

**EAST STROUDSBURG UNIVERSITY  
OF PENNSYLVANIA**

**2021–22**  
**Student Handbook**



**EAST STROUDSBURG  
UNIVERSITY**

**esu.edu**

*A Member of Pennsylvania's State System of Higher Education*

# 2021–2022

# Student Handbook



200 Prospect Street  
East Stroudsburg, PA 18301-2999

[www.esu.edu](http://www.esu.edu)

*A Member of Pennsylvania's State System of Higher Education*

The provisions of this handbook are not intended to create any substantive rights beyond those created by the laws and constitutions of the United States and the Commonwealth of Pennsylvania, and are not intended, in and of themselves, to create any cause of action against the Pennsylvania State System of Higher Education, the Board of Governors, the Chancellor, an individual president or university, or any other officer, agency, agent or employer of the Pennsylvania State System of Higher Education.

Due to the impact of COVID-19, individuals are urged to verify campus operations and services by visiting each department's website.

**Any updates to policies, procedures, guidelines, and/or expectations provided in this document will be communicated to all parties via their ESU email address and posted on the Student Handbook site of [esu.edu](http://esu.edu).**

East Stroudsburg University of Pennsylvania is committed to equal opportunity for its students, employees and applicants. The university is committed to providing equal educational and employment rights to all persons without regard to race, color, sex, religion, national origin, age, disability, sexual orientation, gender identity or veteran's status. Each member of the university community has a right to study and work in an environment free from any form of racial, ethnic, and sexual discrimination including sexual harassment, sexual violence and sexual assault. (Further information, including contact information, can be found on the university's website at [esu.edu/titleix](http://esu.edu/titleix).)

In accordance with federal and state laws, the university will not tolerate discrimination. This policy is placed in this document in accordance with state and federal laws including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991 as well as all applicable federal and state executive orders.

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# LIBRARY INFORMATION

## About Kemp Library

[esu.edu/library](http://esu.edu/library) | 570-422-3465

Kemp Library is on the corner of Smith and Normal streets. It is 94,000 square feet and provides seating for 714 patrons, houses more than 200,000 volumes, about 1 million microforms, and more than 50,000 state and federal documents, and a renowned Al Cohn Jazz collection.

In addition to these resources, the library's online catalog and electronic databases are available through the library website [esu.edu/library](http://esu.edu/library) and may be accessed on and off-campus. This includes access to more than 300,000 eBooks. The PCs and Macs located in Kemp Library have the same software as those located in most computer labs on campus. Laptops with the same software may be borrowed for use in the library building.

The library staff includes a dean, an administrative assistant, faculty librarians, support staff positions, and a large cohort of student workers. The librarians are available during most of the hours the building is open to provide help with your research needs.

Public service activities provided to students include circulation of materials, information instruction sessions, research assistance, electronic and physical reserves, orientations, interlibrary loan, a depository for federal and state government documents, and a Curriculum Materials Center to support the needs of our teacher candidates. Kemp Library is open 98 per week to serve the community.

### Fall and Spring Semester Hours:

Monday through Thursday ..... 7:30 a.m. – Midnight  
Friday ..... 7:30 a.m. – 6 p.m.  
Saturday ..... 10 a.m. – 6 p.m.  
Sunday ..... 10 a.m. – Midnight

**Hours for summer sessions, intersessions, and breaks may be different.** \* Librarians are unavailable to provide research assistance during intersessions and breaks.

Any variations from regular library hours are posted at the library, and may also be found on the library's website.

## Borrowing Policies

The regular loan period for undergraduate students and courtesy borrowers is four weeks. Faculty, graduate students, and university staff have a 15-week loan period.

Materials may be renewed once, as long as the items are not overdue, on hold, or recalled. Courtesy borrowers may not renew materials. Items may be renewed in person, by email, over the phone, or through Primo, Kemp Library's online catalog. Patrons are responsible for checking with Circulation to assure that all materials have been renewed or may check on Primo.

All students must present their eCard to borrow any materials, including reserve items. All materials borrowed with your student ID are your responsibility. The library reserves the right to suspend borrowing to anyone abusing library privileges.

## Fines, Fees and Other Charges

Regularly circulating items ..... No charge, however, items returned 30 days past the due date WILL incur a \$3 processing fee.

InterLibrary Loan charges are depended upon the institution the ILL is received from.

### Overdue reserve items:

Two-hour reserves .....25 cents for each hour overdue  
Overnight, three-day and seven-day reserves \$1 per day per item\*  
Overdue recalled materials .....\$1 per day\*

\*Fines for overdue RECALLED or RESERVE materials will not exceed \$15 per item. Replacement charges for damaged or lost materials are determined by the library. Holds on transcripts, grades, and registration will be placed on the student's records for failure to pay any fines/fees or for non-return of materials.

## General Information

Copiers for both paper and microform materials are available on a self-service basis. Copies may be paid for with coins only. Printers may be paid for by using eCards. There is a change machine and an eCard "Add Value" station available in the library.

Patrons are asked NOT to re-shelve materials. Please return materials you have not checked out to black shelves located throughout the stacks. Other materials, such as microforms, periodicals and government documents should be returned to carts or marked areas.

Smoking and vaping are not permitted in the library.

Any minor children brought into the library must be under the direct supervision of a parent or guardian at all times.

The café, Food-For-Thought, is open during library hours. Please exercise care when transporting food and beverages in the library to avoid spills and littering.

Two large computer labs, one on the main floor and one on the ground floor, are available for students to use desktop computers unless the labs are scheduled for library instruction sessions or classes.

## Book Theft and Mutilation

Students found guilty of stealing or damaging library property will be held to the disciplinary actions outlined in East Stroudsburg University's Student Code of Conduct. In addition, students found guilty of stealing or damaging library property will be subject to the following law passed by the General Assembly of the Commonwealth of Pennsylvania:

*Section 1. Title 18, act of November 25, 1970 (P.L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, is amended by adding a section to read:*

*§ 3929. I. Library theft.*

*(a) Offense defined — A person is guilty of library theft if he willfully conceals on his person or among his belongings any library or museum material while still on the premises of a library or willfully and without authority removes any library or museum material from a library with the intention of converting such material to his own use.*

*(b) (1) Library theft constitutes a:*

- (i) Summary offense when the offense is a first offense and the value of the material is less than \$150.*
- (ii) Misdemeanor of the second degree when the offense is a second offense and the value of the material is less than \$150.*

(iii) *Misdemeanor of the first degree when the offense is a first or second offense and the value of the material is \$150 or more.*

(iv) *Felony of the third degree when the offense is a third or subsequent offense, regardless of the value of the material*

(2) *Amounts involved in library thefts committed pursuant to one scheme or course of conduct, whether from the same library or several libraries, may be aggregated in determining the grade of the offense.*

(c) *Presumption — a person who willfully conceals any library or museum material on his person or among his belongings while still on the premises of the library or in the immediate vicinity thereof shall be prima facie presumed to have concealed the library or museum material with the intention of converting such material to his own use.*

## UNIVERSITY SERVICES

### Department of Academic Success

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esu.edu/academicsuccess | 570-422-2741

The Department of Academic Success provides the diverse student population of ESU with support, opportunities and academic programs to enhance engagement; ease transition to the university; encourage life-long learning; support the development of a strategic academic plan; and foster academic achievement and degree completion.

The department provides students with academic advising, academic coaching, tutoring, and mentoring in the following areas:

- Exploratory Studies Advising, Coaching, and Major Exploration for Undeclared Students
- Warrior Success Advising and Coaching for First-Year Students
- R.E.A.C.H. Advising and Coaching for Students Experiencing Academic Challenges
- Peer Mentoring
- University-Wide Tutorial Program

### EXPLORATORY STUDIES ADVISING, COACHING, MAJOR EXPLORATION FOR UNDECLARED STUDENTS

EXPLORE. DISCOVER. DECLARE.

A comprehensive academic program designed to meet the needs of students who wish to explore their major options to find a “best fit” major. The Exploratory Studies students can declare any major at the University, and are actively engaged in university life. Research supports that students who enter college undeclared and explore their interests, skills, and values, prior to major declaration, are more likely to succeed.

### R.E.A.C.H. ADVISING AND COACHING FOR STUDENTS WHO EXPERIENCE ACADEMIC CHALLENGES

Provides students with the necessary academic resources designed to develop learning strategies and self-regulation skills leading to academic success. Students who are provided with academic coaching and mentoring, focus on grade recovery; Social/Cultural

Support; Satisfactory Academic Progress support in regaining or maintaining financial aid eligibility.

### WARRIOR SUCCESS ADVISING AND COACHING FOR FIRST-YEAR STUDENTS

Offers first-time students whose academic profile and self-reported experiences, suggests they will benefit from an individualized and intentional academic support advising program that helps them realize their fullest academic potential. The program provides the student with support advising, academic coaching, interventions and creating opportunities for connections, while helping students achieve their pathway toward success.

### UNIVERSITY-WIDE TUTORIAL PROGRAM

Helps students with achieving their personal, academic, and career goals, the University-Wide Tutorial Program assists with helping students adapt to the academic environment of college, improve their academic success, and enhanced the quality of their scholarly work.

The UWTP tutors are CRLA certified, providing high quality academic assistance through one-on-one, drop in, small group, and learning assistance tutoring sessions for 100 and 200-level courses and some upper division courses.

Tutoring is offered face-to-face in Rosenkrans East and online. Math tutoring is offered in the MathQC on the second floor of Sci-Tech. Online tutoring is accessed through ACCUDEMIA.

**Peer Tutors** are for 100-200 level general education courses. Peer Tutors offer weekly walk-in tutoring hours and individualized tutoring, as needed.

**Large Classroom Tutors (LCTs)** are for courses that have over 60 students enrolled and for 100-200 level general education courses. LCTs assist during the class and offer weekly walk-in tutoring hours and individualized tutoring, as needed.

**Learning Assistants** are for courses that have over 60 students enrollment and/or considered a C-, D, F, W rate course. LAs assist during the class, offer two one-hour structured review and discussion sessions, and have two open discussion hours in the Learning Assistant Office, in Rosenkrans, Rm. 127.

### Alumni Engagement

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esualumni.org 570-422-3194

The Office of Alumni Engagement serves the university's more than 40,000 alumni and promotes their continued involvement with ESU. Some of the many contributions alumni have made to the University include the Warren E. '57 and Sandra Hoeffner Science and Technology Center, the Henry A. Ahnert Alumni Center, the World War I memorial statue, “Julia,” signs to identify campus buildings, student scholarships, landscaping, the Senior Walk, DeNike Center for Human Services restorations, and the indoor track.



The purpose of the Office of Alumni Engagement is to promote the general interest and welfare of East Stroudsburg University throughout the United States and across the world, to advance the professional interests of its alumni, and to foster a closer relationship with East Stroudsburg University. There are also opportunities for student and alumni mentoring/networking, student philanthropy education, and the Warrior Elite Student Club.

The Henry A. Ahnert Alumni Center is just north of Kemp Library on Smith Street. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday.

**Athletic Training/Sports Medicine Clinic**

570-422-3337  
This treatment facility is located on the second floor of Koehler Fieldhouse. The operation is supervised by the licensed certified athletic trainers and is intended for the evaluation, treatment, and rehabilitation of intercollegiate student athletes.

**Campus Rec & Wellness**

[esu.edu/therec](http://esu.edu/therec) | 570-422-2970



The mission of Campus Rec & Wellness is to provide to the University community a safe, rewarding and educational environment designed to promote holistic lifestyles through physical fitness activity, formal and informal competition, leadership development, academic partnerships and opportunities for professional, social and career growth. Guided by Core Values, innovative and diverse programming, and state of the art facilities, the department’s spirited and committed staff pride themselves in fostering an atmosphere of empowerment that leads to the healthy development of the whole person. Campus Rec & Wellness offers comprehensive programs that include group fitness, special events, personal training, wellness, leagues and club sports. Campus Rec & Wellness employs more than 75 students who are directly responsible for the operation of each of these programs and the facility.

**Indoor Recreational Facilities:** ESU students have automatic access to the facilities without additional cost. Student membership is included in the tuition and fees. Students must present their eCards to access the facilities. Students only have access to the recreation centers in the semesters that they are enrolled. Students may sponsor one guest (over the age of 18) per day for a \$5 charge.

**Mattioli Recreation Center** – The 58,000 square-foot facility offers a four court arena for basketball, volleyball, and tennis; a fitness center that includes cardiovascular, free-weight, and selectorized equipment; a multipurpose studio for group fitness, dance, and other exercise programs; an alternative fitness area featuring a Jacobs Ladder and Queenax Training Rack; racquetball courts; an elevated track; indoor and outdoor equipment check-out; a boxing zone featuring a heavy bag and speed bag; and locker and shower room facilities.

*Mattioli Recreation Center hours:*

Monday-Thursday..... 6a.m. – 11 p.m.  
Friday ..... 6 a.m. – 9 p.m.  
Saturday & Sunday ..... 11 a.m. – 9 p.m.

**Hawthorn Suites Fitness Center (“Rec B”)** – The fitness center is 15,000 square feet located in the lower level of Hawthorn Suites that was completed in February 2012. It features an indoor cycling studio, multipurpose studio for group fitness, cardiovascular, free-weight, and selectorized equipment; and locker and shower room facilities.

*Rec B Fitness Center hours: Closed until Further notice.*

**Group Fitness Program** is designed for individuals who are looking for an organized work out. All of the classes are free, and access is granted on a first-come, first-served basis. Classes are led by ESU student instructors who have qualified to teach.

**Special Events** are available for students to enjoy unique programs in a fun and social setting. Many of the special events are one-night tournaments and educational events that expose students to new and exciting sports, recreational opportunities and healthy lifestyles. Some of the programs include racquetball, Late Nite at the Rec, wallyball, tennis, badminton, NIRSA Rec Day, the Rec-Ex 5k and One Mile Fun Run, to name a few.

**Wellness Program** focuses on the campus community Wellbeing. Student Ambassadors will offer workshops and presentations on wellness topics such as fitness, healthy eating, stress management and self-care. This program will assist the campus community in discovering the value of Wellbeing and techniques to practice those values as individuals, organizations and community.

**Campus Rec & Wellness Leagues** offer students the ability to form teams and play sports in a seasonal format. The entire program is voluntary for those who are not regular members of varsity or junior varsity squads, and do not require the intensified training nor high degree of skill necessary for intercollegiate athletics. Sports offered during the year include flag football, soccer, volleyball, dodge ball, softball, basketball, and wallyball, to name a few. Opportunities for participation are available in men’s, women’s and coed leagues.

**For more information on programs, services, policies, and procedures, please visit the SAA Campus Rec & Wellness website**

## Campus Shuttle Bus Services

[warriorshuttle.esu.edu](http://warriorshuttle.esu.edu) | 570-422-3630

In order to meet student's transportation needs, the University has a contracted shuttle service. There are three Warrior Shuttles (red, black and silver) that run throughout the day while classes are in session and one late night shuttle that runs Thursday through Saturday from 8:30 p.m. to 2:30 a.m. By utilizing the ESU mobile app (which may be downloaded from Google Play or the iOS App Store), students may track the shuttle locations, arrival/departure times, and each route's respective stops. To use the shuttle, students need only to present a valid ESU eCard/ID.

### Black Shuttle:

- Monday – Friday with the last run back to University Ridge at 10:30 p.m.
- Runs approximately every 20 minutes
- Begins at 7:20 a.m. at University Ridge, KFH (Koehler Fieldhouse), FMC (Facilities Management Complex), Zimbar, Recreation Center, then back to University Ridge with stops at the Innovation Center upon rider request (call 570-422-3064) and stops at Fine Arts and Gwendolyn St after 4:00 p.m.

### Red Shuttle:

- Monday – Thursday the last run back to University Ridge is 2:30 p.m.
- Friday the last run back to the University Ridge is 2:00 p.m.
- Runs approximately every 20 minutes
- Begins at 7:20 a.m. at University Ridge, Sci-Tech (Ransberry Ave), Lot R26 (University Apts), Fine Arts, Gwendolyn St, then back to University Ridge

### Express Silver Shuttle:

- Monday – Thursday the last run from University Ridge is 3:30 p.m.
- Friday the last run from University Ridge is 2:30 p.m.
- Runs approximately every 15 minutes
- Begins at 7:30 a.m. at University Ridge, FMC (Facilities Management Complex), then back to University Ridge

### Late Night Silver Shuttle:

- Thursday – Saturday 8:30 p.m. – 2:30 a.m.
- Begins at the University Ridge, Gwendolyn St, Normal Street at Hemlock Suites, Washington St East Stroudsburg Borough, Giant, HomeGoods, Walmart, 7th & Main Stroudsburg Borough at public bus stop (last pick-up at 2:15 a.m. going back to campus)

## Career Development Center

[esu.edu/careerdevelopment](http://esu.edu/careerdevelopment) | 570-422-7952

The Office of Career and Workforce Development offers students and alumni a supportive environment designed to navigate their Career Development Plan. From day one, the Career Development Center staff provides career counseling services, professional development workshops, access to internships and experimental learning opportunities, job shadowing experiences, graduate school guidance and industry specific certifications.

The staff collaborates with faculty across all colleges to provide engaging career and internship fairs and tailored Career Development presentations inside and outside of the class. In addition, the staff works closely with business and industry

professionals to stay abreast of employer expectations. This ensures the transfer of timely information, resources and tools to support Career Ready Students capable of adapting to unpredictable changes in the workplace. The Office of Career and Workforce Development also houses the Professional Testing Center, where students and the greater community can access Pearson-VUE, ETS-Praxis, Accuplacer and CLEP exams and obtain industry specific credentials to gain entry and or enhance their workplace qualifications.

The Office of Career and Workforce Development is a Workforce & Economic Development Partner (WEDnetPA) and administers training grants to qualified PA based employers to develop their talent pool in the areas of Essential and Technical Skills. The Career Development Center is located on the 2nd floor of University Center and the Professional Testing Center is located at the Innovation Center, 1<sup>st</sup> floor.

## Center for Multicultural Affairs & Inclusive Education

[esu.edu/oma](http://esu.edu/oma) | 570-422-3896

The mission of the Center for Multicultural Affairs & Inclusive Education is to educate the East Stroudsburg University student population on issues of diversity, inclusion and cultural competence. To further the University's mission and goals, CMA will empower students to engage in discussion, initiatives and holistic learning opportunities that build a platform for lifelong learning in a global society.

The center is available for Multicultural Organization Advisory Board (MOAB) meetings, study groups, educational activities, movie & game nights, and social events, and is accessible to those with disability. Throughout the academic year, CMA hosts events that promote and celebrate the varying ethnic identities of our students, including but not limited to Cultural Heritage Month Celebrations and diverse speakers' series. Additionally, CMA endeavors to promote the importance of multicultural competence and cultural awareness, among our enrolled students and the greater campus community.

The Center is located at 96 Normal Street (next to the Reibman Administrative building).

## Commuter Student Services

[esu.edu/commuter](http://esu.edu/commuter) 570-422-3055

At ESU, we provide tangible opportunities for commuters to be active members and experience Warrior life to the fullest. Initiatives include socials, retreats, and services. For more information on how to get involved, please visit [www.esu.edu/commuter](http://www.esu.edu/commuter), email [commuter@esu.edu](mailto:commuter@esu.edu), or [join the WarriorLink group](#).

### Transportation Options

Commuter students have various transportation options at ESU. Students must register their personal vehicles with University Police to receive a parking tag. This tag enables the student to park in designated parking areas for commuters.

Other options for travel to and from campus include the following:

#### **Local Bus Service | Monroe County Transit Authority**

<http://www.gomcta.com> | 570-839-6282

Whether taking the bus for shopping or commuting, the Monroe County Transit Authority (MCTA) is your public transportation provider for Monroe County.

Convenient access is available at Smith and Normal streets (by Kemp Library). MCTA (a.k.a. the Pocono Pony) has stops throughout the county. Popular destinations include shopping, restaurants and recreation areas.

Interactive route information, using addresses or points of interest, may be found using Google Maps or on the MCTA website. Students with valid ESU ID qualify for a reduced fare. Route maps and schedules may be found at the University Police office.

#### **Ride Sharing**

Ride sharing is a great way to lower the expense of commuting to campus. Commuters are encouraged to ride with others from their area. When possible, students are encouraged to ride a bicycle or walk to campus as well.

#### **Commuter Lounge**

The Commuter Lounge is located in the University Center and features study space, charging stations, microwave and free lockers. To obtain a free locker, you must register with the University Center Information Desk where assignments are made. The lounge is also a place to find information about campus events and activities.

#### **Dining Services**

[esu.campusdish.com](http://esu.campusdish.com) | 570-422-3200

ESU Dining Services offers a wide variety of diverse, well-balanced meal choices to students and community members in an inviting dining atmosphere. Aramark, a contracted food service, facilities and uniform company, provides the dining experience for the ESU community.

While resident students in the traditional halls and suites are required to have meal plan, students living off campus are strong participants in our dining program. Commuter students are invited to purchase either a meal plan or Dining Dollars to make dining on campus more convenient for their needs. Meal plans and Dining Dollars may be purchased in Dansbury Commons as well as in the Residential and Dining Services central office. Students with special nutritional needs are encouraged to contact a Dining Services manager to discuss their dining needs and customized dietary options.

#### **Food Service Venues**

*Dansbury Commons* is our all-you-care-to-eat facility at the heart of campus. Also known as “The Cafe”, Dansbury Commons offers many home cooked favorites such as oven baked pizza, pasta, waffles, hand crafted sandwiches, burgers and more. Dansbury Commons offers a number of monotony breakers throughout the semester, from weekly new recipe tastings with our Executive Chef, to premium nights that offer a wide variety of upscale entrees for guest to purchase. The ESU culinary team is committed to offering

innovative menus that highlight cultural inclusivity for all patrons. Dansbury Commons is open to any guest who cares to dine at this “all you care to eat” campus restaurant, for one low, set price.

#### *Dansbury Commons Hours*

Breakfast 7 – 10:45 a.m. Monday through Friday  
Lunch 10:45 a.m. – 4:30 p.m. Monday through Friday  
Dinner 4:30 – 8 p.m. Monday through Friday  
4:30 – 6 p.m. Saturday and Sunday  
Brunch 10 a.m. – 2 p.m. Saturday and Sunday

*Starbucks ESU* is conveniently located in Lower Dansbury Commons. Starbucks Coffee is the world's largest specialty coffee chain, offering more than 30 blends and single-origin coffees as well as bakery goods, sandwiches and merchandise.

*Dansbury P.O.D.* combines a corner store experience with the style of a modern market, featuring grab ‘n go, hot entrees, snacks and bottled beverages. Located at the entrance of Dansbury Commons, students take advantage of the convenience of the access operation.

