenants and a limited number of cards are made available to full-time staff and students of Wharton's MBA for Executives program and Semester in San Francisco (SSF). **There are no on campus residence halls at Wharton | *San Francisco*.**

All building emergencies, including all after-hour emergencies should be reported to the Hills Plaza Security by dialing (415) 777-3345. Fire, earthquake, and medical emergencies should always be called into the San Francisco Police Department by calling 9-1-1 first. During business hours after dialing 9-1-1 please alert the Wharton receptionist on duty in person or by calling (415) 267-6300.

► **Report a Crime, Fire, Hazardous Condition or Suspicious Behavior**

All criminal incidents, suspicious behavior, packages, signs of smoke or fires that occur at the Wharton | *San Francisco* campus should be reported to the San Francisco Police Department by dialing 9-1-1 from any phone within the Wharton | *San Francisco* complex as well as dialing 9-1-1 from a personal cell phone. All Incidents should also be reported to the San Francisco Security Liaison at (415) 267-6357 as well as any identified Campus Security Authority (CSA) for Wharton | *San Francisco* for documentation and entry into the Daily Crime Log.

All crimes and criminal incidents may be reported to any Campus Security Authority (CSA) at Wharton | *San Francisco*. Refer to section on CSA for further details.

Should you have any questions or concerns regarding criminal acts or activity, please call the San Francisco Police Department’s non-emergency Line at (415) 553-0123.

► **Memorandum of Understanding with local Law Enforcement Authorities**

The staff at Wharton | *San Francisco* works closely with the security staff at Hills Plaza and with the San Francisco Police and Fire Departments. All emergencies, crime, fires, earthquakes, and suspicious activity are immediately reported to 9-1-1. While there is no written Memorandum of Understanding, the staff at Wharton | *San Francisco* attend crime prevention and training seminars sponsored by the local police and have established strong contacts with the department who respond to all emergencies at 2 Harrison Street.

► **Campus Security Authority (CSA)**

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

- Student Discipline
- Campus Judicial Proceedings
- Faculty Advisor to a student group
- Counselor in a Campus Counseling Center or a Victim Advocate or a Sexual Assault Response Team in a campus Rape Crisis Center

The following Wharton | *San Francisco* administrators have been designated as primary CSA’s:

- Juana Droessler, Associate Director (415) 267-6312
- Amy Hazen, Associate Director (415) 267-6336
- Bernadette Birt, Executive Director, EMBA (415) 267-6357
- Brandon Lodriguss, Executive Director, Operations (415) 267-6356
- Selena Stribling, Events Administrator (415) 267-6300

Under Clery a crime is reported when a victim, witness, other third party or even the offender brings it to the attention of a CSA or local law enforcement personnel. It does not matter whether or not the individual/s involved in the crime or reporting the crime are associated with the institution. If a CSA receives the crime information and believes it was provided in good faith, he or she should document it as a crime report and provide this report to the Division of Public Safety University of Pennsylvania Police Department. In “good faith” means there is a reasonable basis for believing that the information is not simply rumor or hearsay. CSAs are not responsible for investigating crimes. Their role is to report all incidents immediately, no matter how minor an incident may seem. All investigations and crime classifications are the responsibility of sworn law enforcement personnel. Only the San Francisco Police Department can investigate crimes at Wharton | *San Francisco*. A training session for CSAs is conducted annually by the Executive Director of Wharton | *San Francisco*, Brandon Lodriguss.

There are two (2) individuals who, although they have significant responsibilities for student and campus activities, are not considered CSAs under Clery. They are pastoral counselors and professional counselors. A pastoral counselor is defined as a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor. A professional counselor is defined as a person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. This definition also applies to professional counselors who are not employees of the institution but are under contract to provide counseling at the institution.

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

### ► Confidential Crime Reporting

Except for communication made to pastoral counselors and licensed professional counselors, all University Campus Security Authorities (CSAs) have the obligation to report all offenses to the local Police through the Executive Director at Wharton | *San Francisco*. It is important for University employees to report statistical information, which may not include personal identifiers. Confidential reports that provide sufficient detailed information for classification of the offense by law enforcement officials using FBI Uniform Crime Reporting Guidelines will be included in crime statistics.

Reported crimes are investigated by the local police and all reported crimes that occur on campus or occur on public property adjacent to 2 Harrison Street or at non-campus owned facilities are maintained in a file by staff at Wharton | *San Francisco*. All reported crime is then listed in the Daily Crime Log which is maintained by the Executive Director at Wharton | *San Francisco*.

### ► Timely Warnings

When the staff at Wharton | *San Francisco* become aware of criminal incidents as reported under the Clery Act that, in the judgment of the senior leadership, constitute an ongoing or continuing threat to the campus community, Wharton | *San Francisco* may issue a Timely Warning, referred to as a “Crime Alert” to notify the community. These Crime Alerts are disseminated without delay by key staff members at Wharton | *San Francisco* via email or group text. Depending on the particular circumstances, a timely warning may be disseminated by using one or a combination of the following: e-mail distribution; various campus publications; crime alerts; and or flyers posted at various locations on campus to advise the community of the situation. Timely warnings (Crime Alerts) are considered on a case-by-case basis. Any timely warning issued shall not contain the names of any victim/s or other identifying information on a victim such as their residence.

### ► Emergency Preparedness

Emergency preparedness at the Wharton | *San Francisco* campus is managed by Wharton and Hills Brothers Plaza Building Management. The goal is to prevent, prepare for, respond to and recover from any and all emergencies that could affect the Wharton | *San Francisco* community.

At the direction of the University of Pennsylvania’s Crisis Management Plan, the Blue Book Program detailing specific Emergency Management Procedures was established and Wharton | *San Francisco* participates in this program. Blue Books are building-specific crisis management action plans (C-MAP) examining all emergency preparedness aspects of campus buildings in the pre-emergency environment. Wharton | *San Francisco* has a Blue book which details response in an all-hazards approach to emergency management and provides information for emergency responders to manage a crisis event as it unfolds. To view the Blue Book specific to Wharton | *San Francisco*, contact the Security and Building liaison through the Wharton front desk. Hills Brothers Plaza building management holds annual earthquake and fire evacuation drills in the fall in conjunction with San Francisco Fire Department (SFFD). The SFFD inspects all floors of 2 Harrison Street periodically. All drills and tests are documented by staff assigned to Wharton | *San Francisco*, noting the date of the drill, location, and time each drill was conducted. There are five fire extinguishers throughout campus and Wharton | *San Francisco* staff members are properly trained on how to use the extinguishers.

### ► Emergency Notification System

The city of San Francisco has developed an optional process to notify the public of emergency situations such as weather emergencies or serious incidents. Should the need occur to notify the City of San Francisco and the surrounding neighborhoods of an emergency at Wharton | *San Francisco* a text message is generated by the local police. Local police share information with all communities once it is confirmed that there is an imminent or dangerous threat and the notice is sent without delay. Anyone can sign up for these alerts by going to <http://alerts.sf.org/>. In the case of an emergency pertaining only to Wharton | *San Francisco*, an email alert is generated by senior leadership, who are responsible for notifying all students, faculty, and staff of such emergencies.

► **University Policy on Rape and Sexual Violence, Relationship Violence, and Stalking**

Sexual violence, relationship violence, and stalking in any form, including sexual assault and rape, is prohibited by the University's Sexual Violence, Relationship Violence and Stalking Policy. Sexual violence includes a range of behaviors in which an act of a sexual nature is taken against another person without his or her consent or when he or she is unable to consent. The policy can be found in multiple locations, including at <https://provost.upenn.edu/policies/pennbook/2013/02/15/sexual-violence-relationship-violence-and-stalking-policy> and in *Almanac* at [www.upenn.edu/almanac/volumes/v61/n07/sexual-violence-policy.html](http://www.upenn.edu/almanac/volumes/v61/n07/sexual-violence-policy.html)

► **Defining Sexual Assault/Rape, Domestic Violence, Dating Violence, and Stalking**

*Sexual assault* (including but not limited to rape) is defined as having committed any of the following acts:

Any physical sexual contact that involves the use or threat of force or violence or any other form of coercion or intimidation;

Any physical sexual contact with a person who is unable to consent due to incapacity or impairment, mental or physical. "Incapacity" or "impairment" includes but is not limited to being under the influence of alcohol or drugs or being too young to consent.

*Rape* is defined as sexual assault involving an act of penetration and includes acquaintance rape (assailant and victim know each other).

*Non-forcible sex acts* include unlawful sex acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent as defined by Pennsylvania law.

*Consent* is an affirmative decision to engage in mutually agreed upon sexual activity and is given by clear words or actions. Consent may not be inferred from silence, passivity, or lack of resistance alone. Furthermore, consent to one form of sexual activity does not imply consent to other forms of sexual activity, and the existence of a current or previous dating, marital, or sexual relationship is not sufficient to constitute consent to additional sexual activity. Assent shall not constitute consent if it is given by a person who because of youth, disability, intoxication or other condition is unable to lawfully give his or her consent.

*Relationship violence*, also commonly known as dating violence, is defined as a pattern of abuse committed by a person, past or present, involved in a social, sexual or romantic relationship with the victim. Relationship violence can encompass a broad range of behaviors that may include physical violence, sexual violence, emotional violence, and economic violence.

*Domestic violence* is defined as abuse committed against an adult who is a spouse or a former spouse, cohabitant or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

*Stalking* means engaging in a course directed at a specific person(s) that would cause a reasonable person to (a) fear for his or her safety or the safety of others, or (b) suffer substantial emotional distress.

► **Policy Against Retaliation**

University policy expressly prohibits retaliation against faculty, staff, or students who in good faith make reports of violations of this policy. In addition, knowingly and intentionally making a false report of a violation of this policy is prohibited. Members of the Penn community who take adverse action against someone who reports a violation of this policy, intimidates, threatens or otherwise engages in retaliation is subject to disciplinary action, up to and including termination of their employment or expulsion from the University. Sources: <http://provost.upenn.edu/policies/pennbook/2013/02/15/sexual-violence-relationship-violence-and-stalking-policy> and the *Human Resources Policy Manual* at [www.hr.upenn.edu/myhr/resources/policy/other/retaliation](http://www.hr.upenn.edu/myhr/resources/policy/other/retaliation)

► **Support Services**

Penn provides a number of support resources for victims of rape and sexual violence, relationship violence and stalking, and is committed to providing resources and processes for prevention, education, reporting, adjudication, and protection from retaliation and sanctions.

The Director of Special Services in the Penn Division of Public Safety is the designated coordinator of support services for all members of the Penn community who have experienced sexual violence, relationship violence, or stalking. Members of the Penn community who experience any form of interpersonal violence are encouraged to contact Special Services to learn about support and reporting options. Any member of the community who is a victim of sexual violence is encouraged to seek support and assistance and to report the incident.

When a victim of a sexual assault or other interpersonal crime contacts the Special Services Department, the individual will be advised verbally and in writing of health, legal and other support services available on and off-campus and the victim will be assisted in accessing

these services. Special Services collaborates with Student Intervention Services in the Office of the Vice Provost for University Life to coordinate support such as academic, transportation, working and housing accommodations if requested.

