

**BRYN ATHYN COLLEGE**

**Annual Security  
&  
Fire Safety Report**

**2024**



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## **MISSION**

The mission of the Academy of the New Church/Bryn Athyn College, Department of Public Safety, is to provide a safe and secure environment that is conducive to the various educational, religious, and secular activities undertaken on the Bryn Athyn College campus and adjoining properties.

The priorities of the Department are protection of life, property, enforcement of applicable laws, institutional policies, rules and regulations, and preservation of New Church ideals.

## **ANNUAL SECURITY & FIRE SAFETY REPORT**

This document is designed to inform you of Bryn Athyn College's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Pennsylvania Public School Code of 1949, the Pennsylvania College and University Security Information Act and Chapter 33 of the State Board of Education of Pennsylvania, the Federal Campus Sex Crimes Prevention Act of 2002, the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act of 1989, the Violence Against Women Act of 1994, and the Higher Education Opportunity Act of 2009.

As an "independent institution of higher education", as defined by the Commonwealth of Pennsylvania State Board of Education, Bryn Athyn College is required, under the terms of the College and University Security Information Act (Act 73 of May 26, 1988), to provide students and employees with information relating to crime statistics and security measures and to provide similar information to prospective students and employees upon request. This document meets that requirement.

In addition, Bryn Athyn College is required to publish additional information under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Some of the information in this document is provided to meet that requirement.

The college submits crime statistics to the Pennsylvania State Police, for publication in the Uniform Crime Report. Those same statistics, with crime rates, for the most recent three-year period are part of this document.

Crime statistics for Pennsylvania municipalities and colleges are available at:  
<https://www.ucr.pa.gov/PAUCRSPUBLIC/Home/Index>

Certain crime statistics are submitted annually to the United States Department of Education. These statistics are available at <http://ope.ed.gov/security/>. It may be helpful to search for “Academy of the New Church” or “Bryn Athyn College” on this website to find statistics for this campus.

This report is available upon request to every applicant for admission to the college, and to every new employee. The report is also provided annually to all students and employees.

## **ANNUAL DISCLOSURE OF CRIME STATISTICS**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) is a federal law that requires all colleges and universities to prepare and publish an Annual Security Report (ASR). The ASR must contain crime statistics for the past three calendar years, along with college security policies. The Department of Public Safety is responsible for compiling the necessary information regarding crimes reported in the previous calendar year, and for preparing the ASR. Crime statistics are collected from the Department of Public Safety, the Bryn Athyn Police Department, and individuals designated as Campus Security Authorities. The completed Annual Security Report is published and made available to the College community. The ASR is posted on the Bryn Athyn College website at:

<https://brynathyn.edu/student-life/campus-services/department-of-public-safety>.

An email is sent to all Bryn Athyn College students, faculty, and staff when the ASR is posted. This email contains the web address, and information about how to obtain a printed copy of the report.

## **GEOGRAPHIC LOCATIONS FOR CLERY REPORTING**

The college is required to report crime statistics for Clery-designated crimes and to issue Timely Warnings for those crimes that represent a severe and/or continuing threat in the following geographic locations: *on campus, public property, and non-campus buildings and property*.

**ON CAMPUS:** Any building or property owned or controlled by the institution within the same reasonably contiguous geographical area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and any building or property that is within or reasonably contiguous area, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other retail vendor).

**PUBLIC PROPERTY:** “Public Property” means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, street or 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. All streets, alleys, sidewalks, and parks that are adjacent to campus or that bisect campus, are included as *public property*.

**NON-CAMPUS BUILDINGS OR PROPERTY:** Any building 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.

*See Appendix A for the explanation/definition of reported crimes.*

*See Appendix C for the last three calendar year statistics.*

*See Appendix F for the campus geographical map.*

## **DEPARTMENT OF PUBLIC SAFETY**



Campus security is managed by the Academy of the New Church/Bryn Athyn College Department of Public Safety. Public Safety offices are located at Pitcairn Hall, 801 Tomlinson Road, Bryn Athyn PA 19009, P.O. Box 699. The business phone number is 267-502-2550.

The Department of Public Safety includes a Director, Assistant Director/Access Control Technician, Patrol Manager, and Public Safety Patrol Officers. Public Safety Officers receive a combination of classroom and practical training.

Public Safety works closely with the Bryn Athyn Police Department, other local municipal services, and currently participates in the following safety and security committees:

- Eastern Montgomery County/Philadelphia Crime Information-Sharing Network
- Lower Moreland Safe Schools Committee
- Academy of the New Church Safety Congress
- Bryn Athyn Borough Emergency Management Committee
- Bryn Athyn College Crisis Management Committee

Public Safety also maintains liaison with the Delaware Valley Regional Intelligence Center (DVIC) to receive crime awareness, tactics, and crime trends information.

## **CAMPUS LAW ENFORCEMENT POLICY**

### **Enforcement Authority**

Public Safety Officers are members of a proprietary security force, and as such do not have police authority. The Department of Public Safety maintains a close working relationship with the Bryn Athyn Police neighboring departments. Criminal incidents are normally referred to the Bryn Athyn Police for investigation and arrest purposes.

## **REPORTING CRIMES & OTHER EMERGENCIES**

### **Accurate and Prompt Reporting**

Members of the campus community are strongly encouraged to report all criminal actions and emergencies such as a fire or request for EMS directly to the Bryn Athyn Police or other appropriate agency by dialing 911, including when a victim of a crime elects not to, or is unable (physically/mentally) to make such a report. Criminal acts or other emergencies should also be reported to the Department of Public Safety. All reports are investigated. A campus crime log is maintained for public viewing at the Department of Public Safety office. Crimes and other emergencies can be reported several ways:

### **By Phone and Email:**

Emergency First Responders:

9-1-1 contacts the Montgomery County Dispatcher for immediate police, fire, and Emergency Medical Services.

Department of Public Safety:

**365/24/7 On-Duty Phone:** (Calls Only) 267-502-2424

- From 10pm Saturday night until 6am Sunday morning and from 10pm Sunday night until 6am Monday morning there is no Public Safety Officer present on campus and all emergencies are handled by the Bryn Athyn Police Department.

**Business Phone:** 267-502-2550 for non-emergency calls and messages

**Public Safety Department Email:** [publicsafety@anc-gc.org](mailto:publicsafety@anc-gc.org)

**Address:** 801 Tomlinson Road, Bryn Athyn, PA 19009, P.O. Box 699

Public Safety Leadership Team:

**Director:** Joseph F. Metzinger

Email: [Joe.Metzinger@anc-gc.org](mailto:Joe.Metzinger@anc-gc.org)

**Assistant Director:** Traci Barney

Email: [Traci.Barney@anc-gc.org](mailto:Traci.Barney@anc-gc.org)

**Patrol Manager:** Ivan Rose

Email: [Ivan.Rose@anc-gc.org](mailto:Ivan.Rose@anc-gc.org)

Bryn Athyn College's Crisis Management information site <https://brynathyn.edu/student-life/campus-services/department-of-public-safety/crisis-response.html> provides up-to-date information on all Crisis Response matters.

Anonymous On-Line tips can be submitted through the Bryn Athyn College web page > Student Life portal > Title IX: Sexual Misconduct > Procedures for Reporting > On-Line Report Form.

### **Monitoring and Reporting of Criminal Activity**

The Department of Public Safety collaborates with the Bryn Athyn Police Department on all criminal or threat concerns with the Bryn Athyn Police providing investigative assistance as needed.

### **TIMELY WARNINGS**

The Department of Public Safety will provide Timely Warnings to the campus community regarding crimes or other matters that have been reported to Public Safety or local police that may present a serious or ongoing threat to the safety or health of the community. The Director of Public Safety, or a designee, will determine whether a Timely Warning is needed and draft the appropriate message. Before transmission, the message may be reviewed by appropriate administrators if this can be done without delaying the release of information.

Timely Warnings may be communicated through any of the following means: Omnilert Mass Notification System (phone calls, voice messages, text messages, Emails), publication on the Bryn Athyn College and/or Public Safety websites, announcements at campus events, social media, and/or verbally.

Academy of the New Church Secondary Schools utilizes the same procedures.

