



**READING AREA COMMUNITY COLLEGE**  
**ANNUAL SECURITY REPORT**  
**2021-2022**

# Table of Contents

<b>I.</b>	<b>INTRODUCTION</b> .....	<b>1</b>
<b>II.</b>	<b>RACC SAFETY AND SECURITY DEPARTMENT</b> .....	<b>1</b>
	A. <i>Role, Authority, Training</i> .....	1
	B. <i>Collaboration with Law Enforcement Agencies</i> .....	2
	C. <i>Reporting Crimes and Other Emergencies</i> .....	2
	D. <i>Campus Security Authorities (CSAs)</i> .....	2
<b>III.</b>	<b>TIMELY WARNINGS</b> .....	<b>3</b>
	A. <i>Crime Alerts</i> .....	3
	B. <i>Emergency Notification/Enrolling in College’s Mass Notification System (Omnilert)</i> .....	3
	C. <i>Procedures for Disseminating Emergency Information to the Larger Community ...</i>	3
<b>IV.</b>	<b>EMERGENCY RESPONSE AND EVACUATION PROCEDURES</b> .....	<b>3</b>
	A. <i>The Emergency Management Team (EMT) at RACC</i> .....	4
	B. <i>Tests, Drills, Exercise and Training</i> .....	4
<b>V.</b>	<b>SECURITY AND ACCESS TO RACC FACILITIES</b> .....	<b>4</b>
	A. <i>Building Security Measures</i> .....	4
	B. <i>Access to Buildings and Labs</i> .....	4
	C. <i>Animals/Pets on Campus</i> .....	4
<b>VI.</b>	<b>RESPONSE TO SEXUAL MISCONDUCT AND GENDER VIOLENCE</b> .....	<b>4</b>
	A. <i>Sexual Assault and Harassment</i> .....	4
	B. <i>Definitions</i> .....	5
	C. <i>Alcohol or Other Drugs</i> .....	8
	D. <i>Rights and Options in the Event of Sexual Violence</i> .....	8
	E. <i>Frequently Asked Questions about Sexual Misconduct</i> .....	10
	F. <i>Programs on Sexual Misconduct Prevention</i> .....	11
	G. <i>Procedures for Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, Sexual Harassment and Other Acts of Sex and Gender Discrimination</i> .....	11
	H. <i>Title IX Process and Procedure under Title IX</i> .....	12
	I. <i>Scope</i> .....	13
	J. <i>General Provisions</i> .....	13
	K. <i>Policy Definitions</i> .....	13
	L. <i>Employee, Faculty and Student Responsibilities</i> .....	16
	M. <i>Title IX Coordinator Contact Information</i> .....	17
	N. <i>Title IX Investigation</i> .....	17
	O. <i>Confidentiality</i> .....	19
	P. <i>Disciplinary Action</i> .....	19
	Q. <i>No Retaliation for Filing a Complaint of Sexual Violence, Sexual Harassment or Unlawful Discrimination</i> .....	22
	R. <i>False Accusations</i> .....	22
	S. <i>Filing of a Complaint with the Safety and Security Department</i> .....	22
	T. <i>College Investigators of Complaints of Sexual Harassment and Unlawful Employment Discrimination</i> .....	22

U.	<i>State and Federal Agencies</i> .....	23
V.	<i>Mandated Reporters</i> .....	23
W.	<i>Annual Assessment</i> .....	23
<b>VII.</b>	<b>RESOURCES</b> .....	<b>23</b>
A.	<i>Emergency Phone Numbers</i> .....	23
B.	<i>Area Hospitals</i> .....	24
C.	<i>Emotional Support Counseling/Advocacy</i> .....	24
<b>VIII.</b>	<b>SEX OFFENDER REGISTRATION – CAMPUS SEX CRIMES PREVENTION ACT</b> .....	<b>24</b>
A.	<i>Megan’s Law</i> .....	24
<b>IX.</b>	<b>RACC’s POLICIES GOVERNING WEAPONS, ALCOHOL AND OTHER DRUGS</b> .....	<b>25</b>
A.	<i>Weapons Policy</i> .....	25
B.	<i>Workplace Violence Policy</i> .....	25
C.	<i>Drug and Alcohol abuse, Health Assistance and Health Risks</i> .....	25
<b>X.</b>	<b>CRIME PREVENTION AND AWARENESS PROGRAMS</b> .....	<b>26</b>
A.	<i>Behavioral Intervention Team (BIT)</i> .....	26
B.	<i>Personal Safety</i> .....	26
C.	<i>General Safety Information</i> .....	27
D.	<i>Crime Prevention Tips</i> .....	27
E.	<i>Campus Crime Log</i> .....	27
F.	<i>Annual Disclosure of Crime Statistics</i> .....	27
<b>XI.</b>	<b>UNIFORM CRIME STATISTICS – 2018-2020</b> .....	<b>28</b>
<b>XII.</b>	<b>CAMPUS MAPS</b> .....	<b>28</b>

# Reading Area Community College Annual Security Report for 2021-2022

## I. INTRODUCTION

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (CLERY Act) and its amendments is a federal law which requires institutions of higher learning that receive Title II funding to publish a report annually. This report outlines policies related to campus security and emergency response and discloses crime prevalence statistics for crimes reported to the institution's Safety and Security Department and other campus authorities designated as Campus Security Authorities (CSAs). The reported statistics must cover the most recent three-year period and include those crimes occurring on any campus, any public property immediately adjacent and accessible to a campus, and any non-campus buildings or property owned or controlled by the institution. Reading Area Community College (RACC) publishes the report annually and is in compliance with the CLERY Act and its amendments.

Crime data is collected from Safety and Security Department reports and records, student judicial and Behavioral Intervention Team (BIT) records, Campus Security Authority (CSA) disclosures, and data received from local or state police agencies in the campus or non-campus location jurisdiction.

If you feel that RACC has failed to comply with the requirements of these acts, please file a complaint with:

Director of Facilities/Safety and Security  
10 South Second Street  
Berks Hall, Room 152  
Reading, PA 19603  
Telephone: 610-607-6236

If, after submitting a complaint with the above, you do not feel your complaint has been resolved, you may contact the Pennsylvania Office of Attorney General, which will investigate the alleged violation. Contact information for the Office of Attorney General is available upon request.

## II. RACC SAFETY AND SECURITY DEPARTMENT

### A. Role, Authority, Training

RACC's Safety and Security Department is led by a Director reporting to the Senior Vice President of Finance and Administrative Services/College Treasurer. In addition, the Department works very closely with the Dean of Student Affairs and the City of Reading Police Department to create a campus environment that is both safe and secure. The Safety and Security Department at RACC works to prevent crime, to provide highly visible security patrols and to respond quickly to the related needs of students and staff. Security guards are in constant contact with the Safety and Security Department, the Manager of Security and with each other by business band radio, cell phone and landline.

The College's Safety and Security force is comprised of a Manager, two (2) supervisors, and uniformed guards who report to the Director of Facilities/Safety and Security. Additional security guards are placed into service on an as needed basis. The Safety and Security Department is located in Berks Hall, Room 152.

All Security guards have been trained and are certified in First Aid/CPR and are qualified to render assistance. They are also subject to the required criminal background checks and undergo a 16-hour mandatory RACC specific training program before they start.

**B. Collaboration with Law Enforcement Agencies**

The Safety and Security Department cooperates with police agencies and maintains an excellent working relationship with the City of Reading Police Department, who assist as needed. Crimes involving violence, major property loss, or any felony are immediately reported by RACC's Safety and Security Department to the City of Reading Police Department. All crime statistics are recorded on forms and in the format required by the Pennsylvania State Police and in compliance with the Uniform Crime Reporting Act (Chapter 3, PA Act 29 of 2004).

RACC's Safety and Security Department and the City of Reading Police Department have established a written Memorandum of Understanding (MOU). This MOU confirms the formal working relationship between the College's Safety and Security Department and the City of Reading Police Department and includes agreements regarding jurisdiction, the reporting and investigation of crimes and information sharing.

**C. Reporting Crimes and Other Emergencies**

Students, faculty, staff and guests are encouraged to report any crime or suspicious incidents to RACC's Safety and Security Department or one of the security guards. A guard will be dispatched to the scene, where he or she will evaluate the situation and contact the necessary authorities. In the event of an emergency or criminal incident, prompt notification is made to the campus community through appropriate administrators.

The College provides information to students on how to appropriately report any crime to the Safety and Security Department. Additionally, safety and security issues are discussed at all orientation programs, College Success Strategies courses required of freshmen students, student publications, and the Student Handbook.

Individuals can also report anonymously through the online Maxient Reporting System or through the Security Concern Form link on the Safety and Security page of the College's website.

The Safety and Security Department will report criminal activity to the local police and the Pennsylvania State Police as necessary. The RACC Safety and Security Department maintains a professional working relationship with the City of Reading Police Department, Berks County Sheriff Department, Berks County District Attorney's Office, Pennsylvania State Police and all other local law enforcement agencies.