Students are encouraged to contact the Special Services Department, which is available 24 hours a day, 365 days a year, at (215) 898-6600 to report an incident and receive support services. Students may also report an incident by calling the San Francisco Police Department by dialing 9-1-1

► **Additional options that provide reporting, counseling and support services are listed below:**

| <b>Department</b>   | <b>Telephone</b>                                  |
|---|---|
| San Francisco Police Department (Emergencies)                                       | 9-1-1   |
| San Francisco Police Department (Non-Emergencies)                                   | (415) 553-0123                                    |
| Penn HELP Line (24/7 assistance in navigating Penn resources for health & wellness) | (215) 898-HELP                                    |
| Office of the Vice President & Superintendent of Police                             | (215) 898-7515                                    |
| Division of Public Safety General Information                                       | (215) 898-7297                                    |
| Special Services Department   | (215) 898-6600                                    |
| Penn Police   | (215) 573-3333                                    |
| Counseling and Psychological Services (CAPS)  | (215) 898-7021                                    |
| Sexual Violence Investigative Officer   | (215) 898-2887                                    |
| Penn Women’s Center   | (215) 898-8611                                    |
| Office of Student Sexual Violence Prevention & Education                            | (215) 898-6081                                    |
| VPUL  | (215) 898-6081                                    |
| Student Health Services   | (215) 746-3535                                    |
| The Office of the Chaplain  | (215) 898-8456                                    |
| Title IX/Office of Affirmative Action   | (215) 898-6993                                    |
| African-American Resource Center  | (215) 898-0104                                    |
| Employee Assistance Program   | 1-888-321-4433                                    |
| LGBT Center   | (215) 898-5044                                    |
| Office of the Ombudsman   | (215) 898-8261                                    |
| Women Organized Against Rape (WOAR) San Francisco                                   | Office: (415) 861-2092<br>Hotline: (415) 647-7273 |

► **Additional options that provide reporting, counseling and support services in San Francisco are listed below:**

**San Francisco General Hospital**

1001 Potrero Avenue

San Francisco, CA 94110

Phone: 415-821-3222 (8am-5pm)

Hotline: 415-206-8256 (24-hour)

(must specify that you are victim of sexual assault when calling and a nurse practitioner will call you back)

- 24-Hour Rape Treatment Center
- 24-hour medical forensic examinations through San Francisco General Hospital Emergency Department. Community Served: All sexual assault survivors.

## Sexual Offender Unit

Monitors 290PC compliance of registered sex offenders within San Francisco to include the arrest and preparation of cases for prosecution by the District Attorney.

Hall of Justice

850 Bryant Street, Room 436

San Francisco, California 94103

Office: 415-553-1361

email: [sfpd.sexcrimes@sfgov.org](mailto:sfpd.sexcrimes@sfgov.org)

### ► Reporting Options

A student who would like to report an incident of sexual violence, relationship violence, or stalking has the right to pursue criminal charges through the District Attorney's Office, City of San Francisco (or the local governance in which the incident occurred) and/or to pursue disciplinary action through the University of Pennsylvania.

Although the University strongly encourages all members of its community to report violations of the Sexual Violence, Relationship Violence and Stalking Policy to law enforcement, it is the victim's choice whether or not to make such a report, and victims have the right to decline involvement with the police. Whether a victim reports the crime to the police, or not, if the alleged offender is a member of the University community, the victim has a right to proceed to seek University discipline against the offender.

For support and assistance in pursuing criminal charges, victims are encouraged to contact Special Services, regardless of how long it has been since the incident occurred.

Incidents that are reported to the appropriate departments at Penn will be addressed promptly and will be treated as discreetly as possible. The procedures that govern the investigation of sexual assault and other interpersonal crimes will take into account both the need to gather the facts and the rights of all parties involved in the incident.

Those within the campus community who are found responsible for rape or other sexual violence, relationship violence or stalking, are subject to University sanctions which can include but are not limited to suspension, expulsion, and/or separation from the University. In addition, an individual charged may be subject to prosecution by the Office of the District Attorney under California Criminal Statutes.

To pursue criminal options, it is important to preserve evidence. After an incident of sexual assault, it is important to seek medical attention as soon as possible. In California, evidence may be collected even if a victim chooses not to make a report to law enforcement. It is important that victims of sexual assault be advised not to bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted so that evidence, as may be necessary to the proof of criminal activity, may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, or other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police.

If the victim elects to go through the criminal justice system and/or receive medical treatment, personnel from the Wharton | *San Francisco* will accompany the victim to the San Francisco General Hospital at 1001 Potrero Ave, San Francisco, CA 94110 for evaluation, treatment and/or evidence collection by a Sexual Assault Nurse Examiner (SANE).

Whether the victim chooses to report an incident of rape or sexual violence to the Special Services Department, the San Francisco Police Department, the Office of the Sexual Violence Investigative Officer or another resource office within the campus community, the victim will be informed of reporting options, including the right to report the incident fully and completely to the San Francisco Police Department, or the right to file no report. If requested, University personnel will assist the individual in notifying appropriate authorities or assist in obtaining a Protection from Abuse order (PFA) or a private criminal complaint.

All victims are encouraged to make a report of a crime to the San Francisco Police Department. Campus Security Authorities (CSA's) at Wharton | *San Francisco* may also take reports of crimes while keeping the name of the victim confidential. This allows the CSA to comply with the victim's wishes, while taking steps to ensure the future safety of the victim and the community. With such information, the University can keep accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method or assailant, and alert the campus community to potential danger. To preserve the identity of all

victims, at no time will the name of victims or the location of any sexual assault, domestic violence, dating violence or stalking incident be included in the Daily Crime Log.

► **Procedures for Investigating Reports of Alleged Sexual Assaults, Relationship Violence, and Stalking Against Students**

**Office of the Sexual Violence Investigative Officer**

Ensuring the safety and wellbeing of all students is among the University's highest priorities, and properly responding to complaints of Sexual Violence, Relationship Violence and Stalking on campus is central to that aim. The Office of the Sexual Violence Investigative Officer is responsible for managing and investigating complaints against enrolled Penn students alleging violations of the University's Sexual Violence, Relationship Violence and Stalking policy.

The Sexual Violence Investigative Officer works with the Penn community to implement the Amendment to the Student Disciplinary Charter, which applies to all twelve schools and became effective on February 1, 2015. This office also works with the Penn community to educate students, faculty and staff about the new process for responding to these complaints and assists in educational efforts to prevent sexual violence. Throughout the disciplinary process, the Sexual Violence Investigative Officer ensures that those making complaints and those responding to complaints are treated fairly and respectfully.

The Office of the Sexual Violence Investigative Officer is located at 3901 Walnut St, Suite 320, Philadelphia, PA 19104-6106 (phone: (215) 898-2887) and is open Monday through Friday from 9 a.m. to 5 p.m.; visit on the web for up to date information: [www.upenn.edu/SVIO](http://www.upenn.edu/SVIO)

► **Internal Student Disciplinary Procedures for Resolving Complaints of Sexual Assault, Sexual Violence, Relationship Violence & Stalking**

The University of Pennsylvania is committed to providing a safe and healthy environment, free of gender-based misconduct, to all members of our community and visitors to our community. As such, sexual assault, sexual violence, relationship violence, and stalking will not be tolerated.

In order to ensure the creation of a climate where students are able to thrive and achieve their full potential, the University has developed a wide range of policies, educational programs, broad-based resources, support, and reporting systems. On February 1, 2015 the Council of Deans approved an amendment to the Student Disciplinary Charter for handling complaints of sexual misconduct against enrolled Penn students who allege a violation of the University's Policy on Sexual Violence, Relationship Violence and Stalking Policy ("Sexual Violence Policy").

The following is the *Student Disciplinary Procedures for Resolving Complaints of Sexual Assault, Sexual Violence, Relationship Violence and Stalking approved by the Council of Deans on 2-1-15 as an amendment to the Student Disciplinary Charter*. A copy of the procedure was published in *Almanac* on January 27, 2015 and is located at <http://www.upenn.edu/almanac/volumes/v61/n20/pdf/012715supplement.pdf>

► **Student Disciplinary Procedures for Resolving Complaints of Sexual Assault, Sexual Violence, Relationship Violence and Stalking**

*Effective Date: February 1, 2015*

**Introduction**

The University of Pennsylvania is committed to providing a safe and healthy environment, free of gender-based misconduct, to all members of our community and visitors to our community. As such, sexual assault, sexual violence, relationship violence, and stalking will not be tolerated. In order to ensure the creation of a climate where students are able to thrive and achieve their full potential, the University has developed a wide range of policies, educational programs, broad-based resources, support, and reporting systems. This amendment to the Student Disciplinary Charter 1 supplements these other policies and initiatives, addressing the process by which complaints against an enrolled University student for a violation of the Sexual Violence, Relationship Violence and Stalking Policy ("Sexual Violence Policy") will be adjudicated and resolved.

## **Confidentiality**

Confidentiality is of critical importance in ensuring that these sensitive matters are handled appropriately. The University has an obligation to address complaints with respect to the violation of the Sexual Violence Policy as fairly and expeditiously as possible as soon as it becomes aware of an allegation that the Policy has been violated. To that end, if any University official is informed of an allegation that the Policy has been violated, the University is required to respond, unless the informed official is serving in a privileged capacity (designated confidential resource, therapists, clergy, or medical providers).

The response to the complaint, however, including seeking a resolution under this procedure, should be treated as confidential, to the extent consistent with the requirements of law. University staff and faculty may share information with others who have a legitimate need to know in order to fairly and effectively address complaints, but the information should be considered confidential and should be protected to the extent possible consistent with legal obligations. Such administrators may include, for example, the Office of the Vice Provost for University Life, the Office of the Sexual Violence Investigator, the Title IX Officer, Public Safety, the Office of General Counsel, Counseling & Psychological Services, Student Health and academic advising offices.

### **I. Reporting Complaints of Violation of the Sexual Violence Policy**

#### **A. Office of the Sexual Violence Investigative Officer**

The Office of the Sexual Violence Investigative Officer (IO) will be responsible for managing all complaints made against an enrolled University student alleging a violation of the Sexual Violence Policy.

Complaints must either be presented in writing, or based upon information provided by the complainant to the IO who will then memorialize the allegations in writing and have the allegations confirmed by the complainant. Complainants may include University students or others both within and outside the community alleging a violation against a University enrolled student.

#### **B. Office of the District Attorney and Office of Civil Rights**

Complainants may also choose to file a report with the District Attorney or with the Office of Civil Rights of the US Department of Education. The University system and the legal system work independently from one another, but will coordinate efforts to the extent possible. The University will not unilaterally defer its proceeding pending the outcome of any criminal process, nor will the outcome of any legal process be determinative of the University result. Rather, the University has its own interest in, and responsibility for, ensuring the enforcement of its Sexual Violence Policy<sup>2</sup>. The University will, however, comply with reasonable requests by law enforcement for cooperation, and will upon reasonable request temporarily suspend its fact-finding process in a sexual assault investigation so as not to impede the law enforcement process.

#### **C. Support, Counseling and Advice**

In making a decision about how to proceed with a complaint, complainants may seek support, counseling, and advice from other offices on campus, including the Special Services Unit in the Division of Public Safety, the Sexual Violence Educator, the Office of the Chaplain, the Penn Women's Center, Counseling and Psychological Services, Student Intervention Services, and the Lesbian Gay Bisexual and Transgender Center. A list of these offices is provided in Section III below. Should the complainant determine to proceed with an on campus disciplinary process against an enrolled University student, the Office of the Sexual Violence Investigative Officer will be the single place to initiate the process.<sup>3</sup>

#### **D. Timeframe for Submitting a Complaint**

The University does not limit the timeframe for filing a report of a violation of the Sexual Violence Policy. Reports may be filed at any time, although the University's ability to investigate or take any action may be limited by the passage of time or the matriculation status of the alleged respondent.