### **EMERGENCY NOTIFICATION & EVACUATION**

If the Department of Public Safety receives information regarding any immediate threat to the campus community it will immediately act on this information. In collaboration with campus administrators and Bryn Athyn Police, Public Safety will determine the content of the Emergency Notification and initiate the notification system.

An Emergency Notification will not be made if, in the professional judgement of college authorities, such notification will compromise efforts to assist victims, or to contain, respond to, or otherwise mitigate the emergency.

### **Immediate Notification**

An Emergency Notification may be communicated through any of the following means: Omnilert Mass Notification System (phone calls, voice messages, text messages, Emails), publication on the Bryn Athyn College and/or Public Safety websites, announcement at campus events, social media, and/or verbally.

### **Annual Notification**

Faculty, staff, and students are regularly advised to subscribe to the Omnilert Mass Notification System. Omnilert allows Public Safety to reach any or all subscribers instantly and at the same time. Public Safety tests this mass notification system at the start of each academic semester.

### **Emergency Drills, Testing and Evacuation Procedures**

Emergency and Evacuation procedures are evaluated once per semester in all residence halls and once or twice annually in academic and administrative buildings. The Department of Public Safety is responsible for conducting and overseeing all Emergency and Evacuation drills and for maintaining documentation regarding these drills.

Emergency and Evacuation drills may be announced or unannounced. All efforts are made to conduct drills in a manner that minimizes disruption yet promotes maximum participation. Evacuation drills provide an opportunity for the campus community to become familiar with emergency exits, exit procedures, and evacuation assembly points. The Department of Public Safety provides all members of the campus community with guidance and emergency evacuation information during this process. In addition, Public Safety will publicize Emergency and Evacuation procedures in conjunction with one Emergency and Evacuation drill per year.

### **Informational Emails**

Students receive monthly Informational Emails reminding them of campus policies and regulations. These Informational Emails also provide students with reminders and information on

Lock Down/Shelter-in-Place procedures, Evacuation and Relocation sites, parking enforcement, campus drug and alcohol policies, links to Public Safety web pages and resources, public safety awareness, and emergency numbers.

## **MISSING STUDENT NOTIFICATION PROCEDURES**

Each student living in an on-campus student housing facility has the option to register a confidential contact person to be notified in the case that the student is determined to be missing. Only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information.

Even if a student has not registered a contact person, local law enforcement (Bryn Athyn Police Department) will be notified that the student is missing.

When a missing student is less than 18 years of age and not emancipated, their parent or guardian will be notified.

Official missing student reports must be referred immediately to any of the following:

- Department of Public Safety
- Director of Student Housing
- Bryn Athyn Police Department

### **Procedures**

If a member of the college community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify the On-Duty Public Safety phone at 267-502-2424 and the Bryn Athyn Police Department.

The Department of Public Safety will generate a missing person report and initiate an investigation.

After investigating the missing person report, should the Department of Public Safety determine that the person is missing and has been missing for more than 24 hours, they will notify the Bryn Athyn Police Department and the student's emergency contact, as described above, no later than 24 hours after the student is determined to be missing.

## **CAMPUS FACILITIES - SECURITY AND ACCESS**

### **Enforcement Authority**

The Department of Public Safety enforces Bryn Athyn College's Secure Building and Visitor Policy in consultation with academic and residential staff. Public Safety also issues all physical keys and enables or revokes electronic IDs.

### **Security and Access**

Access to institutional facilities is granted to individuals who have demonstrated a need or right to such access. The level of access depends upon the type of building (public, office, residential), class or event schedules, and time of day. Most buildings are accessible during normal business hours on weekdays, except certain holidays, and some buildings are open for certain hours on weekends. Some buildings or portions of buildings are only accessible via access control devices such as physical or electronic keys, or keypads. Every reasonable effort is made to maintain campus facilities in a manner that is conducive to a secure environment. This includes maintenance and repair of doors, locks and windows, maintenance of grounds and landscaping to enhance field of view, and provision of adequate outdoor lighting. Advanced technology, such as intrusion alarms, access control, and video surveillance are used in some areas.

Housing is available on campus for undergraduate and graduate students, in single-sex residence hall arrangements. Housing for married students and their families is sometimes available on or off campus.

Room assignments for college students are prepared by the college using survey information provided by each resident. Requests for room changes are managed on a case-by-case basis, and a reasonable effort is made to meet the needs of all parties involved.

Housing facility entrances are normally always locked when a staff member is not on duty. Residents gain access through keys or access control systems. Intrusion alarms are in place in some buildings. Student rooms are normally secured with typical locking door hardware and positive latches on windows.

Visiting housing facilities is generally limited to public lounge areas, while a staff member is on duty. In the freshman residence halls, opposite-sex visitors are allowed in student rooms during designated visiting hours. Arrangements for overnight same-sex visitors includes visitors signing in. Extended stays require prior approval by an appropriate staff member.

### **SECURITY/CRIME PREVENTION AWARENESS PROGRAMS**

Students are strictly prohibited from possessing firearms, lethal weapons, explosives, hazardous chemicals, or other potential safety hazards on campus.

### **Policy Statement**

Information about security matters is provided to the campus community through the Omnilert Mass Notification System, Informational Emails, the Public Safety website, and/or the Bryn Athyn College Employee Information Hub SharePoint site. The Bryn Athyn College Student Handbook also includes information about security. The Department of Public Safety publishes safety and security information at least annually, and more frequently if needed. Timely Warnings of any imminent threats to the campus community are provided through Omnilert. Public Safety also assists with the training of staff and resident assistants in security matters.

Each housing facility is normally overseen by a housing manager and several resident assistants. Their training on security matters includes familiarity with locking and alarm mechanisms for their buildings, emergency response procedures, etc. Security is also provided by campus Public Safety Officers.

Housing residents receive an orientation to their facility at the time they move in. This includes all necessary information regarding security. All security policies and measures remain in place during low-occupancy periods, such as vacations and holiday breaks.

A meeting with residential staff and assistants prior to the first academic term provides safety and awareness programs and prevention measures. Topics include securing personal property and vehicles; awareness of surroundings; drug and alcohol awareness; sexual assault and other crimes, and lessons learned from any previous incidents.

This same information is provided to all incoming students at the beginning of their first academic term, athletic programs, and non-student athletes.

### **Policy Statement**

All applicants for admission or employment are required to reveal any criminal history at the time of their application. This information will be considered when the application is being reviewed.

## **FIRE SAFETY AND AWARENESS**

The Higher Education Opportunity Act (HEOA) was signed into law in August of 2008 and contains several crucial campus components. One of the primary provisions of the HEOA is the Campus Fire Safety Right-to-Know Act. This provision calls for all Title IV eligible institutions that participate in Title IV programs and maintain on-campus student housing facilities to publish an annual fire safety report that outlines fire safety systems, policies, practices, and statistics.

For the purposes of fire safety reporting, a fire is “any instance of open flame or other burning in a place not intended to contain the burning or burning in an uncontrolled manner”.

### **Policy Statement**

The Department of Public Safety conducts fire drills according to schedules required by the Department of Education and/or Pennsylvania Department of Labor and Industry (OSHA) requirements.

See also Section ‘Fire Drills Held’, below.

### **Fire Safety Systems**

All residential facilities include fire detection systems, which are monitored by various alarm companies.

See Appendix C for specific details regarding system capabilities.

### **Fire Drills Held**

Fire drills are usually scheduled in each residential facility near the beginning of each academic period. Drills for similar buildings may be combined since the process and procedures can be explained to all the residents at the same time.

Fire drills are held in academic and administrative buildings during the academic year, typically once or twice. The intent is to familiarize the students and staff with the alarm systems, and the procedures to be followed.

See Appendix C for specific details regarding the number of fire drills conducted in residence halls.

### **Policies**

Portable electric appliances such as hot-plates and coffee pots are prohibited in residential rooms unless they are equipped with automatic shut-off in case of overheating or tipping.

Smoking is prohibited inside residential facilities but is permitted outside.

Open flames such as candles are prohibited inside residential facilities.

### **Evacuation Procedures**

Building occupants are instructed to evacuate the building if the fire alarm sounds, to assemble in a designated place in order to identify any missing persons, and to meet responding security/police/fire responders and relay information.