*Food 4 Thought* is a grab and go retail operation conveniently located in the Kemp Library. Students are able to enjoy a hand crafted espresso beverage, Tazo tea, or blended Frappuccino. You can also choose from a variety of top quality pastries and baked goods. Enjoy homemade soups, Grab & Go sandwiches, wraps, and parfaits, as well as a variety of snacks and bottled beverages for your convenience.

*Center Court* is located on the main level of University Center and offers quick made to order options for the ESU community. With *Burger Studio*, *Topio's Pizza*, *Warrior Wraps Sandwich Shack*, or *Greens to Go* with homemade soups, baked goods and grab and go offerings, Center Court has whatever you're craving!

*S.T.C. Café* is located in the Science and Technology Center. STC Cafe features quiet seating, fresh brewed Peet's coffee, hot breakfast sandwiches bagels, grab & go wraps, salads, and homemade soups.

#### **Food Service Committee**

The Food Service Committee for ESU Dining Services is responsible for making recommendations to help improve the dining service operation. Work of the committee is reflected in menu changes and specific program suggestions. The committee is comprised of the food service director, a university liaison, a representative from each of the residence halls, a representative from the Residence Hall Association, an off-campus meal plan student, and a representative from the Student Senate. For more information on how to become involved, speak to the General Manager for ESU Dining Services or the Director for Residential and Dining Services.

#### **Student Employment**

ESU Dining Services offers employment opportunities for ESU students throughout the academic year. Working for ESU Dining Services, students take advantage of flexible hours and a variety of leadership opportunities, making this a great choice for you to earn while you learn. To ask about any current openings, call the food service general manager at 570-422-3200.

#### **Dining Hall Regulations**

The university has developed the following rules to provide a pleasant dining hall atmosphere. Students, their guests and visitors should follow these regulations:



1. No smoking or tobacco chewing in dining areas.
2. Do not take food or drink out of the dining area.
3. Do not take any property (cups, glasses, plates, silverware, condiments, etc.) belonging to the facility out of the dining area.
4. Do not throw anything in the dining area.
5. No bare feet are allowed in the dining hall.
6. Appropriate dress is required in the dining hall at all times.
7. Respect your fellow diners.
8. Keep noise to a minimum. (Your peers may be studying, relaxing or conversing.)
9. Be courteous to the staff members.
10. Return dishes, cups, glasses, plates, silverware, etc., to the dish return area.
11. Clean up any small spill you make.
12. Notify the dining staff of any large spills.
13. Exit using the three doors in the center bay, east of the cashiers. All other doors are alarmed.
14. If you experience a problem in Dansbury Commons, please contact a member of the dining services staff immediately, so he or she can correct the situation.
15. Students who lose their eCard must obtain a temporary eCard, or obtain a new eCard, to gain admission to Dansbury Commons.
16. The University has invested in new equipment, serving utensils, and dishware to better serve you. We need your assistance in maintaining our inventory. Failure to adhere to these rules may result in disciplinary action.

*NOTE: A complete list of rules and regulations is available in the Food Service General Manager's Office.*

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## Event Planning and University Calendar

[esu.edu/conferenceservices](https://esu.edu/conferenceservices) | 570-422-3061

The Office of Conference Services is available to assist you in planning your university events and meetings. Students are encouraged to contact the office to reserve facilities [esu.edu/vems](https://esu.edu/vems) and to advertise events on the university calendar [esu.edu/events](https://esu.edu/events). The staff is committed to ensuring that every event is successful. There are many spaces available on campus to host events: classrooms, multipurpose spaces and conference rooms to name a few. Please contact the office at 570-422-3061 or email [conferences@esu.edu](mailto:conferences@esu.edu). Office Hours: Monday – Friday, 8 a.m. to 4:30 p.m.

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## Financial Aid

[esu.edu/enrollmentsrv](https://esu.edu/enrollmentsrv) 570-422-2800 | 800-378-6732

The Office of Financial Aid is committed to helping you find solutions to meet the challenge of funding the cost of higher education. Visit our website to find out more in-depth information and filing deadlines. Select Campus Life, Enrollment Center, and click on Financial Aid. For renewal of financial aid, the student must complete a new FAFSA each year in order to be considered for financial aid. In addition, the student must meet East Stroudsburg University's Satisfactory Academic Progress policy. The Office of Financial Aid is located in the Student Enrollment Center in Zimbar-

Liljenstein Hall and is open Monday through Thursday from 8 a.m. through 4:30 p.m. and Friday from 10 a.m. until 4:30 p.m. Our highly qualified staff is available to assist you.

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## Financial Aid Satisfactory Academic Progress

East Stroudsburg University has developed standards of Satisfactory Academic Progress (SAP) in accordance with federal regulations. These procedures measure qualitative (cumulative quality point average), quantitative (number of credits completed), and maximum time-frame for completion.

A student must maintain satisfactory academic progress to continue to receive federal Title IV aid. Federal financial aid includes Federal Pell Grant, Federal SEOG, Federal Work- Study, Federal Direct Loans (subsidized and unsubsidized), Federal Direct PLUS Loan and Federal Direct Graduate PLUS Loan.

Students should be aware of the impact of failing grades, incomplete grades, course withdrawals, and repeated courses. Failure to maintain SAP, according to these standards, will result in the loss of Federal Title IV financial aid until such time as the student is again maintaining satisfactory academic progress. All periods of enrollment are included whether or not the student received federal financial aid during that time. More detailed information on ESU's Financial Aid Satisfactory Academic Progress policy may be found online at: [esu.edu/academicprogress](https://esu.edu/academicprogress)

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## Gender and Sexuality Center

[esu.edu/gsc](https://esu.edu/gsc) 570-422-3614 University Center G-7

Founded in Fall 2018, the Gender and Sexuality Center is housed in the lower level of the University Center. Complete with relaxing social and study space, staff offices, and a resource library, the Center's mission is to encourage ESU community members to discuss and reflect upon the myriad ways that these two interrelated identities influence our lives.

Grounded in an intersectional perspective, the GSC's programs and services range from the organization of campus-wide events such as LGBT History Month, Women's History Month, and twice-a-year graduation ceremonies, as well as supporting different student organizations and groups to providing a warm and welcoming space for all individuals to engage.

Values: Inclusivity, Respect, Critical Thinking, Empowerment. We are open Monday through Friday from 9 a.m. to 6 p.m. Additional hours possible depending on need and special event.

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## Health and Wellness Programs, Services, and Education

570-422-3298 Sycamore Suites, Lower Level

The Office of Health and Wellness Programs offers a wide variety of health education, prevention, and support services. Our goal is to empower students to make decisions that enhance their wellbeing, reach their goals and realize their full potential. This objective is accomplished through providing opportunities for reflection, connection, practice, and mobilization across different dimensions of wellness.

Students who need information about current services and programs, should explore the various sections of this website. If you have a question about any of our health and wellness programs, please email Dr. Amy Freeman, director, at [afreeman11@esu.edu](mailto:afreeman11@esu.edu).

For members of our community who need accommodations to access our offices and services, please contact us, and we will assist you.

### **Counseling and Psychological Services (CAPS)**

[esu.edu/caps](http://esu.edu/caps) | 570-422-3277

Counseling and Psychological Services is staffed by four licensed counselors who provide services for currently enrolled undergraduate and graduate students. CAPS primarily utilizes a brief, solution-focused therapy model that is based upon the student's needs and goals. Services are free, confidential, and will not appear on a student's academic/educational record.

Students often present with a variety of concerns. Different modalities are available to help resolve students' issues, including individual, couples, group counseling, and crisis intervention. Typical counseling concerns may include issues with transition to college, developing academic skills, self-esteem, relationship problems, family problems, roommate issues, stress management, assertiveness, anxiety, depression, eating disorders, sexual assault, and problems with alcohol or other substance use/abuse.

#### **Confidentiality**

Information shared within a counseling session is protected by both state law and professional ethics, and cannot be released without the student's written permission, except as required by law. Exceptions to this rule include situations in which a student clearly presents a danger to self or others, child abuse, abuse of the elderly, or a court order.

CAPS professional staff also provides outreach programming on pertinent mental health issues; screening for alcohol, depression, and eating disorders; and prevention and consultation services for the university community.

#### **Scheduling an Appointment**

Students may schedule an appointment by calling 570-422-3277, or by visiting the CAPS. Counseling services are available from 8 a.m. to 4:30 p.m. during the fall and spring semesters; services are not available during summer sessions.

#### **Crisis Intervention/Emergency Services**

Emergency appointments are available for students who are in crisis from 8 a.m. to 4:30 p.m., Monday through Friday, by calling 570-422-3277, or by visiting CAPS. After hours, students in crisis may call University Police at 911.

#### **E-mail Communications**

Students should be advised that due to the lack of privacy and confidentiality of e-mail communications, if a student wants information to be confidential, e-mail should be avoided. In the case of emergency, a student should call the University Police at 911, and not rely upon e-mail communication for crisis intervention assistance.

### **No Show Policy**

It is a student's responsibility to keep a scheduled appointment. In the event a student is unable to attend a scheduled appointment, the student should contact CAPS to either cancel or reschedule the appointment, preferably 24 hours in advance.

### **OASIS: Office of Accessible Services Individualized for Students** *(formerly known as Disability Services)*

[esu.edu/oasis](http://esu.edu/oasis) | 570-422-3954 V/TTY

East Stroudsburg University of Pennsylvania is committed to providing equal educational access to otherwise qualified students with disabilities. Individuals with disabilities are guaranteed certain protections and rights of equal access to programs and services under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA).

Academic adjustments and reasonable accommodations are determined by the specific nature and severity of the disability and any functional limitations that may result. Students who wish to request accommodations must complete the Accommodation Request form available on the website and at the Office of Accessible Services Individualized for Students (OASIS) to document their disability and describe the current impact of the disability as it relates to the accommodation request. Additional documentation may be requested by the disability specialist to evaluate the accommodations necessary for the students to help them maximize their potential.

Please contact or visit OASIS, formally known as the Office of Disability Services.

### **Student Health Services at Lehigh Valley Health Network - Pocono**

[esu.edu/healthservices](http://esu.edu/healthservices) | 272-762-4378

Walk In medical care for students is provided at Lehigh Valley Hospital - Pocono. Any ESU student needing basic ambulatory health services may visit the ExpressCARE facility located at 200 East Brown Street in East Stroudsburg (at the corner of Prospect Street and East Brown Street) for any of the following needs:

- Medical evaluation/treatment for illness and minor injuries
- Referrals to health care specialists and ESU support services
- Some diagnostic testing
- Tuberculosis testing
- Physical examinations for employment, drivers licenses and teaching certifications
- Testing, treatment and education for sexual health concerns
- Health education and information about illnesses

### **Two Organizations - One Mission: Ensuring a Healthy ESU Student.**

All students should be sure to take their ESU I.D. with them to access health services. Once registered at the Express Care location, ESU students will be triaged by a registered nurse who will determine the level of care necessary. Some students may be seen by a Certified Registered Nursing Practitioner (CRNP) or a physician, and when warranted students will have access to medications for a small fee. The Student Health Services will accept cash or credit cards for payment of any medication or extended service fees, such as lab work or X-rays.

Hours of Operation

ESU students will have dedicated access to care seven days a week at the ExpressCARE located at 200 East Brown Street.

Monday - Friday.....8 a.m. to 5 p.m.  
Saturday and Sunday ..... 12 p.m. to 4 p.m.

ESU students may also be seen at the East Stroudsburg ExpressCARE during the following hours but will be comingled with other patients from the community

Monday - Friday..... 5 p.m. to 8 p.m.  
Saturday - Sunday .....8 a.m. to 12 p.m.  
and 4 p.m. to 8 p.m.

An additional convenience for care that requires immediate attention off hours from those listed above, ESU students may also be seen at any of the other Lehigh Valley Health Network ExpressCARE locations in Monroe County for walk-in care services at no additional cost.

Students who visit an ExpressCARE in Monroe County with a medical concern that needs advanced care/treatment may be easily transitioned to LVH-Pocono for a seamless range of care if they so choose.

Wellness Education and Prevention Office

[esu.edu/wellness](http://esu.edu/wellness) | 570-422-3298

The Wellness Education and Prevention Office plans, coordinates, and supports educational programming and outreach on responsible student decision-making towards health, wellness, and safety topics including but not limited to: alcohol, drugs, sexual violence, bystander intervention, sexually transmitted infections, and stress management. The office is responsible for coordinating prevention efforts that reduce dangerous drug and alcohol use and related negative consequences. The methods used to carry out these efforts include peer-to-peer education, promotion of healthy lifestyles and choices, supporting vibrant substance-free alternative activities, providing volunteer and career development opportunities, and serving as an informed link to resources. The office supports diverse healthy student development with both harm reduction and environmental approaches to prevention and carefully measures the campus climate to understand what initiatives are effective.

I.D. Card/ESU eCard

[esu.edu/ecard](http://esu.edu/ecard) | 570-422-2991

Each student is issued an identification card, called an eCard. It should be carried at all times. It is required for specific uses such as admission to the dining hall and to numerous student activities and events, use of the library, course registration, door access, etc.

In addition, the eCard may be used to make purchases in the University Store, Food Court, vending machines, and at selected off-campus merchants displaying the eCard logo. Students are charged a fee to replace a lost card. The eCard is not transferable. The Campus Card Center is located on the ground floor of the University Center.

Students who lose their eCard should visit the Campus Card Center Office during office hours in order to obtain a new eCard (payment required). After eCard office hours, students who lose their eCard should go to the Resident Director of their residence hall for a temporary eCard.

Intercollegiate Athletics

[esuwarriors.com](http://esuwarriors.com)

ESU’s athletic teams compete in the National Collegiate Athletic Association (NCAA) Division II and are proud members of the Pennsylvania State Athletic Conference (PSAC). ESU students are admitted free to home, regular season athletic events by presenting their student ID/eCard. Schedules and much more up to date information about each of the 22 Warriors teams can be found on the ESU athletic website.

Koehler Fieldhouse

Leroy J. Koehler Fieldhouse serves as the primary facility for all indoor intercollegiate athletic teams and activity based classes. The fieldhouse includes a multipurpose practice and competition arena as well as a wrestling room, swimming pool, weight rooms, basketball, tennis and badminton courts, an indoor track, classrooms; human research and body mechanics laboratories, athletic training and physical therapy treatment center.

Math Questions Center

Hoeffner Science and Technology Center, 2<sup>nd</sup> floor

The Math Question Center provides free drop-in tutoring services for students in 100, 200 and some 300 level math classes. No appointment necessary; just stop by with your questions. Tutors must have completed at least one math class at ESU and are selected by the math faculty from among our most accomplished math and science students. Generally, tutoring is available noon – 9:00 pm from the second week of the semester through finals week (restricted hours during finals week). For additional information contact the math department at 570 422-3447 or see <https://www.esu.edu/mathematics/mathqc.cfm>

Mekeel Child Care Center

[esu.edu/mekeel](http://esu.edu/mekeel) | 570-422-3514

The Rose Mekeel Child Care Center is accredited by the National Association for the Education of Young Children, a Keystone Star 4 program, and licensed by the Office of Child Development and Early Learning. The center is available to students, faculty and staff of the University. The remaining spaces are filled by the community. The center is staffed by an Executive Director, Group supervisors, and assistant group supervisors. The facility is open from 7:45 a.m. to 5 p.m. (Monday to Friday) during the fall, spring and summer sessions. The program is a hands-on, developmentally appropriate program for children between 12 months and 5 years of age. Call 570-422-3514 for information about enrollment and fees.

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## Religious Life

[esu.edu/ministry](http://esu.edu/ministry) | 570-422-3463

A large number of religious denominations and organizations are represented in the Stroudsburg and East Stroudsburg area, and most welcome student participation. Many places of worship are within walking distance of the university.

ESU also has several vibrant religious, cultural, and social programs and organizations on campus. For a complete listing of Campus Ministry and spiritual groups, as well as a list of local places of worship, please go to [esu.edu/ministry](http://esu.edu/ministry).

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## Religious Services on Campus

In keeping with a ruling by the Attorney General's Office on Jan. 15, 1973, religious services that are open to all students may be held on campus. Expenses necessitated by these services are the responsibility of the sponsoring organization.

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## Residence Hall Information and Regulations

[esu.edu/reslife](http://esu.edu/reslife) | 570-422-3191

Students and their guests are expected to abide by the residence hall policies and regulations as described in the *Residence Hall Information and Policies* booklet. It is available online, in all residence hall offices, the Residential and Dining Services Office, and at the University Police Department.

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## Safety Escort Service

570-422-3064

The ESU Safety Escort Service, staffed by campus police, security and student escorts, operates out of the University Police Department. This service is available to any member of the university community seven days a week, predominantly during night time hours. However, requests can be made at any time due to safety concerns. You can arrange for a safety escort by calling 570-422-3064 or by dialing 3064 from any campus phone. Safety is our primary concern.

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## Speech and Hearing Center

[esu.edu/speech](http://esu.edu/speech) | 570-422-3247

The Speech and Hearing Center is operated under the auspices of the Department of Communication Sciences and Disorders. Graduate speech-language pathology students who are supervised by faculty members holding the appropriate clinical certification provide therapy services. All clinical facilities are located in Monroe Hall 2<sup>nd</sup> floor

The Speech and Hearing Center is open Monday through Thursday from 9 a.m. to 4 p.m., and Friday from 9 a.m. to 2 p.m. Later hours may be arranged.

Students may receive a speech or hearing evaluation and therapy, if required, free of charge.

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## Stony Acres

[esu.edu/stonyacres](http://esu.edu/stonyacres) | Lodge/cabin reservations | 570- 223-8316  
General information & Hours | 570-422-3334

Stony Acres is a 119-acre wildlife sanctuary located in Marshalls Creek, PA. It offers recreational activities for East Stroudsburg University students, staff, and faculty throughout the year. Stony Acres also serves as a recreational site and field campus for the students, faculty, and staff of ESU, in support of the institution's educational and service missions.

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## Student Activity Association and Student Government Association

[esu.edu/saa](http://esu.edu/saa) | 570-422-3291

The ESU Student Activity Association, Inc. (SAA) is an affiliated operation of East Stroudsburg University of Pennsylvania (ESU), which has been established to foster student activities including the development of a responsible student government; to act as a liaison between the students, alumni, faculty and administration; to support various purposes of the University including sponsorship of specific projects and programs; and to engage in activities which further enhance and promote the educational and service objectives on the University.

SAA oversees the operations of programs and departments that include Campus Rec & Wellness, Bookstore, Commuter Student Services, Graphics Center, Student Engagement, and Stony Acres. SAA also operates a business office that manages club funds, tickets sales, and trip sign-ups to name a few.

**Student Government Association** | [esu.edu/senate](http://esu.edu/senate)

The mission of the Student Government Association is to represent and advocate for the East Stroudsburg University student body and provide services to students that will enrich their academic, social and professional development at the University.

**Student Organizations** | [esu.edu/clubs](http://esu.edu/clubs)

Student organizations at ESU serve to complement the academic mission of the institution. These organizations strive to enhance the overall collegiate experience of students through the development of, and participation in social, cultural, multicultural, recreational, and community service programs. Student organization involvement offers unlimited opportunities for leadership development and self-expression. All students are strongly encouraged to become as actively involved in one or more student groups of their choice as their time and interest permit.

The Student Government Association Handbook for Student Organizations contains important information for all SAA recognized student organization including the process for recognition for new student organizations, governance policies, funding policies and other resources for student organizations and student organization leaders.

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## Student Engagement

[www.esu.edu/saa](http://www.esu.edu/saa) | 570-422-3384

The Office of Student Engagement offers community, leadership, diversity and service programs year-round which dynamically enhance the Warrior experience. Initiatives in Student Engagement include:

- **Leadership By Design:** A certification program in five categories of development—Leadership, Career, Wellness, Diversity and Service. Learn more at [www.esu.edu/leadership](http://www.esu.edu/leadership)
  - **Global Week:** The program is one of ESU's campus-wide traditions centered around issues of diversity, equality, and social justice. It is a week-long series of programs which takes place during the first week of April. To learn more visit [www.esu.edu/globalweek](http://www.esu.edu/globalweek)
  - **Leadserve:** An online hub with dozens of leadership programs available to student clubs and organizations in categories including: personal leadership, team dynamics, creativity, diversity, and budgeting. [www.esu.edu/leadserve](http://www.esu.edu/leadserve)
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- **AWAY (Active Warriors All Year):** An initiative which engages students in civic engagement opportunities year-round in and outside of Pennsylvania. To learn more visit [www.esu.edu/away](http://www.esu.edu/away)

## Student Enrollment Center

[esu.edu/enrollmentsrv](http://esu.edu/enrollmentsrv) | 570-422-2800

The Student Enrollment Center functions as a “one-stop shop” service center. Students, faculty, and staff are able to receive assistance with financial aid, records and registration, and student billing all in one easy location.

Services offered by the center include:

- **Financial Aid:** Counseling on applying for financial aid, different types of aid, alternative sources of funding, and how to maintain satisfactory progress for aid eligibility. Questions relating to financial aid can be emailed to [fa@esu.edu](mailto:fa@esu.edu).
- **Records and Registration:** Handling VA Educational Benefits, registration of classes, transcripts, transfer credits, graduation, student-athlete compliance, and important dates on the Academic Calendar. Questions relating to Records and Registration can be emailed to [records@esu.edu](mailto:records@esu.edu).
- **Student Billing Services:** Processing tuition and fees, tuition payment plan options, tuition deferments and direct deposit of refunds. Questions relating to student bills can be emailed to [billing@esu.edu](mailto:billing@esu.edu).
- **Transfer and Articulation Services:** Works with all issues revolving around the transfer of academic credits for our incoming and continuing students. Questions relating to transfer and credit evaluations can be emailed to [transitions@esu.edu](mailto:transitions@esu.edu).
- **Veterans Center:** A resource center for our service members and their dependents who are attending ESU. Questions relating to veterans educational benefits and transition assistance can be emailed to [veterans@esu.edu](mailto:veterans@esu.edu).
- **Graduation Services:** Assist students with preparing for graduation and commencement ceremony. Services include graduation application processing, graduation counselling, and graduation clearances. Questions relating to graduation and DegreeWorks can be emailed to [graduation@esu.edu](mailto:graduation@esu.edu).

The center is located in Zimbar-Liljenstein Hall, and is open Monday through Thursday, 8 a.m. - 4:30 p.m., and Friday 10 a.m. - 4:30 p.m. Staff is available to assist with enrollment questions and concerns either on the phone, through email, at the front desk, and in walk-in one-on-one counseling sessions.

## University Center

The University Center serves as the heart of the campus, providing a vital link between the academic program and the co-curricular life of the University. The facility features a modern bookstore, a food court, and lounges for gathering, study, and quiet relaxation. It also contains a reception center for special meetings, computer labs,

meeting rooms, student organization offices, and the ESU Student Activity Association administrative office suite. The Campus Card Center, the Career Development Center, Gender & Sexuality Center and the PSECU Financial Services Center are also located in the University Center.