#### **E. Complainant Request for Confidentiality**

The University is required by Title IX to weigh the complainant's request for confidentiality/privacy with the University's commitment to provide a reasonably safe and nondiscriminatory environment. In situations where a complainant requests privacy, the University's ability to investigate and respond to the allegations may be limited.

The IO will notify the complainant if the University cannot, in unusual cases, maintain the complainant's confidentiality/privacy. The complainant's and respondent's identities will only be revealed to those individuals who need to know their names in order to investigate or adjudicate the complaint or provide interim measures.

In situations where the University becomes aware of a pattern of behavior by one or more respondents, the University will take appropriate action in an attempt to protect the University community.

## **II. Investigation and Resolution of Complaints**

### **A. Timely Resolution**

The process of resolving complaints, exclusive of any appeal, should be completed, unless there are special circumstances, within 60 business days of the filing of the written complaint. The appeal should be completed, absent special circumstances, within 30 business days of the filing of the appeal.

In the event that a Hearing Panel is convened, the complainant and the respondent will both be provided with a copy of the decision of the Panel and given 10 business days to file an appeal.

### **B. Rights and Protections for Complainant and Respondent**

1. The complainant and respondent have the right to a process that is fundamentally fair, and free of bias or prejudice.
2. The complainant and respondent have the right to be treated with respect, dignity, sensitivity, and fairness throughout the entire process. They are both entitled to seek support from the University and to be informed about the process both before the process is initiated and throughout the process as it unfolds.
3. Both parties have the right to participate in the process, or to refrain from participation. The failure to participate will not be used as evidence against either party, but also will not prevent the process from proceeding unless the complainant determines to withdraw the complaint and the University determines to abide by that request.
4. Both parties may have a lawyer or other advisor present when being interviewed by the Investigative Team and the Hearing Panel, but the lawyer or other advisor will not be permitted to present statements, seek the production of evidence, or question any witnesses.
5. Evidence of prior sexual conduct by the complainant or respondent with other partners will not be considered in the process, and any evidence of a prior sexual relationship between the parties will not be determinative of the issue of consent. If there is credible evidence of a pattern of violations of the Sexual Violence Policy, that evidence may be considered by the Hearing Panel.
6. While the process is underway, the Vice Provost for University Life (VPUL) will work with the complainant and respondent, ensuring support is provided to both parties. VPUL will also be responsible for implementing interim measures to protect the parties, or any of the witnesses, consistent with principles of fairness, including implementing measures regarding housing, academic accommodations and scheduling changes, no contact orders, and any other appropriate actions to protect the parties or any of the witnesses.

### **C. Preliminary Determination**

Upon receiving a complaint, the IO will make a preliminary determination as to whether the complaint falls within the purview of the Sexual Violence Policy and whether, on its face, there appears to be a sufficient basis to conduct a full investigation. In making this determination, the IO may interview the complainant and the respondent and conduct whatever preliminary investigation the Officer deems necessary to determine if the actions alleged in the complaint would, if true, constitute a violation of the University's Sexual Violence Policy and there is a reasonable basis for investigating the charges. If the IO concludes there is insufficient basis to proceed, the matter will be concluded and the parties so advised.

### **D. Investigation**

If the IO makes the determination that there is a sufficient basis to proceed, the Officer will issue a Statement of Charge Letter, based on the complaint and any preliminary investigation conducted. The Charge Letter will be provided to the complainant and the respondent. The respondent will be provided the opportunity to respond in writing to the Charge, and any response will be shared with the complainant.

The IO will lead a thorough and fair investigation, assisted by one or more co-investigators who may come from the school of the complainant or respondent or from elsewhere in the University (the "Investigative Team"). The co-investigator(s) will be University administrators or faculty members appropriately trained as investigators in handling sexual violence cases, and will be selected for individual cases by the IO. The investigation will include interviews of the complainant and respondent, interviews of witnesses, and review of documentation, physical evidence, and any other relevant evidence.

Prior to interviews, the complainant, the respondent, and any relevant witnesses will be informed by the IO that statements they make during the process may be admissible in concurrent or subsequent civil or criminal court proceedings, and will accordingly also be informed of their rights as outlined in Section B above. They will also be reminded of the consequences of making false statements to the IO under the Code of Student Conduct and the Charter of the University of Pennsylvania Student Disciplinary System. The complainant and respondent may have their advisors<sup>4</sup> and/or outside counsel present for their interviews, but the advisors or outside counsel will not be permitted to participate in the interview other than to provide advice to the student, and they may be excluded from the interview for disruptive behavior.

In conducting the investigation, the Investigative Team may, as appropriate, also consult with other campus officials including but not limited to administrators in the relevant School, Public Safety, the Title IX Officer, or the Vice Provost for University Life. The Investigative Team may also consult with the Office of General Counsel, who may determine in particular cases to engage outside counsel to assist the University throughout this process. The Investigative Team may engage forensic and other experts, as needed.

## **E. Investigative Report**

At the conclusion of the investigation, the Investigative Team will prepare a draft factual investigative report, including assessments of credibility, a recommended finding as to responsibility, and recommended sanctions, if appropriate. In making the responsibility determination, the Investigative Team will use a “preponderance of the evidence” standard. In other words, to find a student responsible for violating the Sexual Violence Policy, the Investigative Team must be convinced that it is more likely than not that a violation of the Sexual Violence Policy has occurred.

### **1. Opportunity for Review and Comment**

The draft investigative report will be provided to both the complainant and respondent for review and comment, under strict instructions that the draft report is confidential, and not to be shared with anyone other than their families and advisors, who must be members of the University community and/or outside counsel, as described above. Sharing of the report by their families, advisors or outside counsel with any addition persons will be strictly prohibited. The complainant and respondent will also be provided the opportunity to review the underlying evidence and witness statements with their advisors, but they will not be provided copies.

### **2. Final Report**

As a result of the response and comments received, the Investigative Team may conduct a further investigation and/or amend the draft report, if the Team determines either action to be warranted. A final investigative report will be prepared, incorporating any changes, and shared with the complainant and the respondent. The complainant and respondent may submit formal objections or comments to the final report, which will become part of the final report of the matter.

## **F. Resolution Without a Hearing**

The matter may be resolved at this stage if both parties agree to the recommendations of the Investigative Team with respect to responsibility and, if applicable, sanctions, or if the parties otherwise reach a mutually acceptable resolution. The University, however, will not compel either the complainant or the respondent to engage in face-to-face mediation or to accept the recommendations of the Investigative Team.

## **G. Hearing Panel**

If the matter is not resolved at this stage in a mutually acceptable manner, the IO will present the final investigative report, together with any comments provided by the complainant and/or respondent, to a Hearing Panel (“Panel”).

### **1. Panel Membership**

The Panel will be comprised of three (3) faculty members and the Disciplinary Hearing Officer (DHO), who will be a non-voting member. The DHO will make all decisions about the organization of the Panel, including decisions regarding the admissibility of evidence, witnesses to appear before the panel, or any additional decisions regarding the administration of the hearing process<sup>5</sup>. Membership of the Panel, including the DHO, will observe the following guidelines:

i. Members will be selected from a pool of faculty who have agreed to serve for a term of one or more years.

ii. Only mixed-gender panels that have training and experience in handling complaints involving sexual misconduct will hear sexual misconduct cases.

iii. Faculty comprising the Panel should be from academic departments in which neither of the parties is enrolled in a course of study, and no faculty member should serve on the Panel who has a mentoring relationship or other personal relationship with either of the parties.

iv. Faculty asked to serve should recuse themselves or be dismissed if they have any personal ties to either of the parties or to individuals with whom the parties are closely associated. Nor may they have prior personal knowledge of the alleged incident of sexual misconduct.

v. The University will train members of the pool to fulfill their responsibilities as adjudicators according to the procedures and policies outlined here and to ensure compliance with Title IX and other applicable state and federal guidelines. In addition, the Panel will be provided with “just in time” training on adjudicating sexual violence cases.

vi. The IO may not serve on the Panel, however the IO may be interviewed before the Panel regarding his or her investigation and may assist the DHO as needed in organizational and administrative matters related to the Panel.

vii. The complainant and respondent will be notified of the membership of the Panel in advance of the Hearing. Any challenges for cause against individual Panel members must be made promptly so as not to delay the conduct of the Hearing, and will be given serious consideration by the DHO to ensure impartiality of the proceedings. All proceedings must be kept strictly confidential among the parties, witnesses and members of the panel. All individuals involved in such hearings must agree to such conditions of confidentiality.

## **2. Hearing Procedures**

Hearings must be prompt, fair, and impartial, affording the complainant’s allegations and the respondent’s defenses all due consideration and protecting the rights of both parties. The Panel will review the Investigative Team’s final report, including any response, objections, or comments provided by the complainant or respondent. The Panel will also carefully review the evidentiary record, including witness statements, documents, and physical evidence.

### *i. Hearing Panel Interviews*

The Panel will interview separately the IO (and co-investigator(s) if the Panel so chooses), the complainant, and the respondent. The Panel will, whenever possible, provide the complainant and respondent with at least five business days advance notice of the Hearing. If reasonably possible, interviews will be conducted on one day, but if such scheduling would require an unreasonably long day, or if such scheduling would unreasonably delay the proceeding, the hearing may be scheduled over multiple days.

The Panel may seek additional evidence from the IO and interview key witnesses on whom the IO relied in drawing his or her conclusions, as well as request additional evidence from the IO to clarify the evidentiary record, provided that it can do so without unreasonably delaying the process. In the event that a new witness comes forward during the Hearing who was not originally interviewed by the IO, or new evidence discovered after the IO has issued his or her report, the DHO may allow that witness to be interviewed or admit the evidence to the hearing, but only if the DHO judges the new witness or evidence to be highly relevant to an accurate and fair determination of the outcome.

a. The Hearing will be held in private, and only the Panel may conduct interviews. Only the person interviewed (and that person’s advisor or outside counsel, as applicable) will be present at the Hearing during interviews. The complainant or respondent (and their advisor or outside counsel, as applicable) will be able to view testimony from separate rooms, upon request, via closed-circuit television or similar video transmission.

b. Subject to the protections set forth in Section B above, the Panel has wide latitude when questioning the complainant, the respondent and any witnesses in order to determine the accuracy of the report.

c. The complainant and respondent may propose witnesses and provide specific questions in advance that they believe important to ask of other parties or witnesses. The DHO, in consultation with the Panel, will determine the relevance as well as the appropriateness of witnesses and questions, and may accordingly place restrictions on, include, or exclude witnesses or other information.

d. When the Panel is conducting the interview of the complainant and respondent, each student may bring an advisor or outside counsel with them to provide advice and support, but the advisor or outside counsel will not be permitted to participate in the interview other than to provide advice to the student and may be excluded from the interview by the DHO for disruptive behavior.

e. The interviews by the Panel will be recorded (audio only). No observers will be permitted to make any audio or video recordings.

### **3. Hearing Panel Decision**

After the Hearing concludes, the Panel will immediately deliberate in private to decide whether a preponderance of the evidence shows that the respondent is responsible for a violation of the University's Sexual Violence Policy. Preponderance of the evidence means that the Panel must be convinced based on the evidence that it is more likely than not that a violation has occurred in order to find a student is responsible for violation the policy. A finding of responsibility requires a majority vote of the members of the Panel.

i. If the respondent is found responsible, the Panel will also determine the appropriate sanction, by majority vote, based upon the facts of the case and University precedent, with a presumption in favor of the sanction recommended by the IO.

ii. The Panel will arrive at its conclusion as expeditiously as possible, and will promptly advise both the complainant and the respondent in writing of its decision with respect to responsibility and, if applicable, sanctions. In keeping with guidelines for timely resolution as provided in Section A above, the written decision will be provided as soon after the conclusion of the proceeding as is possible.

iii. Decisions made by the Panel are considered final, subject only to appeal as outlined in Section H.