### **Fire Safety Education and Training**

Current education and training, for students, faculty, and staff, consists only of instructions reviewed during fire drills. These cover how to report a fire, how to activate building alarm systems, and evacuation procedures.

### **Reporting**

Fire-related incidents should be reported to 9-1-1 as they occur. After-the-fact reports should be submitted to the Security Department, which will document the incident and conduct the necessary investigation.

### **Plans for Future Improvements**

In the future, we hope to increase the frequency and content of fire (and other safety) training. This may be done through periodic presentations, Email, or other notifications, or using other display materials.

### **Fire Statistics**

Starting in 2009, institutions have been required to compile and report fire statistics for on-campus residence halls.

See Appendix D for the statistics for the last three calendar years – 2022, 2023, 2024.

## **ALCOHOL & OTHER DRUGS POLICY**

The Undergraduate Student Handbook includes specific policies concerning alcohol and drug usage, in Section IV: Student Conduct and Student Life Policies.

### **Alcohol Policy**

Bryn Athyn College students of any age may not possess, transport, use, sell, distribute, or consume alcoholic beverages on campus and/or during any off-campus college-sponsored event or activity.

Bryn Athyn College students of any age may not be under the influence of alcoholic beverages on campus and/or during any off-campus college-sponsored activity or event.

A Bryn Athyn College student who violates any provision of the college's alcohol policy will be subject to disciplinary action. In accordance with the laws of the Commonwealth of Pennsylvania, students under the age of twenty-one will be subject to criminal prosecution in addition to disciplinary action.

### **Drug Policy**

Bryn Athyn College students may not possess, transport, use, sell or distribute unauthorized or illegal drugs on campus and/or during any off-campus College-sponsored event or activity.

Bryn Athyn College students may not be under the influence of unauthorized or illegal drugs on campus and/or during any off-campus college-sponsored activity or event.

A Bryn Athyn College student who violates any provision of the college's drug policy will be subject to disciplinary action and criminal prosecution, in accordance with federal and Pennsylvania laws.

## **SUBSTANCE ABUSE EDUCATION PROGRAMS**

In accordance with the requirements of the Drug-Free Schools and Community Act (DFSCA), Bryn Athyn College has developed a program to prevent the unlawful possession, use, sale or distribution of illegal drugs and alcohol by students and employees.

### **Campus and Community Resources**

Montgomery County Drug and Alcohol Treatment	610-278-3642
Growth Opportunity Center	215-947-8117
Alcoholics Anonymous	3 meetings weekly in Bryn Athyn
Narcotics Anonymous	5 meetings weekly in Bryn Athyn

## **SEX OFFENSES POLICY & PROCEDURES**

The Undergraduate Student Handbook includes specific policies concerning sex offenses, in Section IV: Student Conduct and Student Life Policies.

### **Policy Statement**

Bryn Athyn College will not tolerate sexual offenses, whether forcible or non-forcible, on campus or at college-sponsored events, by any member of the Bryn Athyn College community regardless of location, when involving Bryn Athyn College students or employees.

A student who believes that he/she has been the victim of a sexual offense should report the incident to the Department of Public Safety (267-502-2424), Bryn Athyn Police (9-1-1), dean of students, or a member of the college staff with whom they feel comfortable and safe. The Department of Public Safety will provide information about filing criminal charges and assist the victim in making a report to Bryn Athyn Police, at his/her request.

Bryn Athyn College will make changes in the academic and/or living status of a student who has reported a sexual offense if the student requests such changes and if they are reasonable feasible.

#### Information for victims of Sexual Assault

- \* Abington Memorial Hospital's Emergency Department has a forensic nurse or Sexual Assault Nurse Examiner (SANE) available 24 hours a day to assist victims of sex offenses: 215-481-2000.
- \* Victim Services of Montgomery County offers comprehensive services to victims of sexual assault, including a 24-hour hotline: 610-277-5200 or 888-521-0983.
- \* On-campus Counselor is located at the Health and Wellness Center: 267-502-2949.
- \* The Growth Opportunity Center provides psychiatric and psychological services, including counseling and therapy: 267-502-2432.

#### **Disciplinary Action**

Both the accuser and the accused are entitled to the same opportunities to have others present during college disciplinary proceedings.

Both the accuser and the accused will be informed of the college's final determination in disciplinary proceedings with regards to the alleged sex offense, and any sanction imposed against the accused. [Note that this legal requirement does not violate FERPA regulations].

Upon request, Bryn Athyn College will disclose the results of any disciplinary proceedings conducted by the college against a student who is the alleged perpetrator of any violent crime or non-forcible sex offense to the alleged victim, or to the next of kin if the victim is deceased.

## **SEX OFFENDER REGISTRATION POLICY**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student.

### **Policy Statement**

Individuals can review the Pennsylvania State Police registry of “persons who reside, work, carry on a vocation, or attend school in the Commonwealth and have either been convicted of, entered a plea of guilty to, or adjudicated delinquent of certain sex offenses in Pennsylvania or another jurisdiction”. This can be done by telephone at 717-783-4363, or online at the following website:

<https://www.pameganslaw.state.pa.us/>

## **REPORTING OF CRIMINAL OFFENSES**

The Clery Act requires designated Campus Security Authorities to report campus crime statistics for inclusion in the Annual Security Report, and to facilitate Timely Warnings. The Clery Act’s definition of Camus Security Authorities includes all campus officials who have “significant responsibility for student and campus activities”. The following are designated Campus Security Authorities at Bryn Athyn College:

Administration President  
Dean of Academics and Faculty  
Dean of the Theological School  
Associate Dean of Academic Affairs  
Director of Campus Life & Student Engagement  
Director of Financial Aid  
Director of Admissions  
College Chaplain  
Chief Development Officer, Marketing & Communications  
Controller  
Bursar  
Manager, Data Systems & Institutional Research  
Accreditation Liaison Officer

Swedenborg Library Director  
Director of Human Resources  
Department of Public Safety Staff  
Faculty Council Chair  
Title IX Coordinator  
Title IX Deputy Coordinator  
Advisors to student groups, clubs, and organizations

The statistics in Appendix B have been compiled from incidents reported to the Department of Public Safety or the Bryn Athyn Police Department during the 2022, 2023 and 2024 calendar years. The statistics do not reflect any reports that might have been made to other departments or individuals at the schools unless those individuals or departments in turn notified the Department of Public Safety.

## **VOLUNTARY CONFIDENTIAL REPORTING**

Bryn Athyn College does not have a policy regarding voluntary confidential reporting for pastoral and professional counselors. These individuals are exempt from the reporting requirements established by the Clery Act, while working within the scope of a license or certification. Pastoral and professional counselors are strongly encouraged to provide statistical information regarding crimes or incidents. This information may be provided anonymously and can then be included in the Annual Security Report and used to facilitate timely warnings.

Victims or witnesses may report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

## **APPENDIX A – CLERY DESIGNATED DEFINITIONS**

### **Clery designated crime definitions**

Bryn Athyn College is required to report statistics as defined by the Clery Act for the following crimes, if the crimes are reported and they occur in geographic locations as defined on page 6 of this report.

1. Homicide: Murder/Non-Negligent Manslaughter - The willful (non-negligent) killing of one human being by another.
2. Homicide: Negligent Manslaughter -The killing of another person through gross negligence.
3. Sex Offenses - Any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - 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.
4. Robbery - The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
5. Aggravated Assault -An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that the injury result from an aggravated assault when a gun, knife, or other weapon is used which would and probably would result in serious personal injury if the crime were successfully completed).
6. Burglary -The unlawful entry of a structure to commit a felony or a theft.
7. Motor Vehicle Theft -The theft or attempted theft of a motor vehicle.

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

### **Clery designated hate crime definitions**

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

2. Bias – A preformed negative opinion or attitude toward a group of persons based on their race gender, gender identity, religion, disability, sex al orientation, ethnicity, or national origin.

3. Race (Bias) -A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g. color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g. Asians, blacks, whites).

4. Gender (Bias) -A preformed negative opinion or attitudes toward a group of persons because those persons are male or female.

5. Gender Identity (Bias) -A preformed negative opinion or attitude toward an individual or group because of actual or perceived gender-related characteristics.