All criminal activity reported to Campus Security Authorities (CSAs) must be reported to the RACC Safety and Security Department for inclusion in the daily crime log, the annual security report and for possible dissemination as timely warnings, per federal CLERY Act requirements. No information about the Reporting Party or any information which may easily identify a victim is included in these disclosures.

**D. Campus Security Authorities (CSAs)**

A Campus Security Authority (CSA) is an individual associated with and designated by an institution to fill any of the following four roles as defined by the CLERY Act:

1. A campus police department or a campus security department of an institution.
2. Any individual who has responsibility for campus security but does not constitute a campus police department or a campus security department. This category includes student workers employed by the Safety and Security Department and contracted security officers for events.
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to

particular issues on behalf of the institution. This category includes student organization/club advisors and coaches/assistant coaches among others.

It is required by law that those designated as CSAs report to the Safety and Security Department actual or alleged crimes that they become aware of by report from a victim, witness, and offender or by other means. They need only have a reasonable, "good faith" belief that a crime has occurred. There is no requirement that an investigation be conducted by police or other authority nor that a finding of guilt or innocence be made by a court or student judicial authority for a report to be made to the Safety and Security Department.

Reports made by CSAs will be investigated by the Safety and Security Department or referred to outside police agencies as appropriate. CSA reports may be used as other crime reports to produce Timely Warnings/Emergency Notifications depending upon the nature of the report. Statistics derived from CSA reports are included in the annual CLERY Act statistics published in the Annual Security Report and reported to the Department of Education.

While victim information may be reported to the Safety and Security Department by CSAs, victims are assured that whether they have chosen to report the crime to the Safety and Security Department themselves or not, no information which may identify a victim of a crime will be included in any public disclosure.

### III. TIMELY WARNINGS

#### A. Crime Alerts

In the event that RACC's Safety and Security Department receives a credible report of a serious crime or other safety concern which may present an ongoing threat to members of the College community on the RACC campus, RACC-owned or controlled property or any portion thereof, or within its immediate vicinity, an immediate alert will be issued to the College community. Possible methods of notification are employee and student email systems, campus electronic signage, the posting of bulletins, the RACC website at [www.racc.edu](http://www.racc.edu) and/or the Emergency Mass Notification System. Methods of notification are selected by the Director of Facilities/Safety and Security or designee to best fit the nature of any given threat. Local and state police agencies will also be advised of any potential risk.

By law and the Safety and Security Department policy, no information which may serve to identify a crime victim may be included in Timely Warnings. Procedures regarding Emergency Notification can be found in the Emergency Operations Plan (EOP).

#### B. Emergency Notification/Enrolling in College's Mass Notification System (Omnilert)

The Omnilert alert service sends text alerts with urgent messages about emergencies, weather closings or other situations which may affect the RACC campus. In addition to cell phone text messages, users can choose to receive alerts via email or pager. Parents and family of students and the community at large are welcome to sign up at <https://racc.omnilert.net/subscriber.php>. There is no cost to subscribe to Omnilert alerts. Data and messaging fees may be charged by the recipient's cell phone provider.

#### C. Procedures for Disseminating Emergency Information to the Larger Community

In the event that the campus Emergency Notification System is activated in response to a situation that poses an immediate threat to members of the campus community, the appropriate offices at the campus will notify the larger community about the situation and steps the campus has taken to address the emergency. The Emergency Management Team (EMT) or its members will normally be responsible for ensuring appropriate communication.

#### IV. EMERGENCY RESPONSE AND EVACUATION PROCEDURES

##### A. The Emergency Management Team (EMT) at RACC

The Emergency Management Team (EMT) is comprised of senior level administrators and staff who have primary and specific responsibilities related to threats and emergencies and planning for and responding to such a situation.

##### B. Tests, Drills, Exercise and Training

Emergency tests are conducted randomly throughout the year by the Director of Facilities/Safety and Security. Emergency drills are conducted at least once each semester and include staff, faculty and students. The EMT also conducts tabletop exercises once a semester to assess their readiness as well as the overall effectiveness of the Emergency Operations Plan (EOP). This EOP is a confidential and comprehensive document. The purpose of this document is to provide planning and emergency response guidelines in the event that a serious threat, crisis or emergency occurs, enhance the protection of lives and property through effective use of the College and campus community resources, and to create a safe environment for students, faculty, staff and the community.

#### V. SECURITY AND ACCESS TO RACC FACILITIES

##### A. Building Security Measures

All RACC buildings that are open to the public are equipped with an intrusion alarm system. This alarm system is comprised of motion sensors. These alarms are utilized whenever the buildings are locked and closed to the public.

##### B. Access to Buildings and Labs

Building hours are somewhat flexible depending on individual facility schedules during a particular semester. Normal hours during the Spring and Fall semesters are as follows:

Monday-Thursday	7:00 am – 9:00 pm
Friday	7:00 am – 5:00 pm
Saturday	Hours vary campus-wide; Yocum open 9:00 am – 1:30 pm
Sunday	CLOSED

NOTE: RACC does not have student housing

##### C. Animals/Pets on Campus

As established by the Americans with Disabilities Act (ADA) and its 2010 amendments, service animals shall not be excluded from university/college facilities or activities. Non-service animals (i.e., companion or therapy pets) are not permitted in classrooms, academic activities, faculty offices, administrative offices or any college building, except when the non-service animal is being used for academic demonstration or other college-related purposes.

#### VI. RESPONSE TO SEXUAL MISCONDUCT AND GENDER VIOLENCE

##### A. Sexual Assault and Harassment

"Student Code of Conduct", contained in the RACC Student Handbook, prohibits sexually violent acts, termed "Sexual Misconduct" by RACC. These acts can be crimes as well. Sexual misconduct includes non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, interpersonal relationship violence, sex/gender-based stalking and sexual harassment. While RACC may utilize different standards and definitions than the Pennsylvania Crimes Code, sexual misconduct often overlaps with crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence.

In an effort to reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence occurring among its students, RACC utilizes a range of campaigns, strategies and initiatives to provide awareness, educational, risk reduction and prevention programming.

It is the policy of RACC to offer programming to prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults) and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management and bystander intervention), and discuss institutional policies on sexual misconduct as well as the Pennsylvania definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions.

Programs also offer information on risk reduction that strives to empower victims on how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. Throughout the year, ongoing awareness and prevention campaigns are directed to students and employees, including faculty, often taking the form of campaigns, emails, guest speakers, programs, and events.

## B. Definitions

1. Sex Discrimination is an adverse action taken against an individual because of his or her gender or sex. It includes sexual harassment, sexual violence, rape, domestic violence, dating violence and stalking.
2. Sexual Harassment is unwelcome verbal, non-verbal, or physical conduct of a nature that includes, but is not limited to: sexual violence, sexual advances, requests for sexual favors, and indecent exposure, where:
  - a. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a student's academic status or progress, or access to benefits and services, honors, programs, opportunities, or activities available through RACC;
  - b. Such conduct is sufficiently severe or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the student or employee, and is in fact considered by the student or employee, as limiting the student's or employee's ability to participate in or benefit from the services, activities, programs, or opportunities offered by RACC;
  - c. Submission to, or rejection of, the conduct by a RACC employee is explicitly or implicitly used as the basis for any decision affecting a term or condition of employment, or an employment decision or action; or,
  - d. Such conduct is sufficiently severe or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the student, employee, or third party, and is in fact considered by the student, employee, or third party, as intimidating, hostile, or offensive.

Sexual harassment also includes acts of verbal, non-verbal, or physical aggression, intimidation, or hostility based on gender or sex stereotyping, even if those acts do not involve conduct of a sexual nature.

3. Sexual Violence is a form of sexual harassment and means physical sexual acts, such as unwelcome sexual touching, rape, domestic violence, dating violence, and stalking (when based on gender or sex) perpetrated against an individual against his or her will and without consent, or



against an individual who is incapable of giving consent due to that individual's use of drugs or alcohol, status as a minor, or disability. Sexual violence may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication). Men as well as women can be victims of these forms of sexual violence.

4. Dating Violence is a form of sexual violence and is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature. This may include someone that the victim has just met, i.e., at a party, introduced through a friend, or online.
5. Domestic Violence is a form of violence in the form of abuse committed against someone who is a current or former spouse or intimate partner, a person with whom a person cohabits or has cohabited, or a person with whom one has a child.
6. Stalking occurs when a person either:
  - a. 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
  - b. Engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either, intent to place such other person in reasonable fear of bodily injury, or to cause substantial emotional distress to such other person.
7. Rape is generally defined as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to incapacitation by means of disability or alcohol or other drugs. Many rapes are committed by someone the victim knows, such as a date or friend. Under Pennsylvania law, "rape" is defined as sexual intercourse with a complainant:
  - a. By forcible compulsion;
  - b. By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
  - c. Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
  - d. 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, and
  - e. Who suffers from a mental disability that renders the complainant incapable of consent.
8. Other Sexual Offenses include, but are not limited to:
  - a. forced anal intercourse;
  - b. forced oral-genital contact;
  - c. forced penetration by a foreign object, including a finger, and
  - d. indecent assault (the unwanted touching of an intimate part of another person for the purpose of sexual arousal).
9. Consent. Consent to engage in sexual activity must be knowing and voluntary; it must exist from the beginning to end of each instance of sexual activity and for each form of sexual contact. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Consent is active, not passive.