## University Police

[www.esu.edu/police](http://www.esu.edu/police) | 570-422-3064

The efforts of the ESU Police Department are aimed at providing a safe environment where our community can thrive. We believe the best way to build a safe community is by working together. Accordingly, we strive to preserve old relationships and continuously strive to form new ones within our community. Whether you're representing yourself or a group, we encourage you to let us know how the ESU Police Department can serve you. The University Police Department is open 24 hours daily; however, normal business hours for the Police Department and Security/Parking Offices are Monday through Friday from 8:00 a.m. to 4:00 p.m.

The LiveSafe Mobile Safety App provides students, faculty and staff with a direct connection to campus safety. Its easy-to-use features help you stay safe every day and enable University Police to better protect you. LiveSafe can be downloaded from iTunes or Google Play app stores and is actively monitored by ESU Police between the hours of 8:00 a.m. and 3:00 a.m. Messages sent other hours will be reviewed the following morning.

Women's RAD program: R.A.D (Rape Aggression Defense) is a program of realistic, self-defense tactics and techniques. The R.A.D system is a comprehensive course for women, which begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. This opportunity is completely free of charge for the ESU community.

East Stroudsburg University's Police and Security/Parking Departments work together to support the mission and vision of the University by providing the best possible support to its students, faculty, staff and visitors. By maximizing the use of campus parking lots and providing safe and clean parking, both departments can provide the University community with an orderly environment in which to conduct its business and studies. University parking lots are numbered and designated as Faculty/Staff, Commuter, Resident or Visitor. All lots are restricted by parking permit designation and all vehicles parked on campus must display a valid permit.

## University Store

<http://esu.bncollege.com/> | 570-422-3177

Operated by Barnes & Noble through a contract with the ESU Student Activity Association, the University Store is located on the lower level of the University Center and supports the academic and service mission of East Stroudsburg University through the sale of books, supplies, and emblematic products to the students, faculty, staff, and alumni of the university.

The primary function of the store is to provide course books, both new and used, and supplies required for course work as well as other products and services that enhance the collegiate experience. The University Store also offers a robust textbook rental program, making over 70% of all titles available to rent.



The store offers the following products: general books, educational-priced computer software, supplies, stationery, campus apparel, greeting cards, glassware, class rings, gifts, and assorted imprinted items.

**University Store hours:**

Monday – Friday .....	8 a.m. to 5 p.m.
Saturday .....	11 a.m. to 3 p.m.
Sunday .....	Closed

NOTE: Store hours are during the academic year while classes are in session. At the beginning of each semester, the store is open additional evening hours.

**Upward Bound**

[www.esu.edu/upwardbound](http://www.esu.edu/upwardbound) | 570-422-3476

A federally funded TRIO program, Upward Bound is designed to motivate and prepare students to successfully graduate from high school, and to enter and graduate from college. There are two components to the Upward Bound program, a summer component and an academic year component, each designed to further enhance students' academic skills, increase SAT scores, and provide them with experience on a college campus. The summer program is a six-week intensive college simulation where students live on campus and participate in an academics geared to prepare them for the fall, social development activities and cultural events.

During the academic year, students attend the bi-monthly Saturday College program at East Stroudsburg University. Students enrolled in the program are recruited from Allentown, East Stroudsburg and Pocono Mountain West high schools. The program accepts interns from all majors.

**Veterans Services**

160 Zimbar-Liljenstein Hall | 570-422-2830

The ESU Student Veterans Center will be open daily Monday through Friday from 8 a.m. to 4:30 p.m. All Veterans are encouraged to use the Veterans Center and the resources available there. We have computers for use, space to do work, as well as some comfortable seats to watch the TV.

The Veteran Certifying Official is located at the ESU student Veterans Center in Zimbar Hall Room 160. The Certifying Official has the delegated authority to sign enrollment certifications, and other certification documents and reports relating to veterans and their dependents who are eligible for VA education benefits.

**WARRIORfish**

WARRIORfish is a support and connection resource that students can use to easily communicate with their own personal Success Network and other campus resources, get reminders and alerts about how they're doing, and make appointments. ESU is using WARRIORfish to make it easier to connect to the resources that can help make you successful. WARRIORfish connects you with your Success Network, which consists of your department chair, academic advisor, instructors, and athletic coaches. Through WARRIORfish, it is easy to schedule an appointment with anyone in your Success Network or any of the offices on campus. Your Success Network can also use WARRIORfish to alert you to issues that may impact your success, to advise you on things you need to do to be successful, or to refer you to a resource to assist you – such as Tutoring.

Additionally, there is a "Raise Your Hand" feature that allows you to ask any question you have concerning campus, and it will be directed to the office that can best assist you. There is also a WARRIORfish web site that provides training videos and resources - <https://www.esu.edu/warriorfish/students.cfm>. You can access WARRIORfish through the ESU web site or the ESU App and log in using the same username and password that you use for your myESU student portal.

**Warrior Food Pantry**

[www.esu.edu/foodpantry](http://www.esu.edu/foodpantry) | 570-422-3463

The Warrior Food Pantry is a self-service pantry allowing students to obtain the necessary food to support their well-being. The pantry is open to all registered ESU students. An Ecard is required to access services. The pantry is a collaborative initiative with St. Matthew's Church and ESU. St. Matthew's Church is located at 200 Brodhead Ave, East Stroudsburg, PA 18301.

Directions: The church is a short walk from the ESU campus. Starting at the main college circle, walk straight up Ridgeway Street and St. Matthew's is on the right. Students should use the basement entrance.  
Distribution Hours - Tuesdays - 2 p.m. to 4 p.m.

If an ESU student is in need of food outside of the Pantry hours, ESU's Emergency Pantry at the SAA office in the University Center is available. It is open throughout the week from 8:30 a.m. to 4 p.m. You can reach the Emergency Pantry by calling 570-422-3556, or by completing a form on the ESU web page: [esu.edu/foodpantry](http://esu.edu/foodpantry). If you have any further questions, please contact 570-422-3643.

**Writing Studio**

[www.esu.edu/writingstudio](http://www.esu.edu/writingstudio) | 570-422-3593

The Writing Studio is a peer-based tutoring space designed for writers of all skill levels. The Studio has both a casual lounge and a common tutoring area, affording students the opportunity to borrow a laptop and work on papers, curl up in the "book nook" with some library research, or print out a paper for hard copy revision. The Writing Studio's primary mission is to offer writing assistance to any student, on any assignment. Students are welcome to visit the Studio to brainstorm, draft, or revise their writing. Many students also bring graded work to concentrate on polishing trouble spots. The Studio functions on a walk-in basis, so no appointment is needed. The Writing Studio is located on the main floor of Kemp Library, in the back right corner. Hours are posted on the door each semester, so please visit or call 422-3593 for further information. We look forward to helping you reach your writing goals!

# UNIVERSITY POLICIES AND REGULATIONS

## ACCEPTABLE USE OF TECHNOLOGY

Use of East Stroudsburg University (ESU) information technology resources is a privilege and signifies agreement to comply with this policy. Users are expected to act responsibly and follow the policies and any applicable laws related to the use of information technology resources.

This policy applies to all faculty, staff, students, contractors, temporary personnel, vendors and visitors.

The university reserves the right to limit, restrict, or extend information technology privileges.

Information Technology resources are intended to support the university's instructional, research and administrative operations

While ESU recognized the role of privacy in institutions of higher learning and will endeavor to honor that ideal, there is no expectation of privacy of information stored on or sent through the University's resources, except as required by law.

### Acceptable Use Policy Defined

An acceptable use of information technology policy defines the capabilities and limitations of the use of information technology resources to insure that resources are available to all approved users and that the use of information technology complies with state and federal laws.

Information technology resources include, but are not limited to, university owned or operated hardware, software, computing equipment, systems, networks, programs, personal data assistants, cellular phones, fax, telephone, storage devices, cable television, security cameras, input/output, connective devices via either a physical or wireless connection regardless of the ownership of the device connected to the network, and any electronic device issued by the university.

### Privacy

Users should have no expectation of privacy of information stored on or sent through the university-owned information technology resources, except as required by law.

### Data Network Connectivity (Hard-Wired Connection)

All equipment, devices and computers connected to the data network are the responsibility of the university's Computing and Communication Services. Computing and Communication Services reserves the right, at its discretion, to limit, restrict or terminate the use of equipment or services, unauthorized or authorized, that Computing and Communication Services perceives to be an impediment or compromise to its ability to securely deliver the services for which it is responsible. Any device that needs to connect to the data network must be authorized and configured by Computing and Communication Services. Personally owned equipment, except for equipment owned by residence hall students, is not permitted to connect to the data network without written permission from Computing Services.

### Wireless Network Connectivity

A wireless network, where available, is provided as a convenience to any ESU authorized user. Personally owned devices may connect to the wireless network and, upon doing so, are subject to this acceptable use policy. Technology connecting to the wireless network is subject to a security scan to protect technology resources.

### Telephone Use (including FAX)

The university recognizes there may be occasional times when personal calls must be made or received during business hours. Such calls are to be held to a minimum and must not interfere with the employee's work. When a long distance charge is required for a personal call the call must be billed to the caller's home phone number or the charge must be reimbursed to the university.

### Responsible Use of Technology

1. Respect the intellectual property rights of authors, contributors and publishers in all media.
2. Protect user identification, password, information and systems from unauthorized use.
3. Report lost or stolen devices immediately upon loss.
4. Use technology in compliance of state and federal laws.
5. Adhere to the terms of software licenses.
6. Notify Computing and Communication Services of possible misuse of technology or potential security holes.

### Prohibited Use of Technology

1. Use of information technology resources to display, hold, send, view, print, download, retransmit, distribute or otherwise communicate content which the University may deem to be indecent, obscene, sexually explicit, or pornographic is prohibited absent a legitimate academic or research purpose.
2. Use of information technology resources by anyone to display, hold, send, view, print, download, retransmit, distribute or otherwise communicate child pornography is illegal and therefore strictly prohibited. Any occurrence of child pornography material is a violation of federal and state statutes and must be immediately reported to University Police as required by law and University policy.
3. Use of information technology resources by anyone to send threatening or harassing content or messages or to view, download, retransmit, distribute, or otherwise communicate content or messages that may violate the University's policy on Discrimination & Harassment and/or policy on Sexual Harassment and Title IX, is prohibited. Electronic threats and harassment are taken as seriously as any other threats or harassing behavior or communication.
  - Anyone who receives a threatening communication should immediately bring it to the attention of University police.
  - Anyone who receives a sexually harassing communication should immediately contact the Office of Employee Relations or Title IX Coordinator.
  - Anyone who receives a communication that harasses on the basis of any protected classification, including race or national origin, should immediately contact the Office of Employee Relations or Student Affairs.

4. Providing false or misleading information to obtain or use university technology resources.
5. Use of information technology resources for personal financial gain or a personal commercial purpose.
6. Use of information resources are not to be used in support of or for illegal activities.
7. Unauthorized use of another user's account or attempting to gain access to another user's account.
8. Sharing of accounts.
9. Interfering with the normal operation, proper functioning, security mechanisms or integrity of technology resources.
10. Use of technology resources to transmit abusive, threatening or harassing material, chain letters, spam, phishing scams or other communications prohibited by law.
11. Copyright infringement including, but not limited to, illegal sharing of video, audio, software or data.
12. Excessive use that overburdens the technology resources. Computing Services reserves the right to set limits on excessive use.
13. Installing a server or running server software without written permission from Computing Services.
14. Intentionally or knowingly installing or executing a program or file that could result in damage to university technology.

#### **Compliance**

Failure to comply with this policy may put University information assets at risk and may have disciplinary consequences for employees and University affiliated organization members, up to and including termination of employment (see item "c" of appeal statement below.) Students who fail to adhere to this policy may be referred to the Student Conduct & Community Standards Office. Contractors and vendors who fail to adhere to this policy may face termination of their business relations.

### **ALCOHOL (STUDENT)**

The University permits the lawful and responsible consumption of approved alcoholic beverages on its property and property under its control by persons of legal drinking age at events and programs approved by the Office of the President, for valid academic programs approved by the Office of the Provost or Office of the President, or under guidelines established by the Office of Residential and Dining Services. Students participating in study abroad under the authority of the International Programs Office are governed by the Study Abroad Code of Conduct.

#### **Campus Resources (Alcohol, Other Drugs)**

The university provides continuous programming to encourage alcohol awareness, education, counseling, and information to assist students in understanding their responsibility to adhere to this policy and to all local, state and federal laws regarding alcohol consumption.

Students may be directly referred to the following persons whose departments will assist in the implementation of this policy and will make referrals for counseling, treatment and education:

Laura Suits, Coordinator, [lsuits@esu.edu](mailto:lsuits@esu.edu)  
Wellness Education and Prevention

Dr. Jennifer Young, Chairperson, [jyoung@esu.edu](mailto:jyoung@esu.edu)  
Counseling, Psychological Services, and OASIS

### **AMERICANS WITH DISABILITIES ACT ACCOMMODATION**

East Stroudsburg University, in accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (the "ADA"), and the State System of Higher Education, makes every effort to ensure that reasonable accommodations are made to meet the needs of otherwise qualified individuals with disabilities. The University does not discriminate against otherwise qualified students or applicants with disabilities in admission, student programs, activities and services.

The University will provide reasonable accommodations to otherwise qualified employees and applicants for University positions who are protected by the ADA by making changes in the work environment or by changing certain practices and procedures, as long as these changes do not pose an undue hardship on the University or alter the essential functions of the job. Employees, regardless of whether they are receiving an accommodation, must maintain institutional standards of performance, attendance, and conduct.

Reasonable accommodations are provided for qualified students with documented disabilities in an effort to enhance the learning process and enable individuals to reach their maximum potential. These provisions are necessary to ensure that otherwise qualified students with disabilities are given the opportunity to fulfill academic requirements and that they are not excluded from programs because of absence of auxiliary aids.

The student, however, is expected to meet the standards of each class as determined by the instructor.

Services of a personal nature are the responsibility of the employee or student.

For questions or comments concerning disability discrimination or harassment, please refer to the University's Discrimination and Harassment Policy.

#### **CONFIDENTIALITY**

All Medical information related to an individual's request for accommodation is confidential and will be maintained in a secured location separate and apart from an employee's personnel file, applicant's job application or a student's academic file.

#### **RETALIATION PROHIBITED**

No retaliatory action is to be taken against any person who requests an accommodation under this policy. Any person found to have engaged in retaliatory action may be subject to discipline by the University.

Anyone who believes they have experienced retaliation should promptly contact the Office of Diversity & Equal Opportunity.

### **AMOROUS RELATIONSHIPS POLICY**

#### **A. Purpose**

One of the core missions of the State System of Higher Education is to provide a productive educational environment and a professional workplace that is based on trust, mutual respect and the integrity of all members of the university community. Such trust and respect are undermined when State System employees and officials engage in amorous relationships with students or with employees for whom

the individual has supervisory, instructional or professional responsibilities. Due to actual or perceived differences in authority, these relationships create actual or perceived conflicts of interest and raise the potential for exploitation or bias. In order to establish the professional standards expected of members of the university community, the Board of Governors establishes this personnel policy.

## B. Definitions

- **“Amorous Relationship”** means a consensual relationship or encounter of a romantic, intimate, sexual or dating nature between persons who are not married to each other. The relationship may or may not involve physical contact and can include relationships conducted via electronic communications, such as text or social media platforms.
- **“Employee”** means an individual who is employed by the State System (either at a State System university or in the Office of the Chancellor) including, but not limited to, faculty members, coaches, staff, managers and graduate student employees.
- **“Official”** means a member of a Council of Trustees or of the Board of Governors or their respective designees.
- **“Volunteer”** means a recognized volunteer or any individual who represents or acts on behalf of the university or whose actions may bind the university, regardless of whether the individual receives monetary or other compensation. For purposes of this policy, employees and officials of recognized affiliated entities, ROTC instructors, visiting professors and unpaid camps and conference personnel will be considered volunteers.
- **“Student”** means any individual enrolled in one or more regularly scheduled undergraduate or graduate courses or noncredit-bearing instruction or certification programs at any State System University. The term “student” may include employees and volunteers.
- **“Supervisory Responsibilities”** means the authority to assign work to another; evaluate the performance or conduct of another; instruct another; or otherwise make, recommend or impact decisions that affect the hiring, appointment, reappointment, promotion, assignment of duties, evaluation or terms and conditions of another’s employment, volunteer status or status as a student.
- **“Instructional Responsibilities”** means the authority to evaluate or supervise the performance or conduct of a student; instruct, advise or coach a student; or otherwise make, recommend or impact decisions that affect the individual’s status as a student at a State System University.

- **“Professional Responsibilities”** means job or appointment-related responsibilities that could impact the student’s education or professional career.

Members of University Police Departments are deemed to have professional responsibilities for students: any time they are on duty; when the member of the department is involved in an ongoing investigation in which the student is a target, witness, person of interest or subject of an investigation; or the student is involved in a campus administrative action in which the member of the department has a role.

Healthcare professionals, including athletic trainers, are deemed to have professional responsibilities for students they provided service to, including as part of student campus health, counseling or wellness centers. Healthcare professionals shall not provide direct services to a student with whom they have had or are having an amorous relationship (unless it is an emergency and no other healthcare professional is available on campus).

## C. Policy

### 1. Amorous Relationships with Students

All employees, volunteers and officials are prohibited from entering into amorous relationships with students where the employee, volunteer or official has supervisory, instructional or professional responsibilities concerning the student.

An amorous relationship between an employee, volunteer or official and a student not otherwise prohibited under this policy is strongly discouraged as it may create an actual or perceived conflict. If there is any doubt whether a relationship falls within the scope of this policy, individuals should disclose the facts to and seek guidance from the Chief Human Resources Officer rather than fail to disclose. Failure to disclose a relationship as required by this policy could result in sanctions.

Student members of a Council of Trustees or the Board of Governors are not prohibited from having amorous relationships with other students under this policy because of their status as officials.

### 2. Amorous Relationships with Employees or Volunteers

All employees, volunteers and officials are prohibited from entering into amorous relationships with other employees, volunteers or officials where one party has supervisory, instructional or professional responsibilities concerning the other party.

Amorous relationships between employees, volunteers and officials not otherwise prohibited under this policy are strongly discouraged as they may create an actual or perceived conflict. If there is any doubt whether a relationship falls within the scope of this policy, individuals should disclose the facts to and seek guidance from the Chief Human Resources Officer rather than fail to disclose. Failure to disclose a relationship as required by this policy could result in sanctions.

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### 3. Relationships with Minors

Regardless of supervisory, instructional or professional responsibilities, all employees, volunteers and officials are prohibited from entering into amorous relationships with persons under 18 years of age.

### 4. Disclosure of Relationships

Pre-existing amorous relationships where one party has supervisory, instructional or professional responsibilities concerning the other party are not prohibited under this policy, provided the individual with supervisory, instructional or professional responsibilities discloses the relationship to the designated Chief Human Resources Officer within 30 days of the effective date of this policy, and an acceptable conflict management plan is implemented. The Office of the Chancellor and each University shall publish the name and contact information of the Chief Human Resources Officer on their respective websites.

Consistent with [Board of Governors' Policy 2012-01: Conflict of Interest](#), employees are required to report any conflict of interest involving an immediate family member, including a spouse, so that necessary and appropriate actions are taken to remedy or avoid the conflict of interest or potential for conflict of interest.

### 5. Management of Conflicts

For pre-existing amorous relationships, the individual in the relationship who has or may have supervisory, instructional or professional responsibilities must submit a written conflict management plan to the Chief Human Resources Officer explaining in detail how the conflicts will be managed. Such plans shall be submitted within 30 days of the effective date of this policy or upon notice of a change in circumstances that gives one party to the amorous relationship supervisory, instructional or professional responsibilities concerning the other party.

The Chief Human Resources Officer or their designee, shall review the submitted conflict management plan and work with the parties involved in the amorous relationship and with other appropriate individuals to make any necessary changes to the proposed plan to effectively and appropriately manage the conflicts. The Chief Human Resources Officer (or their designee) is responsible for administering the conflict management plan and will notify appropriate individuals of the existence of the conflict management plan.

Conflict management plans may include, but are not limited to altering supervisory or employment reporting lines; moving a student to another section of the same course; appointing a different individual to serve on an academic, conduct or evaluative committee; moving the parties to other positions of the same or comparable status and duties; or establishing alternative means of evaluation of academic or work performance.

If a relationship involves the Chief Human Resources Officer, the matter should be referred to the individual responsible for supervising the Chief Human Resources Officer to address the conflict consistent with the mandates of this policy.

### 6. Violations

A violation of this policy occurs when an employee, volunteer or official: (1) allows a prohibited amorous relationship to occur; (2) allows a pre-existing amorous relationship to continue without disclosing; or (3) fails to cooperate in managing conflicts associated with an amorous relationship covered by this policy.

Violations of this policy by an employee or volunteer constitutes misconduct subject to disciplinary action, up to and including discharge or termination, in accordance with any applicable collective bargaining agreement or State System or University policies. Alleged violations by students may be referred by the University for review in accordance with the code of conduct. Alleged violations by officials may be referred to the appointing authority. Violations of this policy may lead to disciplinary action, as appropriate, regardless of how the violation is brought to the attention of the State System or the University.

Amorous relationships under this policy are consensual relationships. Conduct that violates local, state or federal law or relevant State System or University policies should be handled pursuant to applicable policy or by law enforcement, as appropriate. Violations of this policy that result in administrative or legal claims against the State System or a University may result in representation or indemnification being denied to the employee, volunteer or official pursuant to 4 Pa. Code Chap. 39.

### 7. Reporting Violations of this Policy

A violation of this policy may be reported by any individual to the Chief Human Resources Officer or their designee.

Due process considerations may limit the ability to investigate or resolve anonymous complaints.

### 8. Retaliation

No individual shall retaliate against another individual for making a good faith report or participating in a process under this policy. A complaint is not considered a bad faith report merely because the evidence does not ultimately support the allegation. Individuals are prohibited from knowingly filing a false complaint or making misrepresentations. If an investigation results in a finding that a person has willfully filed a bad faith report or made misrepresentations, the reporting party may be subject to appropriate sanctions.

### 9. Confidentiality

Any disclosures made or conflict management plans developed will be kept confidential to the fullest extent possible under applicable law and policy.

## ANIMAL REGULATIONS

Pets are not permitted in any buildings of East Stroudsburg University. Service and emotional support animals are the only exception. Any exceptions must be approved by OASIS.

Confining a pet by chain, leash or other means (i.e. tied to a tree, railing, etc.) on the university grounds is prohibited. Allowing pets to run free on campus is also prohibited.

University Police are authorized to pick up any pets in violation of these rules. Such pets will be taken to the Monroe County SPCA



shelter. The pet's owner is responsible for any costs incurred in this process.