### **H. Appeal of Hearing Panel Decision**

The Panel decision is subject to appeal by either party in writing to a Disciplinary Appellate Officer (DAO), a faculty member with exclusive jurisdiction to decide appeals. In keeping with guidelines for timely resolution as provided in Section A above, appeals should be submitted within 10 business days after the decision of the Panel. Letters of appeal should specifically state whether the objection is to the judgment of responsibility, the sanction, or both, and explain in detail the grounds for appeal.

1. The DAO will review the report of the Investigative Team and supporting evidence, the audio record from the Panel Hearing in the discretion of the Appellate Officer, and any other material the DAO deems relevant, in addition to the decision of the Panel in order to ensure that the process was consistent with University policy and that the result was not arbitrary or capricious.

2. After considering the appeal, the DAO will promptly issue his or her decision in writing and will provide copies to the DHO, the Provost, the Vice President for Institutional Affairs, the respondent(s) and other appropriate parties.

## **III. Resource Offices**

### **A. Confidential Resources**

The following can be contacted for support, counseling, and advice:

#### **Special Services Department, Division of Public Safety**

24-hour Helpline: (215) 898-6600

4040 Chestnut Street

<http://www.publicsafety.upenn.edu/special-services/>

#### **Counseling & Psychological Services**

Main Number: (215) 898-7021

After hours emergency number: (215) 349-5490

3624 Market Street, 1st Floor, West

<http://www.vpul.upenn.edu/caps/>

#### **Sexual Trauma Treatment Outreach and Prevention:**

<http://www.vpul.upenn.edu/caps/sttop.php>

#### **Penn Women's Center**

(215) 898-8611

3643 Locust Walk

<http://www.vpul.upenn.edu/pwc/>

**Student Health Service**

(215) 746-3535

3535 Market Street, Suite 100

<http://www.vpul.upenn.edu/shs/>

**Lesbian Gay Bisexual Transgender Center**

(215) 898-5044

3901 Spruce Street

<http://www.vpul.upenn.edu/lgbtc/>

**Office of the Chaplain**

(215) 898-8456

240 Houston Hall, 3412 Spruce Street

<http://www.upenn.edu/chaplain/>

**Director, Sexual Violence Prevention & Education**

(215) 898-6081

VPUL, 3611 Locust Walk

<https://secure.www.upenn.edu/vpul/vvp/aboutpvp.php>

**B. Official Reporting Offices**

The following are official reporting offices for violations of the Sexual Violence Policy:

**Office of the Sexual Violence Investigator**

(215) 898-2887

3600 Chestnut Street, Sansom Place East, Suite 227

**Office of Affirmative Action & Equal Opportunity Programs**

(215) 898-6993

3600 Chestnut Street, Sansom Place East, Suite 228

<http://www.upenn.edu/affirm-action/>

**Title IX Officer (Executive Director, Affirmative Action and Equal Opportunity Programs)**

(215) 898-6993

3600 Chestnut Street, Sansom Place East, Suite 228

<http://www.upenn.edu/affirm-action/titleix.html>

**Student Intervention Services**

(215) 898-6081

Nights/Weekends: (215) 768-6527

3611 Locust Walk

<http://www.vpul.upenn.edu/>

**Office of Student Conduct**

(215) 898-5651

207 Duhring Wing

## **Staff and Labor Relations Division of Human Resources**

(215) 898-7281

3401 Walnut Street, Suite 527A

<https://www.hr.upenn.edu/myhr/payandperform/staffandlaborcontacts>

### **Footnotes**

#1 This procedure amends and supersedes the Charter of the University of Pennsylvania Student Disciplinary System with respect to violations of the University policy on Sexual Violence, Relationship Violence, and Stalking as those terms are defined in that policy (“Sexual Violence Policy”). It applies to each of the 12 schools, notwithstanding the existence of separate procedures that individual schools may have adopted for violations of laws or policies other than the University Sexual Violence Policy. If a complaint involves allegations of violations of the Sexual Violence Policy as well as other University policies, the matter can either be fully resolved using this process, or divided into two separate proceedings, as appropriate in any particular case.

#2 The University recognizes that should it be proceeding in cases where criminal charges are pending, the respondents may choose not to participate in the disciplinary process in order to protect their Fifth Amendment rights. Such decision will not be used as evidence against any respondent and the Hearing Panel will be instructed not to draw any adverse inference from the failure to participate.

#3 While the Investigative Officer will be responsible for managing the complaint investigation and resolution process, as described above, the IO will work with other appropriate University offices, including the Vice Provost for University Life, to determine if interim measures are appropriate before a final resolution is reached.

#4 The University will provide a list of advisors from the Penn community to complainants and respondents. Advisors will be trained by the University to support both complainants and respondents in this process. The parties need not select an advisor from this list, but may select any faculty or administrative member of the community to advise them. The parties may also retain outside counsel in addition to, or instead of, using an advisor. The role of the outside counsel, however, will be limited to an advisory role and will not be permitted to have an active role in the proceedings.

#5 In carrying out these responsibilities, the DHO may consult with the IO, the Office of General Counsel and other appropriate offices such as the Office of Student Conduct and the Vice President for Institutional Affairs. University officers thus consulted will respect the confidentiality conditions of the proceedings.

### **► Procedures for Investigating Reports of Alleged Sexual Violence, Relationship Violence and Stalking Against Staff Members**

Consistent with the University of Pennsylvania’s commitment to non-discrimination and diversity, the University has a robust Sexual Harassment Policy that not only prohibits sexual harassment – including sexual violence, relationship violence and stalking – but also includes information regarding resources as well as mechanisms for complaint reporting and resolution. The current Sexual Harassment Policy is available at <http://www.upenn.edu/almanac/volumes/v58/n08/policy.htm> and is updated from time to time.

Complaints of sexual harassment—including sexual violence, relationship violence and stalking—against faculty or staff members may be made using the mechanisms identified in the Sexual Harassment Policy for receiving such complaints, and these complaints are investigated as described in the Policy.

### **► Procedures for Resolving Complaints Against Faculty of Sexual Assault, Sexual Violence, Relationship Violence and Stalking** (*effective date: March 1, 2016*)

#### **Introduction**

The University of Pennsylvania is committed to providing a safe and healthy environment, free of gender-based misconduct, to all members of our community and visitors to our community. As such, sexual assault, sexual violence, relationship violence and stalking will not be tolerated. In order to ensure the creation of a climate where members of the community are able to thrive and achieve their

full potential, the University has developed a wide range of policies, educational programs, broad-based resources, support and reporting systems. These procedures supplement these other policies and initiatives, addressing the process by which complaints against a University faculty member for a violation of the Sexual Violence, Relationship Violence and Stalking Policy (“Sexual Violence Policy”) will be adjudicated and resolved.

## **Confidentiality**

Confidentiality is of critical importance in ensuring that these sensitive matters are handled appropriately. The University has an obligation to address complaints with respect to the violation of the Sexual Violence Policy as fairly and expeditiously as possible as soon as it becomes aware of an allegation that the Policy has been violated. To that end, if any University official or other responsible person at the University is informed of an allegation that the Policy has been violated, the University is required to respond, unless the informed official is serving in a privileged capacity (for example, a designated confidential resource, a therapist, clergy or a medical provider).

The response to the complaint, however, including seeking a resolution under this procedure, should be treated as confidential to the extent permitted by law. University staff and faculty may share information with University administrators and others who have a legitimate need to know in order to address complaints fairly and effectively, but the information should be considered confidential and should be protected to the greatest extent possible. Such administrators may include, for example, the applicable Dean or Department Chair, the Office of the Vice Provost for Faculty, the Office of the Vice Provost for University Life, the Office of the Sexual Violence Investigative Officer, the Title IX Officer, Public Safety, the Office of General Counsel, Counseling and Psychological Services, Student Health Service and academic advising offices.

## **I. Reporting Complaints of Violation of the Sexual Violence Policy**

### **A. Office of the Sexual Violence Investigative Officer**

The Office of the Sexual Violence Investigative Officer (SVIO) will be responsible for managing all complaints made against a University faculty member alleging a violation of the Sexual Violence Policy. All SVIO responsibilities as described in these procedures may be performed directly by the SVIO or by his or her designee, in consultation with the appropriate Dean or the Vice Provost for Faculty.

Complaints must either be presented in writing, or based upon information provided by the complainant or another individual making the report to the SVIO who will then memorialize the allegations in writing and ask the complainant to confirm the allegations. Complainants may include University students, staff or faculty members, as well as others both within and outside the University community, alleging a violation against a University faculty member.

### **B. Office of the District Attorney and Office of Civil Rights**

Complainants may also choose to file a report with the District Attorney or with the Office of Civil Rights of the U.S. Department of Education. The University system and the legal system are independent of one another, and the University has its own interest in, and responsibility for, the enforcement of its Sexual Violence Policy.<sup>2</sup> Therefore, the University will not unilaterally defer its proceeding pending the outcome of a criminal process, nor will the outcome of any legal process be determinative of the University result. The University will, however, comply with reasonable requests by law enforcement for cooperation, and may temporarily suspend its fact-finding process in a sexual assault investigation so as not to impede the law enforcement process.

### **C. Support, Counseling and Advice**

In making a decision about whether to file a complaint, complainants may seek support, counseling and advice from other offices on campus. A list of these offices is provided in Section III. A. below. Should the complainant determine to proceed with an on-campus complaint investigation and resolution process against a University faculty member, the Office of the Sexual Violence Investigative Officer will be the single place to initiate the process.<sup>3</sup>

## **D. Timeframe for Submitting a Complaint**

The University does not limit the timeframe for filing a report of a violation of the Sexual Violence Policy. Reports may be filed at any time, although the University's ability to investigate or take action may be limited by the passage of time, or by changes in the employment relationship of the alleged respondent at the time the report is made.

## **E. Complainant Request for Confidentiality**

The University is required by Title IX to weigh the complainant's request for confidentiality/privacy with the University's commitment to provide a reasonably safe and nondiscriminatory environment. In situations where a complainant requests privacy, the University's ability to investigate and respond to the allegations may be limited.

The SVIO will notify the complainant if the University cannot, in unusual cases, maintain the complainant's confidentiality/privacy. The complainant's and respondent's identities will only be revealed to those individuals who need to know their names in order to investigate or adjudicate the complaint or provide interim measures.

In situations where the University becomes aware of behavior or a pattern of behavior by one or more respondents, the University will take appropriate action in an attempt to protect the University community.

## **II. Investigation and Resolution of Complaints**

### **A. Timely Resolution**

The process of resolving complaints, exclusive of any appeal, should be completed, unless there are special circumstances, within 60 business days of the filing of the written complaint. The appeal should be completed, absent special circumstances, within 30 business days of the filing of the appeal.

In the event that a Hearing Panel is convened, the complainant and the respondent will both be provided with a copy of the decision of the Panel and given 10 business days from the date of the transmittal of the Hearing Panel's decision to file an appeal.