- a. Guidance for Consent:
- 1) Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.
  - 2) Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
  - 2) When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.
  - 3) If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of the other individual to proceed, both parties should stop and clarify verbally the other’s willingness to continue before continuing such activity.
  - 4) Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
  - 5) Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.
  - 6) Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual’s ability to exercise her/his own free will to choose whether or not to have sexual contact.
10. Force is the use or threat of physical violence or intimidation to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.
11. Coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to “out” someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual Activity.
12. Incapacitation. With incapacitation, an individual does not have the ability to make informed, rational judgments and cannot give consent to engage in sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, is asleep, is unconscious, or is otherwise unaware that sexual activity is occurring. Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, an unsteady gait, odor of alcohol, combativeness, or emotional volatility.

- a. Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's:
    - 1) Decision-making ability,
    - 2) Awareness of consequences,
    - 3) Ability to make informed judgments, or
    - 4) Capacity to appreciate the nature and the quality of the act
  - b. Evaluating incapacitation also requires an assessment of whether a respondent should have been aware of the complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent's position.
13. Intimate-Partner Violence, also referred to as dating violence, domestic violence, and relationship violence, includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. It may involve one act or an ongoing pattern of behavior. Intimate-partner violence can encompass a broad range of behavior, including, but not limited to, physical violence, sexual violence, emotional violence, and economic abuse. Intimate-partner violence may take the form of threats, assault, property damage, or violence or threat of violence to one's self, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner. Intimate-partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientations and does not discriminate by racial, social, or economic background. RACC will not tolerate Intimate partner violence of any form. For the purpose of this policy, RACC does not define intimate-partner violence as a distinct form of misconduct but rather recognizes that sexual harassment, sexual assault, sexual exploitation, physical assault, intimidation, stalking, and retaliation may all be forms of intimate-partner violence when committed by a person who is or has been involved in a sexual, dating, or other social relationship of a romantic or intimate nature with the complainant.

### **C. Alcohol or Other Drugs**

In general, RACC considers sexual contact while under the influence of alcohol or other drugs to be risky behavior. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, misconduct, or intimate-partner violence and does not diminish one's responsibility to obtain informed and freely given consent.

### **D. Rights and Options in the Event of Sexual Violence**

In the event that sexual misconduct, gender-based violence or the crimes of sexual assault, stalking, dating violence or domestic violence do occur, RACC takes the matter very seriously. RACC employs interim protection measures such as interim suspension and/or no contact orders in any case where a student's behavior represents a risk of violence, threat, pattern or predation. If a student is accused of sexual misconduct, other gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, s/he is subject to action in accordance with the policies in the Student Handbook. A student wishing to officially report such an incident may do so by contacting Lizette Flowers, RACC Title IX Coordinator, Berks 115, 10 South Second Street, P.O. Box 1706, Reading, PA 19603 (610) 372-4721 ext. 5016 (phone), (610) 372-4264 (fax), or e-mail to [lflowers@racc.edu](mailto:lflowers@racc.edu). Anyone with knowledge about sexual misconduct or gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence is encouraged to report it immediately.

If you are the victim of sexual misconduct, gender-based violence or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact the RACC's Safety and Security Department at (610) 372-4721, ext. 5098 or call 911.
2. Consider securing immediate professional support (e.g. counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
3. If you are on campus during regular business hours, you may go to the Student Affairs Office in Berks Hall, Room 216 for counseling services as well as to the RACC Title IX Coordinator at the location and phone number above for support and guidance. These are both confidential resources.
4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. The hospital will arrange for a specific medical examination at no charge. To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable. Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean sheet, to avoid contamination. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo. Record the names of any witnesses, and their contact information. This information may be helpful to the proof of a crime, to obtain an order of protection or to offer proof of a campus policy violation. Try to memorize details (physical description, names, license plate number, car description), or even better, write notes to remind you of details, if you have time and the ability to do so. If you obtain external orders of protection (e.g. restraining orders, injunctions, protection from abuse order), please notify the Safety and Security Department or RACC's Title IX Coordinator so that those orders can be observed on campus.
5. Even after the immediate crisis has passed, consider seeking support from RACC's Student Affairs Office and/or SAFE Berks, located at 255 Chestnut Street, Reading, PA 19601, Business Phone: (610) 373-1206, Hotline: (610) 372-9540 or (610) 372-7463.
6. Contact Lizette Flowers, RACC Title IX Coordinator, Berks 115, 10 South Second Street, P.O. Box 1706, Reading, PA 19603 (610) 372-4721 ext. 5016 (phone), (610) 372-4264 (fax), or e-mail to [lflowers@racc.edu](mailto:lflowers@racc.edu) if you need assistance with RACC-related concerns, such as no-contact orders or other protective measures. The Title IX Coordinator will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. RACC is able to offer reasonable academic accommodations, changes to living arrangements, transportation accommodations, escorts, no contact orders, Protection From Abuse (PFA) Orders, counseling services access and other supports and resources as needed by a victim.

RACC is committed to your full participation in all of its educational programs and activities. RACC understands that Sexual Misconduct is a problem in our society, including on college campuses. RACC takes seriously any allegation of Sexual Misconduct, which includes discrimination based on sex, sexual harassment, dating violence, domestic violence, sexual assault, and stalking. RACC's stand against Sexual Misconduct also includes Sexual Misconduct that you may have experienced as a result of your sexual orientation, gender identity, or national origin.

Federal laws against Sexual Misconduct or discrimination based on sex on college campuses are Title IX of the Education Amendments Act of 1972, the Reauthorized Violence Against Women Act, and the Campus SAVE (Sexual Assault Violence Elimination) Act. RACC has a Title IX Coordinator to oversee its efforts at preventing Sexual Misconduct, responding promptly and fairly to instances of alleged Sexual Misconduct, and fostering a climate of mutual respect.

If you are experiencing, or have recently experienced, any form of Sexual Misconduct, please contact RACC's Title IX Coordinator at (610) 372-4721, ext. 5016, or any other faculty member or administrator whom you trust. In an emergency or off-hours situation, always call 911 or the RACC Safety and Security Department at (610) 372-4721, ext. 5098.

#### **E. Frequently Asked Questions about Sexual Misconduct**

1. What should I do if I have been sexually assaulted?
  - a. Get to a safe place, speak with someone you trust, call 911 or the RACC Safety and Security Department, and get medical attention.
  - b. Ask for help from RACC's Safety and Security Department at (610) 372-4721, ext. 5098 or the Title IX Coordinator at (610) 372-4721, ext. 5016.
  - c. Either RACC's Safety and Security Department or Title IX Coordinator will assist you in understanding your right to report the assault to RACC, the police, or both, and will assist you in finding medical attention and counseling.
  - d. Do not blame yourself: Take advantage of counseling resources, on and off campus.
2. What do I do if I need help, but want my situation to remain confidential?
  - a. RACC will assist you in finding medical providers and licensed professional counselors, or call RACC's Title IX Coordinator at (610) 372-4721, ext. 5016.
  - b. While RACC is limited in assisting you without full and accurate information about the assault, RACC will still assist you with all of the necessary protections, including escorts and schedule adjustments.
  - c. RACC has a continuing obligation for the safety of its students, including you, and an obligation to protect the rest of the campus community from similar incidents of assault. This means that at all times, RACC has to carefully weigh your request for confidentiality against your safety and the community's interest in its safety.
  - d. Because of this ongoing duty to you and others on campus, RACC may be obligated to issue a timely warning to the campus community, while doing everything possible to protect your identity and your privacy.
3. What do I do if I want to file a report with the College, the Police, or both?
  - a. Contact RACC's Title IX Coordinator, or Director of Facilities/Safety and Security, who will guide you in the process of filing a formal complaint with either, or both.
  - b. When a complaint is lodged with the College, the College will conduct a fair and impartial investigation into the incident with trained investigators.
  - c. If the investigation leads to a hearing, you will be advised of your rights before, during, and after the hearing, and will be informed about its outcome. RACC is obligated, and

committed, to conducting the investigation into your complaint and to resolving the complaint promptly and equitably, with due process rights for both yourself and the person who stands accused of harming you.

- d. Whether or not you file a complaint with the police, RACC will still handle your complaint on its own and using its own process. It will investigate the complaint, review your complaint using a preponderance of the evidence standard, and provide you with the support you may need during the process and after it is completed.