These regulations complement existing state and local laws. Any student who has a pet on campus in violation of these rules is subject to disciplinary action under the Student Code of Conduct.

## **DISCRIMINATION & HARASSMENT POLICY**

East Stroudsburg University seeks to provide an academic and work environment that is free from discrimination and harassment against any person because of race, color, national origin, religion, sex, disability, age, sexual orientation, gender identity or veteran's status in accordance with applicable federal and state laws and regulations.

While the University is committed to the principles of free inquiry and free expression, discrimination and harassment identified in this policy is neither legally protected expression nor the proper exercise of academic freedom.

Discrimination and harassment are prohibited and subject to disciplinary action up to and including termination or expulsion from the University.

Any member of the University community who experiences discrimination or harassment prohibited under this policy should immediately report the incident to the Office of Diversity & Equal Opportunity.

In cases where an individual reports discrimination or harassment prohibited under this policy to an administrator, faculty member, or staff member, the person receiving the complaint should contact the Office of Diversity & Equal Opportunity immediately.

Note: Discrimination and harassment are currently prohibited under federal law by Titles IV, VI and VII of the Civil Rights Act of 1964, as amended, and Title IX of the Education Amendments of 1972 and under state law by the Pennsylvania Human Relations Act. Other statutes that may be involved in this area are the Americans with Disabilities Act and the Age Discrimination in Employment Act. Applicability of any of these statutes to the University is subject to future legislative or court actions.

**Enforcement:** The University will take action to prevent prohibited discrimination and harassment, including, if necessary and as appropriate, disciplining any individual whose behavior violates this policy.

Disciplinary action for violation of this policy may range from a disciplinary warning to expulsion or termination from the University.

**Retaliation:** No retaliatory action is to be taken against any person seeking advice, filing a complaint or serving as a witness or otherwise cooperating in an investigation of discrimination or harassment.

Any person found to have engaged in retaliatory action may be subject to discipline by the University.

Retaliation is considered a separate offense from the original complaint, regardless of the outcome of the original complaint.

Anyone who believes they have experienced retaliation should promptly contact the Office of Diversity & Equal Opportunity.

**False Charges:** Accusations of discrimination and harassment are serious matters. False accusations will not be tolerated and may result in disciplinary action independent of the outcome of a complaint.

The University may also take disciplinary action against someone who knowingly provides false information during the investigation of a complaint of discrimination or harassment.

**Training:** In keeping with the PASSHE Board of Governor's Policy 2009-03: [Social Equity](#), the University recognizes a mandatory obligation to conduct discrimination and harassment prevention training on a yearly basis for all employees, in addition to providing training for new student and employee orientations.

All faculty, staff, and administrators are required to participate in this training within 60 days of commencing employment and at least yearly thereafter.

Training will be available in both classroom format and online.

**Additional Rights:** Individuals are encouraged to use the procedures for filing a discrimination, harassment or sexual harassment complaint but are not required to do so and may choose to pursue other civil and legal options.

University employees may choose to pursue the complaint through their appropriate collective bargaining agreement grievance procedures.

Students and employees may choose to make use of the procedures of external agencies listed in the Procedures for Nondiscrimination and Harassment.

Managers are encouraged to pursue complaints through the merit principle procedures, set forth in PASSHE Board of Governors Policy 1983-01-A: [Merit Principles](#), before proceeding to an external agency.

The procedures for filing a discrimination, harassment or sexual harassment complaint are not intended to interfere with any legal rights provided under the statutes of the Commonwealth of Pennsylvania or the United States of America, or interfere with any rights an employee may have under their appropriate collective bargaining agreement.

For additional information or questions, contact the Office of Employee Relations and Workforce Diversity at 570-422-3656.

## **DRUG-FREE SCHOOLS AND CAMPUSES ACTS**

The Federal Drug-Free Schools and Campuses Act Amendments of 1989 (Section 22, Drug Free Schools and Campuses) requires the university to provide students with information about drug policies, standards of conduct that prohibit illegal drug and alcohol use, a description of applicable legal sanctions, a description of drug or alcohol support services and a description of the health risks associated with the use of illicit drugs and the abuse of alcohol.

Various sections of this handbook address the requirements of the law, specifically, those sections listed under university policies: Narcotics and Drugs, Student Alcohol Policy, and under the Student Code of Conduct.

Drug use can directly affect a student's educational goals. Drugs interfere with the learning process by disrupting the brain's ability to take in, sort out and synthesize information. Alcoholism and drug addiction are obvious health risks associated with drugs and alcohol. But students should note some other risks:

- Psychological dependency
- Mental health problems
- Stress
- Driving under the influence
- Causing physical injury to self and/or someone else because of the impairment
- Loss of self-control
- Distorted sense of reality
- Physical problems (hardening of the arteries, heart palpitations, cirrhosis of the liver, pancreatic cancer, brain disease, lung disease, loss of memory, irritation of the respiratory tract, nausea, dizziness, perception problems)

There are many drug and alcohol educational programs regularly scheduled on campus during the year. Internally, the university can provide students with counseling via the Counseling and Psychological Services Center and support services to combat their abuse problem. In addition, students who require more in-depth therapy are referred to local rehabilitation and treatment programs or are given information on services located near their home. Also, many agencies and programs within the local community offer assistance and support groups for alcohol and drug abuses. Some are Alcoholics Anonymous, Al-Anon, Drug and Alcohol Commission, and Narcotics Anonymous.

Nationally, there is the National Institute of Drug Abuse hotline, 800-662-HELP, or the website [www.drughelp.org](http://www.drughelp.org) for up to date information and referral sources. Students must be aware of the legal ramifications of their actions related to drug and alcohol use.

The possession, use, or distribution of illicit drugs and alcohol at East Stroudsburg University is prohibited. Any violation of this policy can result in the person/persons involved being charged under applicable state and federal law as well as being disciplined by the university.

## FERPA POLICY

In compliance with the Federal Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, a student's education records belong to the student. With respect to those education records, students are afforded certain rights including:

1. The right to examine education records pertaining to the student (with certain limited exceptions).

Students should submit any such request to the Student Enrollment Center in writing, identifying the records the student wishes to inspect. The Student Enrollment Center will make arrangement for access and notify the student

of the time and place where the records may be inspected. The University Official will respond no later than 45 days of the day the University receives a request for access. Records that are customarily open for student inspection will be accessible without written request.

2. The right to request an amendment of the records that the student believes to be inaccurate or misleading.

Students should submit any such request to the Student Enrollment Center in writing, clearly identifying the records the student wants to have amended and specifying the reasons the record is believed to be inaccurate. The Registrar/designee will notify the student of its decision and, if the decision is negative, of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student at that time.

3. The right to restrict access to information identified by the institution to be "directory information" and therefore available to the public without permission from the student.

ESU will notify students annually of their rights to withhold directory information. Students wishing to restrict release of directory information must sign a FERPA Restriction Form in person at the Student Enrollment Center.

4. The right to extend third party access to education records to whomever is identified by the student in writing.

Students wishing to release education records to third parties must sign a FERPA Release Form and submit it to the Student Enrollment Center.

5. The right to control disclosures of their education records except, to the extent that FERPA authorizes disclosure without consent.

FERPA permits the disclosure of education records without a student's prior consent in certain limited circumstances, including to school officials with legitimate education interests, health or safety emergency non-consensual disclosures, grand jury and law enforcement subpoenas, law enforcement records, and INS disclosures (see definitions for "school official"). A school official has a "legitimate educational interest" if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University.

6. The right to file a complaint with the U.S. Department of Education concerning alleged failures by an educational institution to comply with the law. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Dept. of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-  
5901

The following information has been designated as directory information and may be disclosed for official University purposes only without the student's prior consent under the conditions set forth in FERPA:

- student name, all addresses and all phone numbers
- all e-mail addresses
- place of birth
- all photographs
- major, dates of attendance, enrollment status (full-time, part-time), class year
- previous institutions
- awards, honors (including Dean's List), degrees conferred including dates
- past and present participation in officially recognized sports and activities
- physical factors (height and weight of student athletes)

East Stroudsburg University does not make directory information generally available to the public. East Stroudsburg University limits its release of directory information for official University purposes, e.g., (1) identifying athletic team members; (2) publishing names of scholarship recipients, graduation lists and Dean's Lists; (3) issuing academic awards; (4) verifying enrollment or degree status; and (5) providing such information to organizations that are officially affiliated with the University or with whom the University has a contractual relationship. See 34 C.F.R. §99.37 (d).

In compliance with the Act, ESU requires that all students, university faculty and staff, and affiliated entities receive an annual notification about the Family Educational Rights and Privacy Act (FERPA), ESU's policy to assure compliance, and required procedures.

All school officials are also required to complete annual update training on line and must certify intent to adhere with the [guidelines set forth by the University](#) in an effort to protect students' privacy.

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## HAZING POLICY

East Stroudsburg University of Pennsylvania (the "University") supports activities that are constructive, educational, and contribute to the intellectual and personal development of its students and other individuals. Therefore, the University prohibits hazing within the University community. Any person participating in, suffering from or witnessing an act in violation of this policy is encouraged to report the incident in a timely manner to either ESU Police Department or the Office of Student Conduct and Community Standards.

The University defines hazing as: intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, or for the purpose of continuing or enhancing a minor or student's membership or status in an organization, causes, coerces or forces a minor or student to do any of the following:

1. Violate federal or state criminal law
2. Consume any food, drink, alcoholic liquid, drug or other substance that subjects the minor or student to a risk of emotional or physical harm
3. Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements
4. Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment
5. Endure brutality of a sexual nature
6. Endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.

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## LIFE SAFETY POLICY

This policy is the foundation for a written health and safety program that establishes a safe environment for the campus community. All students, employees, faculty, staff, contractors and visitor's will respond to any actual, suspected or training event on University grounds with the highest regard for their safety, as well as for the safety of all.

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## MEDICAL AMNESTY

The University provides amnesty from East Stroudsburg University Code of Conduct charges if deemed applicable. It in no way extends amnesty from civil or criminal charges brought by local, state, or federal law officers (including University Police).

### Underage Drinking

In 2011, an amendment to Pennsylvania Law 18 Pa. C.S. (Crimes and Offenses) added a subsection to Section 6308 creating immunity from prosecution for a person under the age of 21 for the possession or consumption of alcoholic beverages if law enforcement, including University Police, become aware of the possession or consumption solely because the individual was seeking assistance for someone else. The person seeking assistance must reasonably believe he/she is the first to call for assistance, must use his/her own name with authorities, and must stay with the individual needing medical assistance until help arrives. Students seeking immunity from prosecution under this subsection of the law must contact the law enforcement agency that issued the citation for their consideration of the matter.

### Drug Overdose

In 2014, the governor signed an amnesty law for drug overdoses. It applies to the person experiencing the drug overdose event as well as the person initiating a request for help when witnessing a drug overdose. The immunity law applies to the following circumstances: Police ONLY discover the drug overdose because the person is transported for help or treatment.

OR

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Immunity applies if ALL of the following apply:

- The caller seeking help made the report reasonably believing that another person needed immediate medical attention to prevent death or serious injury due to drug overdose.
- The caller provided his/her own name and location and cooperated with law enforcement and
- The caller remains with the person needing immediate medical attention until police arrive.

### **Philosophy**

The health and safety of East Stroudsburg University community members is a primary concern.

Students need to seek immediate medical attention for themselves or others when someone's health and/or safety are at risk.

Students may be reluctant to seek assistance for him/herself or someone else for fear of being held responsible for Code of Conduct violations.

East Stroudsburg University seeks to remove barriers that prevent students from seeking necessary medical attention.

### **Guidelines**

Students who seek emergency medical attention for themselves related to the use of alcohol and/or drugs will not be charged with violation of the ESU Code of Conduct provided that the student subsequently completes an appointment with the Counseling & Psychological Services (CAPS) and adheres to any recommended treatment. The Office of Student Conduct & Community Standards will set the timeline for completion. Failure to complete this evaluation and treatment compliance may result in Code of Conduct charges being filed.

Students who seek emergency medical attention for someone else related to the use of alcohol and/or drugs will not be charged with violation of the ESU Code of Conduct provided that the student subsequently completes an appointment with the Counseling & Psychological Services (CAPS) and adheres to any recommended treatment. The Office of Student Conduct & Community Standards will set the timeline for completion. Failure to complete this evaluation and treatment compliance may result in Code of Conduct charges being filed.

This policy applies only to students who seek emergency medical attention in connection with an alcohol and/or drug-related medical emergency. It does not apply to an individual experiencing an alcohol and/or drug-related medical emergency who is found by a University employee.

The East Stroudsburg University Medical Amnesty Policy is not intended to shield or protect a student who repeatedly violates the Code of Conduct. In cases where repeated violations occur, the University reserves the right to take conduct action on a case-by-case basis regardless of the manner in which the incident was reported. Additionally, the University reserves the right to adjudicate any case in which the violations are egregious.

The Office of Student Conduct & Community Standards reserves the right to contact any student to discuss an incident whether or not the ESU Medical Amnesty Policy is in effect.

**\*\* For assistance in an emergency situation, dial 911 or contact the East Stroudsburg University Police at 570-422-3064.**

## **NARCOTICS AND DRUGS**

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The administration of the university fully supports the established laws regarding the use of narcotics and drugs. It is in no position to condone any violation of such laws. The Code of Conduct accepted by the academic community makes this very clear. Because drug problems are often complex, the university will make every effort to help students with such problems. Students may go to the Counseling and Psychological Services Center secure that their confidence will be held by the staff. However, students must remember that drug problems discovered in the normal course of administrative operations will be treated as disciplinary matters.

The university will not be a haven for illegal drug use or trafficking in drugs. The university will not ordinarily involve other law enforcement agencies in solving its own problems in such matters, but it certainly will seek assistance from these agencies should a particular drug problem become serious, particularly that of trafficking in illegal drugs. By the same token, students should understand that the university administration will not interfere with any law enforcement agency which feels it must come on campus to resolve unlawful activity.

The administration of the university asks that all members of the academic community accept their responsibilities within the framework of established laws. This will help avoid serious problems for the academic community, especially students.

## **OFF-CAMPUS STUDENT ADDRESS REQUIREMENT**

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Students are required to provide local off-campus addresses and telephone numbers to Student Enrollment Center/Records and Registration. The university has developed a local address and telephone registry to improve communications and provide service to off-campus students. The university depends on local directory information for faculty/staff contact and contacting students in an emergency.

## **POSTING AND CHALKING POLICY**

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The Posting and Chalking policy regulates the display of signs, posters, notices and banners affixed on university-owned or operated property and on property under the ownership and/or supervision of its affiliates.

Nothing in this policy is intended to infringe on the first amendment rights guaranteed by the Commonwealth and United States constitutions.

Individuals or groups found in violation of this policy, where cleaning entails a cost, may be charged for such cleaning/repair. Individuals or groups who engage in unauthorized graffiti may be charged for cleanup, in addition to being subjected to discipline or sanctions on a case by case basis.

### **Indoor Signs**

- Bulletin boards in campus facilities are limited to postings related to the academic departments, administrative departments or student activity programs where the Bulletin Boards are located and, where space is available, other activities sponsored by the University, student organizations or University affiliates. Bulletin boards are not public forums.

- Posting of signs and posters within university buildings is prohibited except on bulletin boards provided for the purpose. Postings not on building boards, e.g. on walls, door (especially glass doors), hallways and elevators may be removed by the University except that signs may be used on office doors to announce office hours or post urgent announcements related to change of venue. Additionally, faculty members may place signs on their office doors to serve as message boards.
- All signs and posters must bear the name of the sponsoring department or student organization.
- Only ONE sign or poster per board is permitted for a particular announcement, promotion or advertisement; duplicates may be removed.

#### Electronic Sign Boards

- Departments, groups or individuals are strongly encouraged to use electronic sign boards installed in buildings for publicizing events and other university wide-announcements. All such requests should be made to the Director of Web Services/Webmaster ahead of the event, to allow for processing.

#### Outdoor Signs

- Outdoor signs may only be erected by the Facilities Management Department, Conference Services staff, University Police or Office of Admissions when applicable; and with the prior permission of the Director of Parking or his/her designee for the purpose of providing directions to or managing traffic and parking associated with an on campus event sponsored or authorized by the University, a student organization or an affiliate.
- Commercial or political signs are not permissible on campus. An exception to this rule is the area outside Lower Dansbury, which on Election Day, may be used to post names of political candidates.
- Outdoor signs must never be placed in a manner where they become an obstruction for pedestrian or wheel chair bound individuals or cause problems with traffic circulation.

#### Leafleting and other signage- except as needed by the department of public safety

- Placement of leaflets/flyers or any literature on cars parked on campus is prohibited.
- Affixing any signs on light fixtures, permanent sign posts, trees, bus shelters, and trash containers is prohibited.
- Unauthorized distribution without permission is not permitted,

#### Banners

- Banner may be used to announce or advertise events sponsored by academic departments, administrative departments or student activity programs.
- The use of banners on campus is limited to banners being hung from the bridge between Stroud Hall and the University Center, University Center balcony and on the entrance to Dansbury Commons, and on Athletic Fields.
- The Assistant to the Athletic Director must authorize banners to be hung in athletic fields.
- The President or his/her designee may authorize large banners to be hung from buildings on special occasions or for limited events.

- Only banners that are on vinyl or suitable fabric will be permitted.
- The maximum size for banners is 4 feet x 12 feet.
- The President or his/her designee may authorize large banners to be hung from buildings.

#### Chalking

- The University recognizes chalking as protected speech in a designated public forum at the following locations:
  - Walkways in front and behind Stroud Hall
  - Walkways in front of the Hoeffner Science & Technology Center
  - Walkways at entrance to Dansbury Commons
  - Walkways on the Quad
  - Walkways in front of the Fine & Performing Arts Center
- Chalking must be done with water-soluble chalk.
- Chalking may only be done on concrete sidewalks.
- Writing, marking and sketching on vertical surfaces is considered graffiti and an act of vandalism.

#### PREFERRED NAME POLICY

East Stroudsburg University recognizes that many students use a first or middle name other than their legal name. As long as the use of a preferred first and/or middle name is not for the purpose of misrepresentation, the university acknowledges that a preferred first and/or middle name may be used in the course of university business and education.

Therefore, the university will permit a student who wishes to identify him/herself within the university's information systems with a preferred first and/or middle name in addition to their legal name. Preferred last names do not apply to this policy.

It is further understood that the student's preferred first and/or middle name should be used in university communications and reporting, **except where the use of the legal name is necessitated by university business or legal requirement.** Examples of records showing a legal name include official transcripts, degree audits, commencement brochures, degree certificates, financial records, W-2 forms, enrollment data, financial aid documents, paychecks and mailing information. To change the name on official records, a student must make a legal name change and then inform the university. A student's legal name will be displayed on official transcripts, enrollment verifications, diplomas, third party database systems, and all external communications.

The preferred first and/or middle name cannot be changed more than once an academic year and twice during a student's tenure at ESU. The student must return the completed [Preferred Name Request Form](#) in person at the Student Enrollment Center. If a student is not able to return the Preferred Name Request Form in person, a completed, notarized form will be accepted.

THE ABILITY TO USE A PREFERRED NAME IS NOT A RIGHT; IT IS A LIMITED ACCOMMODATION OF A PREFERENCE. THE UNIVERSITY WILL NOT ACCEPT PREFERRED NAMES THAT USE PROFANITY OR HAVE THE EFFECT OF MOCKERY. The option to use the preferred first and/or middle name may be modified, changed, altered, or rescinded at the discretion of East Stroudsburg University.



**Preferred first names** will be used in the following systems and records: Student Identification Cards, Online Directory, Official Student Email Display Name, Class and Grade Rosters (for students taking courses), Diploma, Housing Rosters, D2L, Banner, WarriorFish, Press Releases, Social Media Sites, Other Venues, as appropriate

**Legal names** will continue to be used for official University records including, but not limited to the following: Academic Transcripts, Financial Aid and Scholarship Documents, Degree Verification/Audit. Legal documents and reports produced by the University, Student Account Statement (bills), Enrollment Verifications, Degree Verifications, Student Employment Documents, Employment Verifications, Employment Documents, Paychecks, W2s and other payroll documents, Student Medical Records

**Reason for Policy:**

To provide a limited accommodation for students who prefer to use a first and/or name other than their legal name. The University recognizes that some members use first and/or middle names other than their legal names to identify themselves, this option has been developed to respond to the needs of some international students, transgender students and others who choose the use of a preferred name for other reasons.

As long as the use of this different first and/or middle name is not for the purposes of misrepresentation, the university acknowledges that a "preferred name" may be used where possible in the course of University business and education.

**Appeal Statement:**

Students who feel their preferred first name change was denied unjustly may file an appeal with the Vice President of Campus Life & Inclusive Excellence.

**Definitions:**

**Legal Name** – A person's legal name is the name they use for official governmental documents, such as licenses, passports, and tax forms.

**Preferred Name** – A preferred first name is defined as an alternative to the individual's legal name as designated by the individual in university systems.

**Academic Year** – The Fall and Spring semesters, does not include winter and summer sessions.

## SEIZURE OF CONTRABAND

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The university has the right to seize any contraband found on campus.

## SEXUAL HARASSMENT

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### 1. Purpose of Policy

Title IX of the Education Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence) that are reflected in the definitions of Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking included as Regulatory Prohibited Conduct under this Policy
- Addresses how the University must respond to reports of misconduct falling within the definitions of Regulatory Prohibited Conduct under this Policy, and
- Mandates a grievance (or resolution) process the University must follow before issuing disciplinary sanctions against a person accused of Regulatory Prohibited Conduct under this Policy.

In addition to federal legislative requirements, Act 16 of 2019 of the General Assembly of Pennsylvania requires all postsecondary institutions in the Commonwealth of Pennsylvania to adopt a clear, understandable written policy on sexual harassment and sexual violence that informs victims of their rights under federal and state law, including the crime victims bill of rights.

### 2. Prohibited Behaviors

The University prohibits all Sexual Misconduct Violations, as defined in this Policy. This prohibited conduct can affect all genders, gender identities and sexual orientations. Some of these prohibited forms of conduct may also be crimes under Pennsylvania or federal law.

The University will promptly and equitably respond to all reports of sexual misconduct in order to eliminate the misconduct, prevent its recurrence, and redress its effects on any individual or the community.

### 3. Title IX, VAWA and Nondiscrimination

The University prohibits any form of discrimination or harassment on the basis of sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital or family status, medical condition, genetic information, veteran status, or disability in any decision regarding admissions, employment, or participation in a University program or activity in accordance with the letter and spirit of federal, state, and local non-discrimination and equal opportunity laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act, the Americans with Disabilities Act and ADA Amendments Act, the Equal Pay Act, and the Pennsylvania Human Relations Act.