6. Religion (Bias) -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 (e.g. Catholics, Jews, Protestants, atheists).

7. Sexual Orientation (Bias) -A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.

8. Ethnicity (Bias) -A preformed negative opinion or attitude toward a group of persons who share common or similar traits, languages, customs, and traditions (e.g. Arabs, Hispanics).

9. National Origin (Bias) – A preformed negative opinion or attitude toward a group of persons who are from a particular country or part of the world.

10. Disability (Bias) - A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/ challenges, whether such disability is temporary or

permanent, congenital, or acquired by heredity, injury, advanced age, or illness.

11. Larceny-theft -The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession (position to exercise control over a thing regardless of possession) of another.

12. Simple assault- The attack by one person upon another without a weapon, no obvious severe or aggravated bodily injury involving broken bones, loss of teeth, internal injury, severe laceration or loss of consciousness.

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

14. Destruction/damage/vandalism of property – To destroy willfully and maliciously, damage, deface, or otherwise injure real or personal property without owner's consent or the person who has control or custody of it.

#### **Clery designated definitions & terms: Arrests & disciplinary referrals**

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

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

3. Weapons Law Violations (Carrying, Possession, Etc.) -The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

4. Referral for Campus Disciplinary Action- The referral of any person to a campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

## **Uniform Crime Reporting definitions**

Under the Pennsylvania College and University Security Information Act, Bryn Athyn College is required to report crime statistics as defined by the Uniform Crime Reporting Program for the following crimes if the crimes are reported and occur on the property owned by the college. The Uniform Crime Reporting (UCR) program divides offenses into two groups, Part I and Part II crimes.

Each month the Bryn Athyn College Department of Public Safety submits information on the number of Part I offenses known to law enforcement; those offenses cleared by arrest or exceptional means; and the age, sex, and race of persons arrested for each of the offenses. The Department of Public Safety provides only arrest data for Part II offenses.

### **Part I Offenses**

**Murder and Non-Negligent Manslaughter** - The willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The program classifies justifiable homicides separately and limits the definition to:

- 1) The killing of a felon by a law enforcement officer in the line of duty; or
- 2) The killing of a felon, during the commission of a felony, by a private citizen.

**Manslaughter by negligence** - The killing of another person through gross negligence. Traffic fatalities are excluded.

**Rape** -The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

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

**Aggravated assault** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

**Burglary (breaking or entering)** - The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

Larceny-theft (except motor vehicle theft) - The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles or automobile accessories, shoplifting, pocket-picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Motor Vehicle Theft - The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

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.

## **Part II Offenses**

Other Assaults (Simple) - Assaults and attempted assaults which are not of an aggravated nature and do not result in serious injury to the victim.

Forgery and Counterfeiting -The altering, copying, or imitating of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud. Attempts are included.

Fraud - The intentional perversion of the truth for the purpose of inducing another person or other entity in reliance upon it to part with something of value or to surrender a legal right. Fraudulent conversion and obtaining of money or property by false pretenses, confidence games and bad checks, except forgeries and counterfeiting, are included.

Embezzlement -The unlawful misappropriation or misapplication by an offender to his/her own use or purpose of money, property, or some other thing of value entrusted to his/her care, custody, or control.

Stolen Property; Buying, Receiving, Possessing - Buying, receiving, possessing, selling, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by burglary, embezzlement, fraud, larceny, robbery, etc. Attempts are included.

Vandalism - To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law. Attempts are included.

Weapons; carrying, possessing, etc. - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Attempts are included.

Prostitution and commercialized vice – The unlawful promotion of or participation in sexual activities for profit, including attempts.

Sex offenses (except forcible rape, prostitution, and commercialized vice) - Statutory rape, offenses against chastity, common decency, morals, and the like. Attempts are included.

Drug abuse violations -The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The following drug categories are specified: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics- manufactured narcotics that can cause true addiction (Demerol, Methadone); and dangerous non-narcotic drugs (Barbiturates, Benzedrine).

Gambling – To unlawfully bet or wager money or something else of value; assist, promote, or operate a game of chance for money or some other stake; possess or transmit wagering information; manufacture, sell, purchase, possess, or transport gambling equipment, devices, or goods; or tamper with the outcome of a sporting event or contest to gain a gambling advantage.

Offenses against the family and children - Unlawful nonviolent acts by a family member (or legal guardian) that threaten the physical, mental, or economic well-being or morals of another family member and that are not classifiable as other offenses, such as Assault or Sex Offenses. Attempts are included.

Driving under the Influence - Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic.

Liquor Laws - The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Federal violations are excluded.

Drunkenness -To drink alcoholic beverages to the extent that one's mental faculties and physical coordination are substantially impaired. Excludes driving under the influence.

Disorderly Conduct - Any behavior that tends to disturb the public peace or decorum, scandalizes the community, or shocks the public sense of morality.

Vagrancy – The violation of a court order, regulation, ordinance, or law requiring the withdrawal of persons from the streets or other specified areas; prohibiting persons from remaining in an area or place in an idle or aimless manner; or prohibiting persons from going from place to place without visible means of support.

All other offenses – All violations of state or local laws not specifically identified as Part I or Part II offenses, except traffic violations.

## **APPENDIX B - DEFINITION OF TERMS AS DEFINED BY PENNSYLVANIA STATE CRIMINAL STATUTES**

CONSENT IS DEFINED IN PENNSYLVANIA CRIMINAL LAW AS:

311. Consent.

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

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

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

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

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

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1992-24 (S.B.3),PL.108, 17,approvedApr.13, 1992, eff.in 60 days.

Sexual assault is defined under the following statues in Pennsylvania criminal code: PA Crimes

Code CHAPTER 31.

## SEXUAL OFFENSES

SUBCHAPTER A. GENERAL PROVISIONS

SUBCHAPTER B. DEFINITION OF OFFENSES

SUBCHAPTER C. LOSS OF PROPERTY RIGHTS

SUBCHAPTER A - GENERAL PROVISIONS

3101 Definitions.

3102 Mistake as to age.

3104 Evidence of victim's sexual conduct.

3105 Prompt complaint.

3106 Testimony of complainants.

3107 Resistance not required.

SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT PROVISIONS OF THIS CHAPTER WHICH ARE APPLICABLE TO SPECIFIC PROVISIONS OF THIS CHAPTER, THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

Complainant - An alleged victim of a crime under this chapter.

Deviate Sexual Intercourse - Sexual intercourse per oral or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.

Forcible Compulsion - Compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after sexual intercourse.

Foreign Object - Includes any physical object not a part of the actor's body.

Indecent Contact - Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in either person.

Serious Bodily Injury - As defined in section 2301 (relating to definitions).

Sexual Intercourse - In addition to its ordinary meaning, includes intercourse per oral or per anus, with some penetration however slight; emission is not required.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1984-230 (H.B.281), PL. 1210, 1, approved Dec. 21, 1984, eff. immediately; Act 1990-4 (H.B. 1120), PL. 6, 4, approved Feb. 2, 1990, eff. in 60 days; Act 1995 Special Session-10 (S.B. 2), PL. 985, 1, approved Mar. 31, 1995, See section of this act for effective date information; Act 2002-162 (H.B.976), PL.1350, 1, approved Dec. 9, 2002, eff. In 60 days; Act 2002-226 (S.B. 1402), PL. 1953, 1, approved Dec. 16, 2002, eff. in 60 days.

### 3102. Mistake as to Age

Except as otherwise provided, whenever in this chapter the criminality of conduct depends on a child being below the age of 14 years, it is no defense that the defendant did not know the age of the child or reasonably believed the child to be the age of 14 years or older. When criminality depends on the child's being below a critical age older than 14 years, it is a defense for the defendant to prove by a preponderance of the evidence that he or she reasonably believed the child to be above the critical age.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1976-53 (H.B.580), PL. 120, 1, approved May 18, 1976, eff. In 30 days; Act 1995 Special Session-10 (S.B.2), PL. 985, 1, approved Mar. 31, 1995, See section of this act for effective date information.

### 3104. Evidence of Victims Sexual Conduct.

A. General Rule - Evidence of specific instances of the alleged victims past sexual conduct, opinion evidence of the alleged victims past sexual conduct, and reputation evidence of the alleged victims past sexual conduct shall not be admissible in prosecutions under this chapter except evidence of the alleged victims past sexual conduct with the defendant where consent of the alleged victim is at issue and such evidence is otherwise admissible pursuant to the rules of evidence.