4. How can I help a friend who has experienced sexual misconduct?

- a. Counsel your friend if you see that an awkward situation is developing – encourage them to seek professional help.
- b. Distract potential misconduct that you are witnessing by distracting the would-be perpetrator.
- c. Look out for your friends at parties and see that they get home safely if they have had too much to drink.
- d. Give friends you know who are experiencing dating or domestic violence your attention, and important community phone numbers such as SAFE Berks at 255 Chestnut Street, Reading, PA 19601, Business Phone: (610) 373-1206, Hotline: (610) 372-9540 or (610) 372-7463; or the National Domestic Violence Hotline [1-800-799 SAFE (7233)].
- e. Talk to RACC's Title IX Coordinator if you or a friend is experiencing sexual misconduct, including dating violence, domestic violence, sexual assault, or stalking.

**F. Programs on Sexual Misconduct Prevention**

RACC offers programs for students and mandatory annual educational programs for faculty, staff and third-party vendors to learn about how to have healthy relationships, how to understand the full scope of sexual misconduct, how to identify the signs, how to prevent it from happening, and how to help others who are experiencing sexual misconduct.

**G. Procedures for Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, Sexual Harassment and Other Acts of Sex and Gender Discrimination**

For offenses including sexual misconduct or other gender based violence, which typically include the crimes of domestic violence, dating violence, sexual harassment, sexual misconduct and stalking, sanctions range from warnings through expulsion. Serious and violent incidents and acts of non-consensual sexual intercourse (the policy equivalent to the crime of rape) usually result in suspension, expulsion or termination of employment.

Procedurally, when RACC receives a report of sexual misconduct, gender-based violence, or other sex or gender discrimination, RACC's Title IX Coordinator is notified. If the victim wishes to access local community agencies and/or law enforcement for support, RACC will assist the victim in making these contacts. The Title IX Coordinator will offer assistance to victims in the form of interim or long-term measures such as opportunities for academic accommodations, changes in housing for the victim or the responding student, visa and immigration assistance, changes in working situations and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, Protection from Abuse (PFA) orders, campus escorts, transportation assistance, targeted interventions, etc.). If the victim so desires, they will be connected with a counselor on- or off-campus, as well as victim's advocate. No victim is required to take advantage of these services and resources, but RACC provides them in the hopes of offering help and support without condition or qualification. A summary of rights, options, supports and procedures, in the form of this document, is provided to all victims, whether they are a student, employee, guest or visitor.

When appropriate upon receipt of notice, RACC's Title IX Coordinator will conduct a prompt, fair and impartial process to be initiated, commencing with an investigation which may lead to the imposition of sanctions, based

upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual. Procedures detailing the investigation and resolution processes of the can be found online here: <https://www.racc.edu/title-ix>.

The College's Title IX Coordinator is ultimately responsible to assure in all cases that the behavior is brought to an end and acts to reasonably prevent its recurrence and the effects on the victim and the community are remedied. The Title IX Coordinator is also responsible to assure that training is conducted annually for all advocates, investigators, hearing officers, panelists and appeals officers that encompass a hearing process that protects the safety of victims and promotes accountability. Training will focus on sexual misconduct, domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation and other behaviors that can be forms of sex or gender discrimination covered by Title IX and CLERY Act. Training will help those decision-makers in the process to protect the safety of victims and to promote accountability for those who commit offenses.

The investigation and records of the resolution conducted by RACC are maintained confidentially. Information is shared internally between administrators who need to know, but a tight circle is kept. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation are maintained in accordance with Pennsylvania law and the federal FERPA statute. Any public release of information to comply with the open crime logs or timely warning provisions of the CLERY Act will not release the names of victims or information that could easily lead to a victim's identification. Additionally, RACC maintains privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures.

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence or other sex or gender-based discrimination covered under the federal law, Title IX, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person or advisor of their choice throughout the process, including any meeting, conference, hearing or other procedural action. Once complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any) and the rationale therefor. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

#### **H. Title IX Process and Procedure Under Title IX**

It is the policy of RACC (Board of Trustees Policy 840 – Discrimination and Harassment Including Title IX Compliance) to prohibit discrimination on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, ethnic origin, age, disability, or veteran status, including status as a disabled or Vietnam Era veteran in regard to the administration of all campus programs, services, and activities and the admission of students, employment actions, or other sponsored activities. Furthermore, it is RACC's policy not to tolerate harassment of any type, including sexual harassment, of or by any employee, student, contractor, vendor, and/or visitor to RACC. The purpose of this policy is to comply with the provisions of Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. Sec. 1681, et. seq., which prohibits discrimination on the basis of sex in the course of any federally-funded educational program or activity.

In accordance with the provisions of Title IX, the College prohibits discrimination on the basis of sex in any of its educational programs and activities, to include any programs and activities sponsored by the College, conducted on or off campus, and while enroute to such programs and activities, in College owned, or College sponsored transportation. Unlawful employment discrimination, sexual violence and sexual harassment by officers, managers, faculty, supervisors, employees, students, advisors, vendors, clientele, and contractors is a violation of this policy.

All complaints of sex discrimination, including sexual harassment or sexual violence, must be brought to the immediate attention of the Title IX Coordinator for the College. The Title IX Coordinator for the College is Lizette Flowers, Berks 115, 10 South Second Street, P.O. Box 1706, Reading, PA 19603 (610) 372-4721, ext. 5016 (phone), (610) 372-4264 (fax), or e-mail to [lflowers@racc.edu](mailto:lflowers@racc.edu).

The College has an affirmative duty pursuant to Title IX to take immediate and appropriate action once it knows, or reasonably should have known, of any act of sex discrimination, to include sexual harassment and sexual violence in any of its educational programs and activities. The College will act on any complaint of sex discrimination, to include sexual harassment and sexual violence in order to resolve such complaints promptly and equitably.

Reporting Parties who make good faith complaints are protected from retaliation pursuant to Title IX, this policy, and the College's policy against Sexual Harassment. Any retaliation against an individual who has complained about sexual harassment or unlawful discrimination or sexual violence, or retaliation against individuals for cooperating with an investigation of a complaint of sexual harassment sexual violence or unlawful discrimination, is a violation of this policy and Title IX.

Persons who violate this policy will be subject to disciplinary action up to and including termination of employment, suspension, expulsions and/or termination of the contractual relationship.

**I. Scope**

This document will establish a procedure for recourse, resolution and rehabilitation of all reporting parties and victims of all forms of sex discrimination, while protecting the due process rights for alleged perpetrators of sex discrimination, sexual harassment or sexual violence. This procedure will be utilized to address any case of sex discrimination, sexual harassment, or sexual violence involving students or employees of RACC, while enrolled or employed in any educational program or activity at RACC.

**J. General Provisions**

1. Disposition of a Reporting Party and corrective action (if required) shall be in accordance with Board of Trustees Policies, the Student Handbook, the Work-Study Handbook, the Faculty Handbook, and/or other applicable College policies, procedures, and publications.
2. The timelines in these procedures may be extended by the mutual consent of the Reporting Party and the Title IX Coordinator. Further, timelines may be extended to prevent interference with an outside agency or law enforcement investigation.
3. If a Reporting Party, whether formal or informal, is directed against the Title IX Coordinator, the functions assigned to this person by these procedures will transfer to one of the Deputy Title IX Coordinators.
4. If a Reporting Party, whether formal or informal, is directed against the President of the College, such a Reporting Party will be directed to the Chair of the Human Resources Committee of the Board of Trustees.

**K. Policy Definitions**

1. College Days, as used in this Policy, shall mean any day on which RACC administrative offices are open for normal business, which does not include Saturdays, Sundays, or scheduled holidays.
2. Complaint is an allegation of discrimination, harassment, or sexual harassment.
3. Reporting Party is the person who files a complaint.
4. Respondent(s) is/are an individual or individuals who are the subject of a complaint.
5. Discrimination can include the treating of members of a protected class less favorably because of their membership in that class. Discrimination includes harassment in any form, based on race,



national origin, religion, color, sex, age, disability, veteran status, marital status, sexual orientation or any other factor protected by state or federal laws, including harassment of an individual in terms of a stereotyped group characteristic or because of that person's identification with a particular group.