The University also complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, as amended by the Violence Against Women Act (VAWA). Title IX prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence, and to publish policies and procedures related to the way these reports are handled. The University has designated the Title IX Coordinator

with the assistance of Deputy Title IX Coordinators to coordinate the University's compliance with Title IX and VAWA and to respond to reports of violations. The University has directed the Title IX Coordinator to coordinate the University's compliance with the VAWA-related Clery reporting requirements.

#### **4. Statement on Privacy and Confidentiality**

The University is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. Every effort will be made to protect the privacy interests of all individuals involved. Privacy, confidentiality and privilege have distinct meanings under this Policy.

Privacy generally means that information related to a report of sexual misconduct will only be shared with a limited circle of individuals, including individuals who "need to know" in order to assist in the review, investigation, or resolution of the report or to deliver resources or support services. While not bound by confidentiality or privilege, these individuals will be discreet and respect the privacy of all individuals involved in the process. All participants in an investigation of sexual misconduct under this Policy, including Advisors and Witnesses, will be informed that privacy helps enhance the integrity of the investigation and protect the privacy interests of the parties, however, nothing in this Policy is intended to impose restraints on a party's ability to discuss the allegations under investigation or to gather and present evidence as part of the resolution process.

Certain individuals are designated as having confidentiality. For reports made to employees designated with having confidentiality, the University will respect the reporting party's expectations of privacy to the extent permissible by law while still ensuring compliance with other reporting obligations. For example, reports involving minors are subject to mandatory reporting requirements. Individuals designated as having confidentiality are required to report the nature, date, time and general location of an incident to the Title IX coordinator. Individuals designated as having confidentiality will not share other information with the Title IX Coordinator or any other employee of the University without the express permission of the disclosing party. Individuals designated as having confidentiality can provide information about the University and off-campus resources, support services and other options. As noted above, because of the confidential nature of these resources, disclosing information to or seeking advice from a confidential resource does not constitute a report or Formal Complaint to the University and will not result in a response or intervention by the University. A person consulting with a confidential resource may decide to make a report to the University and/or law enforcement.

<https://www.esu.edu/counseling/index.cfm>

Communication with certain individuals may be privileged by operation of law and reports made to these individuals will not be shared with the University Title IX Coordinator or law enforcement except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or

to others or as otherwise required by law.

All University proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX of the Education Amendments of 1972 ("Title IX"), Violence Against Women Act (VAWA), state and local law, and University policy. No information will be released from such proceedings, except as required or permitted by law and University policy.

The University may share non-identifying information about reports received in aggregate form, including data about outcomes and Disciplinary Sanctions.

#### **5. Disability Accommodations**

This Policy does not alter any obligations of the University under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the resolution process that do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other University programs and activities.

<https://www.esu.edu/oasis/index.cfm>

#### **6. Free Expression and Academic Freedom**

The University is firmly committed to free expression and academic freedom and to creating and maintaining a safe, healthy, and harassment-free environment for all members of its community. Sexual misconduct, including retaliation, against members of the University is not protected expression nor the proper exercise of academic freedom. The University will consider principles of free expression and academic freedom in the investigation of reports of sexual misconduct or retaliation that involve an individual's statements or speech.

#### **7. Alcohol and Drug Use Amnesty for Students**

The health and safety of every student at the University is of utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report incidents of sexual misconduct. A witness to or individual who experience sexual misconduct, acting in good faith, who discloses any incident of sexual misconduct to University officials or law enforcement will not be sanctioned under the University's Student Code of Conduct ] for violations of alcohol and/or drug use policies occurring at or near the time of the incident(s) of sexual misconduct. The University may require the individual attend an approved alcohol or drug education program and without assessing any

charges for such program. Amnesty does not preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes.

## 8. Scope of Policy

This policy applies to all on campus and off-campus conduct that is likely to have a substantial adverse effect on any member of the University community. There is no time limit for reporting allegations of sexual misconduct, however, the University strongly encourages the prompt reporting of sexual misconduct to allow the University to respond promptly and effectively. If the reported Respondent is not a member of the University community or is no longer associated with the University at the time of the report or at the time a resolution process is initiated, the University may be unable to investigate or take disciplinary action and may be required to dismiss the Formal Complaint for a lack of jurisdiction. See the Jurisdiction and Dismissals section.

Please see the Reporting Sexual Misconduct section below for more information on how and where to report misconduct, discrimination and/or harassment, or to file a Formal Complaint.

## 9. Burden of Proof

The burden of proof refers to who has the responsibility of showing a violation has occurred. It is always the responsibility of the University to satisfy the burden of proof. The Respondent does not have the burden to prove that a violation did not occur. Respondents may decide not to share their side of the story or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility. Additionally, Decision-Maker(s) shall not make an adverse inference against a Respondent for the Respondent's refusal to participate in an investigation or hearing, nor will Respondent's refusal to participate result in increased sanctions if the Respondent is found responsible for the violation(s).

## 10. Standard of Proof

Consistent with requirements set forth in the Pennsylvania Code pertaining to student disciplinary due process requirements, the University will use the preponderance of the evidence standard in investigations of formal complaints alleging sexual misconduct violations under this Policy. This means that the individual(s) charged with making a finding must determine whether it is more likely than not that a violation of the Policy occurred.

## 11. Effective Date

Based on the Final Rule, this Policy will be effective August 14, 2020.

## 12. Impact on other policies or processes

As used in this Policy, sexual misconduct may also encompass criminal conduct under Pennsylvania and/or federal law. Additionally, sexual misconduct under this Policy may result in civil and/or administrative or legal consequences.

## I. SEXUAL MISCONDUCT DEFINITIONS

1. **Dating Violence** – (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act) includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

Dating Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Dating Violence will be categorized as Non-Regulatory.

2. **Domestic Violence** – (as defined in the VAWA amendments to the Clery Act), includes any violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under Pennsylvania's domestic or family violence laws or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

Domestic Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Domestic Violence will be categorized as Non-Regulatory.

3. **Retaliation** – Any action, directly or through others, which is aimed to deter a reasonable person from reporting sexual misconduct or participating in an investigation or hearing or action that is done in response to such activities. This includes but is not limited to intimidation, threats, coercion, or discrimination against any individual (A) for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations; or (B) because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy. A finding of retaliation under this Policy is not dependent on a finding that the underlying sexual misconduct occurred.

4. **Sexual Assault** – (As defined in the Clery Act) – This includes any sexual act directed against another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent. Sexual Assault may be one of the following categories:

- A. **Sexual Penetration Without Consent** - Any penetration of the mouth, sex organs, or anus of another person,

however slight by an object or any part of the body, when Consent is not present. This includes performing oral sex on another person when Consent is not present.

- B. **Sexual Contact Without Consent** - Knowingly touching or fondling a person's genitals, breasts, buttocks, or anus, or knowingly touching a person with one's own genitals or breasts, when Consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when Consent is not present, to similarly touch or fondle oneself or someone else.
- C. **Statutory Sexual Assault** – The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to sexual activity. Minors aged 13-15 years old cannot consent to sexual activity with anyone who is 4 or more years older than they are at the time of the activity. Minors aged 16 years of age or older can legally consent to sexual activity, as long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute.

Sexual Assault is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Sexual Assault will be categorized as Non-Regulatory.

5. **Sexual Exploitation** – Engaging in sexual behaviors directed toward or involving another person or use of another person's sexuality for purposes of sexual gratification, financial gain, personal gain or personal advantage when Consent is not present. This includes, but is not limited to, the following actions, including when they are done via electronic means, methods or devices:
- A. Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's Consent;
  - B. Indecent exposure or inducing others to expose private or intimate parts of the body when Consent is not present;
  - C. Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person's Consent;
  - D. Prostituting another individual; or
  - E. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
  - F. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

6. **Regulatory Prohibited Conduct** – For purposes of this Policy, the term includes the defined violations of Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking.
7. **Regulatory Quid Pro Quo Sexual Harassment** - An Employee conditioning the provision of aid, benefit or service of the University on an individual's participation in unwelcome sexual conduct.
8. **Non-Regulatory Quid Pro Quo Sexual Harassment** - An Official, Volunteer or Student conditioning the provision of aid, benefit or service of the University on the individual's participation in unwelcome sexual conduct.
9. **Regulatory Hostile Environment Sexual Harassment** - Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity.
10. **Non-Regulatory Hostile Environment Sexual Harassment** - Unwelcome conduct, on the basis of sex, that a reasonable person would determine is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from any educational, employment, social or residential program in offered connection with the University.
11. **Stalking** – (as defined in the VAWA amendments to the Clery Act) means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
- A. fear for their safety or the safety of others; or
  - B. suffer substantial emotional distress.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property.

Stalking includes the concept of cyberstalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, email or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Stalking is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Stalking will be categorized as Non-Regulatory.

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## II. OTHER DEFINITIONS

1. **Advisor** - An individual who may be present to provide support to a Party throughout an investigation and/or hearing.

- A. Advisors may accompany a Party to any meeting or hearing they are required or eligible to attend, but may not speak for the Party, except for the purposes of cross-examination.
- B. Each party is responsible for coordinating and scheduling with their choice of Advisor.
- C. The Advisor may be an attorney or a union representative when applicable.
- D. If a party does not have an Advisor of choice present for a hearing, the University will appoint an Advisor for the limited purposes of conducting cross-examination.
- E. If a Party does not attend the hearing, the Party's Advisor may appear and conduct cross-examination on the Party's behalf.
- F. If neither a Party nor their Advisor appear at the hearing, the University will provide an Advisor to appear on behalf of the non-appearing Party for the limited purposes of conducting cross-examination.
- G. The Advisor is not prohibited from having a conflict of interest or bias in favor of or against a Party, nor is the Advisor prohibited from being a Witness in the Sexual Misconduct Resolution Process.

2. **Appeals Officer** – The individual or individuals with the authority under law or otherwise appointed by the University to decide appeals. The Appeals Officer will be free of conflict of interest and bias, and will not serve as the Investigator, Title IX Coordinator, Advisor to any Party or a Decision Maker in the same matter.

3. **Complainant** – An individual who has reported being or is alleged to be subjected to conduct that could constitute covered sexual misconduct as defined under this Policy.

4. **Consent** – A knowing and voluntary agreement to engage in specific sexual activity at the time of the activity communicated through clear actions and/or words that are mutually understood.

In order to be valid, Consent must be active, present and ongoing.

Consent is not present when it is the result of coercion, intimidation, force, or threat of harm.

Consent is not present when an individual is incapacitated due to alcohol, drugs, or sleep, or otherwise without capacity to provide Consent due to intellectual or other disability or other condition. Consent can be withdrawn at any time and consent to one form of sexual activity is not necessarily consent to other forms of sexual activity.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs

impact each individual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide Consent, the University will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity.

When determining whether Consent has been provided, all the circumstances of the relationship between the parties will be considered.

5. **Decision Maker** - The individual or individuals appointed by the University to render a decision on a Formal Complaint that goes to a hearing. The Decision Maker(s) will be free of conflict of interest and bias, and will not serve as the Investigator, Title IX Coordinator, an Advisor to any Party or Appeals Officer in the same matter.

6. **Disciplinary Sanction** - The penalty imposed on an individual for violating this Policy. For Students, Disciplinary Sanctions are subject to applicable University/System policies, up to and including expulsion from the University. For Employees, Disciplinary Sanctions are subject to applicable collective bargaining agreement or University/System policies, up to and including separation from employment. For Officials or Volunteers, this may include the removal or the request for removal of the Official or Volunteer from their respective position.

7. **Education Program or Activity** – For purposes of this Policy, the term "Education Program or Activity" includes any activity that occurs in, on or within:

- A. Any on-campus premises;
- B. Any off-campus premises the University has substantial control over. This includes buildings or property owned or controlled by a recognized student organization or a recognized affiliated entity.
- C. Computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the University's programs and activities over which the University has substantial control.

8. **Employee** - An individual who is employed by the State System (either at a State System University or in the Office of the Chancellor) including, but not limited to, faculty members, coaches, staff, managers and student employees.

9. **Final Rule** – The Final Rule issued on May 19, 2020 by the U.S. Department of Education under Title IX of the Education Amendments of 1972

10. **Formal Complaint** - means a document, including an electronic submission, filed by a Complainant with a signature or other indication that the Complainant is the person filing the Formal Complaint, or signed by the Title IX Coordinator, alleging sexual misconduct against a Respondent and requesting initiation of the process set forth in this Policy to investigate the allegation of sexual misconduct.

11. **Hearing Officer** – Administrative Hearing Officer, Adjudicator, Hearing Officer, or Conduct Board shall mean any person or



group given the authority to review and adjudicate disciplinary matters.

- 12. Investigator** - The Title IX Coordinator or the individual designated by the Title IX Coordinator to perform an investigation under this Policy. The Investigator may not have a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general. The Investigator may not serve as a Decision Maker, Appeals Officer or Advisor to any Party in the same matter.
- 13. Notice of Allegations** – The written notice the Title IX Coordinator is required to provide to the Parties following receipt of a Formal Complaint. See Notice of Allegations section below.
- 14. Notice of Hearing** – The written notice the Director of Student Conduct and Community Standards or other designee is required to provide the Parties prior to the hearing. See Notice of Hearing section below. Notice is the written communication either by mail or E-mail correspondence that provides information to a student. Notice is conclusively presumed to be final when such communication is sent to the student by official University email, and/or mailed to the address appearing on either the student's current local address or permanent address on record with the University at the discretion of SCCS.
- 15. Official** - A member of a Council of Trustees or of the Board of Governors or their respective designees.
- 16. Parties or Party** - A term that refers to the Complainant and the Respondent collectively or the Complainant or Respondent individually.
- 17. Respondent** - Any individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct as defined under this Policy.
- 18. Student** – Any person: (1) seeking admission to the University through the formal University application process; (2) admitted to the University, (3) eligible to register or schedule for classes, or (4) living in University or University-affiliated residence halls even though they are not enrolled at the University. The term "Student" shall include Employees, Volunteers and Officials where the Employee, Volunteer or Official otherwise meets the enrollment criteria set forth in this definition.
- 19. Supportive Measures** - Non-disciplinary and non-punitive individualized services designed to restore or preserve access to the University's Education Programs or Activities without unduly burdening the other Party. Supportive Measures will be offered, as appropriate, to the Complainant or the Respondent, regardless of whether a Formal Complaint is filed. Supportive Measures may include, but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties (no contact orders), changes in work or housing locations, leaves of absence, and increased security and monitoring of certain areas of the campus.

- 20. Title IX Coordinator** – The individual designated by the University with assistance of the Deputy Title IX Coordinators to coordinate the University's compliance with Title IX and VAWA and to respond to reports of violations. The Title IX Coordinator may not have a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general. The Title IX Coordinator may serve as the Investigator of a Formal Complaint. The Title IX Coordinator may also serve as the Investigator of a Formal Complaint for Formal Complaints against Respondents who are Employees. The Title IX Coordinator may not serve as a Decision Maker or Appeals Officer.
- 21. Volunteer** - A recognized volunteer or any individual who represents or acts on behalf of the university or whose actions may bind the university, regardless of whether the individual receives monetary or other compensation. For purposes of this Policy, employees and officials of recognized affiliated entities, ROTC instructors, visiting professors and unpaid camps and conference personnel will be considered volunteers.
- 22. Witness** – A person who has knowledge related to specific aspects of a case and may have reported such aspects to the institution.

### III. REPORTING SEXUAL MISCONDUCT

Any individual, including a third party, may make a report concerning sexual misconduct. Complainants and third-parties are encouraged to report sexual misconduct as soon as possible to allow the University to respond promptly and effectively. The Title IX Coordinator (or designee) and any other University employees with authority to institute corrective measures have authority to report alleged violations of this Policy. Mandated reports to the Title IX Coordinator by Officials, Volunteers and Employees shall not automatically result in corrective measures being instituted. Individuals are encouraged to report sexual misconduct directly to the Title IX Coordinator, through the University's electronic and anonymous reporting systems or by filing a Formal Complaint.

#### 1. **Reports the Title IX Coordinator**

Any person may report sex discrimination, including sexual misconduct (whether or not the person reporting is the person alleged to be the person subjected to conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

Name: Lonnie Allbaugh  
Title: Title IX Coordinator  
Office Address: Room 011, Sycamore Suites  
Email: [lallbaugh@esu.edu](mailto:lallbaugh@esu.edu)  
To Report: [esu.guardianconduct.com](http://esu.guardianconduct.com)  
Telephone Number: (570) 422-2277

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

The University's Title IX Coordinator is trained to work with individuals who report sexual misconduct and have knowledge about resources and services, both on and off campus, including the availability of Supportive Measures.

If a report of misconduct discloses a serious or immediate threat to the campus community, the University will issue a timely warning to the community to protect the health or safety of the community. The timely warning will not include any identifying information about the Complainant.

**PLEASE NOTE:** Title IX Coordinators are not a confidential source of support. While they will address matters reported with sensitivity and will keep your information as private as possible, confidentiality cannot be guaranteed. To speak with an individuals designated as having confidentiality, please contact ESU Counseling Services at (570) 422-3277.

**PLEASE ALSO NOTE:** Making a report is different from filing a Formal Complaint (see the section titled Filing a Formal Complaint). A report is defined as notification of an incident of sexual misconduct to the Title IX Coordinator by any person. A report may be accompanied by a request for (1) Supportive Measures; (2) no further action; (3) filing a Formal Complaint a request to initiate an informal resolution process; and/or (4) a request to initiate an informal resolution process after filing a Formal Complaint. Filing a Formal Complaint initiates the University's formal investigation process. (See Sexual Misconduct Resolution Process).

## 2. Electronic and Anonymous Reporting

You may also file a report about sexual misconduct using the appropriate links below. While anonymous reports are accepted, the University's ability to address misconduct reported anonymously is significantly limited.

Individuals may use this portal to electronically file a report of sexual misconduct with the University:  
<https://www.esu.edu/sexual-harassment/reporting.cfm>

## 3. Filing a Formal Complaint

The timeframe for the Sexual Misconduct Resolution Process under this Policy begins with the filing of a Formal Complaint and will be concluded within a reasonably prompt manner, and usually no longer than 90 days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, as set forth more fully in the Continuances and Granting Extensions section. Appeals may extend the timeframe for resolution.

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged.

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. The University will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further, but will receive all notices issued under this Sexual Misconduct Resolution Process. **PLEASE NOTE:** The Title IX Coordinator does not lose impartiality solely due to signing a Formal Complaint.

A Complainant who files a Formal Complaint may elect, at any time, to address the matter through the Informal Resolution Process (see the Informal Resolution section below).

## 4. Criminal Reporting Options

A Complainant may also seek to initiate a criminal complaint, independent of or parallel with any report made to the University.

East Stroudsburg University Campus Police  
Hemlock Suites, Smith Street, Ground Floor  
(570) 422-3064 or 911

Pennsylvania State Police  
2730 Rimrock Drive  
Stroudsburg, PA 1860  
(570) 619-6800

**PLEASE NOTE:** The University's policy, definitions, and burden of proof may differ from Pennsylvania criminal law. Neither law enforcement's decision whether to prosecute, nor the outcome of any criminal prosecution, is determinative of whether sexual misconduct has occurred under this Policy. In cases where there is a simultaneous law enforcement investigation, there may be circumstances when the University may need to temporarily delay its investigation while law enforcement gathers evidence. However, the University will generally proceed with Formal Complaint even during the time of a pending law enforcement investigation.

The University may not be informed of reports made with law enforcement agencies.

## 5. External Reporting Options

A person may also file a complaint with the U.S. Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by calling 1-800-421-3481 : 1-877-521-2172 TTY or emailing [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov) or visiting <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

A person may also file a complaint with the Pennsylvania Human Relations Commission by calling 717-787-9780 for the Harrisburg Regional Office; 412-565- 5395 for the Pittsburgh Regional Office; or 215-560-2496 for the Philadelphia Regional Office; or by visiting <https://www.phrc.pa.gov/Pages/default.aspx>.

Employees may also file a charge with the Equal Employment Opportunity Commission regarding an alleged violation of Title VII by calling 1-800-669-4000 or visiting <https://www.eeoc.gov/employees/howtofile.cfm>.

The University may not be informed of reports made with external agencies.

## 6. Truthfulness

All participants in the reporting and resolution processes have the responsibility to be truthful with the information they share at all stages of the process. A report of a violation under this Policy is not considered a bad faith report merely because the evidence does not ultimately support the allegation. Individuals are prohibited from knowingly making a false report, filing a false Formal Complaint or making misrepresentations. If an investigation results in a finding

that a person has willfully filed a bad faith report, filed a false Formal Complaint or made misrepresentations as part of the reporting or resolution process, the person may be subject to appropriate Disciplinary Sanctions under the Code of Conduct in the case of Students or other relevant University policy and collective bargaining agreements in the case of Officials, Employees or Volunteers.

## **7. Multiple Party Complaints**

The Title IX Coordinator may consolidate Formal Complaints involving multiple parties where the allegations of sexual misconduct arise from the same facts or circumstances; in such consolidated matters, the Sexual Misconduct Resolution Process applies to more than one Complainant and/or more than one Respondent, but each party is still an “individual” and not a group or organization. The decision of the Title IX Coordinator to consolidate Formal Complaints is not subject to appeal.

## **IV. UNIVERSITY REPORTING OBLIGATIONS**

### **1. Mandated Reporting Obligations of University Officials, Volunteers and Employees**

All University Officials, Volunteers and Employees (including student employees) are obligated to report incidents of sexual misconduct of which they become aware to the Title IX Coordinator/designee, unless: 1) they serve in a role that makes such reports privileged or are recognized as providing a confidential resource (see Statement on Privacy and Confidentiality); or 2) they are a faculty member and learn of the report from a student during a classroom discussion, in a writing assignment for a class, or as part of a University-approved research project.

**PLEASE NOTE:** These reporting exceptions do not apply to reports of sexual misconduct involving an individual who was, or is, a child (a person under 18 years of age) when the abuse allegedly occurred. When a report involves suspected abuse of a child (an individual under the age of 18 at the time of the incident(s) as reported), all the University Employees, Officials and Volunteers are required to notify the University police and the ChildLine run by the Pennsylvania Department of Human Services (1-800-932-0313). All other members of the University community are strongly encouraged to report suspected child abuse to law enforcement or the ChildLine.

University Employees designated as Campus Security Authorities (CSAs) under the Clery Act are required to report certain crimes for federal statistical reporting purposes.

### **2. University Obligations Regarding Timely Warnings**

Parties reporting Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking should be aware that under the Clery Act, the University must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community. If a report of sexual misconduct discloses a serious or immediate threat to the campus community, the University will issue a timely notification to the community to protect the health or safety of the community. The timely notification will not include any identifying information about the Complainant.

## **V. JURISDICTION AND DISMISSALS**

In certain circumstances where violations defined under the Final Rule as Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking) do not meet jurisdictional requirements, the University must dismiss those allegations contained in the Formal Complaint.