B. Evidentiary Proceedings - A defendant who proposes to offer evidence of the alleged victims past sexual conduct pursuant to subsection (a) shall file a written motion and offer of proof at the time of trial. If, at the time of trial, the court determines that the motion and offer of proof are sufficient on their faces, the court shall order an in-camera hearing and shall make findings on the record as to the relevance and admissibility of the proposed evidence pursuant to the standards set forth in subsection (a).

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1976-53 (H.B.580), PL. 120, 1, approved May 18, 1976, eff. In 30 days.

### 3105. Prompt Complaint.

Prompt reporting to public authority is not required in a prosecution under this chapter: Provided, however, that nothing in this section shall be construed to prohibit a defendant from introducing evidence of the complainant's failure to promptly report the crime if such evidence would be admissible pursuant to the rules of evidence.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1976-53 (H.B.580), PL. 120, 1, approved May 18, 1976, eff. In 30 days; Act 1995 Special Session-10 (S.B.2), PL. 985, 3, approved Mar. 31, 1995, See section of this act for effective date information.

#### 3106. Testimony of Complainants.

The credibility of a complainant of an offense under this chapter shall be determined by the same standard as is the credibility of a complainant of any other crime. The testimony of a complainant need not be corroborated in prosecutions under this chapter. No instructions shall be given cautioning the jury to view the complainant's testimony in any other way than that in which all complainants' testimony is viewed.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1976-53 (H.B.580), PL. 120, 2, approved May 18, 1976, eff. In 30 days; Act 1995 Special Session-10 (S.B.2), PL. 985, 3, approved Mar. 31, 1995, See section of this act for effective date information.

#### 3107. Resistance not required.

The alleged victim need not resist the actor in prosecutions under this chapter: Provided, however, that nothing in this section shall be construed to prohibit a defendant from introducing evidence that the alleged victim consented to the conduct in question.

Act 1976-53 (H.B. 580), PL. 120, 2, approved May 18, 1976, eff. in 30 days.

### SUBCHAPTER B. DEFINITION OF OFFENSES

#### 3121 Rape.

##### 3122.1. Statutory sexual assault.

#### 3123 Involuntary deviate sexual intercourse.

##### 3124.1 Sexual assault.

##### 3124.2. Institutional sexual assault.

#### 3125 Aggravated indecent assault.

#### 3126 Indecent assault.

#### 3127 Indecent exposure.

#### 3129 Sexual intercourse with animal.

#### 3130 Conduct relating to sex offenders. [Effective until December, 20, 2012]

#### 3130 Conduct relating to sex offenders

### 3121. Rape

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

- 1) By forcible compulsion.
- 2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
- 3) Who is unconscious or where the person knows that the complainant is unaware that sexual intercourse is occurring.
- 4) Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants, or other means for the purpose of preventing resistance.
- 5) Who suffers from a mental disability which renders the complainant incapable of consent.
- 6) (Deleted by amendment).

B. ADDITIONAL PENALTIES. In addition to the penalty provided for by subsection;

- 1) a person may be sentenced to an additional term not to exceed ten years confinement and an additional amount not to exceed \$ 100,000 where the person engages in sexual intercourse with a complainant and has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, any substance for the purpose of preventing resistance through the inducement of euphoria, memory loss and any other effect of this substance.

C. RAPE OF A CHILD. A person commits the offense of rape of a child, a felony of the first degree, when the person engages in sexual intercourse with a complainant who is less than 13 years of age.

D. RAPE OF A CHILD WITH SERIOUS BODILY INJURY. A person commits the offense of rape of a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is under 13 years of age and suffers serious bodily injury during the offense.

E. SENTENCES. Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

- 1) Subsection (c) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years
- 2) Subsection (d) shall be sentenced up to a maximum term of life imprisonment.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1984-230 (H.B.281), PL. 1210, 1, approved Dec. 21, 1984, eff. in 60 days; Act 1995 Special Session-10 (S.B.2), PL. 985, 3, approved Mar. 31, 1995, See section of this act for effective date information; Act 1997-65 (H.B. 1125), PL. 621, 2, approved Dec. 19, 1997, eff. in 60 days; Act 2002-162 (H.B.976), PL.1350, 2, approved Dec. 9, 2002, eff. in 60 days; Act 2002-226 (S.B. 1402), PL. 1953, 1.1, approved Dec. 16, 2002, eff. in 60 days.

3122.1.Statutory Sexual Assault.

A. FELONY OF THE SECOND DEGREE.

Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either:

- 1) Four years older but less than eight years older than the complainant; or
- 2) Eight years older but less than 11 years older than the complainant.

B. FELONY OF THE FIRST DEGREE. A person commits a felony of the first degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other.

Act 1995 Special Session-10 (S.B. 2), PL. 985, 5, approved Mar 31, 1995, See section of this act for effective date information; Act 2011-111 (S.B.1183), 1, approved Dec. 20, 2011, eft. in 60 days.

3123 Involuntary Deviate Sexual Intercourse.

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

- 1) by forcible compulsion;
- 2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;

3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;

4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants, or other means for the purpose of preventing resistance.

5) who suffers from a mental disability which renders him or her incapable of consent; or

(6) (Deleted by amendment).

7) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.

**B. INVOLUNTARY DEVIATE SEXUAL INTERCOURSE WITH A CHILD.** A person commits involuntary deviate sexual intercourse with a child, a felony of the first degree, when the person engages in deviate sexual intercourse with a complainant who is less than 13 years of age.

**C. INVOLUNTARY DEVIATE SEXUAL INTERCOURSE WITH A CHILD WITH SERIOUS BODILY INJURY.** A person commits an offense under this section with a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is less than 13 years of age and the complainant suffers serious bodily injury during the offense.

**D. SENTENCES.** Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

1) Subsection (b) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.

2) Subsection (c) shall be sentenced up to a maximum term of life imprisonment.

**E. DEFINITION.** As used in this section, the term forcible compulsion includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after the sexual intercourse.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eft. in 6 months; Act 1995 Special Session-10 (S.B. 2}, PL. 985, 6, approved Mar 31, 1995, See section of this act for effective date

information; Act 2002-162 (H.B. 976}, PL. 1350, 2, approved Dec. 9, 2002, eft. in 60 days; Act 2002-226 (S.B. 1402), PL. 1953, 1.1, approved Dec. 16, 2002, eft. in 60 days.

### 3124.1 Sexual Assault

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

Act 1995 Special Session-10 (S.B. 2}, PL. 985, 8, approved Mar 31, 1995, See section of this act for effective date information.

### 3124.2 Institutional Sexual Assault.

A. GENERAL RULE. Except as provided under subsection (a.1) and in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault) and 3125 (relating to aggravated indecent assault), a person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, State, or county juvenile detention facility, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident.

A.1 INSTITUTIONAL SEXUAL ASSAULT OF A MINOR. A person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, state, or county juvenile detention facility, other licensed residential facility serving children and youth or a mental health or a mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient, or resident who is under 18 years of age.

### A.2 SCHOOLS.

1) Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an employee of a school or any other person who has direct contact with a student at a school commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a student of the school.

2) As used in this subsection, the following terms shall have the meanings given to them in this paragraph:

- a. Direct contact. Care, supervision, guidance, or control.
- b. Employee. (A) Includes:
  - i. A teacher, a supervisor, a supervising principal, a principal, an assistant principal, a vice-principal, a director of vocational education, a dental hygienist, a visiting teacher, a home and school visitor, a school counselor, a child nutrition program specialist, a school librarian, a school secretary the selection of whom is based on merit as determined by eligibility lists, a school nurse, a substitute teacher, a janitor, a cafeteria worker, a bus driver, a teacher aide and any other employee who has direct contact with school students.
  - ii. An independent contractor who has a contract with a school for the purpose of performing a service for the school, a coach, an athletic trainer, a coach hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association or an athletic trainer hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association.

B. The term does not include:

- 1) A student employed at the school.
- 2) An independent contractor or any employee of an independent contractor who has no direct contact with school students.
- 3) School. A public or private school, intermediate unit, or area vocational/technical school.
- 4) Volunteer. The term does not include a school student.