6. Harassment is any conduct, verbal or physical, on or off campus, that has the intent or effect of unreasonably interfering with an individual or group's employment or educational pursuits or that creates an intimidating, hostile, or offensive work or learning environment. It is the creation of a hostile or intimidating environment in which an individual's or group's conduct, because of its severity and/or persistence, is likely to interfere significantly with an individual's work or education. For the purposes of this policy, the term "harassment" includes, but is not necessarily limited to, acts of intimidation, unwelcome slurs, jokes, comments and other verbal, graphic, or physical conduct.
7. Sex Discrimination or Discrimination on the Basis of Sex can be manifested by unequal access to educational programs and activities on the basis of sex, unequal treatment on the basis of sex in the course of conducting those programs and activities, or, the existence of a program or activity that has a disparate impact on participation, improperly based on the sex of the participants. Such discrimination can affect both men and women, and is illegal under both federal and state law and is strictly prohibited by the College.
8. Sexual Harassment is a form of sex discrimination that is illegal under both federal and state law and is strictly prohibited by the College. Unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct of a sexual nature constitute sexual harassment when:
  - a. Submission to such advances, requests or conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement or participation in College programs or activities, or is used as a basis for employment or academic decisions affecting the individual; or
  - b. Rejection of such advances, requests or conduct affects a term or condition of an individual's employment or academic advancement or participation in College programs or activities, or is used as a basis for employment or academic decisions affecting the individual; or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work, academic performance, education, or participation in College programs or activities, or of creating an intimidating, hostile, work or academic environment.
9. Sexual Assault is a non-consensual act involving psychological manipulation, physical force, or coercion. As defined in the Pennsylvania Crimes Code, *except as provided in 18 Pa.C.S.A. 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 without consent (see below).*

Pennsylvania Crimes Code definitions relevant to "sexual assault," which are as follows:  
*18 Pa. C.S.A Section 3121.*

- a. Rape. A person commits a felony of the first degree when he or she engages in sexual intercourse with a Reporting Party:
  - 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 Reporting Party is unaware that the sexual intercourse is occurring;

- 4) Where the person has substantially impaired the Reporting Party's power to appraise or control his or her conduct by administering or employing, without the knowledge of the Reporting Party, drugs, intoxicants or other means for the purpose of preventing resistance;
  - 5) Who suffers from a mental disability that renders the Reporting Party incapable of consent;
  - 6) Who is less than 13 years of age *18 Pa. C.S.A. Section 3122.1*.
- b. Statutory Sexual Assault. 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 Reporting Party under the age of 16 years and that person is four or more years older than the Reporting Party and the Reporting Party and the person are not married to each other. *18 Pa. C.S.A. Section 3123*.
- c. Involuntary Deviate Sexual Intercourse.
- (a) Offense defined - A person commits a felony of the first degree when he or she 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 Reporting Party is unaware that the sexual intercourse is occurring;
  - 4) Where the person has substantially impaired the Reporting Party's power to appraise or control his or her conduct by administering or employing, without the knowledge of the Reporting Party, drugs, intoxicants or other means for the purpose of preventing resistance;
  - 5) Who suffers from a mental disability that renders him or her incapable of consent;
  - 6) Who is less than 13 years of age; or
  - 7) Who is less than 16 years of age and the person is four or more years older than the Reporting Party and the Reporting Party and person are not married to each other.
- (b) 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. *18 Pa. C.S.A. Section 3124.1*.
- e. 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 Reporting Party without the Reporting Party's consent. *Pa. C.S.A. Section 3125*.
- f. Aggravated Indecent Assault. 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 Reporting Party 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, a felony of the second degree, if:
- 1) The person does so without the Reporting Party's 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 Reporting Party is unconscious or the person knows that the Reporting Party is unaware that the penetration is occurring;
  - 5) The person has substantially impaired the Reporting Party's power to appraise or control his or her conduct by administering or employing, without the knowledge of the Reporting Party, drugs, intoxicants or other means for the purpose of Preventing resistance;
  - 6) The Reporting Party suffers from a mental disability which renders him or her incapable of consent;
  - 7) The Reporting Party is less than 13 years of age; or
  - 8) The Reporting Party is less than 16 years of age and the person is four or more years older than the Reporting Party and the Reporting Party and the person are not married to each other. *18 Pa. C.S.A. Section 3126.*
- g. Indecent Assault. (a) Offense defined - A person who has indecent contact with the Reporting Party or causes the Reporting Party to have indecent contact with the person is guilty of indecent assault if:
- 1) The person does so without the Reporting Party's 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 Reporting Party is unconscious or the person knows that the Reporting Party is unaware that the indecent contact is occurring;
  - 5) The person has substantially impaired the Reporting Party's power to appraise or control his or her conduct by administering or employing, without the knowledge of the Reporting Party, drugs, intoxicants or other means for the purpose of preventing resistance;
  - 6) The Reporting Party suffers from a mental disability which renders him or her incapable of consent;
  - 7) The Reporting Party is less than 13 years of age; or
  - 8) The Reporting Party is less than 16 years of age and the person is four or more years older than the Reporting Party and the Reporting Party and the person are not married to each other.
- (b) Grading - Indecent assault under subsection (a) (7) is a misdemeanor of the first degree. Otherwise, indecent assault is a misdemeanor of the second degree. *18 Pa. C.S.A. Section 3127.*
- h. 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.
- i. Sexual Violence is a form of sex discrimination that is illegal under both federal and state law and is strictly prohibited by the College. Sexual violence is defined as physical sexual acts conducted either against a person's will or where a person is incapable of giving consent, including but not limited to, rape, sexual assault, sexual battery, and sexual coercion. Sexual violence also includes domestic violence, dating violence, and stalking.

- j. Retaliation is unlawful adverse action taken for making a complaint of sex discrimination, sexual harassment, or sexual violence, or aiding or assisting in such a claim or cooperating in the investigation of such a claim.

L. **Employee, Faculty and Student Responsibilities**

Each employee, faculty member, administrator and student of the College is personally responsible for ensuring that he or she does not engage in conduct that violates this policy. Each employee, faculty member, administrator and student is responsible for cooperating in any investigation of alleged sexual harassment or unlawful discrimination or retaliation if requested to do so by the person conducting the investigation. The College should be notified of any Protection from Abuse (PFA) or similar no-contact or restraining order, and will provide reasonable changes in scheduling, security escorts, and other reasonable steps needed.

M. **Title IX Coordinator Contact Information**

Anyone who believes that she/he, or any other member of the College community, to be a victim of sex discrimination, sexual harassment or sexual violence prohibited by this policy, whether by a supervisor, a co-worker, faculty member, student, vendor, contractor or any other person with whom she/he comes in contact with at the College, in the course of any educational program or activity at the College, should report the incident directly to the College's Title IX Coordinator. The complaint should be filed with the College's Title IX Coordinator, as follows:

Lizette Flowers  
RACC Title IX Coordinator  
Yocum Library 306  
10 South 2nd Street, Box 1706  
Reading, PA 19603  
Phone: (610) 372-4721 Ext. 5005  
Fax: (610) 372-4264  
E-mail: [lflowers@racc.edu](mailto:lflowers@racc.edu)

Any person who receives a complaint of sexual harassment or discrimination or sexual violence or retaliation from an employee or student, or who otherwise knows or has reason to believe that an employee or student has been subjected to sexual harassment or discrimination or sexual violence or retaliation, is expected to report the incident promptly to the College's Title IX Coordinator.

N. **Title IX Investigation**

The College's Title IX Coordinator will conduct a prompt, equitable, and appropriate investigation into any allegation of sex discrimination, sexual harassment or sexual violence or retaliation, so as to enable a prompt and equitable response under all circumstances and in a fair and expeditious manner.

The College's Title IX Coordinator will allow the parties to present witnesses and other evidence during the investigation. The Reporting Party and respondent are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. The investigation will continue whether or not the complaint also is being investigated by another agency or law enforcement unless the College's Title IX Coordinator's investigation would impede law enforcement's investigation. If the investigation is suspended during an investigation by law enforcement, the College will implement interim steps to protect the victim's safety.

Depending on the facts and circumstances of the specific complaint, the College's Title IX Coordinator will immediately contact agencies and organizations to effect immediate relief, care, and support for the Reporting Party and/or the victim in any given case including but not limited to:

1. The closest, competent health care facility,
2. The police department and campus security,
3. The Employee Assistance Program (EAP).

As an immediate priority, care will be taken to ensure the safety and well-being of the Reporting Party and/or victim, and to exercise all precautionary measures to prevent a repeat of the alleged incident of sexual harassment or sexual violence. Accordingly, interim measures such as a temporary suspension, may be implemented pending a hearing on the matter.

The College's Title IX Coordinator will inform the Reporting Party in a case of sexual violence of the right to file a criminal complaint. In cases of allegations of sexual harassment or sexual violence between students, a judicial hearing consistent with the College's Student Code of Conduct will be conducted following the conclusion of any investigation into the matter.

Upon completion of the investigation, any case of sex discrimination, sexual harassment or sexual violence or retaliation, will be referred to the appropriate administrative division's chair for further prompt and equitable proceedings consistent with the College's relevant workplace conduct policies, the College's Collective Bargaining agreements, or the College's Student Code of Conduct.

The procedure for resolution will proceed as follows:

Step 1. Informal Meeting:

- a. Any individual who believes that he or she has been discriminated against, harassed, or sexually harassed, including sexual violence, shall request a meeting with the College's Title IX Coordinator within one hundred eighty (180) College days of the occurrence or condition giving rise to the complaint.
- b. The purpose of this meeting may include providing information, counselling, advising, and possibly fact-finding in an attempt to resolve the problem informally at the earliest and lowest possible level. Special attention is given to the privacy of all individuals involved.