In certain circumstances the Title IX Coordinator may dismiss a Formal Complaint, or any specific allegations raised in the Formal Complaint at any time during the investigation or hearing.

Any Party may appeal a dismissal determination. See the Determining Jurisdiction and Mandatory Dismissal for Certain Allegations under the Sexual Misconduct Resolution Process Section.

## **EMERGENCY REMOVAL FOR STUDENTS**

1. The University retains the authority to remove a Respondent from its Education Programs or Activities on an emergency basis. This action is also referred to as an emergency removal.
2. Before imposing an emergency removal on a student Respondent, the University will:
  - A. undertake an individualized safety and risk analysis; and
  - B. determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual misconduct justifies a removal.
3. If the University imposes an emergency removal on a student Respondent, the University will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.
  - A. The University will provide written notice of the emergency removal and applicable charges.
  - B. The University will provide an opportunity for the Respondent to appeal that decision to an appropriate Hearing Officer or designee within 10 days of the imposition of the emergency removal.
  - C. The designated University Hearing Officer will hear the evidence and determine whether there is sufficient evidence to support the conclusion that the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual misconduct and that, based on that threat, removal is the appropriate course of action.

4. If the University learns of evidence that demonstrates that the emergency action is no longer justified after the emergency removal is imposed against a student Respondent, the University will take prompt action to rescind the emergency removal.
5. All emergency removals will also comply with requirements under Chapter 505 of Title 22 of the Pennsylvania Code concerning Student Personnel.

#### VI. ADMINISTRATIVE LEAVE FOR EMPLOYEES

The University retains the authority to place Employees on administrative leave consistent with applicable requirements of relevant University policies and collective bargaining agreements.

#### VII. INFORMAL RESOLUTION PROCESS

Informal means of resolution, such as mediation, may be used as an alternative to the formal investigation and hearing procedures. Informal resolution is a voluntary process and may be used only where a Formal Complaint has been filed. Upon written agreement of all parties, informal resolution may be initiated at any time prior to finding of responsibility in a hearing, and may be terminated at any time prior to final resolution. If the informal process is terminated, the Sexual Misconduct Resolution Process, which includes an investigation and hearing, will proceed. Once a final resolution has been reached and documented and signed by all parties, the resolution cannot be appealed.

Informal resolution may not be utilized when a Student files a Formal Complaint against a University Employee, Volunteer or Official under this Policy. More information on Informal Resolution processes is available through the Title IX Office.

#### VIII. SEXUAL MISCONDUCT RESOLUTION PROCESS

##### 1. **Formal Complaint**

The Sexual Misconduct Resolution Process is initiated by a Complainant providing the Title IX Coordinator a written, signed Formal Complaint describing the facts alleged. See the section titled Filing a Formal Complaint above.

##### 2. **Notice of Allegations**

The Title IX Coordinator will draft and provide a written Notice of Allegations to any Party alleged to have violated this Policy. Such notice will occur as soon as practicable, but no more than 10 days, after the University receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The Notice of Allegations will include the following:

- A. Notice of the University's Sexual Misconduct Resolution Process including any Informal Resolution process and a hyperlink to a copy of the process.
- B. Notice of the allegations potentially constituting violations(s) of any University policy, and sufficient details known at the time the Notice of Allegations is issued, such as the identities of the parties involved in the incident, if known, including the Complainant; the conduct allegedly

constituting a policy violation; and the date and location of the alleged incident, if known.

- C. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the hearing.
- D. A statement that the Parties may have an Advisor of their choice.
- E. A statement that before the conclusion of the investigation, the Parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a Party or other source.
- F. Individuals are prohibited from knowingly filing a false report or making misrepresentations. If, following an investigation and hearing as appropriate under applicable policy, a person is found to have willfully filed a bad faith report or made misrepresentations as part of a resolution process, the party may be subject to appropriate Disciplinary Sanctions under the Code of Conduct in the case of Students or other relevant University policy in the case of Officials, Employees or Volunteers.

The Parties will be notified by their University email accounts if they are a Student or Employee, and by other reasonable means if they are neither. The University will provide sufficient time for the Parties to review the Notice of Allegations and prepare a response before any initial interview.

##### 3. **Determining Jurisdiction and Mandatory Dismissal for Certain Allegations**

For alleged violations of Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking) the following elements will be determined in the reasonable determination of the Title IX Coordinator:

- A. The conduct is alleged to have occurred in the United States;
- B. The conduct is alleged to have occurred in the University's Education Program or Activity; and
- C. The alleged conduct, if true, would constitute covered Regulatory Prohibited Conduct, as defined in this Policy.

If all of the elements are met, the University will investigate the allegations under the processes set forth in this Policy. If any one of these elements is not met, the Title IX Coordinator will notify the parties the specific allegation contained in the Formal Complaint does not meet the required jurisdictional requirements under the

Final Rule and is being dismissed. Any Party may appeal a dismissal using the process set forth in the Appeals section below. Dismissal of any violations constituting Regulatory Prohibited Conduct will not affect the University's ability to proceed with an investigation of charges categorized as Non-Regulatory or other charges under this Policy or any other University Policy.

#### **4. Discretionary Dismissals for All Allegations**

The Title IX Coordinator may dismiss a Formal Complaint brought under this Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A. A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- B. The Respondent is no longer enrolled in, associated with or employed by the University; or,
- C. If specific circumstances prevent the University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any Party may appeal a dismissal using the process set forth in the Appeals section below.

#### **5. Allegations Potentially Falling Under Two Policies**

If a Formal Complaint against a Respondent who is a Student contains allegations of a violation of any of the listed Sexual Misconduct Violations in this Policy, as well as any other violation in the Student Code of Conduct, the Sexual Misconduct Resolution Process set forth in this Policy will be applied in the investigation and adjudication of all of the allegations. If all of the alleged Sexual Misconduct Violations of this Policy are dismissed, and the remaining underlying allegations, if true, would violate another University policy or the University's Student Code of Conduct, the matter may be referred for further action by the University's [Office of Student Conduct and Community Standards], as appropriate.

If a Formal Complaint against a Respondent who is an Employee contains allegations of violations of Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking), the Sexual Misconduct Resolution Process set forth in this Policy will be applied in the investigation and adjudication of those allegations. For all other allegations, the University will follow applicable requirements in University policies and relevant collective bargaining agreements for resolution of the other allegations contained in the Formal Complaint.

If a Formal Complaint against a Respondent who is an Official or Volunteer contains any allegations under this Policy, the University or System will follow applicable requirements in University or System policies or procedures and standards for resolution of the allegations contained in the Formal Complaint.

#### **6. Notice of Dismissal**

Upon reaching a decision that any specific allegation contained in the Formal Complaint will be dismissed, the University will promptly send written notice of the dismissal and the reason for the dismissal, simultaneously to the parties through their institutional or other provided email account. It is the responsibility of parties to maintain and regularly check their email accounts.

#### **7. Investigation**

##### **A. General Rules of Investigations**

The Title IX Coordinator and/or an Investigator designated by the Title IX Coordinator will perform an investigation of the conduct alleged under a reasonably prompt timeframe, following issuance of the Notice of Allegations.

The University and not the Parties, has the burden of proof and the burden of gathering evidence, i.e., the responsibility of showing a violation of this Policy has occurred. Either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility.

The University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. The University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e., evidence that tends to prove and disprove the allegations). See Inspection and Review of Evidence section below.

##### **B. Inspection and Review of Evidence**

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to issuance of the investigation report.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

- 1) Evidence that is relevant, even if that evidence does not end up being relied upon by the Decision Maker(s) in making a determination regarding responsibility;
- 2) inculpatory or exculpatory evidence (i.e., evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a Party or other source.



The University will provide the gathered evidence to each Party and each Party's Advisor, if any, to inspect and review the electronic or hard copy. The University is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The Parties will have 10 days to inspect and review the evidence and submit a written response by email to the Investigator. This response should include any new or additional evidence the Party would like the Investigator to consider. The University will provide copies of the Parties' written responses, and any new or additional evidence provided, to the other Party and their Advisor. The other Party will have 5 days to inspect, review, and respond to the new or additional evidence through a written response to the Investigator. The University will provide copies of the Party's supplemental written response to the other Party and their Advisor.

The Investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension of the time to submit a written response, which may be denied in the sole discretion of the Investigator, in consultation with the Title IX Coordinator.

The Investigator has 10 days to generate a report or after the responses to additional evidence are due or, alternatively, may provide the Parties and their Advisors with written notice extending the investigation and explaining the reason for the extension.

The parties and their Advisors must sign an agreement not to disseminate the Investigative Report or photograph or otherwise copy any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Sexual Misconduct Resolution Process. Violation of the agreement may result in disciplinary action under the [Code of Conduct] or other University Policy, as appropriate.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

### **C. Investigative Report**

The Investigator will create an Investigative Report that fairly summarizes relevant evidence.

The Investigative Report is not intended to catalog all evidence obtained by the Investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e., tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

Evidence obtained in the investigation that is determined in the reasoned judgment of the Investigator not to be directly related to the allegations in the Formal Complaint will be included in the appendices to the investigative report.

### **D. Ongoing Notice**

If, in the course of an investigation, the University decides to investigate allegations about either Party that are not included in the Notice of Allegations and are otherwise covered Sexual Misconduct Violations falling within this Policy or other violations of the University's Student Code of Conduct the University will notify the Parties of the additional allegations by their University email accounts or other reasonable means.

The Parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

## **8. General Rules of Hearings**

### **A. Notice of Hearing**

No less than 10 days prior to the hearing, the Director of Student Conduct and Community Standards, or other designee will send written notice of the hearing to the Parties. The Parties will be notified by their University email accounts or by other reasonable means. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Hearing will contain:

- 1) A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential Disciplinary Sanctions actions that could result.
- 2) The time, date, and location of the hearing.
- 3) Information about the option for the hearing to occur with the parties located in separate rooms using technology that enables the Decision Maker(s) and Parties to see and hear a Party or Witness answering questions. Parties should inform the Office of Student Conduct and Community Standards, or other designee of any desire to have the hearing occur in separate rooms at least 3 days prior to the hearing to ensure appropriate technology is in place.
- 4) Information on how the hearing will be recorded and on access to the recording for the Parties after the hearing.
- 5) A copy of the rules of decorum for all hearing participants.
- 6) A list of the Decision Makers, Hearing Facilitator, Hearing Chair and any other University personnel who will attend the hearing, along with an invitation to object to any actual or perceived conflicts of interest or bias of any individual attending the hearing prior to the hearing.
- 7) A statement that if any Party or Witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the testimony or any statements provided by the Party or Witness prior to the hearing will not be considered by the Decision Maker.

- 8) Notification that the parties may have the assistance of an Advisor of their choice at the hearing and will be required to have one present for any questions they may desire to ask of the other Party or Witnesses. The Party should notify the Office of Student Conduct and Community Standards, or other designee in advance of the hearing if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present.
- 9) A copy of all the materials provided to the Decision Maker(s) about the matter and the opportunity to provide a written response in advance of the hearing.
- 10) Information regarding who to contact to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing.
- 11) For compelling reasons, the Office of Student Conduct and Community Standards, or other designee may reschedule the hearing.

#### **B. Hearing**

The University will not issue a Disciplinary Sanction arising from an allegation of a violation of this Policy without holding a hearing, unless otherwise resolved through an informal resolution process or an alternate process permitted under this Policy. If the University determines a hearing is necessary, the Parties cannot waive the right to a hearing.

The University may still proceed with the hearing in the absence of a Party, and may reach a determination of responsibility in their absence. The University will not threaten, coerce, intimidate, or discriminate against the Party in an attempt to secure the Party's participation.

If a Party does not participate in a hearing or submit to cross-examination in the hearing, the Decision Maker(s) may not rely on any "statement" by that Party. See Cross Examination section below.

The Decision Maker(s) cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the hearing or refusal to answer cross examination or other questions.

The hearing may be conducted with all Parties physically present in the same geographic location, or, at the University's discretion, any or all Parties, Witnesses, and other participants may appear at the hearing virtually through video conferencing technology. This technology will enable participants simultaneously to see and hear each other. At its discretion, the University may delay or adjourn a hearing based on technological errors.

All proceedings will be recorded through audio recording. That recording or transcript will be made available to the Parties for inspection and review upon request.

#### **C. Continuances or Granting Extensions**

The University may determine that multiple sessions or a continuance (i.e., a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, the University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

#### **D. Participants in the Hearing**

Hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

- 1) The Decision Maker(s)
- 2) The Hearing Chair
- 3) Conduct administrator or designee [or IT personnel or other University personnel]
- 4) The Title IX Coordinator or Title IX Deputy Coordinator
- 5) The Parties
- 6) Advisor of choice or provided by the University for each Party
- 7) Witnesses
- 8) Any individuals necessary to provide interpretation or other support services associated with reasonable accommodations to facilitate participation in the hearing.

The Decision Maker(s) and Hearing Chair will not have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the Parties to the particular case. The Parties will have an opportunity to raise any objections regarding a Decision Maker(s) actual or perceived conflicts of interest or bias at the beginning of the hearing.

Parties and Witnesses cannot be compelled to participate in the hearing, and have the right not to participate in the hearing free from retaliation.

#### **E. Hearing Procedures**

For all hearings conducted under this Policy, the procedure will be as follows:

- 1) Hearing Chair will open and establish rules and expectations for the hearing.

- 2) The Parties will each be given the opportunity to provide opening statements.
- 3) The university will discuss the referral and the applicable violations of the student code of conduct.
- 4) The Investigator will present a summary of the final investigation report, including items that are and are not contested. The Investigator will be subject to questioning by the Decision Maker(s) and the Parties (through their Advisors). The Investigator should not be asked their opinion on credibility, recommended findings or determinations. If such information is introduced, the Hearing Chair will direct that it be disregarded.
- 5) Hearing Chair and Decision Maker(s) will ask questions of the Parties and Witnesses.
- 6) Parties will be given the opportunity for cross-examination after Decision Maker(s) conduct(s) its initial round of questioning See Cross-Examination Procedure below.
- 7) During the Parties' cross-examination, the Hearing Chair will have the authority to pause cross-examination at any time for the purposes of asking Decision Maker(s) own follow up questions; and any time necessary in order to enforce order for the hearing or the established rules of decorum. If an Advisor does not comply with the established rules of decorum, the Hearing Chair may remove the Advisor from the hearing and the University will provide that Party with a different Advisor to conduct cross-examination on behalf of that Party.
- 8) Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision Maker(s). A Party's waiver of cross-examination does not eliminate the ability of the Decision Maker(s) to use statements made by the Party.

#### **F. Relevant evidence and questions**

"Relevant" evidence and questions are those questions and evidence that tends to make an allegation of sexual misconduct more or less likely to be true. "Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of any process initiated under this Policy:

- 1) Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior unless:
  - a) They are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
  - b) They concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove

Consent.

- 2) Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege including attorney-client privilege; or
- 3) Any party's medical, psychological, and similar records unless the party has given voluntary, written consent.

#### **G. Cross-Examination**

- 1) Each Party's Advisor may conduct cross-examination of the other Party or Parties and Witnesses and ask follow-up questions, including those challenging credibility directly, orally, and in real time.
- 2) Parties will not be permitted to personally cross-examine each other.
- 3) If a Party does not participate in a hearing, the Party's Advisor may attend and conduct cross-examination on behalf of the Party.
- 4) If neither a Party nor their Advisor appear at the hearing, the University will provide an Advisor to appear on behalf of the non-appearing Party and ask cross-examination questions.
- 5) Before any cross-examination question is answered, the Decision Maker(s) will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Decision Maker(s) may be deemed irrelevant if they have been asked and answered.
- 6) The Decision Maker(s) must explain to the Party proposing the question any decision to exclude a question as not relevant.
- 7) If a Party or Witness does not submit to cross-examination at the hearing, the Decision Maker(s) may not rely on any statement of that Party or Witness in reaching a determination regarding responsibility.
- 8) The Decision Maker(s) may not draw an inference about a determination of regarding responsibility based solely on a Party's or Witness's absence from the hearing or refusal to answer cross-examination or other questions.

### **9. Decisions**

#### **A. General Considerations for Evaluating Testimony and Evidence**

- 1) While the opportunity for cross-examination is required in all hearings under this Policy, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision Maker(s).
- 2) Decision Maker(s) shall not draw inferences regarding a Party or Witness' credibility based on the Party or Witness' status as a Complainant, Respondent, or Witness, nor shall it base its

judgments in stereotypes about how a Party or Witness would or should act under the circumstances.

- 3) Generally, credibility judgments should rest on the demeanor of the Party or Witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.
- 4) Credibility judgments should not rest on whether a Party or Witness' testimony is non-linear or incomplete, or if the Party or Witness is displaying stress or anxiety.
- 5) Where a Party or Witness' conduct or statements demonstrate that the Party or Witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision Maker(s) may draw an adverse inference as to that Party or Witness' credibility.
- 6) Decision Maker(s) will afford the highest weight relative to other testimony to first-hand testimony by Parties and Witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e., tending to prove and disprove the allegations) evidence will be weighed in equal fashion.
- 7) The Final Rule requires the University to admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the Decision Maker(s) will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.
- 8) The Final Rule requires the University allow parties to call character witnesses to testify. The University does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the Decision Maker(s) will be instructed to afford very low weight to any non-factual character testimony of any Witness.

#### **B. Timeline for Decision**

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the University within 10 days of the completion of the hearing.

#### **C. Finality**

The determination regarding responsibility becomes final either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested as set forth in the Appeals section below.

#### **A. Possible Disciplinary Sanctions**

The University may impose the following Disciplinary Sanctions upon Students, singly or in combination:

**Educational Sanctions:** The following are educational sanctions that may be assigned to the student or student organization when there is responsibility for violating the student code of conduct. These sanctions are not progressive in nature. More than one sanction may apply.

**Restitution:** Payment and/or reimbursement for replacement and/or repair of damages to public or private property.

**Campus/ Community Service:** a specified number of hours of service to the campus/community. When possible, the service requested shall be related to the disciplinary infraction.

**Educational Program Referral:** may include but not be limited to alcohol and/or other drug education, time management education, and/or; emotions management education.

Other educational sanctions may include writing a paper, presenting a program, designing a bulletin board, checking fire safety equipment, and/or attending an assigned workshop. The student must provide documentation of satisfactory completion of assigned program.

**Alcohol and Illegal Drug Violations:** Parental notification may be rendered for students under 21 years of age when a student is either found, or takes, responsibility for the violation.

**Administrative Hold:** A hold may be placed on a student's record to ensure that the student complies with sanctions or pending the resolution of conduct matters. If a hold is placed on a record, the Registrar may prohibit the student from registering or receiving an official transcript or a diploma until the conditions of the hold have been met. Holds on student records will be initiated and released by the office of Student Conduct and Community Standards.

**Official Warning:** An official notice that indicates to the student that future violations during the period covered by the warning may result in additional sanctions.

**Residence Hall Suspension:** Removal from university housing for a specified amount of time. Students suspended from the residence halls for disciplinary reasons, will not be eligible for a refund of room fees. Students must properly check out of their rooms in accordance with existing university procedures and within the time frame established by the Office of Student Conduct and Community Standards/designee. Students are prohibited from re-entering any University residential area without approval of the Office Student Conduct and Community Standards/designee once they have officially checked out.

**Restriction(s):** Students may be restricted from holding executive roles, leadership positions, living in, and/or visiting university owned or affiliated housing, participating in campus

### **10. Disciplinary Sanctions Against Students**

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sponsored organizations and/or events.

**Deferred Adjudication:** refers to the process when a student is responsible for a violation but the finding is held so the student can complete certain requirements in an allotted timeframe. In order to receive Deferred Adjudication, the student must begin by accepting responsibility. At the completion of all requirements, the student will be adjudicated “not responsible.” This may only be used for specific non-violent first time offenses.

**Disciplinary Probation:** A status indicating that the student or student organization is not in good standing. This sanction may limit the student or student organization in participating in certain roles and/or functions at the university or in representing the university.

**Deferred Suspension:** The student’s continued enrollment depends upon the successful maintenance of satisfactory behavior and completion of other mandated sanctions, if applicable, during the specified time of deferred suspension and there are no further policy violations. This status also renders the recipient not in good standing.

**Suspension:** The student is suspended from the University for a definite period of time. When the period of suspension is completed, the student may be allowed to reapply and/or return to the University under stipulation(s) provided by SCCS/designee. Students suspended from the institution for disciplinary reasons, will not be eligible for a refund from classes or residence hall fees. The student is also trespassed from all ESU property and events during the time of suspension.

**Expulsion:** The student is permanently separated from the University without the ability to return. Students’ expelled from the institution for disciplinary reasons, will not be eligible for a refund from classes or residence hall fees. The student is also trespassed from all ESU property and events.

The following are the possible educational sanctions for cases involving Sexual Harassment/Sexual Misconduct/Dating Violence/Domestic Violence/Stalking:

Official warning for one semester; official warning for two semesters; disciplinary probation for one semester, disciplinary probation for two semesters; deferred suspension for one semester; suspension for one semester, suspension for two semesters; suspension for three semesters; suspension for four semesters; suspension for five semesters, suspension for six semesters; expulsion; educational program referral such as the civility workshop or ethics seminar; outside mental health assessment with a licensed clinician-at the student’s own cost; no contact order; trespass from campus; suspension from housing for one semester; suspension from housing for two semesters; suspension from housing indefinitely; restriction of activity for one semester; restriction of activity for two semesters; restriction from activity for three semesters; restriction from activity for four semester; restriction from activity for duration of undergraduate or graduate enrollment; administrative hold on student account.

## **B. Previous Disciplinary Sanctions**

Previous Disciplinary Sanctions of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

## **C. Timing**

The Disciplinary Sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

# **11. Disciplinary Sanctions Against Employees, Officials and Volunteers**

## **A. Possible Disciplinary Sanctions**

Disciplinary Sanctions imposed on an Employee for violating this Policy, subject to an applicable collective bargaining agreement or University/System policies, may include a penalty up to and including separation from employment.

Disciplinary Sanctions imposed on an Official or Volunteer may include a penalty up to removal or the request for removal of the Official or Volunteer from their respective position.

## **B. Timing**

The Disciplinary Sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

# **12. Appeals by Where the Respondent is a Student**

**A.** Each Party may appeal the dismissal of a Formal Complaint or any included allegations or a determination of responsibility on the following grounds:

- 1) A procedural irregularity under the University policy or procedures that affected the hearing outcome.
- 2) New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing or dismissal of the Formal Complaint that could affect the outcome of the matter.
- 3) The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- 4) The Disciplinary Sanction imposed was arbitrary or capricious or the appropriateness of the sanction.