(a.3) CHILD CARE. Except as provided in sections 3121,3122.1,3123,3124.1 and 3125, a person who is a volunteer or an employee of a center for children commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a child who is receiving services at the center.

C. DEFINITIONS. As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

Agent. A person who is assigned to work in a State or county correctional or juvenile detention facility, a youth development center, youth forestry camp, other licensed residential facility serving children and youth or mental health or mental retardation facility or institution, who is employed by any State or county agency or any person employed by an entity providing contract services to the agency.

Center for children. Includes a child day-care center, group and family day-care home, boarding home for children, a center providing early intervention and drug and alcohol services for children or other facility which provides child-care services which are subject to approval, licensure, registration or certification by the Department of Public Welfare or a county social services agency or which are provided pursuant to a contract with the department or a county social services agency. The term does not include a youth development center, youth forestry camp, State or county juvenile detention facility and other licensed residential facility serving children and youth.

Act 1998-157 (H.B. 689), PL. 1240, 1, approved Dec. 21, 1998, eff. in 60 days; Act 2000-12 (S.B.1047), PL. 38, 1, approved May 10, 2000, eff. immediately; Act 2011-111 (S.B. 1183), 1, approved Dec. 20, 2011, eff. in 60 days.

### 3125. Aggravated Indecent Assault.

A. OFFENSES DEFINED. Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if:

- 1) the person does so without the complainants consent;
- 2) the person does so by forcible compulsion;
- 3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- 4) the complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring;
- 5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants, or other means for the purpose of preventing resistance;
- 6) the complainant suffers from a mental disability which renders him or her incapable of consent;
- 7) the complainant is less than 13 years of age; or

8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

B. AGGRAVATED INDECENT ASSAULT OF A CHILD. A person commits aggravated indecent assault of a child when the person violates subsection (a)(1), (2), (3), (4), (5) or (6) and the complainant is less than 13 years of age.

C. GRADING AND SENTENCES.

1) An offense under subsection (a) is a felony of the second degree.

2) An offense under subsection (b) is a felony of the first degree.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1973-117 (S.B.513), PL. 341, 1, approved Nov. 28, 1973, eff. in 60 days; Act 1990-4 (H.B. 1120), PL. 6, 5, approved Feb. 2, 1990, eff. in 60 days; Act 1995 Special Session-10 (S.B. 2), PL. 985, 9, approved Mar. 31, 1995, See section of this act for effective date information; Act 2002-162 (H.B.976), PL.1350, 2, approved Dec. 9, 2002, eff. in 60 days; Act 2002-226 (S.B. 1402), PL. 1953, 1.1, approved Dec. 16, 2002, eff. in 60 days.

3126. Indecent Assault.

A. OFFENSE DEFINED. A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine, or feces for the purpose of arousing sexual desire in the person or the complainant and:

1) the person does so without the complainants consent;

2) the person does so by forcible compulsion;

3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;

4) the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring;

5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants, or other means for the purpose of preventing resistance;

6) the complainant suffers from a mental disability which renders the complainant incapable of consent;

7) the complainant is less than 13 years of age; or

8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

**B. GRADING.** Indecent assault shall be graded as follows:

1) An offense under subsection (a)(1) or (8) is a misdemeanor of the second degree.

2) An offense under subsection (a)(2), (3), (4), (5) or (6) is a misdemeanor of the first degree. (3) An offense under subsection (a)(7) is a misdemeanor of the first degree unless any of the following apply, in which case it is a felony of the third degree:

i. It is a second or subsequent offense.

ii. There has been a course of conduct of indecent assault by the person.

iii. The indecent assault was committed by touching the complainant's sexual or intimate parts with sexual or intimate parts of the person.

iv. The indecent assault is committed by touching the person's sexual or intimate parts with the complainant's sexual or intimate parts.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1976-53 (H.B. 580), PL. 120, 1, approved May 18, 1976, eff. in 30 days; Act 1990-4 (H.B. 1120), PL. 6, approved Feb. 2, 1990, eff. in 60 days; Act 1995 Special Session-10 (S.B. 2), PL. 985, 9, approved Mar. 31, 1995, See section of this act for effective date information; Act 2005-76 (H.B.1400), PL. 412, 1, approved Nov. 23, 2005, eff. In 60 days.

**3127. Indecent Exposure.**

**A. OFFENSE DEFINED.** A person commits indecent exposure if that person exposes his or her genitals in any public place or in any place where there are present other persons under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm.

**B. GRADING.** If the person knows or should have known that any of the persons present are less than 16 years of age, indecent exposure under subsection (a) is a misdemeanor of the first degree. Otherwise, indecent exposure under subsection (a) is a misdemeanor of the second degree.

Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1995 Special Session-10 (S.B. 2), PL. 985, 9, approved Mar. 31, 1995, See section of this act for effective date information.

3129. Sexual Intercourse with Animal.

A person who engages in any form of sexual intercourse with an animal commits a misdemeanor of the second degree.

Act 1999-8 (H.B. 124), PL. 67, 1, approved June 18, 1999, eff. in 60 days.

3130. Conduct Relating to Sex Offenders. [Effective until December, 20, 2012]

A. OFFENSE DEFINED. A person commits a felony of the third degree if the person has reason to believe that a sex offender is not complying with or has not complied with the requirements of the sex offender's probation or parole, imposed by statute or court order, or with the registration requirements of 42 Pa.C.S. 9795.2 (relating to registration procedures and applicability), and the person, with the intent to assist the sex offender in eluding a law enforcement agent or agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of the sex offenders probation or parole or the requirements of 42 Pa.C.S. 9795.2:

- 1) Withholds information from or does not notify the law enforcement agent or agency about the sex offender's noncompliance with the requirements of parole, the requirements of 42 Pa.C.S. 9795.2 or, if known, the sex offenders whereabouts;
- 2) harbors or attempts to harbor or assist another person in harboring or attempting to harbor the sex offender;
- 3) conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sex offender; or
- 4) provides information to the law enforcement agent or agency regarding the sex offender which the person knows to be false.

B. DEFINITION. As used in this section, the term sex offender means a person who is required to register with the Pennsylvania State Police pursuant to the provisions of 42 Pa.C.S. 9795.1 (relating to registration).

Act 2006-178 (S.B. 944), PL. 1567, 1, approved Nov. 29, 2006, eff. Jan. 1, 2007.

3130. Conduct Relating to Sex Offenders

A. OFFENSE DEFINED. A person commits a felony of the third degree if the person has reason to believe that a sex offender is not complying with or has not complied with the requirements of the sex offender's probation or parole, imposed by statute or court order, or with the registration requirements of 42 Pa.C.S. Ch. 97 Subchapter H (relating to registration of sexual offenders), and the person, with the intent to assist the sex offender in eluding a law enforcement agent or agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of the sex offenders' probation or parole or the requirements of 42 Pa.C.S. Ch. 97 Subchapter H:

- 1) withholds information from or does not notify the law enforcement agent or agency about the sex offender's noncompliance with the requirements of parole, the requirements of 42 Pa.C.S. Ch. 97 Subchapter H or, if known, the sex offenders whereabouts;
- 2) harbors or attempts to harbor or assist another person in harboring or attempting to harbor the sex offender;
- 3) conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sex offender; or
- 4) provides information to the law enforcement agent or agency regarding the sex offender which the person knows to be false.

B. DEFINITION. As used in this section, the term sex offender means a person who is required to register with the Pennsylvania State Police pursuant to the provisions of 42 Pa.C.S. Ch. 97 Subch. H. Act 2006-178 (S.B. 944), PL. 1567, 1, approved Nov. 29, 2006, eff. Jan. 1, 2007; Act 2011-111 (S.B. 1183), 1, approved Dec. 20, 2011, eff. in 1 year.  
SUBCHAPTER C.

#### LOSS OF PROPERTY RIGHTS

3141. General rule.

[Effective until December 20, 2012]

3142. Process and seizure.

3143. Custody of property.

3144. Disposal of property.

3141. General rule.

[Effective until December 20, 2012]

A person:

- 1) convicted under section 3121 (relating to rape), 3122.1 (relating to statutory sexual

assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault) or 3126 (relating to indecent assault); or (2) required to register with the Pennsylvania State Police under 42 Pa.C.S.9795.2 (relating to registration procedures and applicability); may be required to forfeit property rights in any property or assets used to implement or facilitate commission of the crime or crimes of which the person has been convicted. Such property may include, but is not limited to, a computer or computers, telephone equipment, firearms, licit or illicit prescription drugs or controlled substances, a motor vehicle or such other property or assets as determined by the court of common pleas to have facilitated the person's criminal misconduct.