Step 2. Formal Resolution Procedures:

- a. If the complaint is not resolved at the informal meeting, a complainant may, within ten (10) College days after the informal meeting, file a written complaint with the College's Title IX Coordinator. The written complaint shall be submitted to the College's Title IX Coordinator, alleging discrimination or harassment, including the Title IX Complaint Form, which is available at the Office of the Title IX Coordinator.
- b. The College's Title IX Coordinator shall have fifteen (15) College days following the receipt of a written complaint to assign Title IX investigators to conduct fact finding, which may include interviews with the Reporting Party, the respondent, and other individuals who may be able to provide first-hand information regarding the complaint. All interviews will be electronically recorded.
- c. A written response will be provided simultaneously to the Reporting Party and the respondent with a determination on the investigation based upon the preponderance of evidence standard (i.e., it is more likely than not that discrimination, sexual harassment, or violence occurred). Any disciplinary procedures will come under separate letter from either the Human Resources Department for an employee or staff offender or from the Dean of Student Affairs for a student offender.

**Step 3. Appeal Procedure:**

- a. Either party, the Reporting Party or the respondent, may appeal the finding within ten (10) College days after receipt of the decision by submitting a written appeal to the President of the College. The written appeal must state, in detail, the reason(s) for the appeal and shall address one or more of the following:
  - 1) If the appeal alleges that the findings of the investigator included relevant factual errors or omitted relevant facts, the appeal shall specify each factual error and/or details of each relevant fact that was omitted from the investigation.
  - 2) If the appeal alleges substantive procedural errors, the person appealing shall identify each instance of said substantive procedural error.
  - 3) If the appeal alleges relevant or substantive issues or questions concerning interpretation of College policy, the person appealing shall state, in detail, the issues or questions supporting this allegation.
  - 4) If the appeal alleges that new information or evidence exists, the appeal shall specify the reason why this information was not available or not provided to the Investigator during the course of the investigation, including the reason why the information could not have been provided on a timely basis.
  - 5) If the appeal alleges either that action or inaction of the supervisor in response to the findings of the investigation will not prevent future violations of this policy, the person appealing will specify, in detail, the reason(s) and basis for this allegation.
  - 6) No disciplinary or other action based upon the original Reporting Party findings shall be taken against the alleged offender during the appeals process, although temporary, interim measures may remain in place. The appeal process will be conducted in an impartial manner by an impartial decision maker.
- b. The President of the College shall review the written appeal along with the case file, within fifteen (15) College days of receipt of the appeal. The President, at his/her discretion may schedule a face-to-face meeting with the Reporting Party to gather additional information on the appeal.
- c. The response of the President concludes the appeal process.

**O. Confidentiality**

All actions taken to investigate and resolve complaints through this procedure shall be conducted with as much privacy, discretion and confidentiality as possible without compromising the thoroughness and fairness of the investigation. All persons involved are to treat the situation with respect. To conduct a thorough investigation, the Investigator(s) may discuss the complaint with witnesses and those persons involved in or affected by the complaint, and those persons necessary to assist in the investigation or to implement appropriate disciplinary actions. Upon completion of the investigation, the individual(s) who made the complaint and the individual(s) against whom the complaint was made will be simultaneously advised of the results of the investigation in writing and, where a remedy is determined to be appropriate, to inform the parties of the steps that will be taken to remedy the situation. Victim confidentiality will be protected throughout the investigation and proceedings to the degree possible to permit a full and fair investigation and hearing. Records kept of such investigation will omit/redact personally identifiable information on victims.

**P. Disciplinary Action**

In the event that the investigation reveals that sexual harassment, sexual violence, discrimination, retaliation or other inappropriate or unprofessional conduct (even if not unlawful) has occurred, further action will be taken, including disciplinary action, such as but not limited to reprimand, change in work assignment, loss of privileges, mandatory training or suspension, and/or immediate termination. If it is determined that inappropriate conduct has occurred, the College will act promptly to eliminate the offending conduct, and where appropriate the College also will impose disciplinary action. The College will take steps to prevent the recurrence of any discrimination, sexual violence, sexual harassment

and/or retaliation by taking the appropriate action, which may depending upon the circumstances, including but not limited to disciplinary action, reprimand, change in work assignment, loss of privilege, mandatory training or suspension, expulsion and/or immediate termination. Depending on whether the perpetrator is a student or an employee (faculty or staff), sanctions are addressed as follows:

1. Students

A. Sanctions - This section states clearly what possible sanctions are for misconduct. These procedures will be followed in the event of alleged sexual violence, as defined above. Violations of the Code of Conduct may result in one or more of the following sanctions.

7.1. The judiciary body or administrative officer determines the guilt of the accused and may impose only the following:

- a. Disciplinary Warning: Oral or written notice to the student that the conduct in question is in violation of the Student Code of Conduct. It also serves as a warning that future misconduct could result in a more severe disciplinary action. A disciplinary warning may be issued by a Behavioral Intervention Team (BIT) team member without the right of appeal.
- b. Disciplinary Probation: A disciplinary probation is a disciplinary warning with the added stipulation that if the student is found guilty of a violation of the Student Code of Conduct during a specified probationary period, the student's continued enrollment at the College will be in jeopardy. Disciplinary probation may include the loss of privileges, use of specific College facilities, mandatory meetings with specified staff, and/or restitution for damages incurred. The probationary period is limited to a maximum of one year from the date of the written notification of the decision.
- c. Interim suspension: Exclusion from classes and other privileges or activities (not to exceed five (5) working days) pending final determination of an alleged violation. This action will be invoked only when:
  1. The presence of the student on campus is detrimental and/or poses a threat to oneself and/or the members of the College community.
  2. When a student fails to comply with a College official's request to meet with the student for the purpose of investigating an incident. Failure to comply with this meeting request may result in a suspension from the College for the remainder of the semester. This action does not exempt the student from any course attendance policies and the student is still obligated to complete the missed coursework.
- d. Suspension: Exclusion from the College and College-sponsored activities and/or exclusion from other privileges or activities from campus for a specific period of time (up to a maximum of one year from the date of the written notification of the decision). If the student is found guilty of violating the Code of Conduct and is suspended from the College, the student is still responsible for any outstanding debt owed to the College. The student must submit a written request for consideration for readmission to the College and must comply with the reinstatement requirements.
- e. Expulsion: Permanent exclusion from the College and College-sponsored activities. An expulsion sanction will remain on the student's permanent academic record.
 

7.2. Written record of all penalties imposed upon a student is kept on file in the Office of the Dean of Student Affairs.

7.3. Penalties may include any combination of a, b, c, d, e, and f.
- f. Student Due Process:
 

5.3.1. The following procedures shall be established in order to ensure due process in resolving disputes and disciplinary charges.

- a. Any persons whose rights have been violated as a result of another's violation of written College regulation, policy, or procedure may file charges.
- b. All charges must be filed in writing within five (5) working days of the date of the discovery of the alleged violation unless an extension is granted in writing by the Dean of Student Affairs. Such an extension will indicate the date (not to exceed five (5) working days after the last day of the semester) by which action will be taken.
- c. Disciplinary action is the responsibility of the Behavioral Intervention Team (BIT). Within the BIT team, only the Dean of Student Affairs or designee has the authority to suspend a student or remove him/her from campus.

5.3.1.a. After disciplinary action has been taken which can include anything from a warning to expulsion depending on the severity of the offense, a letter is sent to the student, both regular and certified mail and to the student's ravens email account, within five (5) working days of the disciplinary meeting between the student and the BIT team member informing the student of the disciplinary action.

5.3.1.b. Upon receipt of the letter, the student has five (5) working days to appeal the disciplinary action by writing a letter to the:

Behavioral Intervention Team  
c/o Dean of Student Affairs Office  
Reading Area Community College  
10 South Second St. P.O. Box.1706  
Reading, PA 19603

The letter should specifically indicate that the student is intending to appeal the disciplinary action taken against him/her. If the student does not file an appeal with the BIT team in the appropriate time frame, the student loses the opportunity to appeal the disciplinary action.

5.3.1.c. The Office of the Dean of Student Affairs will contact the student to conduct an appeal hearing within five (5) working days of receipt of the appeal letter. Three (3) College staff will hear the student's appeal. The staff attending the appeal hearing will consist of members of the BIT team minus the individual who originally issued the disciplinary action.

5.3.1.d. A student has the right to counsel (at no charge to the College); however, it is important to note that the hearing is not a legal proceeding. A student can chose to have a parent/guardian/advocate attend the hearing in lieu of counsel.

5.3.1.e. The appeals committee will issue a letter informing the student of the outcome of the appeals hearing within five (5) working days of the hearing. The letter will be sent both regular and certified mail and to the student's ravens email account. The decision of the appeals committee is final.