### **B. Rights and Protections for Complainant and Respondent**

1. The complainant and respondent have the right to a process that is fundamentally fair, and free of bias or prejudice.
2. The complainant and respondent have the right to be treated with respect, dignity, sensitivity and fairness throughout the entire process. They are both entitled to seek support from the University and to be informed about the process both before the process is initiated and throughout the process as it unfolds.
3. Both parties have the right to participate in the process, or to refrain from participation. The failure to participate will not be used as evidence against either party, but also will not prevent the process from proceeding unless the complainant determines to withdraw the complaint and the University determines to abide by that request.
4. Both parties may have a lawyer or other advisor present when being interviewed by the Investigative Team and the Hearing Panel, but the lawyer or other advisor will not be permitted to present statements, seek the production of evidence, or question any witnesses. A non-lawyer advisor must be a member of the University community.
5. Evidence of prior sexual conduct by the complainant or respondent with other partners will not be considered in the process, and any evidence of a prior sexual relationship between the parties will not be determinative of the issue of consent. If there is credible evidence of a pattern of violations of the Sexual Violence Policy, evidence that helps to establish such a pattern may be considered by the Hearing Panel.
6. While the process is underway, appropriate interim measures will be taken to protect the parties. If both the complainant and the respondent are faculty members, the Dean(s) of the school(s) to which the faculty members have appointments—or the Dean(s)' designee(s)—would work with the complainant and respondent, ensuring support is provided to both sides, and implementing interim

measures to protect the parties, consistent with principles of fairness. In the event that the complainant is a staff member or a student, the Dean of the school to which the respondent has an appointment—or the Dean’s designee—will work with Human Resources (for staff members) and the Vice Provost for University Life (for students) to implement interim measures.

### **C. Preliminary Determination**

Upon receiving a complaint, the SVIO will make a preliminary determination as to whether the complaint falls within the purview of the Sexual Violence Policy and whether, on its face, there appears to be a sufficient basis to conduct a full investigation. In making this determination, the SVIO may interview the complainant and the respondent and conduct whatever preliminary investigation the Officer deems necessary to determine if the actions alleged in the complaint would, if true, constitute a violation of the University’s Sexual Violence Policy and there is a reasonable basis for investigating the charges. If the SVIO concludes there is insufficient basis to proceed, the matter will be concluded and the parties so advised.

### **D. Investigation**

If the SVIO makes the determination that there is a sufficient basis to proceed, the Officer will issue a Statement of Charge Letter, based on the complaint and any preliminary investigation conducted. The Charge Letter will be provided to the complainant and the respondent. The respondent will be provided the opportunity to respond in writing to the Charge, and any response will be shared with the complainant. The Dean of each school to which the respondent faculty member has an appointment will also receive a copy of the Charge Letter.

The SVIO will lead a thorough and impartial investigation, assisted by one or more co-investigators who may come from the school of the complainant or respondent or from elsewhere in the University (the “Investigative Team”). The co-investigator(s) will be University staff or faculty members appropriately trained as investigators in handling sexual violence cases, and will be selected for individual cases by the SVIO. The investigation will include interviews of the complainant and respondent, interviews of witnesses, and review of documentation, physical evidence and any other relevant evidence.

Prior to interviews, the complainant, the respondent and any relevant witnesses will be informed by the SVIO that statements they make during the process may be admissible in concurrent or subsequent civil or criminal court proceedings, and will accordingly also be informed of their rights as outlined in Section B above. The parties will be advised of the seriousness of the proceeding and the expectation that the information they provide is both accurate and complete. Any false or misleading statements may subject the party making such statements to proceedings under the applicable University policy, handbook, code and/or charter. The complainant and respondent may have their advisors<sup>4</sup> and/or outside counsel present for their interviews, but the advisors or outside counsel will not be permitted to participate in the interview other than to provide advice to the person they have accompanied, and they may be excluded from the interview for disruptive behavior.

In conducting the investigation, the Investigative Team may, as appropriate, also consult with other campus officials including but not limited to administrators in the relevant school(s), Public Safety, the Title IX Coordinator, the Vice President for Institutional Affairs, the Vice Provost for Faculty or the Vice Provost for University Life. The Investigative Team may also consult with the Office of General Counsel, who may determine in particular cases to engage outside counsel to assist the University throughout this process. The Investigative Team may engage forensic and other experts, as needed.

### **E. Investigative Report**

At the conclusion of the investigation, the Investigative Team will prepare a draft factual investigative report, including assessments of credibility, a recommended finding as to responsibility, and recommended sanctions, if appropriate. In making the responsibility determination, the Investigative Team will use a “preponderance of the evidence” standard. In other words, to find a faculty member responsible for violating the Sexual Violence Policy, the Investigative Team must be convinced that it is more likely than not that a violation of the Sexual Violence Policy has occurred.

#### **1. Opportunity for Review and Comment**

The draft investigative report will be provided to both the complainant and respondent for their prompt review and comment, under strict instructions that the draft report is confidential, and not to be shared with anyone other than their families and advisors, who must

be members of the University community and/or outside counsel, as described above. Sharing of the report by either party, their families, advisors or outside counsel with any additional persons will be strictly prohibited. The complainant and respondent will also be provided the opportunity to review the underlying evidence and witness statements with their advisors, but they will not be provided, or permitted to make, copies.

## 2. Final Report

As a result of the response and comments received, the Investigative Team may conduct a further investigation and/or amend the draft report, if the Team determines either action to be warranted. A final investigative report will be prepared, incorporating any changes, and shared with the complainant and the respondent. The complainant and respondent may submit formal objections or comments to the final report, which will become part of the final report of the matter.

## F. Resolution Without a Hearing

The matter may be resolved at this stage if both parties agree to the recommendations of the Investigative Team with respect to responsibility and, if applicable, sanctions, or if the parties otherwise reach a mutually acceptable resolution. The University, however, will not compel either the complainant or the respondent to engage in face-to-face mediation or to accept the recommendations of the Investigative Team.

## G. Hearing Panel

If the matter is not resolved at this stage in a mutually acceptable manner, the SVIO will present the final investigative report, together with any comments provided by the complainant and/or respondent, to a Hearing Panel (“Panel”).

### 1. Panel Membership

The Panel will be comprised of three (3) faculty members and the Designated Hearing Officer (DHO), who will be a non-voting member. The DHO will make all decisions about the organization of the Panel, including decisions regarding the admissibility of evidence, witnesses to appear before the panel, or any additional decisions regarding the administration of the hearing process.<sup>5</sup>

Membership of the Panel, including the DHO, will observe the following guidelines:

- i. Members will be selected from a pool of faculty who have agreed to serve for a term of one or more years.
- ii. Only Panels that have training in handling complaints involving sexual misconduct will hear sexual misconduct cases.
- iii. Faculty comprising the Panel should be from academic departments in which neither of the parties is affiliated (e.g., has a faculty appointment or is enrolled in a course of study), and no faculty member may serve on the Panel who has a professional, academic or personal relationship with either of the parties.
- iv. Faculty asked to serve must recuse themselves or be dismissed if they have any personal ties to either of the parties or to individuals with whom the parties are closely associated. Faculty with personal knowledge of the alleged incident of sexual misconduct also must recuse themselves or be dismissed.
- v. The University will train members of the pool to fulfill their responsibilities as adjudicators according to the procedures and policies outlined here and to ensure compliance with Title IX and other applicable state and federal guidelines. In addition, the Panel will be provided with “just in time” training on adjudicating sexual violence cases, unless the Panel members have recently been trained.
- vi. The SVIO may not serve on the Panel; however, the SVIO may be interviewed by the Panel regarding his or her investigation and may assist the DHO as needed in organizational and administrative matters related to the Panel.
- vii. The complainant and respondent will be notified of the membership of the Panel in advance of the Hearing. Any challenges for cause against individual Panel members must be made promptly so as not to delay the conduct of the Hearing, and will be given serious consideration by the DHO to ensure impartiality of the proceedings.
- viii. All proceedings must be kept strictly confidential among the parties, witnesses and members of the Panel. All individuals

involved in such hearings must agree to such conditions of confidentiality.

## 2. Hearing Procedures

Hearings must be prompt, fair and impartial, affording the complainant's allegations and the respondent's defenses all due consideration and protecting the rights of both parties. The Panel will review the Investigative Team's final report, including any responses, objections or comments provided by the complainant and/or respondent. The Panel will also carefully review the evidentiary record, including witness statements, documents and physical evidence.

### Hearing Panel Interviews

- i. The Panel will interview separately the SVIO (and co-investigator(s) if the Panel so chooses), the complainant and the respondent. The Panel will, whenever possible, provide the complainant and respondent with five days advance notice of the Hearing. If reasonably possible, interviews will be conducted on one day, but if such scheduling would require an unreasonably long day, or if such scheduling would unreasonably delay the proceeding, the Hearing may be scheduled over multiple days.
- ii. The Panel may seek additional evidence from the SVIO and interview key witnesses on whom the SVIO relied in drawing his or her conclusions, as well as request additional evidence from the SVIO to clarify the evidentiary record, provided that it can do so without unreasonably delaying the process. In the event that a new witness comes forward during the Hearing who was not originally interviewed by the SVIO, or new evidence is discovered after the SVIO has issued his or her report, the DHO may allow that witness to be interviewed or admit the evidence to the hearing, but only if the DHO judges the new witness or evidence to be highly relevant to an accurate and fair determination of the outcome.
  - a. The Hearing will be held in private, and only the Panel may conduct interviews. Only the person interviewed (and in the case of the parties, that person's advisor or outside counsel) will be present at the Hearing during interviews. The complainant or respondent (and their advisor or outside counsel, as applicable) will be able to view testimony from separate rooms, upon request, via closed-circuit television or similar video transmission.
  - b. Subject to the protections set forth in Section B above, the Panel has wide latitude when questioning the complainant, the respondent and any witnesses in order to determine the accuracy of the report.
  - c. The complainant and respondent may propose witnesses and provide specific questions in advance that they believe important to ask of other parties or witnesses. The parties also may submit questions during the Hearing that they wish to have asked. The DHO, in consultation with the Panel, will determine the relevance as well as the appropriateness of witnesses and questions, and may accordingly place restrictions on, include or exclude witnesses or other information.
  - d. When the Panel is conducting the interview of the complainant and respondent, each may bring an advisor or outside counsel with them to provide advice and support, but the advisor or outside counsel will not be permitted to participate in the interview other than to provide advice to the complainant or respondent and may be excluded from the interview by the DHO for disruptive behavior.
  - e. The interviews by the Panel will be recorded (audio only). No observers will be permitted to make any audio or video recordings.

## 3. Hearing Panel Decision

After the Hearing concludes, the Panel will immediately deliberate in private to decide whether a preponderance of the evidence shows that the respondent is responsible for a violation of the University's Sexual Violence Policy. Preponderance of the evidence means that the Panel must be convinced based on the evidence that it is more likely than not that a violation has occurred in order to find a faculty member responsible for violation of the policy. A finding of responsibility requires a majority vote of the members of the Panel.

- i. If the respondent is found responsible, the Panel will also recommend an appropriate sanction, by majority vote, based upon

the facts of the case and University precedent, with a presumption in favor of the sanction recommended by the SVIO.

- ii. The Panel will arrive at its conclusion as expeditiously as possible, and will promptly advise both the complainant and the respondent in writing of its decision with respect to responsibility and, if applicable, recommended sanctions. In keeping with guidelines for timely resolution as provided in Section A above, the written decision will be provided as soon after the conclusion of the proceeding as is possible.
- iii. Decisions made by the Panel are considered final, subject only to appeal as outlined below.