Act 2006-178 (S.B. 944), PL. 1567, 2, approved Nov. 29, 2006, eff. Jan. 1, 2007.

#### 3142. Process and Seizure.

A. SEIZURE. Property subject to forfeiture under this section may be seized by law enforcement authority upon process issued by the court of common pleas having jurisdiction over the person or property.

B. SEIZURE WITHOUT PROCESS. Seizure without process may be made if the seizure is incident to an arrest or a search under a search warrant and there is probable cause to believe that the property was or is material to the charges for which the arrest or search warrant was issued. In seizures without process, proceedings for the issuance thereof shall be instituted immediately.

C. RETURN OF PROPERTY. Property belonging to someone other than the convicted sex offender or registrant shall be returned if the offense was committed without the knowledge or consent of the owner.

Act 2006-178 (S.B. 944), PL. 1567, 2, approved Nov. 29, 2006, eff. Jan. 1, 2007.

#### 3143. Custody of Property.

Property taken or detained under this subchapter is deemed to be the property of the law enforcement authority having custody thereof and is subject only to the court of common pleas having jurisdiction over the criminal or forfeiture proceedings, the district attorney in the matter or the Attorney General.

Act 2006-178 (S.B. 944), PL. 1567, 2, approved Nov. 29, 2006, eff. Jan. 1, 2007.

#### 3144. Disposal of Property.

Property taken or detained pursuant to the provisions of this subchapter shall be sold in the manner of property forfeited under 42 Pa.C.S. Ch. 68 (relating to forfeitures). The net proceeds, as determined by the law enforcement authority having custody thereof, shall be

utilized for investigation or prosecution of sexual offenses or donated to nonprofit charitable institutions which provide counseling and other assistance to victims of sexual offenses.

Act 2006-178 (S.B. 944), PL. 1567, 2, approved Nov. 29, 2006, eft. Jan. 1, 2007.

DOMESTIC VIOLENCE IS DEFINED IN PENNSYLVANIA CRIMINAL STATUTES AS:  
2711. Probable Cause Arrests in Domestic Violence Cases.

A. GENERAL RULE. A police officer shall have the same right of arrest without a warrant as in a felony whenever he has probable cause to believe the defendant has violated section 2504 (relating to involuntary manslaughter), 2701 (relating to simple assault), 2702(a)(3), (4) and (5) (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats) or 2709.1 (relating to stalking) against a family or household member although the offense did not take place in the presence of the police officer. A police officer may not arrest a person pursuant to this section without first observing recent physical injury to the victim or other corroborative evidence. For the purposes of this subsection, the term family or household member has the meaning given that term in 23 Pa.C.S. 6102 (relating to definitions).

B. SEIZURE OF WEAPONS. The arresting police officer shall seize all weapons used by the defendant in the commission of the alleged offense.

C. BAIL.

- 1) A defendant arrested pursuant to this section shall be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay. In no case shall the arresting officer release the defendant from custody rather than taking the defendant before the issuing authority.
- 2) In determining whether to admit the defendant to bail, the issuing authority shall consider whether the defendant poses a threat of danger to the victim. If the issuing authority makes such a determination, it shall require as a condition of bail that the defendant shall refrain from entering the residence or household of the victim and the victim's place of employment and shall refrain from committing any further criminal conduct against the victim and shall so notify the defendant thereof at the time the defendant is admitted to bail. Such condition shall expire at the time of the preliminary hearing or upon the entry or the denial of the protection of abuse order by the court, whichever occurs first. A violation of this condition may be punishable by the revocation of any form of pretrial release or the forfeiture of bail and the issuance of a bench warrant for the defendant's arrest or remanding him to custody or a modification of the terms of the bail. The defendant shall be provided a hearing on this matter.

#### D. NOTICE OF RIGHTS.

Upon responding to a domestic violence case, the police officer shall, orally or in writing, notify the victim of the availability of a shelter, including its telephone number, or other services in the community. Said notice shall include the following statement: If you are the victim of domestic violence, you have the right to go to court and file a petition requesting an order for protection from domestic abuse pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) which could include the following:

- 1) An order restraining the abuser from further acts of abuse.
- 2) An order directing the abuser to leave your household.
- 3) An order preventing the abuser from entering your residence, school, business or place of employment.
- 4) An order awarding you or the other parent temporary custody of or temporary visitation with your child or children.
- 5) An order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.

Act 1986-10 (H.B. 350), PL. 27, 1, approved Feb. 15, 1986, eff. in 60 days; Act 1990-206 (H.B.1023), PL. 1240, 3, approved Dec. 19, 1990, eff. in 90 days; Act 2000-101 (S.B. 1444), PL. 728, 1, approved Dec. 20, 2000, eff. in 60 days; Act 2002-218 (S.B. 1515), PL. 1759, 3, approved Dec. 9, 2002, eff. in 60 days.

#### Title 23 -Domestic Relations - Definitions

A. General rule.--The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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

- 1) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault, or incest with or without a deadly weapon.
- 2) Placing another in reasonable fear of imminent serious bodily injury.
- 3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false

imprisonment).

4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).

5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

"Adult." An individual who is 18 years of age or older.

"Certified copy." A paper copy of the original order of the issuing court endorsed by the appropriate clerk of that court or an electronic copy of the original order of the issuing court endorsed with a digital signature of the judge or appropriate clerk of that court. A raised seal on the copy of the order of the issuing court shall not be required.

"Comparable court." A foreign court that: (1) has subject matter jurisdiction and is authorized to issue ex parte, emergency, temporary, or final protection orders in that jurisdiction; and (2) possessed jurisdiction over the parties when the protection order was issued in that jurisdiction.

"Confidential communications." All information, whether written or spoken, transmitted between a victim and a domestic violence counselor or advocate during the relationship. The term includes information received or given by the domestic violence counselor or advocate during the relationship, as well as advice, reports, statistical data, memoranda or working papers, records, or the like, given or made during the relationship. The term also includes communications made by or to a linguistic interpreter assisting the victim, counselor, or advocate in the course of the relationship.

"Domestic violence counselor/advocate." An individual who is engaged in a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone 40 hours of training.

"Domestic violence program." A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims which include, but are not limited to, crisis hotline; safe homes or shelters; community education; counseling systems intervention and interface; transportation, information, and referral; and victim assistance.

"Family or household members." Spouses or persons who have been spouses, persons

living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

"Firearm." Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon as defined by 18 Pa.C.S. § 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

"Foreign protection order." A protection order as defined by 18 U.S.C. § 2266 (relating to definitions) issued by a comparable court of another state, the District of Columbia, Indian tribe or territory, possession, or commonwealth of the United States.

"Hearing officer." A magisterial district judge, judge of the Philadelphia Municipal Court, arraignment court magistrate appointed under 42 Pa.C.S. § 1123 (relating to jurisdiction and venue), master appointed under 42 Pa.C.S. § 1126 (relating to masters) and master for emergency relief.

"Master for emergency relief." A member of the bar of the Commonwealth appointed under section 6110(e) (relating to emergency relief by minor judiciary).

"Minor." An individual who is not an adult.

"Other weapon." Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term does not include a firearm.

"Safekeeping permit." A permit issued by a sheriff allowing a person to take possession of any firearm, other weapon, or ammunition that a judge ordered a defendant to relinquish in a protection from abuse proceeding.

"Secure visitation facility." A court-approved visitation program offered in a facility with trained professional staff operated in a manner that safeguards children and parents from abuse and abduction.

"Sheriff." (1) Except as provided in paragraph (2), the sheriff of the county. (3) In a city of the first class, the chief or head of the police department.

"Victim." A person who is physically or sexually abused by a family or household member. For purposes of section 6116 (relating to confidentiality), a victim is a person against whom abuse is committed who consults a domestic violence counselor or advocate for the purpose

of securing advice, counseling, or assistance. The term shall also include persons who have a significant relationship with the victim and who seek advice, counseling, or assistance from a domestic violence counselor or advocate regarding abuse of the victim.