## 2. Faculty/Staff

There are four (4) levels in the disciplinary process at RACC for faculty/staff. Disciplinary action can begin at any level of the process, including immediate termination of employment based on the severity of the infraction. All four (4) levels involve written documentation that must be signed by either the employee or union representative. The levels are: First Written Warning, Advanced Written Warning, and Last and Final Warning. Termination of employment follows if last/final warning not sufficient.

- a. First Level – Written Warning: The employer may document substandard job performance and/or incidents that eventually could require additional disciplinary action. The employer will sign the first written warning as verification of the notification of a performance problem. If the employee refuses to sign such verification, a union representative will sign. Written warnings will be maintained in the employee's official personnel file and will be



considered for a period of one (1) year if no additional infractions have been documented. Such documents shall not serve as the basis for progressive discipline after a one (1) year period of time.

- b. Second Level – Advanced Written Warning: The employer may document continued substandard job performance and/or incidents that eventually could require additional disciplinary action. In addition the employer may document more serious violations of College policy beginning at this level. The employer shall sign the advanced written warning as verification of notification of disciplinary action. If the employee refused to sign such verification, a union representative will sign the document. Advanced written warnings will be maintained in the employee's personnel file and will be considered for a period of two (2) years if no additional infractions have been documented. Such documents shall not serve as the basis for progressive discipline after a two (2) year period of time.
- c. Third Level – Last and Final Warning: The employer may document continued substandard job performance and/or incidents that will lead to termination for the next infraction. In addition, the employer may document a more serious violation of College policy, beginning at this level, which will lead to termination of employment for the next offense. The employee shall sign the last and final warning as verification of notification of disciplinary action. If the employee refuses to sign such verification, a union representative will sign the document. Last and final warnings will be maintained in the employee's official personnel file and will be considered for a period of three (3) years if no additional infractions have been documented. Such documents shall not serve as the basis for progressive discipline after a three (3) year period of time.
- d. Fourth Level – Discharge from Employment: Termination of employment will take place when it can be shown that an employee's conduct or performance has not improved or the conduct or behavior is severe enough to warrant discharge for the first infraction. Discharge from employment may only be carried out after consultation with the Director of Human Resources and approval of the President of the College.

**Q. No Retaliation for Filing a Complaint of Sexual Violence, Sexual Harassment or Unlawful Discrimination**

Retaliation against any individual for making a complaint of sexual harassment, discrimination or sexual violence or for assisting in the investigation of such a complaint is a violation of this policy and will not be tolerated. Any acts of retaliation will be subject to appropriate disciplinary action, such as but not limited to reprimand, change in work assignment, loss of privileges, mandatory training or suspension and/or immediate termination.

**R. False Accusations**

Anyone who knowingly makes a false accusation of discrimination, harassment, or retaliation will be subject to appropriate sanctions which may include, but are not limited to, written warning, demotion, transfer, suspension, dismissal, expulsion or termination.

**S. Filing of a Complaint with the Safety and Security Department**

Individuals who believe that they have been the victim of criminal conduct, or the College itself, may also choose to file a report with law enforcement authorities, in addition to invoking the procedures under this policy. RACC has personnel on staff who can explain criminal complaint procedures, and assist the victim in beginning the process, and will explain to the victim the option to (or not to) seek assistance from law enforcement or the campus Safety and Security Department. Additionally, if necessary, RACC administrators will notify appropriate law enforcement officials in accordance

with obligations under federal, state, and local laws and regulations. Police investigation and legal prosecution are conducted outside of and in addition to the procedures contained in this policy.

**T. College Investigators of Complaints of Sexual Harassment and Unlawful Employment Discrimination**

The investigator, Lizette Flowers, Title IX Coordinator, is designated as that person who is charged with coordinating the College's implementation of this policy, and investigating complaints of sexual harassment, unlawful discrimination or retaliation for the College. She may be contacted to initiate an investigation under the policy or to answer questions regarding this policy. The College also reserves the right to retain an outside investigator(s) to investigate complaints regarding violations of this policy.

The Reporting Party or the Respondent might allege that the investigator has a substantial conflict of interest that might impair his/her ability to conduct a fair and impartial investigation of the allegations. In that event, details supporting the alleged conflict of interest must be submitted, in writing, to the Office of The Title IX Coordinator within five (5) days of receiving notice of the identity of the investigator. A determination will be made about the existence of a conflict of interest and, if such a conflict is found to exist, an alternative investigator will be appointed as expeditiously as possible. In the event that a request is made and an alternate investigator must be appointed, any specific timeline provided for in the complaint procedure shall be suspended pending the determination and/or appointment.

**U. State and Federal Agencies**

In addition to the above, employees who believe that they may have been subjected to sexual harassment or unlawful discrimination, may file a formal complaint with government agencies set forth below. Students may file a complaint with 1) the U.S. Department of Education and 2) the College's complaint process. Filing a criminal complaint does not prohibit an employee or student from filing a complaint with these agencies:

1. United States Equal Employment Opportunity Commission ("EEOC"), 801 Market Street, Suite 1300, Philadelphia, PA 19107-3127, (800) 669-4000,
2. Pennsylvania Human Relations Commission ("PHRC"); Philadelphia Regional Office, 110 North 8th Street, Suite 501, Philadelphia, PA 19107, (215) 560-2496 (215) 560-3599 TTY users only, and
3. U.S. Department of Education, Office for Civil Rights Philadelphia Office U.S. Department of Education, The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107-3323, Telephone: (215) 656-8541, Facsimile: (215) 656-8605, Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov).

**V. Mandated Reporters**

The Child Protective Services Law (CPSL) requires reporting of suspected child abuse by individuals who are "mandated reporters" under the Law. Willful failure to report (having a reasonable suspicion of abuse and deciding not to report it) may be punished. The penalties for failure to report have been increased under recent amendments to the CPSL. The first offense of willful failure to report is a second degree misdemeanor. Penalties are increased to a third degree felony if the mandated reporter willfully fails to report child abuse that is a felony of the first degree or higher and the mandated reporter has direct knowledge of the nature of the abuse. For multiple offenses, a felony of the third degree is committed, increasing if the abuse of the child is a felony of the first degree or higher. If willful failure to report continues, while the mandated reporter knows or has reasonable cause to believe that the child is being actively abused, the offense is considered a first degree misdemeanor except when the abuse to the child constitutes a felony of the first degree or higher. In this instance, the penalty is a felony of the third degree.

**W. Annual Assessment**

RACC will publish an Annual Assessment of the effectiveness of its efforts against sexual harassment and sexual violence. This report will include a summary of efforts made, such as publications, programs, and on-campus initiatives regarding awareness, prevention and reporting of sexual harassment and sexual violence, and statistics on

reports and outcomes of investigations. Additionally, the Assessment will describe additional measures which will be taken to curtail sexual harassment and sexual violence on the RACC campus, including development and publication of policies and protocols on sexual harassment and sexual violence which take into consideration the cultural diversity of the RACC campus and student body, and identify specific needs and barriers to reporting and investigation.

## VII. RESOURCES

### A. Emergency Phone Numbers

In the event of an on-campus emergency, students, faculty and staff can contact the Safety and Security Department by dialing extension 6291 from any campus telephone including the red phones located in the hallways throughout campus buildings.

	ON CAMPUS	CELL	OFF CAMPUS	
Safety & Security Services – Rings At All Security Desks	Ext 6291		610-607-6291	
Day – Manager of Security	Ext 5098	484-955-9959	610-372-4721,	Ext 5098
Evening and Weekend Security Supervisors	Ext 5098	484-955-2946	610-372-4721,	Ext 5098
Berks Hall Safety & Security Department	Ext 5098		610-372-4721,	Ext 5098
Security - Berks Hall Lobby	Ext 6291		610-607-6291	
Advising Center	Ext 6245		610-607-6245	
Security - Penn Hall Lobby	Ext 6291		610-607-6291	
Security - Schuylkill Hall Lobby	Ext 6291		610-607-6291	
Security - Schmidt TTC Lobby	Ext 6291		610-607-6291	
Security - Yocum Library Lobby	Ext 6291		610-607-6291	
Dean of Student Affairs	Ext 5298		610-372-4721,	Ext 5298
Switchboard	Dial "0"		610-372-4721,	Dial "0"

**Exterior yellow emergency call boxes located throughout the campus automatically dial 911**

### B. Area Hospitals

1. Tower Health/Reading Hospital – (484) 628-8000  
Sixth Avenue and Spruce Streets  
West Reading, PA 19611
2. Penn State Health/St. Josephs Main Campus – (610) 378-2000  
2500 Bernville Road (Route 183)  
Reading, PA 19605

### C. Emotional Support Counseling/Advocacy

1. Berks County Social Services – Counseling Mental Health
2. Progression Behavioral Health @ RACC, 610-372-4721 ext.5071
3. SAFE Berks
  - i. 24-hour hotline 844-789-SAFE
  - ii. Text SAFE BERKS to 201

4. Crisis Intervention & Emergency Services (Service Access Management/SAM)
  - i. 24 hours a day, seven days a week.
  - ii. 610-236-0530

## VIII. SEX OFFENDER REGISTRATION – CAMPUS SEX CRIMES PREVENTION ACT

### A. Megan's Law

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne CLERY Act and the Family Educational Rights and Privacy Act of 1974, RACC is providing a link to the Pennsylvania Sex Offender Registry. All sex offenders are required to register in the Commonwealth of Pennsylvania and to provide notice of each institution of higher education in Pennsylvania at which the person is employed, carries a vocation or is a student. The website is [www.pameganslaw.state.pa.us](http://www.pameganslaw.state.pa.us).