- B. Appeals must be filed in writing within 5 days of being notified of the decision and must indicate the grounds for the appeal.
- C. The submission of an appeal stays any Disciplinary Sanctions for the pendency of an appeal. Supportive Measures and remote learning opportunities remain available during the pendency of the appeal.
- D. If a party appeals, the University will notify the other party in writing of the appeal as soon as practicable, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal. If the basis of the appeal is the Disciplinary Sanction imposed was [arbitrary or capricious or inappropriate, the other Party will be given 5 days to respond to the Disciplinary Sanctions basis of appeal after being notified of the appeal.
- E. Appeals will be decided by the Vice President of Campus Life and Inclusive Excellence or designee, who will be free of conflict of interest and bias, and will not serve as an Investigator, Title IX Coordinator, Advisor or Decision Maker in the same matter.
- F. The appealing party must meet its burden to demonstrate the outcome was affected by a preponderance of the evidence. The role of the Vice President of Campus Life and Inclusive Excellence or designee is not to reweigh the evidence. The Vice President of Campus Life or designee will confine their review to the basis of appeal alleged and may modify the sanction. The Vice President of Campus Life and Inclusive Excellence or designee may modify the Disciplinary Sanction if an appeal on the basis of an arbitrary or capricious Disciplinary Sanction being imposed is granted. In the event a Disciplinary Sanction is modified, the other party will be notified of the modified Disciplinary Sanction.
- G. The outcome of appeal will be provided in writing simultaneously to both Parties, and include rationale for the decision.

### **13. Appeals Where the Respondent is an Employee**

- A. Each Party may appeal the dismissal of a Formal Complaint or any included allegations or a determination of responsibility on the following grounds:
  - 1) A procedural irregularity under the University policy or procedures that affected the hearing outcome.
  - 2) New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing or dismissal of the Formal Complaint that could affect the outcome of the matter.

- 3) The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- B. Appeals must be filed in writing within 5 days of being notified of the decision and must indicate the grounds for the appeal.
- C. The submission of an appeal stays any Disciplinary Sanctions for the pendency of an appeal. Supportive Measures remain available during the pendency of the appeal.
- D. If a Party appeals, the University will notify the other Party in writing of the appeal as soon as practicable, however the time for appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an appeal.
- E. Appeals will be decided by the Vice President of Campus Life and Inclusive Excellence or designee who will be free of conflict of interest and bias, and will not serve as an Investigator, Title IX Coordinator, Advisor or Decision Maker in the same matter.
- F. The appealing party must meet its burden to demonstrate the outcome was affected by a preponderance of the evidence. The role of the Appeal Officer is not to reweigh the evidence. The Appeal Officer will confine their review to the basis of appeal alleged.
- G. The outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

### **IX. RIGHTS/RESPONSIBILITIES OF COMPLAINANTS, RESPONDENT, AND WITNESSES INCORPORATED INTO ESU SEXUAL MISCONDUCT POLICY**

- A. Reports and Formal Complaints have different meanings. An individual has a right to make a report of sexual misconduct to the University, which may be accompanied by a request for Supportive Measures. An individual also has a right to make a Formal Complaint of sexual misconduct, which is a request to initiate the University's informal resolution process or a formal disciplinary process, which includes an investigation and may proceed to a hearing.
- B. Prior to the conclusion of a sexual misconduct investigation, the Complainant may request to withdraw the Formal Complaint by contacting the Title IX Coordinator/designee in writing. The Title IX Coordinator/designee will determine whether to close the case or conclude the investigation without the Complainant's continued participation.

- C. An individual also has the right to report sexual misconduct to law enforcement, separate and apart from any report or Formal Complaint made to the University.
- D. Victims and witnesses of sexual misconduct have the right to be assisted by the University in notifying law enforcement authorities of sexual misconduct or they can decline to notify such authorities.
- E. Witnesses and Parties cannot be compelled to participate in the hearing, and have the right not to participate in the hearing free from retaliation.
- F. Each Party who is charged with a violation of this Policy where jurisdiction is appropriate has a right to a hearing and for an Advisor to cross-examine Parties and Witnesses.
- G. At the time a report is made, the reporting party does not have to decide whether to file a Formal Complaint or make a report of sexual misconduct to law enforcement.
- H. An affected party has the right to request Supportive Measures from the University, which may include interim contact restrictions.
- I. The reporting party has the right to seek medical treatment to address physical and mental health and to preserve evidence.
- J. Parties may also have options to file civil actions in court or with administrative agencies.
- K. To file a Formal Complaint, please contact the Title IX Coordinator/designee.

## **TOBACCO USE POLICY**

[The Pennsylvania Clean Indoor Air Act, Act 27 of 2008](#) prohibits "smoking" in all buildings including residence halls, classrooms and laboratories, indoor areas, and in open or partially open space such as sports or recreational facilities, theaters or performance establishments.

For the purposes of this policy, tobacco includes nicotine producing products such as cigars, cigarettes, and pipes. Electronic cigarettes (smokeless) and chewing tobacco are also included.

The use of "tobacco" is prohibited in all state system and University owned vehicles, including state system sponsored van pools. Smoking is not permitted within a 25 foot perimeter of a building, building entrance, air intakes and operable windows. Smokers causing smoke to emanate from within the designated smoking areas repeatedly migrating outside the area and impact non-smokers will be asked to relocate to a different approved designated smoking area by the resident director, resident advisor, building manager or staff member, environmental health & safety manager, or campus police officer.

Seven designated smoking shelters have been strategically located throughout the campus.

All university students, employees (faculty and staff) and visitors are urged to comply.

The sale of tobacco products on campus is prohibited.

All groups, athletic teams, student media, clubs, Greek life, and all other organizations affiliated with ESU are prohibited from accepting money or tobacco products, including merchandise from tobacco companies and these organizations may not run tobacco advertisements in college-run publications.

# **STUDENT RIGHTS AND RESPONSIBILITIES**

## **Student Participation at the University**

*Summary Statement:* Students are free to comment on and help develop university policy.

Students shall be free, individually and collectively, to express their views on issues of university policy and on other matters of general interest to the student body.

The student body shall have clearly defined means to participate in the formulation of university policy. The role of students in officially recognized student organizations shall be made explicit in the charters, constitutions and/or by-laws of the respective organization provided those documents are not in conflict with applicable law or university policy.

## **Rights and Responsibilities in the Classroom**

*Summary Statement:* Students are responsible for adhering to the course expectations as stated by the instructor and specified in the course syllabus. Students are free to express their views in class within the context of the class and in a manner that does not violate the rights of other students in the class. They are responsible for learning course material, but are protected from any prejudicial academic evaluation.

It is the right of the student to inquire and it is the responsibility of the faculty member to inform the student of the academic requirements, grading system and attendance requirements at the outset of a course.

### **A. Protection of Freedom of Expression**

Students shall be free to take exception to the data or views offered in any course and to reserve judgment about opinions of others, but they shall be responsible to express their views in a manner that does not violate the rights of other students in the class.

### **B. Protection Against Improper Academic Evaluation**

Students are protected against prejudice, arbitrary or capricious academic evaluation of their courses through faculty contracted responsibilities and standards of ethical and professional conduct. Students are responsible for maintaining standards of academic performance established for courses in which they are enrolled. Students alleging a prejudice, arbitrary or capricious academic evaluation may appeal their course evaluation in the following manner and if an understanding is not reached at one level, the student may continue to appeal to the next level in the following order:

1. The faculty member involved
2. The department chair
3. The academic dean of their college
4. The Provost/Vice President for Academic Affairs

**Appeals to the Provost/Vice President for Academic Affairs must be made in writing. The decision of the Provost/Vice President for Academic Affairs is final.**

Students of a protected class alleging discrimination or sexual harassment after exhausting the remedies noted above should express their concerns to the Director of Diversity and Equal Opportunity. Students with disabilities should bring their concerns to the ADA Coordinator/Learning Disabilities Specialist.

## **Rights and Responsibilities of Association**

*Summary Statement:* Students are free to form and join organizations as long as those organizations meet university regulations.

The student brings to the campus a variety of interests previously acquired and develops many new interests as a member of the university community. The student shall be free to organize groups and join associates to promote common interests consistent with the duly established written policies of the university and the legal mandates of the Commonwealth and the nation.

### **A. Association Identification**

1. To be recognized by the university, a student organization shall be required to submit a constitution and a list of current officers in accordance with guidelines established by the Student Government Association.

The constitution shall state the objectives of the organization, the criteria for membership, and the rules of procedure. The organization shall adhere to the stated objectives. The organization will be required to submit a membership list to verify numbers as well as for insurance purposes. Assistance concerning constitutions may be received from the Student Government Association Office. All constitutions must include and must abide by a non-discrimination, equal opportunity clause.

2. Affiliation with an off-campus organization shall not disqualify a student organization from university recognition provided that organization is not in violation of federal or state law or university policies or procedures.
3. The membership, the policies and the actions of a student organization shall be determined by vote of only those members who are also members of the university community.
4. For continuation of recognition, student organizations shall be required each year to submit an organization update form that shall include a list of officers, their addresses, telephone numbers, and e-mail addresses.
5. Student organizations shall be free to establish their qualifications for membership provided such membership shall be open to any student willing to subscribe to the stated aims of the organization and to meet its stated obligations.
6. Any student organization denying membership because of gender, sexual orientation, race, creed, age, veteran status, disability or national origin, except as provided for in federal or state law, shall not receive recognition.
7. Each organization shall be free to recommend its faculty/staff adviser(s) in concert with the faculty/staff

member(s) concerned and the approval of the Executive Director of the Student Activity Association.

- a. All organizations are required to have a faculty/staff adviser. Advisers may also be members of the Student Activity Association, Inc. or the East Stroudsburg University Foundation.
- b. Faculty/staff adviser(s) shall advise organizations but they shall not have the authority to control the policy of such organization.
- c. Advisers who are not employees of East Stroudsburg University are obligated to register as volunteers through the Office of Human Resources and must be approved by the Vice President for Campus Life and Inclusive Excellence.
- d. Advisers should possess knowledge of the rules, policies and structures of the university as well as the Student Code of Conduct. Advisers should also possess a knowledge and understanding of the goals and objectives of the organization they advise.

8. Insofar as it is legal, and within the guidelines established by SAA, Inc., student organizations shall have independent control over the expenditure of their own funds. However, a regular financial accounting, including a statement of income and expenses, shall be presented to the members of Student Government Association and to SAA, Inc.
9. No individual, group or organization shall have the right to officially represent nor to speak on behalf of the University without the expressed authorization of the President of the University (or designee) except to identify the university affiliation of the individual, group, or organization.

### **B. Inquiry and Expression**

1. The student and the student organization shall be free to examine and discuss all questions of interest to them and to express opinions publicly or privately.
  - a. They shall be free to support causes by orderly means which do not disrupt the regular and essential operation of the university.
  - b. In their public expressions or demonstrations student organizations shall speak only for themselves.
2. Student groups and organizations shall be allowed to invite and to hear any person of their own choosing when the purpose of such an invitation does not violate civil law and does not constitute civil disobedience.
  - a. Routine procedures required by the university before a guest speaker is invited to appear on campus shall be designed only to ensure orderly scheduling of facilities and adequate preparation of the event.
  - b. Sponsorship of guest speakers shall not imply approval nor endorsement of their views either by the sponsoring group or by the university.

### **C. Use of Facilities**

University facilities shall be assigned to student organizations for regular business meetings, for social functions and for public programs. Reasonable conditions and costs may be imposed to regulate the timing of requests, to determine the

appropriateness of the space assigned and the time of use, and to ensure proper maintenance of the facilities.

- a) Recognition of Student Organizations: Those interested in starting a new student organization would schedule a meeting with the Senior Director or Executive Director of the ESU Student Activity Association (SAA) to discuss the proposed purpose of the new organization, potential conflicts with existing organizations, the paperwork submission process and the SGA Extra-Curricular Affairs Committee packet for new student organizations. Campus Rec & Wellness – Sports Activities or Center for Multicultural Affairs and Inclusive Education will be notified of the interest in establishing a potential new student organization which would have interaction with their office.
- b) Those interested in moving forward with the starting a new student organization will schedule a meeting with the SGA Extra-Curricular Affairs Committee (ECAC) during their office hours to review the recognition process and the criteria for the draft constitution. (to be scheduled within two weeks of meeting with SAA staff)
- c) Once completed, the Application for Recognition, Organization Roster and draft constitution for the new organization would be returned to SAA Senior Director in the ESU Student Activity Association Office. Campus Rec & Wellness – Sports Activities or Center for Multicultural Affairs and Inclusive Education will be notified that an Application for Recognition and draft constitution has been submitted for an organization that would have interaction with their office.
- d) The draft constitution would be given to ECAC to review for formatting and adherence to requirements for student organization constitutions as provided in the SGA Handbook for Student Organizations. The draft constitution will be returned to the proposed organization with required/recommended changes. (to be completed within two weeks of being received in the SAA Office and repeated until the ECAC requirements/recommendations have been addressed)
- e) The chair of the SGA Extra-Curricular Affairs Committee will meet with the SAA Senior Director and Executive Director to review proposed changes needed for the draft constitution. (to occur within two weeks of receiving the final draft constitution addressing all requirements/recommendations from ECAC)
- f) The SGA Extra-Curricular Affairs Committee will meet with the lead members of the proposed student organization to review changes needed for the draft constitution. (to occur within two weeks of the meeting with the SAA Senior Director/Executive Director)
- g) The SGA Extra-Curricular Affairs Committee will review each submitted draft of the proposed constitution until all issues have been addressed. (should occur within two weeks of receiving a revised constitution)
- h) The chair of the SGA Extra-Curricular Affairs Committee will meet with the SAA Senior Director for a final review of the draft constitution to ensure that

all previously mentioned issues have been addressed and the constitution will adhere to the requirements for student organization constitutions. Any additional changes will be taken back to the student organization to be addressed. (should occur within two weeks of receiving the final draft)

- i) Once all issues with the proposed constitution have been addressed, the SGA Extra-Curricular Affairs Committee will bring the proposed organization before the full membership of SGA for consideration for approval. Representatives from the proposed organization will be invited to the SGA meeting where the approval vote will be taken in order to present their proposed organization and answer questions from SGA members.
  - j) Should the full membership of SGA not approve recognition for the student organization, the organization has ten (10) days to appeal to the SGA President to uphold or reverse the decision of the full SGA and approve recognition.
  - k) Should the SGA President uphold the vote of the full SGA, the organization has ten (10) days to appeal to the ESU Student Activity Association Executive Director to uphold or reverse the decision of the SGA President and approve recognition. This is the final point of appeal.
  - l) Once approved by SGA or through appeal, a message will be sent to the lead officer and advisor congratulating them on their recognition, sending them a copy of the SGA Handbook for Student Organizations, making them aware that their WarriorLink profile has been set-up and alerting them to schedule a meeting of the organization officers, any interested members and the organization advisor with ECAC and SAA staff for an officer briefing on SAA policies and procedures related to recognized student organizations. (to occur within two days of recognition approval by SGA)
  - m) Once approved by SGA or through appeal, notice of the recognition of the new student organization will be sent to The Stroud Courier, Warrior Notes and to the Vice President for Campus Life and Inclusive Excellence.
1. Probationary Period Guidelines for Newly Recognized Organizations

After official recognition by the Student Senate of East Stroudsburg University and the Executive Director of the Student Activity Association (or designee), the organization or club enters into a one-year probationary period.

    - a. Permanent recognition will be granted by the Student Government Association during the probationary period the following conditions are met:
      - 1) The club or organization maintains a minimum active membership as defined by the Student Government Association Handbook for Recognized Clubs and Organizations;
      - 2) The organization has raised a minimum of \$300 during the probationary period and is able to maintain a minimum balance of \$100 for the final six months of probation;

- 3) The organization has completed all membership/meeting audits required of recognized organizations; and
  - 4) The organization has not violated any of the policies and procedures that govern clubs and organizations as outlined in the Student Government Association Handbook for Recognized Clubs and Organizations.
- b. Until the probationary period is over, the organization will not be eligible for any Student Activity Association funding. If the one-year probationary period causes the organization to be ineligible to request funding during the budget season, the organization may request a special grant in the fall semester of the new academic year.
2. Privileges of Recognized Organizations
- a. Organizations may reserve facilities for programs and meetings.
  - b. Organizations may use inter-campus mail service.
  - c. Organizations will be issued a mailbox in the University Center.
  - d. Organizations will be permitted to solicit on campus.
  - e. Organizations will be permitted to use bulletin boards and campus advertising.
  - f. Organizations may reserve facilities at Stony Acres as an organization.
  - g. Organizations will be permitted to use the SAA Graphics Center as an organization.
  - h. Organizations will be permitted to advertise as an ESU student organization.
  - i. Organizations will be permitted to request monies from the Student Activity Association, Inc.
  - j. Organizations will be permitted to use the SAA, Inc. Banking Services.
3. Policies and Procedures Governing Recognized Organizations
- a. General Policies
- 1) All recognized student organizations must have a minimum student membership of 10.
  - 2) All organizations must have regularly scheduled meetings, at least once a month. A member of the Extra Curricular Affairs Committee may make an unannounced visit to confirm the organization's achievement of its purpose and the organization's compliance with the membership policy requirements. (Note these regularly scheduled meetings will not take place in a classroom that is scheduled for an academic class.)
  - 3) All organizations will be required to submit an Activity Statement documenting achievements of the club/organization for the academic year. This statement is due to the Student Government Association on the date that the Student Government Association Finance Committee establishes for budget requests.
- b. Membership Policies
- 1) All organization presidents (or designees) are required to attend up to four organization meetings organized by the Student Government Association.
  - 2) All organizations are required to submit, at the beginning of each semester, an organization update to the office manager of the Student Activity Association, Inc.
  - 3) All organizations are required to complete the annual recognition process through [WarriorLink](#).
  - 4) All organizations are required to check and empty their organization's mailbox, located in the University Center, every week.
  - 5) Upon request, all recognized organizations shall submit an updated copy of their constitution to the Student Government Association Office. Any changes to the original constitution must be approved by the Student Government Association.
  - 6) All organizations must deposit budgeted funds, gate receipts, revenue, and/or any other funds raised or generated by the organization in the SAA, Inc. Accounting Office.
  - 7) The Coordinator of Extra-Curricular Affairs, in conjunction with the President of the Student Senate and the Executive Director of the Student Activity Association, Inc. has the authority to declare inactive, any organization that is unwilling to be bound by University or SAA, Inc. policies.
- c. Inactive Organizations
- Student organizations will be deemed inactive by the Coordinator of Extra Curricular Affairs and/or the President of the Student Government Association in conjunction with the Executive Director of the Student Activity Association, Inc. if the:
- 1) Organization falls below the required minimum membership as outlined in the Student Government Association Handbook for Recognized Clubs and Organizations;



- 2) Organization does not hold regularly scheduled meetings;
- 3) Organization fails to adhere to all Articles of their organization's constitution or bylaws;
- 4) Organization fails to comply with university, the Student Government Association, and Student Activity Association, Inc.

## Rights and Responsibilities of Student Communications Media

*Summary Statement:* Student communications media shall be free of censorship, but students are responsible for maintaining professional and conscientious standards of reporting.

Student communications media are valuable in establishing and maintaining both an atmosphere of free and responsible discussion and intellectual exploration on the campus.

They bring student concerns to the attention of the university as a whole and help to formulate student opinion on various issues. Students are protected in their exercise of freedom of expression by the First Amendment to the Constitution of the United States.

Accordingly, university officials are responsible for ensuring freedom of expression for all students.

- A. The student communications media shall be free of censorship and prior approval of copy, and its editors and managers shall be free to develop their own editorial policies and news coverage. Student media and publications have the right to determine the content of their communication vehicle. The editorial freedom of student editors or managers shall entail corollary responsibilities to be governed by the canons of responsible communications, such as the avoidance of libel and slander.
- B. Editors and managers shall be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes established by each organization shall editors and managers be subject to removal and then by orderly and prescribed procedures to be established in the constitution of each media.
- C. All student communications media shall explicitly state that the opinions expressed are not necessarily those of the university.
- D. The integrity and responsibility of student communications media should be encouraged by arrangements which permit financial autonomy.
- E. Student communication media are expected to:
  1. Verify and document all sources of information;
  2. Maintain the confidentiality of sources where appropriate;
  3. Maintain the anonymity of victims in cases that deal with rape; sexual assault, etc.; and
  4. Strive to produce a publication/program based upon professional standards of accuracy, objectivity and fair play.

## Rights of Campus Citizenship

University students are both citizens and members of the academic community. As a citizen, the student is entitled to the same status as other citizens with the concomitant rights and responsibilities of the civil code. As a member of the academic community, a student shall have the rights and responsibilities consistent with university regulations and policies.

## Right of Dissent and Responsibilities in Protest

*Summary Statement:* Students have the right to conduct peaceful protests that do not damage property or interfere with the operation of the university.

Peaceful protest which does not interfere with the normal functions of the university is a lawful means of expressing dissent, and the right of peaceful protest within the university shall be preserved. University officials have the right and the responsibility to ensure the safety of individuals; the protection of property; and, the continuity of the educational process and other normal functions of the university. However, it shall be the responsibility of the university to provide channels of communication and procedural systems through which dissent can be heard.

When peaceful and lawful protest takes place, university officials shall meet with a delegation of the protesters to discuss issues and their possible resolution. In order that dissenters not interfere with the operation of the university, or the rights of others, they shall not:

- A. Obstruct vehicular, bicycle, or pedestrian traffic;
- B. Obstruct entrances or exits to buildings or driveways;
- C. Interfere with activities inside or outside a building;
- D. Harass passers-by;
- E. Interfere with or prohibit a scheduled speaker from being heard;
- F. Damage university property.

## Rights and Responsibilities of Privacy

*Summary Statement:* Students have access to their University files with some specific exceptions. Students have a right to privacy and are protected from unreasonable search or seizure.

The rights of student privacy, as they involve records, actions and residence, are fundamental to a democratic society will be maintained. By the same token, the student has the responsibility to ensure that no action of his/ hers infringes upon the rights of privacy of others.

It should be noted that this section, among other things, deals with the various student files maintained by the university. The present policy of the university is that an eligible student or the parent of a student, in appropriate instances has access and may review any or all files pertaining to the student, maintained by the university by scheduling an appointment with the appropriate office at least two days in advance.

There are some exceptions, however. Materials which are not directly accessible to the student are:

- A. The confidential letters of recommendation and statements placed in the student's education records prior to January 1, 1975, if such letters:
  1. Were solicited or sent with an assurance of confidentiality, and
  2. Are used only for their originally intended purposes;
- B. Financial records of parents;
- C. Personal notes of teachers and administrators, provided they are not available to any third party except a teacher's substitute;
- D. Law enforcement records, provided they are kept separate from education records;

- E. Records of physicians, psychiatrists, psychologists, or other professionals of the student's choice.