## **H. Appeal of Hearing Panel Decision**

The Panel decision is subject to appeal by either party in writing to the Vice Provost for Faculty (or his or her designee), who has exclusive jurisdiction to decide appeals. In keeping with guidelines for timely resolution as provided in Section A above, appeals should be submitted within 10 business days of transmission of the decision of the Panel. Letters of appeal should specifically state whether the objection is to the judgment of responsibility, the recommended sanction or both, and explain in detail the grounds for appeal.

1. The Vice Provost for Faculty (or his or her designee) will review the report of the Investigative Team and the decision of the Panel to ensure that the process was consistent with University policy and that the decision was not arbitrary or capricious. The audio record from the Panel Hearing, the supporting evidence and any other relevant materials may also be reviewed by the Vice Provost for Faculty (or his or her designee) at his or her discretion.

2. After considering the appeal, the Vice Provost for Faculty (or his or her designee) will promptly notify the parties in writing as to whether the Panel's decision is upheld or modified.

## **I. Sanctions**

After a final decision has been rendered (either by the Panel or, if an appeal is filed, by the Vice Provost for Faculty (or his or her designee)), the matter is presented to the Dean of the school to which the respondent has an appointment for procedures related to sanctions. The Dean is provided the investigative report, along with the Panel's decision and the appellate decision (if any).

1. If the respondent is a member of the Standing Faculty, the Dean will follow the procedures described in the Faculty Handbook's section regarding Procedure Governing Sanctions Taken Against Members of the Faculty (Section II.E.16) starting at Subsection 3 (for Minor Sanctions) or Subsection 4 (for Major Sanctions), as appropriate, to determine what, if any, sanction should be imposed against the respondent based on the determination rendered by the Investigative Team, as well as the Panel and the appellate decision by the Vice Provost for Faculty (or his or her designee), if applicable, and following the Dean's consultation with the Vice Provost for Faculty.
2. If the respondent is a member of the Non-Standing Faculty, the Dean will consider the determination rendered by the Investigative Officer, as well as the Panel and the appellate decision by the Vice Provost for Faculty (or his or her designee), if applicable, and consult with the Vice Provost for Faculty before implementing an appropriate sanction.

The matter will be referred to the Provost for sanctions purposes in lieu of the Dean in the event that the Dean is the respondent or if referral to the Dean would create an actual or apparent conflict of interest.

## **III. Resource Offices**

### **A. Confidential Resources**

The following is a list of confidential resources that can be contacted for support, counseling and advice. The information shared with these resources generally will be held in confidence, consistent with the University's obligation to address complaints of sexual violence, unless the person sharing the information gives his or her consent to the disclosure of that information. The commitment to confidentiality does not preclude the sharing of information among responsible University administrators as needed, including to keep members of the University community safe.

**Special Services Department, Division of Public Safety**

24-hour Helpline: (215) 898-6600

4040 Chestnut Street

<http://www.publicsafety.upenn.edu/special-services/>

**Counseling & Psychological Services**

Main Number: (215) 898-7021

After-hours emergency number: (215) 349-5490

3624 Market Street, 1st Floor, West

<http://www.vpul.upenn.edu/caps>

**Sexual Trauma Treatment Outreach and Prevention:**

<http://www.vpul.upenn.edu/caps/sttop.php>

**Penn Women's Center**

(215) 898-8611

3643 Locust Walk

<http://www.vpul.upenn.edu/pwc/>

**Student Health Service**

(215) 746-3535

3535 Market Street, Suite 100

<http://www.vpul.upenn.edu/shs/>

**Lesbian Gay Bisexual Transgender Center**

(215) 898-5044

3907 Spruce Street

<http://www.vpul.upenn.edu/lgbtc/>

**African American Resource Center**

(215) 898-0104

3643 Locust Walk

<http://www.upenn.edu/aarc/>

**Office of the Chaplain**

(215) 898-8456

240 Houston Hall, 3417 Spruce Street

<http://www.upenn.edu/chaplain/>

### **Office of the Ombudsman**

(215) 898-8261

113 Duhring Wing, 236 S. 34th Street

<http://www.upenn.edu/ombudsman/>

### **Employee Assistance Program, Penn Behavioral Health**

(888) 321-4433

<http://www.pennbehavioralhealth.org/services-eap.aspx>

### **Office of Sexual Violence Prevention & Education**

(215) 898-6081

VPUL, 3611 Locust Walk

<https://secure.www.upenn.edu/vpul/pvp/gethelp>

### **B. Official Reporting Office**

The following is the official reporting office for violations of the Sexual Violence Policy.

Title IX Coordinator (Executive Director, Affirmative Action and Equal Opportunity Programs)

(215) 898-6993

3600 Chestnut Street, Sansom Place East, Suite 228

<http://www.upenn.edu/affirm-action/titleix.html>

### **C. Official Office for Sexual Violence Complaints and Investigation**

The following is the official office for initiating a formal complaint and investigation for violations of the Sexual Violence Policy.

Office of the Sexual Violence Investigative Officer

(215) 898-2887

Suite 320, 3901 Walnut Street

<http://www.upenn.edu/svio/>

<http://www.upenn.edu/almanac/volumes/v62/n23/pdf/021616-supplement.pdf>

#### Footnotes

1 Where applicable, this procedure supplements the procedures described in the Faculty Handbook's section regarding Procedure Governing Sanctions Taken Against Members of the Faculty (Section II.E.16). It applies to both Standing and Associated faculty members in each of the 12 schools. If a complaint involves allegations of violations of the Sexual Violence Policy as well as other University policies, the matter can either be fully resolved using this process, or divided into separate proceedings, as appropriate in any particular case.

2 The University recognizes that should it be proceeding in cases where criminal charges are pending, the respondents may choose not to participate in the process described in these procedures in order to protect their Fifth Amendment rights. Such decision will not be used as evidence against any respondent and the Hearing Panel will be instructed not to draw any adverse inference from the failure to participate.

3 While the Investigative Officer will be responsible for managing the complaint investigation and resolution process, as described below, the SVIO will work with other appropriate University offices, including the Vice Provost for University Life and the Vice Provost for Faculty, to determine if interim measures are appropriate

before a final resolution is reached.

4 The University will provide a list of advisors from the Penn community to complainants and respondents. Advisors will be offered training by the University to support both complainants and respondents in this process. The parties need not select an advisor from this list, but may select any faculty or administrative member of the community to advise them, but they will not have an active role in the proceedings. The parties may also retain outside counsel in addition to, or instead of, using an advisor. The role of the outside counsel, however, will be limited to an advisory role and he or she will not be permitted to have an active role in the proceedings.

5 In carrying out these responsibilities, the DHO may consult with the SVIO, the Office of General Counsel and other appropriate offices such as the Vice Provost for Faculty and the Vice President for Institutional Affairs. University officers thus consulted will respect the confidentiality conditions of the proceedings.

## ► **Prevention and Education**

For over 40 years, the University of Pennsylvania has proactively addressed sexual harassment, rape, sexual violence, relationship violence (dating violence and domestic violence), and stalking by providing ongoing outreach, education, and support through University-wide collaborations. Penn policies and protocols include extensive information for students, faculty, staff and visitors regarding campus and community resources available to provide counseling and support and/or to investigate complaints. University policies on Sexual Harassment (<http://www.upenn.edu/almanac/volumes/v60/n06/policy.html>), the Sexual Violence, Relationship Violence and Stalking Policy ([www.upenn.edu/almanac/volumes/v61/n01/sexualviolencepolicy.html](http://www.upenn.edu/almanac/volumes/v61/n01/sexualviolencepolicy.html)), and the Code of Student Conduct (<https://provost.upenn.edu/policies/pennbook/2013/02/15/code-of-student-conduct>) include important definitions (including sexual assault, relationship violence, stalking, and consent) and prohibit retaliation. Information regarding policies, procedures, and educational programs is available on the Penn Violence Prevention website, discussed more fully below.

## ► **Programs for Faculty and Staff**

Special Services collaborates with the Director of Sexual Violence Prevention and Education, the Penn Women's Center (PWC), the Title IX Coordinator, and other campus and community partners to conduct training programs for employees who interact with students, including but not limited to University police officers, coaches, student affairs staff in the Division of University Life and Penn's 12 schools, and the Chaplain's Office. This includes a 15-hour Anti-Violence Advocate (AVA) training that is offered annually to faculty/staff members. AVA educates participants on how to recognize and respond to students experiences with interpersonal violence, and broadens the campus network of support. In addition, customized workshops and educational programs are offered by request to program coordinators and other key staff members who aid in supporting Penn's commitments to providing a safe and welcoming environment. The Sexual Violence, Relationship Violence and Stalking Policy was published in *Almanac*, Penn's journal of record, in May, July and September of 2014 along with the University's Sexual Harassment Policy. Links to access both policies digitally are distributed during New Staff Orientation sessions.

## ► **Programs for Students**

Information about policies, resources, and support is disseminated to students before they arrive on campus through the online Penn Alcohol Module (a new program will be provided beginning in 2015). Freshmen are required to attend a mandatory program during New Student Orientation called "Speak About It" that discusses issues of consent, boundaries, and healthy relationships. A new online program has also been developed for graduate and professional students on sexual violence that provides information about campus resources for support and addressing complaints.

All Penn students have access to a yearlong educational media campaign, sponsored by the Penn Women's Center, Call It What It Is ([http://www.vpul.upenn.edu/pwc/files/PVP\\_IPV\\_Guide\\_Booklet\\_Spread.pdf](http://www.vpul.upenn.edu/pwc/files/PVP_IPV_Guide_Booklet_Spread.pdf)), to raise awareness about different forms of violence and support options.

In 2014 a new office was established to oversee the University's efforts to educate students about interpersonal violence. The Director of Sexual Violence Prevention and Education manages Penn Violence Prevention (PVP), a collaborative program that aims to engage the Penn community in the prevention of sexual violence, relationship violence, and stalking on campus. The goal of PVP is to provide preventative education focused on building healthy relationships, understanding consent, reaching out to friends in need, and being an active bystander.

Penn Violence Prevention programs, in collaboration with the Penn Women's Center and Special Services, include:

- Hosting trainings and workshops throughout the academic year for teaching assistants, graduate and resident assistants, and staff in the Office of Fraternity and Sorority Life that cover a wide range of topics related to interpersonal violence.
- Facilitating the Student Anti-Violence Advocates (SAVA) training designed to help students recognize and respond to interpersonal

violence as bystanders, responders and potential victims.

- Advising student groups 1 in 4 and ASAP (Abuse and Sexual Assault Prevention) who present peer education workshops and sponsor awareness raising events across campus such as Penn's annual Take Back the Night program.
- Assisting with the presentation of the educational production *The Vagina Monologues*.
- Managing the Penn Violence Prevention website (launched Spring 2015) which provides a comprehensive overview of support and education.
- Coordinating the Penn Violence Prevention Committee comprised of over 50 staff and faculty who meet bi-annually to discuss outreach and prevention efforts.
- Coordinating the Sexual Assault Response Team comprised of the core offices responsible for providing immediate support for student victims of interpersonal violence.

For further information and suggestions on how to help, how to recognize warning signs, or obtaining help for sexual violence, dating violence, domestic violence and stalking please refer to "A guide to sexual violence, dating violence and stalking" at <https://secure.www.upenn.edu/vpul/pvp/definitionsandpolicies>

### ► **Campus Sex Crime Prevention: California Sex Offenders Information (Megan's Law)**

The Campus Sex Crimes Prevention Act, a federal law, requires institutions of higher education to advise the campus community where information concerning registered sex offenders may be obtained. California's Megan's Law makes available to adults and organizations information on "serious" and "high risk" sex offenders in their local community. The information on registered sex offenders includes: name and known aliases; age and sex; physical description, including scars, marks and tattoos; photograph (if available); crimes resulting in registration; county of residence; and zip code (based on last registration).