In addition to the above notice to the Commonwealth of Pennsylvania, all sex offenders are required to deliver written notice of their status as a sex offender to the Senior Vice President for Finance and Administrative Services/College Treasurer no later than three (3) business days prior to their enrollment in, employment with, or volunteering at RACC. Such notification may be disseminated by RACC to, and for the safety and well-being of, the RACC community, and may be considered by RACC for enrollment and discipline purposes.

## IX. RACC's POLICIES GOVERNING WEAPONS, ALCOHOL AND OTHER DRUGS

### A. Weapons Policy

Illegal/unauthorized possession or use of fireworks, firearms, knives, explosives, weapons, and/or facsimile weapons on College premises is prohibited.

### B. Workplace Violence Policy

All employees, students, visitors, vendors and business associates must be treated with courtesy and respect at all times. Employees are expected to refrain from conduct that may be dangerous to others. Conduct that threatens, intimidates or coerces another employee, visitor, vendor or business associate will not be tolerated. RACC resources may not be used to threaten, stalk or harass anyone at the workplace or outside the workplace. RACC treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, security personnel, Human Resources Department or Administration. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the Human Resource Department of any protective or restraining order that they have obtained that lists the workplace as a protected area. The Title IX Coordinator and the Safety and Security Department will be informed. Employees are encouraged to report safety concerns with regard to intimate partner violence. RACC will not retaliate against employees making good-faith reports. RACC is committed to supporting victims of intimate partner violence by providing referrals to RACC's Employee Assistance Program (EAP) and community resources and providing time off for reasons related to intimate partner violence.

RACC will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. RACC will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, RACC may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

RACC encourages employees to bring their disputes to the attention of their supervisors or the Human Resources Department before the situation escalates. RACC will not discipline employees for raising such concerns.

### **C. Drug and Alcohol Abuse, Health Assistance and Health Risks**

RACC does not tolerate the abuse of alcohol or illegal drugs on campus. The College has several policies concerning the use and/or abuse of substances on its campus, and will prosecute abusers to the full extent of the law.

The following links provide information concerning campus policies, and the effects of substance abuse. Included in RACC's drug and alcohol policies is a listing of some possible consequences of abusing substances on campus. These consequences may include expulsion from campus or immediate termination of employment, as well as additional consequences imposed by state or local laws.

- [Campus Drug and Alcohol Abuse Policy](#)
- [Employee Guidelines](#)
- [Rehabilitation Services for RACC employees which are covered by health insurance](#)
- [Health Risks associated with Substance Abuse](#)

## **X. CRIME PREVENTION AND AWARENESS PROGRAMS**

### **A. Behavioral Intervention Team (BIT)**

Occasionally, members of the campus community may be confronted with situations in which a student is displaying questionable behavior. The Behavioral Intervention Team (BIT) model is designed to be of assistance in these circumstances. Behaviors of concern might be observed in a number of settings: in the classroom, at a service location or office, at an on-campus job or during participation at an extracurricular activity. By reporting behaviors that are concerning, the BIT will be able to reach out to students to intervene, provide support and connect students with resources that can assist them.

### **B. Personal Safety**

RACC publishes an annual crime report in compliance with the CLERY Act. Additional copies are also kept on campus in case a student or employee requests an additional copy.

Since RACC does not have on campus student housing, we are not required to have a missing person's procedure. However, if there were an emergency where a student, staff, or faculty member was discovered to be missing, the information would be reported to the Dean of Student Affairs' Office at (610) 372-4721, ext. 5298. From there,

depending on the individual situation, the appropriate parties would be notified; most likely including the local police, campus Safety and Security Department, any staff or faculty involved with the missing person, and the emergency contact listed in the student's admissions file or employee's personnel file. In most cases of missing persons, however, someone off campus is aware of the situation before the College.

Emergency response information (RACC Emergency Guidelines and Procedures) is posted in all classrooms and offices on campus. The posting is a large bright yellow laminated page with printing on one side. The campus also has the "Omnalert" alert system. Anyone can register, and all emergency information (as well as school closings) will be sent to the registrant by the method(s) they indicate.

Our campus does not have student housing, so we are not required to publish a fire safety report. We are inspected for compliance with fire code periodically, and reports are kept. Any inquiries concerning compliance with fire codes or official fire safety reports can be requested through the Facilities Department, and will be considered on an individual basis.

The College does not require vaccinations for all students. Some of our medical programs require certain vaccinations in order to participate in clinical. Any student whose program requires vaccinations for participation are informed of the requirements by their Program Director.

Other campus safety information can also be found on our website under the section heading of Campus Safety: <https://www.racc.edu/about-racc/campus-health-and-safety>

**C. General Safety Information**

RACC is continually concerned with creating a supporting atmosphere that is safe and secure for all students, employees and visitors. Taking steps to protect the campus is important and crime prevention is the best protection against crime.

**D. Crime Prevention Tips**

1. Wear your student ID
2. Walk in pairs/groups to your vehicle, particularly at night
3. Have your keys ready as you approach your car
4. Use the Safety and Security Department escort service to walk to your vehicle
5. Share your schedule/activities with family and friends
6. Avoid shortcuts and hidden areas on campus
7. Register your vehicle with Campus Safety and Security Department
8. Be sure to lock your vehicle
9. Do not leave valuables visible inside your vehicle
10. Program emergency numbers into your cell phone
11. Be aware of the location of the "emergency call boxes" located throughout campus

**E. Campus Crime Log**

The RACC Safety and Security Department maintains a log of all criminal activity by nature of offense, date, time, location and disposition of the complaint. The information in the log is available for public review in the Facilities Department located in Berks Hall, Room 152 during campus operating hours, unless such disclosure would be prohibited by law, would jeopardize the confidentiality of a victim, would jeopardize an ongoing criminal investigation, would cause a suspect to flee or evade detection or would result in the destruction of evidence. NOTE: Logs older than 60 days may be archived and will be made available within two business days of request per federal requirements.

**F. Annual Disclosure of Crime Statistics**

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (CLERY Act) and amendments are a federal law which requires institutions of higher learning that receive Title II funding to annually publish a report which outlines policies related to campus security and emergency response and that discloses crime prevalence statistics for crimes reported to the institution's Security/Public Safety Department and other campus authorities designated as Campus Security Authorities (CSAs). The reported statistics must cover the most recent three-year period and include those crimes occurring on any campus, any public property immediately adjacent and accessible to a campus and any non-campus buildings or property owned or controlled by the institution. RACC publishes the report annually and is in compliance with the CLERY Act and its amendments.

In compliance with the CLERY Act, all known CLERY Act reportable crimes must be submitted annually to the U.S. Department of Education via its web-based reporting system. RACC is required to publish in its Annual Security Report, statistics of CLERY crimes for the last three years that were reported on campus property, College-owned or controlled non-campus property at which educational programs or support are conducted, and any public property within or immediately adjacent to and accessible from a campus property.

Crime data is collected from Safety and Security Department reports and records, student judicial and Behavioral Intervention Team (BIT) records, Campus Security Authority (CSA) disclosures, and data received from local or state police agencies in the campus or non-campus location jurisdiction.

RACC must make a good faith effort to request data on all reportable crime categories from the local and state police agencies, which have jurisdiction over a campus, and its adjacent and accessible public property or any non-campus location.

If you feel that RACC has failed to comply with the requirements of these acts, please file a complaint with:

Director of Facilities/Safety and Security  
10 South Second Street  
Berks Hall, Room 152  
Reading, PA 19603  
Telephone: 610-607-6240

If, after submitting a complaint with the above, you do not feel your complaint has been resolved, you may contact the Pennsylvania Office of Attorney General, which will investigate the alleged violation. Contact information for the Office of Attorney General is available upon request.

**XI. UNIFORM CRIME STATISTICS – 2018-2020**

RACC's Uniform Crime Statistics-2018-2020 can be found on the College's website at <https://www.racc.edu/about-racc/safety-security#security-reports>.

**XII. CAMPUS MAPS**

RACC's campus map can be found on the College's website at <https://www.racc.edu/about-racc/campus-map-and-directions>