"Weapon." Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term includes a firearm which is not loaded or lacks a magazine, clip, or other components to render it immediately operable and components which can readily be assembled into a weapon as defined by 18 Pa.C.S. § 907 (relating to possessing instruments of crime).

(b) Other terms.--Terms not otherwise defined in this chapter shall have the meaning given to them in 18 Pa. C.S. (relating to crimes and offenses). (Oct. 6, 1994, PL.574, No.85, eff. 60 days; Mar. 31, 1995, 1st Sp.Sess., PL.985, No.10, eff. 60 days; June 22, 2001, PL.576, No.39, eff. 60 days; Nov. 30, 2004, PL.1618, No.207, eff. 60 days; Nov. 10, 2005, PL.335, No.66, eff. 180 days; Oct. 9, 2008, PL.1352, No.98, eff. 60 days)

Dating violence is defined in Pennsylvania Criminal statute as:

No separate state statute is provided in Pennsylvania criminal law for Dating Violence. Covered under Title 23 -Domestic Relations

Stalking is defined in Pennsylvania criminal statute as:

#### PA CRIMES CODE

##### A. OFFENSE DEFINED

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

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

##### B. VENUE

- 1) An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.
- 2) Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

### C. GRADING

Except as otherwise provided for in paragraph (2), a first offense under this section shall constitute a misdemeanor of the first degree. (2) A second or subsequent offense under this section or a first offense under subsection (a) if the person has been previously convicted of a crime of violence involving the same victim, family, or household member, including, but not limited to, a violation of section 2701 (relating to simple assault), 2702 (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2901 (relating to kidnapping), 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), an order issued under section 4954 (relating to protective orders) or an order issued under 23 Pa. C.S. 6108 (relating to relief) shall constitute a felony of the third degree.

### D. FALSE REPORTS.

A person who knowingly gives false information to any law enforcement officer with the intent to implicate another under this section commits an offense under section 4906 (relating to false reports to law enforcement authorities).

### E. APPLICATION OF SECTION

This section shall not apply to conduct by a party to a labor dispute as defined in the act of June 2, 1937 (P.L.1198, No. 308), known as the Labor Anti-Injunction Act, or to any constitutionally protected activity.

### F. DEFINITIONS

As used in this section, the following words and phrases shall have the meanings given to them in this subsection: Communicates. To convey a message without intent of legitimate communication or address by oral, nonverbal, written, or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission. Course of Conduct. A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening, or obscene words, language, drawings, caricatures or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct. Emotional Distress. A temporary or permanent state of mental anguish. Family or household member. Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

Act 2002-218 (S.B. 1515), PL. 1759, 2, approved Dec. 9, 2002, eft. in 60 days.

## **APPENDIX C - CRIME STATISTICS**

<b>Offense (Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Residential Facilities</b>	<b>Non- Campus</b>	<b>Public Property</b>
Criminal Homicide: Murder and Non- negligent Manslaughter	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Criminal Homicide: Manslaughter by Negligence	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Sex Offenses: Rape	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Sex Offenses: Fondling	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Sex Offenses: Incest	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Sex Offenses: Statutory Rape	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Robbery	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Burglary	2022	1	1	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Arson	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0

**ARRESTS**

<b>Violation</b>	<b>Year</b>	<b>On Campus</b>	<b>Residential Facilities</b>	<b>Non-Campus</b>	<b>Public Property</b>
Liquor Law Arrests	2022	1	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Drug Law Arrests	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Weapons Law Arrests	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0

**DISCIPLINARY REFERRALS**

<b>Violation</b>	<b>Year</b>	<b>On Campus</b>	<b>Residential Facilities</b>	<b>Non-Campus</b>	<b>Public Property</b>
Liquor Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2023	0	0	0	0
	2024	1	1	0	0
Drug Law Violations Referred for Disciplinary Action	2022	4	4	0	0
	2023	4	4	0	0
	2024	3	2	0	0
Weapons Law Violations Referred for Disciplinary Action	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0

**VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013 (VAWA)**

<b>Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Residential Facilities</b>	<b>Non-Campus</b>	<b>Public Property</b>
Domestic Violence	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Dating Violence	2022	0	0	0	0
	2023	0	0	0	0
	2024	0	0	0	0
Stalking	2022	0	0	0	0
	2023	1	1	0	0
	2024	0	0	0	0

**Hate Crime Reporting**

There were no Hate Crimes reported for 2024, 2023 or 2022.

## Crime Rates

Pennsylvania Act 180, the Uniform Crime Reporting Act, requires the release of crime statistics and rates to students and employees. The crime index is based on the premise that the college community consists of 100,000. The actual FTE (Full Time Equivalent) population was 377 in 2024, 359 in 2023, 358 in 2022.

### OFFENSES SHOWING INDEX RATES

Reportable Crime Categories	Year (Index)	Actual / Index
Aggravated Assault	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Other Assaults	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Arson	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Burglary	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Disorderly Conduct	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Driving Under Influence	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	1/265
Drug Abuse	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Drunkenness	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	1/265
Embezzlement	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Forgery/Counterfeiting	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Fraud	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Gambling	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Liquor Laws	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	1/265

Motor Vehicle Theft	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Murder	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Offenses Against Family	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Prostitution	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Rape	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Other Sex Offenses	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Robbery	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Theft/Larceny	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	1/265
Vagrancy	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Vandalism	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
Weapon	2022 (279.3)	0/0
	2023 (278.5)	0/0
	2024 (265.3)	0/0
TOTAL	2022 (279.3)	12/3352
	2023 (278.5)	10/2785
	2024 (265.3)	4/1061

## **APPENDIX D - FIRE SAFETY SYSTEMS**

All residential facilities include fire detection systems, which are monitored by various alarm companies.

Name	Address	Partial Sprinkler System <sup>1</sup>	Full Sprinkler System <sup>2</sup>	Smoke and / or Heat Detection	Fire Extinguisher Devices	Evacuation Plans / Placards	Drills Held 2023
Childs Hall	750 Campus Drive			X	X		3
Cooper Hall	824 Campus Drive		X	X	X		3
Grant Hall	730 Campus Drive			X	X		3
Goodenough Hall	820 Campus Drive		X	X	X		3
Alden Cottage (Not Used)	755 Campus Drive		X	X	X		0
Gyllenhaal Cottage (Not Used)	757 Campus Drive		X	X	X		0
Hyatt Cottage (Not Used)	759 Campus Drive		X	X	X		0
Woodard Cottage (Not Used)	751 Campus Drive		X	X	X		0
King Hall	828 Campus Drive		X	X	X		3
Gladish Hall	826 Campus Drive		X	X	X		3
Brock Hall	822 Campus Drive		X	X	X		3
Glenn Hall (Secondary School)	2770 Buck Road		X	X	X		3
Stuart Hall (Secondary School)	2840 Buck Road			X	X		3

<sup>1</sup> Partial Sprinkler System is defined as having sprinklers in the common area only.

<sup>2</sup> Full Sprinkler System is defined as having sprinklers in both the common areas and individual rooms.

## APPENDIX E – FIRE STATISTICS

### On-Campus Student Housing Facilities

		2024	2023	2022
Childs Hall	750 Campus Drive	0	0	0
Grant Hall	730 Campus Drive	0	0	0
Alden Cottage	755 Campus Drive	0	0	0
Gyllenhaal Cottage	757 Campus Drive	0	0	0
Hyatt Cottage	759 Campus Drive	0	0	0
Woodard Cottage	751 Campus Drive	0	0	0
Goodenough Hall	820 Campus Drive	0	0	0
Brock Hall	822 Campus Drive	0	0	0
Cooper Hall	824 Campus Drive	0	0	0
Gladish Hall	826 Campus Drive	0	0	0
King Hall	828 Campus Drive	0	0	0
Glenn Hall (ANCSS)	2780 Buck Road	0	0	0
Stuart Hall (ANCSS)	2840 Buck Road	0	0	0
<b>TOTAL</b>		<b>0</b>	<b>0</b>	<b>0</b>

# APPENDIX F - CAMPUS GEOGRAPHICAL MAP