This information can be accessed at free public viewing stations which are located at certain law enforcement agencies. For listing of viewing locations please contact the San Francisco Police Department at (415) 558-5500. You may also check to determine if a particular sex offender is a "high risk" or "serious" sex offender by calling the California Sex Offender Information telephone service at 1 (900) 448-3000. **Note:** There is a \$10.00 fee per call. Additional information is also available on line at <http://caag.state.ca.us/megan/>

### ► **Weapons Policy**

#### **Possession of Dangerous Articles**

Irrespective of any license or authority, University of Pennsylvania faculty, students, staff, whether working or not, and visitors and members of the University community, may not possess or use air rifles, pistols, firearms, weapons, ammunition, gunpowder, fireworks, explosives, gasoline and other dangerous articles and substances in University buildings or on University property. Normal laboratory materials are excluded from this policy when used in a laboratory setting.

Possession and distribution of items mentioned above may be governed by specific federal, state and local regulations.

An individual who violates this policy should be reported to the University of Pennsylvania Police Department or San, Francisco Police Department immediately. Violators of this policy may be subject to disciplinary action under University policy and/or civil or criminal action. The Policy can be found at:

Students: Pennbook Code of Conduct Policy Manual: <http://provost.upenn.edu/policies/pennbook/2013/02/15/code-of-student-conduct>.

Staff and Faculty: Human Resources Policy Manual <http://www.hr.upenn.edu/myhr/resources/policy/performance/dangerousarticles> and the Faculty Handbook <http://provost.upenn.edu/policies/faculty-handbook>.

#### **University of Pennsylvania Police Officers**

Sworn officers employed by the University of Pennsylvania Police Department (main campus in Philadelphia) may be given authorization to carry, keep and handle pistols, firearms and ammunition. Firearms and ammunition are prohibited at Wharton | *San Francisco*.

#### **Other University Employees**

Specific classifications of employees may be required to utilize dangerous article or hazardous materials on campus to carry out their

job duties. Each school or department is responsible for monitoring the use of dangerous articles or hazardous materials in its areas.

### ► Alcohol and Drugs Policy

Federal law requires that the University of Pennsylvania notify all faculty, staff, and students of certain information pertaining to unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as part of its activity. The following information complies with the notification requirements of the Drug-Free Schools and Communities Act and its implementing regulations.

The University of Pennsylvania and its programs and policies, regarding the possession, sale and consumption of alcoholic beverages, encourages all within the campus community to make safe, responsible decisions about alcohol that are consistent with existing state and federal law. The possession or consumption of alcoholic beverages on campus by persons under the age of 21 is strictly prohibited by Penn and by the laws of California. Consistent with its educational mission, Penn provides programs that promote awareness of the physical, psychological, social and behavioral effects of alcohol consumption and drug use.

The use, sale or possession of narcotics and dangerous drugs is illegal and is strictly prohibited on campus.

Employees are required to adhere to the University's Drug-Free Workplace Policy, which can be found at: <https://www.hr.upenn.edu/myhr/resources/policy/performance/drugfreeworkplace> and its Alcohol and Drug Policy, which can be found at: <http://provost.upenn.edu/policies/pennbook/2013/02/13/alcohol-drug-policy> which strictly prohibit the unlawful manufacture, distribution, dispensation, sale, possession or use of drugs by its employees in the workplace. Those who violate these policies may be subject to disciplinary procedures or may be required to participate in alcohol or other drug rehabilitation programs.

### Medical Attention

Medical attention is warranted whenever there is serious injury or illness related to alcohol consumption and/or drug use. The University Alcohol and Drug Policy Section II, paragraph A3, states:

“In cases of intoxication and/or alcohol poisoning, the primary concern is the health and safety of the individual(s) involved. Individuals are strongly encouraged to call for medical assistance [dial 9-1-1] for themselves or for a friend/acquaintance who is dangerously intoxicated. No student seeking medical treatment for an alcohol or other drug-related overdose will be subject to University discipline for the sole violation of using or possessing alcohol or drugs. This policy shall extend to any other student seeking help for the intoxicated student.”

In addition to medical attention, students, faculty and staff may benefit from professional counseling. Faculty/staff members seeking confidential counseling for alcohol or drug use should contact the Employee Assistance Program (EAP) by calling 1 (888) 321-4433 to speak with a Penn Behavioral Health professional.

Students seeking confidential counseling for alcohol or drug use should contact the University's Counseling and Psychological Services (CAPS) office at (215) 898-7021 to make an appointment. These services adhere to all applicable laws governing the confidentiality of patient information.

### Questions Regarding Alcohol and Drugs

Students who have questions or concerns about alcohol or other drugs are encouraged to use the medical and counseling resources provided by the University of Pennsylvania. The University provides brief intervention and educational services to students through the Office of Alcohol and Other Drug Program Initiatives, (215) 573-3525. Any student can make a confidential appointment to talk about their concerns regarding alcohol, drugs and subsequent consequences.

In addition, all incoming undergraduate students are required to participate in a 60-minute online alcohol and violence education module. Information about this module can be provided by the Office of Alcohol and Other Drug Program Initiatives, (215) 573-3525.

The Alcohol & Drug Policy is stated in the *PennBook*, which is available online at <http://provost.upenn.edu/policies/pennbook/2013/02/14/alcohol-drug-policy>

## ► Disciplinary Policies

Any student who fails to comply with University policies or local, state or federal laws may be subject to discipline under the University Code of Student Conduct. Sanctions can include, but are not limited to warning, reprimand, disciplinary probation, suspension without separation, suspension, and expulsion. If a student's presence on campus is considered a threat to order, health or safety, the Provost or his or her designee may impose a mandatory leave of absence or conditions on the student's attendance.

Generally, prospective students are asked about previous criminal records. Employees are also required to disclose any and all convictions for a felony, crime of violence, dishonesty or crime against property or involving the threat of violence. A criminal record, if relevant to the position in question, is a factor considered in the employment process.

The University's student disciplinary procedures are described in the *PennBook*, which is available online at <http://provost.upenn.edu/policies/pennbook/2013/02/15/charter-of-the-university-of-pennsylvania-student-disciplinary-system>

## ► Missing Persons

In the event that a student, faculty or staff member is reported as missing, the University of Pennsylvania Police Department follows specific steps, described below, to investigate that person's location. For the University of Pennsylvania's full Missing Person policy through the Vice Provost for University Life (VPUL) consult the *PennBook* at <http://provost.upenn.edu/policies/pennbook/2013/02/15/missing-students-notification-policy>

The University of Pennsylvania strongly recommends all students to register confidential contact information in the event that a student over the age of 18 years is determined missing for a period of more than 24 hours. To register a contact person on Penn InTouch please follow the instructions below:

1. Start at the Penn homepage at: [www.upenn.edu](http://www.upenn.edu)
2. On the center top of the screen, click on the link for "Current Students" which will take you to the Penn Portal.
3. Click on the tab for Penn InTouch, which is located in the center along the top of the Portal page. It will prompt you for your login information.
4. Log into the Penn Portal using your PennKey; this will take you to your Penn InTouch homepage.
5. Once here, on the left column above your photo select the link "Profile, privacy & emergency" which will display the link for Emergency Contact.
6. Clicking this link will take you to the Emergency Contact page where you will see two tabs: "Student emergency contact" and "Emergency or Missing Person Contact."
7. Choose the tab titled "Emergency or Missing Person Contact" to fill in emergency contact information, which is optional and used only to contact the person you list if you are reported missing.

This information will be kept confidential and will be accessible only to authorized campus and law enforcement officials.

## Reporting Missing Persons

The University of Pennsylvania Police Department thoroughly investigates all persons including students reported as missing whether they reside on or off-campus. To report a missing person at Wharton | San Francisco contact the San Francisco Police Department by dialing 9-1-1. You also can report a missing person in person at the nearest San Francisco Police Department station house, which is staffed with professional law enforcement personnel, 24/7.

If the missing person is a student, Public Safety will follow these procedures:

- The PennComm Police Supervisor, upon confirmation that a student is missing and cannot be located, shall notify the Office of the Vice Provost for University Life.
- If the missing student resides in on-campus housing, the PennComm Police Supervisor will notify the Resident Advisor (RA) or

the House Dean for the area in which the student is housed. The RA should be directed to contact neighbors and friends in the immediate vicinity of the student's room and report any findings to UPPD.

- If the missing student residing on-campus has been missing for more than 24 hours, UPPD will notify the student's designated emergency contact, which is maintained in the University Management Information Services (UMIS) database.

- If the student is under 18 years old, the UPPD will immediately notify a custodial parent or legal guardian and the missing student will be entered into the National Crime Information Center by the UPPD Detective Unit.

- If a student over 18 years old has not designated an emergency contact, the law enforcement agency where the student's primary residence is located will be notified. All notifications as mentioned in this section will be made by the Director of Special Services or his/her designee.

- If the student lives at a fraternity or sorority, the PennComm Police Supervisor will contact the Office of Fraternity and Sorority Affairs for assistance in obtaining information about the person's possible whereabouts.

- For international students, the PennComm Police Supervisor will contact the Office of International Programs for assistance.

- The PennComm Police Supervisor will also check hospital admissions and the Philadelphia Police Department for further information regarding the missing person. Further, the PennComm Police Supervisor will also contact Counseling and Psychological Services (CAPS) in the event that the student has been receiving counseling, as well as Student Health Service and Outpatient Emergency Rooms in area hospitals.

- If the student lives off-campus, the PennComm Police Supervisor will contact the Director of Off-Campus Living, who will contact the landlord of the property to obtain the names of neighbors or fellow residents, assuming this information is not already known. The landlord shall be asked to accompany UPPD officers to the apartment of the missing student.

- If the student has not been located within a reasonable amount of time, the Office of the Vice Provost for University Life (VPUL) may contact the student's parents or others for additional assistance.

When preparing an incident report with the San Francisco Police Department, please provide the following information:

- Results of inquiries made to other departments
- Why the reportee believes the person is missing
- Circumstances surrounding the person's disappearance
- A recent photograph of the person missing.
- Physical description e.g., age, height, weight, eye color, hair color and length, scars, tattoos, physical impairments
- Any identifying numbers e.g., driver license, social security
- Verification of personal information through DMV, personal papers, or school records
- Whether dental or skeletal x-rays of the missing person are available and the name, address and telephone number of the doctor or dentist
- Description of clothing and jewelry
- Psychological or physical impairments
- Possible destination and places frequented

#### ► **Student Residences**

Wharton | *San Francisco* does not have any on campus student residence halls.

#### ► **Crime Prevention Education and Awareness**

The staff at Wharton | *San Francisco* offer programs designed to inform students and employees about campus security procedures and practices. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus. Crime Prevention Programs on personal safety and security are sponsored throughout the year by Bernadette Birt and Brandon Lodriguss at new student orientation in the Fall and Spring.

Topics include personal safety and crime prevention, sexual assault awareness, alcohol and drug awareness, self-defense, and fire safety and prevention. Crime Prevention and personal safety workshops are offered at least two times a semester (during fall and spring), and presentations frequently involve experts from public and private organizations. Additionally, new employee orientation includes the distribution of crime prevention and fire safety materials to all new employees.

► **The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act)**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act **20 U.S.C. § 1092(f)**) requires Penn to provide students and employees with information on its security policies and procedures and specific statistics for certain criminal incidents, arrests and disciplinary referrals and to make the information and statistics available to prospective students and employees upon request. This information is available by calling the Division of Public Safety Special Services Department at (215) 898-4481 or online at [www.ublicsafety.upenn.edu/clery](http://www.ublicsafety.upenn.edu/clery). **To obtain a copy of the Clery Crime Statistics and Campus Security Policies for Wharton | San Francisco contact Brandon Lodriguss at 415-267-6356 or download a copy from: <http://www.publicsafety.upenn.edu/clery/annual-security-fire-safety-report> .** This URL connects to the Division of Public Safety Main Campus Clery web page. Look for the PDF file titled **2017 Annual Security and Fire Safety Report for Wharton | San Francisco**

The Division of Public Safety maintains close relationships with all police departments where the University of Pennsylvania owns or controls property. Crimes reported to local police departments that involve University property are brought to the attention of DPS. In addition to collecting Clery crime statistics from local police departments, all reports of crime incidents made directly to DPS through Penn Police Officers, the PennComm Dispatch Center, Allied Barton Security, as well as all incidents reported to Campus Security Authorities are entered into an integrated computer-aided dispatch/records management system.. All entries are recorded in the system in accordance with crime definitions outlined in the FBI Uniform Crime Reporting handbook. Incidents involving sex offenses are entered in accordance with the FBI National Incident Based Reporting System.

To validate that all reports are classified according to the proper crime category, a police supervisor reviews every police report and all reports received from Campus Security Authorities. Personnel assigned to the Records Unit and Police Patrol Commanders periodically audit reports to ensure that information is being collected and entered properly according to crime classifications. On a regular basis, personnel contacts the San Francisco Police Department to determine if any crimes have been reported to the local police that occurred on property leased by Penn at Wharton | *San Francisco*. Additionally, DPS contacts the San Francisco Police Department on an annual basis to ensure that all crimes reported to the local police that occur within the Wharton | *San Francisco* area are accounted for in crime statistics maintained by the staff at Wharton | *San Francisco*.

Statistics reported for subcategories on liquor, drug laws, and weapon offenses represent the number of people arrested or referred to campus judicial authorities.

It is important to note that the crime classifications for which colleges and universities must provide statistics differ under state and federal law. Statistics for certain crime classifications might appear to be different. For example, the federal statistics for motor vehicle theft differ from the state statistics for the same category because the federal classification includes attempted motor vehicle thefts, while state law requires institutions to separately report attempted motor vehicle thefts.

► **Definitions of Crimes Reportable Under The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as Amended by the Higher Education Opportunity Act & the Violence Against Women Act:**

**Criminal Homicide**

**Murder:** The willful (non-negligent) killing of one human being by another.

**Manslaughter**

**Non-negligent Manslaughter [Murder]:** The willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence [Criminal Homicide]:** The killing of another person through gross negligence.

**Sex Offenses**

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration of a sex organ of another person, without the consent of the victim.

**Fondling:** The touching of the private body parts of another for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory rape:** Sexual intercourse with a person who is under the statutory age of consent.

In California, it is illegal for an adult (someone 18 or older) to have sex with a minor (someone younger than 18), even if the sex is consensual.

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

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

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

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

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

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

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

**Hate Crimes:** Includes all of the crimes listed above, where the law requires the release of statistics by category of prejudice where the victim was intentionally selected because of the perpetrator's bias against the victim based on one of the Categories of Prejudice listed below, plus the following crimes:

**A. Larceny Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another.

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

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

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

**Categories of Prejudice under Hate Crimes are as follows:**

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

**B. Gender**—A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

**C. Religion**—A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

**D. Sexual Orientation**—A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation – a person’s physical, romantic and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

**E. Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture, (often including a shared religion) and/or ideology that stresses common ancestry.

**F. National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

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

**H. Gender Identity**—A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity.

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transportation, furnishing, or possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Public Drunkenness and Driving Under the Influence are not included in this definition.)

*\* Referrals for Disciplinary Actions by Student Conduct must be reported to the Penn Police for the following: Illegal Weapons Possession; Violations of Drug Laws; Violations of Liquor Laws*

► **Campus Crime Statistics for the University of Pennsylvania Wharton | San Francisco**

The law requires statistics for an expanded area beyond the campus and it requires these statistics to be shown in specific geographic categories. (Note that incidents shown in the On-Campus Residential category are also included in the statistics shown in the Campus\* category.) The following statistics are provided in compliance with the specific time periods, crime classifications, geographic categories and arrest data mandated by federal law. Note: These statistics reflect incidents reported to have occurred on Penn leased property at Wharton | San Francisco.

*\*The Clery Act defines **Campus** as “any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and property within the same reasonably contiguous geographic area of the institution and is owned by the institution but controlled by another person, is used by students, and supports the institutional purposes, such as a food or other retail vendor.” **On-Campus Residential** is a sub-category of Campus showing the number of on-campus incidents that occur “in dormitories or other residential facilities for students on campus.” The law defines **Non-Campus Building or Property** as “any building or property owned or controlled by a student organization recognized by the institution; and any building or property, other than a branch campus, owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purposes, is used by students, and is not within the same reasonable contiguous geographic area of the institution.” It defines **Public Property** as “all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution’s educational purposes.”*

## Wharton West Campus Crime Report

| Crime Classification    | Campus                       |      |      |                        |      |      | Non-Campus*        |      |      | Public Property        |      |      | Total        |      |      | Unfounded |      |      |
|-------------------------|------------------------------|------|------|------------------------|------|------|--------------------|------|------|------------------------|------|------|--------------|------|------|-----------|------|------|
|                         | On-Campus Residential        |      |      | On-Campus Total        |      |      |                    |      |      |                        |      |      |              |      |      |           |      |      |
|                         | 2016                         | 2015 | 2014 | 2016                   | 2015 | 2014 | 2016               | 2015 | 2014 | 2016                   | 2015 | 2014 | 2016         | 2015 | 2014 | 2016      | 2015 | 2014 |
| Murder                  | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 0    | 0         | 0    | 0    |
| Manslaughter            | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 0    | 0         | 0    | 0    |
| Rape                    | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 0    | 0         | 0    | 0    |
| Fondling                | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 0    | 0         | 0    | 0    |
| Incest                  | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 0    | 0         | 0    | 0    |
| Statutory Rape          | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 0    | 0         | 0    | 0    |
| Stalking                | 0                            | 0    | 0    | 0                      | 0    | 1    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 1    | 0         | 0    | 0    |
| Domestic Violence       | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 0    | 0         | 0    | 0    |
| Dating Violence         | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 0    | 0         | 0    | 0    |
| Robbery                 | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 0    | 0         | 0    | 0    |
| Aggravated Assault      | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 1    | 0                      | 0    | 0    | 0            | 0    | 1    | 0         | 0    | 0    |
| Burglary                | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 1    | 0                      | 0    | 0    | 0            | 0    | 1    | 0         | 0    | 0    |
| Motor Vehicle Theft     | 0                            | 0    | 0    | 1                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 1    | 1            | 0    | 1    | 0         | 0    | 1    |
| Arson                   | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 0    | 0         | 0    | 0    |
| Liquor-Law Violations   |                              |      |      |                        |      |      |                    |      |      |                        |      |      |              |      |      |           |      |      |
| Arrest                  | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 0    | 0         | 0    | 0    |
| Disciplinary Referrals  | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 0    | 0         | 0    | 0    |
| Drug-Related Violations |                              |      |      |                        |      |      |                    |      |      |                        |      |      |              |      |      |           |      |      |
| Arrest                  | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 0    | 0         | 0    | 0    |
| Disciplinary Referrals  | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 0    | 0         | 0    | 0    |
| Weapons Possession      |                              |      |      |                        |      |      |                    |      |      |                        |      |      |              |      |      |           |      |      |
| Arrest                  | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 1                      | 0    | 0    | 1            | 0    | 0    | 0         | 0    | 0    |
| Disciplinary Referrals  | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 0    | 0         | 0    | 0    |
|                         |                              |      |      |                        |      |      |                    |      |      |                        |      |      |              |      |      |           |      |      |
|                         | <b>Campus</b>                |      |      |                        |      |      | <b>Non-Campus*</b> |      |      | <b>Public Property</b> |      |      | <b>Total</b> |      |      |           |      |      |
|                         | <b>On-Campus Residential</b> |      |      | <b>On-Campus Total</b> |      |      |                    |      |      |                        |      |      |              |      |      |           |      |      |
| Hate Crimes             | 0                            | 0    | 0    | 0                      | 0    | 0    | 0                  | 0    | 0    | 0                      | 0    | 0    | 0            | 0    | 0    | 0         | 0    | 0    |

\* The Non-Campus crimes occurred at the Le Meridien Hotel which the University uses to house students during their weekend classes.

## ► Daily Crime Log

Wharton | *San Francisco* maintains a Daily Crime Log of all incidents reported to the staff at Wharton | *San Francisco* and crime information collected by the San Francisco Police Department. This includes all crimes, fire-related incidents and other serious incidents that occur during the times that Wharton | *San Francisco* operates at the San Francisco location.

The Daily Crime Log includes the incident type, date incident is reported, date and time of occurrence, and general location of each reported incident type, as well as the disposition of the incident, if this information is known. The staff at Wharton | *San Francisco* posts specific incidents in the Daily Crime Log within two business days of receiving a report of an incident and reserves the right to exclude reports from a log in certain circumstances as permitted by law.

The most current 60 days of information is available by requesting to review the Daily Crime Log book that is maintained by Brandon Lodriguss at Wharton | *San Francisco*. In addition, Wharton | *San Francisco* maintains a seven year archive of the Daily Crime Log. Requests for information older than 60 days must be directed to Brandon Lodriguss at Wharton | *San Francisco*. Information will be made available within two business days of a request for public inspection.

## ► Fire Safety

If a fire occurs in any area occupied by faculty, staff or students attending classes at Wharton | *San Francisco*, community members should immediately notify the San Francisco Police and Fire Department by calling 9-1-1. The front desk at Wharton | *San Francisco* should also be notified at (415) 267-6300.

If a member of the Wharton | *San Francisco* community finds evidence of a fire that has been extinguished, and the person is not sure whether the San Francisco Fire Department and Police Department has already responded, the community member should immediately notify 9-1-1 to investigate and document the incident.

Wharton | *San Francisco* has a fire alarm system to alert community members of potential hazards. Community members are required to heed an activated fire alarm system, and evacuate a building immediately. Use the nearest available exit to evacuate the building. Gather outside at either the primary or secondary Building Area of Refuge (BAR) as noted on the building's Emergency Procedures Bulletin. Community members should familiarize themselves with the exits in each building.

When a fire alarm is activated, the elevators in most buildings will automatically recall to a pre-designated fire safe floor. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. The emergency phones in elevators on campus ring to the front security desk. Wharton | *San Francisco* Community members who require additional assistance in emergency situations should notify the Director at Wharton | *San Francisco* during the registration process. This information can be added to the emergency evacuation plan for the site to ensure that provisions are made to assist individuals during the evacuation process. During annual fire and evacuation drills all Wharton | *San Francisco* community members participate in special training sessions conducted by building security and the local fire department to identify safe evacuations exits and staging areas where individuals report to for accountability.

## ► Fire Protection Equipment/Systems

The classrooms at Wharton | *San Francisco* are equipped with automatic fire detection and alarm systems which are monitored by Hills Plaza Security, 24/7.