The university complies with "The Family Educational Rights and Privacy Act of 1974" (Buckley Amendment) and the applicable state laws.

F. Confidentiality of Records

1. The following official records shall be confidential, and access to them shall be limited to the persons indicated below under the circumstances specified.
  - a. Registrar's Records (Registrar's Office)
    - 1) The Registrar's records shall contain only information relating to the student's progress and achievement in academic programs except when notation of suspension or expulsion from the university is necessary. Issuance of grade reports and honors shall be deemed actual notice to the student.
    - 2) The Registrar's records shall be accessible to the student and to members of the staff charged with the maintenance or use of the records, i.e. department chairs, academic deans, academic advisers, etc.
  - b. Adviser/Department Records (Adviser's Office)
    - 1) The adviser's and/or department files shall be open to the student, the faculty in that specific department, and to the persons charged with the maintenance of the files.
    - 2) The student shall have the right to see his/her files upon request.
  - c. Counseling and Psychological Services Office Clinical Records

Clinical records shall be open only to the professional staff that is responsible for their maintenance and use, which includes the psychologists and counselors of the Counseling and Psychological Services Center.
  - d. Financial Aid Records (Financial Aid Office)

Financial Aid files shall be open only to the student and to the staff that is responsible for their maintenance or use.
  - e. Medical Records (University Health Services)

Medical files shall be open only to the medical personnel or university employees who are responsible for use and may be sent to a physician upon the direction of the student. Emergencies may necessitate that information be released to appropriate parties if that information is necessary to protect the health or safety of the student or other individuals. The Vice President for Campus Life and Inclusive Excellence (or designee) will authorize such a release.
  - f. Placement Records/Credential Packet (Office of Career and Workforce Development)
    - 1) Students have the right to review any recommendation or information which has been placed in their folder unless that right is waived.
    - 2) The students' records in the Office of Career and

Workforce Development will be used for the purpose of graduate school or job placement. Release of information for that purpose shall be made only with the written permission of the student.

2. Information relating to religious, political, or social views, or to membership in any organization other than honorary and professional organizations directly related to the educational process, shall not be entered on a student's records except upon his/her request or with his/ her consent.
  3. While the student has the right to access his/her records, he/she shall be subject only to reasonable regulations as to purpose, time, place, and supervision. The student shall have the right to express an opinion in writing concerning any information contained in his/her records. Students may copy information in their records by giving proper notice and paying an appropriate fee.
  4. Each of the records listed in Section F., shall be maintained in such a way as to prevent accidental disclosure of the information contained therein.
  5. The university has the right to destroy irrelevant, dated or unnecessary evaluative records in the file without the consent of the student or the person who submitted the information. The University may retain files longer than the periods noted in this section for good cause.
  6. East Stroudsburg University will not disclose information contained in a student's educational record without the prior written consent of the parent of the student or the eligible student except where permitted by applicable law.
  7. East Stroudsburg University will maintain a record of all requests for and/or disclosure of information from a student's education records. The records will indicate the name of the party making the request, any additional party to whom it may be re-disclosed, and the legitimate interest the party had in requesting or obtaining the information.
- G. Family Educational Rights and Privacy Act (FERPA)
1. The regulations on the rights of students to see their educational records may be reviewed by contacting the Student Enrollment Center or the Office of the Vice President for Campus Life and Inclusive Excellence.
  2. East Stroudsburg University's policy is in compliance with the regulations of this Act. Students have the right to see their educational records and to be assured that unauthorized people will not have access to them.
  3. General Directory information about students is not confidential. East Stroudsburg University has classified the following as directory information: the student's home and local addresses, telephone number, major field(s) of study, photos, weight and height of members of athletic teams, dates of attendance, degrees and awards received and similar information.
  4. The university shall release General Directory information upon request unless a student indicates in writing to the Registrar that directory information is to be withheld.

5. East Stroudsburg University and its representatives on occasion take photographs for the university's use in print and electronic publications. This serves as public notice of the university's intent to do so and as a release of permission to the university to use such images as it deems fit. Students who object to the use of their photographs have the right to withhold their release by completing a form in the Office of University Relations.
6. Publication of this handbook constitutes the annual notification to parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA).

#### **Students:**

The Family Educational Rights and Privacy Act gives students certain rights with respect to their education records. College students have the following rights:

- To inspect and review their education records. (This does not include personal notes from advisers, counselors or deans; parents' financial information; University Police records; or educational research data for federal, state or local purposes.)
- To request an amendment to their education record.
- To have some control over the disclosure of personally identifiable information from their education records, except to the extent that FERPA authorizes disclosure without consent.
- To file with the U.S. Department of Education a complaint concerning alleged failures by the University to comply with the requirements of FERPA.

Students may restrict the release of General Directory information by completing the FERPA Restriction Form and returning it to the Student Enrollment Center. (When this restriction is applied to students' records it also prevents their names from appearing on the Dean's List, graduation lists and other university-related publications.) Direct any questions about this notification, to the Registrar at the Student Enrollment Center.

#### **Parents:**

The Family Education Rights and Privacy Act is a federal law that affords parents the right to have access to their children's education records; the right to seek to have the records amended; and the right to have some control over the disclosure of personally identifiable information from education records. When a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student ("eligible student.")

Educational agencies and institutions are required to notify parents and eligible students about their rights under FERPA. Section 99.7 of the FERPA regulations sets forth the requirements for the notification. Universities do not have to individually notify parents and eligible students but do have to notify them by means that are reasonably likely to inform the parents or eligible students of their rights.

#### **H. Private Morality**

The university shall not regard itself as arbiter of student moral conduct or taste. Where the interests of the university as an academic community are clearly involved, the authority of the university may be asserted through its Student Code of Conduct and conduct procedures.

#### **I. Privacy of Residence and Property**

A student's right of privacy of residence and ownership of property free from the fear of unreasonable search or seizure are guarantees given by the Constitution of the United States to all citizens and shall be respected and protected by the university except under those conditions outlined in Article IX of this document.

### **Students' Right of Privacy**

*Summary Statement:* University premises occupied by students, and the personal possessions of students, shall not be searched unless appropriate authorization has been obtained. Students have a right to privacy except in emergencies as determined within the sole discretion of the university or under the following conditions:

- A. **Scheduled Residence Hall Inspections.** There will be room inspections throughout the academic year prior to the closing of university residence halls, University Apartments for university break periods, (Thanksgiving, Inter-session, Spring Break). Students residing on campus will be given prior notice and may or may not be present during the inspection.  
  
Room inspections will consist of a visual inspection of the room to ensure that windows are closed, lights are turned off, electrical items are unplugged, perishable items removed, and garbage cans are emptied. This is to ensure the security and safety of the room and its contents during the break. During these inspections, if evidence of university policy infractions and/or violations.
- B. **Inspections Resulting from Suspected Violations of University Rules, Policies or Regulations or Federal, State and/or Local Laws.** Whenever probable cause leads a representative of the Vice President for Campus Life and Inclusive Excellence (e.g., Director of University Center, Director of Residential and Dining Services, Residential Learning Coordinator, Graduate Learning Coordinator, Resident Adviser) to believe that an infraction of the university's rules, policies or regulations and/or federal, state or local laws is occurring in a student's residence hall room or involves a university issued locker, that representative is delegated the authority to conduct an inspection of the student's room or locker after announcing that such an inspection is requested.  
  
Should a student deny access, such a denial could result in a referral to Student Conduct and Community Standards.
- C. **Administrative Searches.** Administrative searches are those conducted due to probable cause that a university rule or regulation has been violated and that evidence of the violation will be found in a particular place. Authorization is given in writing by the Vice President for Campus Life and Inclusive Excellence (or designee). In emergencies, a verbal authorization may be given. Authorizations, which are in the form of an Administrative Search Authorization, shall include the time, date, place, purpose and scope of the search. The student should be present, if possible, and may have a witness present at the time of the search. Contingent upon the circumstances, administrative searches may take place without anyone being present.

At the conclusion of the search, the student will be notified in writing by the person authorized to conduct the search of what was found, and the names and titles of all persons conducting the search. Administrative searches are not done in conjunction with, nor under the direction of, the University Police nor on their behalf. Administrative searches are not generally conducted for the purpose of criminal prosecution. If it is

believed that potential criminal violations exist, and that an illegal or dangerous object might be found, the University Police will be contacted and a criminal search warrant will be obtained.

- D. Searches and Entries by Residence Life/University Staff. Searches and/or entries to a student's room or university issued locker in order to conduct a housing or departmental action are normally done by student consent that has been given freely and intelligently. Students that do not offer consent to enter from staff inquiring about a potential policy violation are subject to a referral to Student Conduct and Community Standards.
- E. Searches and Entries by University Police. University Police searches and/or entries to a student's room or university issued locker in order to conduct a police action are normally done by student consent that has been given freely and intelligently. University Police may gain entrance without the prior consent of the student for the following reasons:
1. Police reasonably believe that a person within the room is in need of immediate emergency aid due to injury, accident, or medical emergency.
  2. Police are in pursuit of a person suspected of committing a crime.
  3. Police are in possession of a valid arrest warrant and have reason to believe that the person is inside the room.
  4. Police are in possession of a valid search warrant.
  5. Police action is imperative because there exists an imminent threat of physical harm to the occupants of the room or community members.

# STUDENT CODE OF CONDUCT

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Office of Student Conduct and Community Standards  
[https://www.esu.edu/student\\_conduct](https://www.esu.edu/student_conduct) 570-422-3461  
Sycamore Suites

## INTRODUCTION

**Summary Statement:** The University and its students must maintain appropriate conditions for learning. The pursuit of higher education for the development of knowledge, the pursuit of truth, the well-balanced development of students, and the common good of society are goals we live by at ESU. With that, the University must make provisions for the attainment of these goals. In so doing, the University must accept its social and legal responsibilities to the nation, the Commonwealth, the local community, and to all constituents of the academic community.

Within the university, freedom to learn is the student's most basic freedom and a primary concern of the entire academic community. The student should be encouraged to develop the capacity for critical judgment, to engage in a sustained and independent search for knowledge and truth, and to attain professional competence. The freedom to learn depends upon maintaining appropriate opportunities and conditions not only in the classroom, but also on the campus and in the local community.

The primary purpose of this document is to establish expectations related to conduct of all student members of the University community, as well as the rights that are to be afforded to students and student organizations. As a reminder, East Stroudsburg University seeks cooperation in establishing an academic and work environment that is free from discrimination and harassment against any person because of race, color, national origin, religion, sex, disability, age, sexual orientation, gender identity or veteran's status in accordance with applicable federal and state laws and regulations.

## I. Definition of Terms

**Administrative Hearing Officer, Adjudicator, Hearing Officer, or Conduct Board** shall mean any person or group given the authority to review and adjudicate disciplinary matters. The faculty union (APSCUF) shall appoint a minimum of five faculty members and up to a maximum of ten faculty members to the University Conduct Board.

**Advisor** refers to any one person chosen by the student to assist the student throughout the conduct process. While an advisor may assist a student, the Advisor may not speak on the student's behalf or otherwise take an active role in the conduct process.

**Appeal Outcome Letter** means the letter sent in response to a student's appeal. The letter answers the appeal of the student and either upholds the decision, dismisses the decision, remands the case to another formal hearing, or modifies the sanctions of the decision.

**Charge Letter** means the letter sent to the student that outlines the date of the alleged incident, location of incident and the charges associated with the student's alleged conduct in the incident.

**Charged Student** refers to the person who has received correspondence from the office of Student Conduct and Community Standards stating that there are alleged violations of the student code of conduct pending from the student's alleged conduct.

**Conduct Conference** is a meeting for the student to learn about his/her rights in the Conduct Process; review the Referral and any other applicable information related to the violation/s. In this meeting, the student may enter into a Mutual Resolution accepting responsibility or request a Formal Hearing.

**Conduct Process** refers to the entire process outlined in the Student Code of Conduct ("SCC"), including the Conduct Conference, the Formal Hearing, and the Appeal process. This also includes the Interim Suspension Process.

**Consent** is knowing and voluntary agreement to engage in specific sexual activity at the time of the activity communicated through clear actions and/or words that are mutually understood.

In order to be valid, Consent must be active, present and ongoing. Consent is not present when it is the result of coercion, intimidation, force, or threat of harm. Consent is not present when an individual is incapacitated due to alcohol, drugs, or sleep, or otherwise without

capacity to provide Consent due to intellectual or other disability or other condition. Consent can be withdrawn at any time and consent to one form of sexual activity is not necessarily consent to other forms of sexual activity.

**Day/s** is defined as the normal business day and will not include Saturdays, Sundays, or legal holidays/University administrative holidays or when the campus is closed for business.

**Faculty member** shall mean any person employed by the university who holds academic or administrative rank in the APSCUF Bargaining Unit; i.e., Adjunct, Instructor, Assistant Professor, Associate Professor, or Professor.

**Good Disciplinary Standing** refers to a student who is free of disciplinary probation or disciplinary holds.

**Guest** refers to any individual (student or non-student) who is not assigned to live in a particular room in an on campus residence; is on the premises where the alleged violation occurred; and/or refers to any person visiting the University who is not affiliated with the University. Students may be held responsible for the actions of their guests.

**Intimate Partner** refers to persons who are or who have been dating, cohabitating, married, separated, or divorced, and may be of the same or opposite sex.

**May** is to be deemed permissive, imparting choice.

**Mutual Resolution** is one possible outcome of a Conduct Conference that requires a Charged Student to accept partial or full responsibility and to develop sanctions for voluntary compliance with the Hearing Officer.

**Notice** is the written communication either by mail or E-mail correspondence that provides information to a student. Notice is conclusively presumed to be received by the student when such communication is sent to the student by official University email, and/or mailed to the address appearing on either the student's current local address or permanent address on record with the University at the discretion of SCCS.

**Organization** and/or **Group** shall mean a number of persons who have complied with the formal requirements for official university recognition.

**Outcome Letter** is the letter sent to the student that describes the outcome of the Conduct Conference or the Formal Hearing. This letter lists the violations of the Student Code of Conduct that the student is responsible for and the accompanying educational sanctions.

**Preponderance of the Evidence** means that information, considered as a whole, shows that the fact sought to be proved is more probable than not. This is the standard used in adjudicating all disciplinary cases through the SCC.

**Referral** means the written documentation provided to SCCS alleging that a violation of the Student Code of Conduct may have occurred.

**Request to Meet Letter** is a letter asking a student or ESU community member to make an appointment with SCCS. This letter is used when it is believed the recipient/s has information pertaining to a specific incident or series of incidents.

**SAA, Inc.** or **SAA** shall mean the Student Activity Association or any person employed by the East Stroudsburg University Student Activity Association, Inc. and acting in that capacity.

**Shall** and **Will** are to be used in the imperative sense, not imparting choice.

**Staff Member** or **Administrator** shall mean any person employed by the university or SAA who is not a faculty member.

**Student**, for the purposes of the SCC, a student is an individual admitted, enrolled, or registered for any University course or program, regardless of the medium of the course or program, or degree-seeking status, or when not enrolled or registered for a particular term, who is eligible to enroll in future terms without seeking readmission. A student who withdraws, is academically dismissed after allegedly violating the Student Code of Conduct, or has a continuing relationship with the University is still considered a student.

**Transcript Overlay** means a notation on a student's University transcript that states the student is not in Good Disciplinary Standing due to certain disciplinary actions.

**University** shall refer to East Stroudsburg University of Pennsylvania.

**University Activity** shall mean any activity on or off campus that is initiated, aided, funded, authorized, or supervised by the university.

**University Official** for the purposes of the SCC, means any representative of ESU direct service organization, ESU board, committee, office, or member of the ESU faculty, administration, or staff. According to the Student Code of Conduct, this definition includes student staff acting in accordance with their assigned duties.

**Witness** is used to define an individual who is in the proximity of an incident and viewed the actions of said incident or who has relevant information about a given incident or actions related to a specific incident.

**SCCS** is the acronym used to describe the office of Student Conduct and Community Standards.

## **II. General Statement**

**Summary:** *This code of conduct has been established for the benefit of students and the entire East Stroudsburg University community to create an atmosphere that is conducive for living and learning.*

- a) A representative committee of students, faculty, and administrators of East Stroudsburg University developed the following Student Code of Conduct: to ensure all students are aware of the policies that govern them; to provide a community free from harassment and physical violence; and to maintain civility by the proper application of the code of conduct and due process.
- b) This Student Code of Conduct is established pursuant to 24 P.S. §20-2010-A (4) (Powers and Duties of Institution Presidents) and regulations of The Board of Governors of the State System of Higher Education, Board of Governors



Policy 1984-13-A, Student Disciplinary Due Process Requirements and 22 Pa Code Chapter 505. Should any part of this Student Code of Conduct be determined to be in violation of any federal, state or local law, then only that portion that is in contravention of the law will be voided and the other provision of this Code of Conduct shall remain in effect.

### **III. Jurisdiction**

The Office of Student Conduct and Community Standards / Designee and the University Conduct Board have been given the authority to review alleged violations of the Student Code of Conduct.

Jurisdiction for the student conduct process extends to the conduct of any student, student organization, or athletic team both on and off campus. Such conduct includes but is not limited to: actions which adversely affect the University community and/or the pursuit of its mission; ; the integrity of the educational process; the safety and welfare of the University community; and/or the conduct violates local, state or federal law.

### **IV. Rights to Due Process**

East Stroudsburg University shall guarantee procedural due process through the Student Code of Conduct. These guarantees include:

- a) Notice in writing through the student's university issued email of the charge(s) violating the Student Code of Conduct;
- b) An opportunity to be heard, whether through Conduct Conference or Formal Hearing, where the student is given the opportunity to have the charge(s) discussed and addressed; and
- c) The opportunity for the student to appeal a conduct decision(s) if rendered in a formal hearing.

### **V. Standard of Proof**

The standard of proof in all disciplinary proceedings will be decided by the "preponderance of the evidence" standard, which is commonly known as "more likely so than not" meaning that the fact to be proven is more likely than not. This is the standard of proof used in most civil actions. The criminal standard of evidence, "beyond a reasonable doubt," will not be applied in any campus disciplinary procedure.

### **VI. Statement of Community Standards**

#### **Academic Misconduct**

- a. During a test or examination, using anything, such as, but not limited to, any device, document, person or other resource not authorized by the instructor.
- b. Providing or receiving assistance in an examination, test, assignment, paper, or project in a manner not authorized by the instructor.
- c. Buying, selling, stealing, or engaging in unauthorized exchange, or using any tests or examinations in advance of their administration.
- d. Buying, selling, stealing, or engaging in unauthorized exchange, or improperly using any assignments, papers, projects, or course materials.
- e. Presenting as one's own, the ideas or works of another person(s) scholastic, literary, or artistic—in whole or in

part, without proper and customary acknowledgment of sources.

- f. Falsifying or inventing information, data, or research material.
- g. Obtaining information in a way contrary to the stated policies of the course and/or the University as stated herein.
- h. Attempting to bribe or coerce any university employee or student in order to gain academic advantage.
- i. Conspiring with others in order to circumvent academic requirements.
- j. Substituting for another student, arranging for substitution by another student, or misrepresenting oneself as another person for a required class activity.

#### **Misuse of Alcohol**

- a. The sale of, or intent to sell, alcohol without a proper license;
- b. Providing alcohol to any person who is not of legal age to possess or consume alcohol;
- c. Possession or consumption of alcoholic beverages by persons not of legal age;
- d. Participation in any conduct that may constitute a crime and/or result in injury to person(s) or property while under the influence of alcohol;
- e. The operation of a motor vehicle, by an individual of any age, under the influence of alcohol.
- f. The consumption or possession of open alcoholic beverage containers in public areas on or off campus that is not in accordance with federal, state and local laws or ordinances.
- g. Attendance in class, at an organizational meeting, or at an educational event that is specific for an educational purpose, such as but not limited to, a lecture or presentation that may be a course requirement, while under the influence of alcohol, as noted in this section, is a violation. Further, if medical assistance is sought for a student in need who has consumed alcohol, the student and the student caller may qualify for Medical Amnesty as defined under Pennsylvania ACT 66. See also the Drug-Free Schools and Communities Act Amendments of 1989.
- h. Failure to abide by Residential and Dining Services alcohol guidelines.

**Campus Safety** - Tampering with any fire safety equipment and/or emergency call equipment, not abiding by fire alarms, the actual dismantling of any equipment alerting others that danger is in the way. Issuing a bomb threat or other warning of impending disaster without cause. The actual possession and/or detonation of any device that acts like an explosive and may harm persons or property is prohibited.

**Complicity** - Knowingly assisting someone in and/or being associated with a violation of a federal, state or local law or ordinances, applicable regulations and policies, or this code of conduct.

**Disruptive Conduct**

- a. Behaving in a manner that is disorderly, unruly and/or disturbs the peace.
- b. Actions that impair, interfere with, or obstruct the freedom of passage within or outside of University buildings and grounds.
- c. Willful occupation of any portion of a University building or ground that restrict/s the freedom to utilize the building and/or space in accordance with its intended and regular purpose.
- d. Actions that disrupt, endanger, or disturb the normal functions of the University or the safety of a person or persons.
- e. Actions that disrupt and/or interfere with, in any way, an investigation and/or the student conduct process.

**Failure to Comply** - Failure to follow the directions of University officials made in the performance of their duties. This includes, but is not limited to, failure to complete disciplinary sanctions, failure to accurately identify oneself when requested, and/or failure to respond to requests from Residential and Dining Services staff.

**False Information** - Knowingly providing false or misleading information to university official in the performance of their duties. This includes falsifying, distorting, or misrepresenting the truth during proceedings under the Student Code of Conduct, including knowingly submitting a false complaint.

**Gambling** - Conducting, participating in and/or the organization of any form of games of chance or other activity that is prohibited by applicable federal, state or local law or ordinances.

**Harassment** - Engaging in conduct that is harassing, intimidating or threatening, or engaging in conduct that constitutes unlawful discrimination based on another person's race, color, sex, sexual orientation, gender identity, religion, creed, age, national or ethnic origin, citizenship, or veteran status or disability. This includes conduct involving electronic communication. Notice of Non-Discrimination and Privacy Policy; Discrimination and Harassment Policy

**Hazing** - Violations of the Hazing Prevention Policy or any local, state, or federal hazing statute or regulation. Please also refer to the ESU Hazing Prevention Policy ESU- 2019-02. Hazing Prevention Policy

**Information Technology** - Misuse of any university communications equipment, services, or transmissions. Misuse or unauthorized use of university computers, or violating the stipulations of the ESU Computer Policy. Please also refer to the Acceptable Use of Technology Policy ESU-FA-2011-032-A. Acceptable Use of Technology Policy

**Lewd Acts** - Refers to any act that is sexual in nature, which would be considered indecent or shocking to a reasonable person. This might include the exposing of genitalia in public, fondling oneself in public, and/or urinating in public.

**Misuse of Property** - Deliberate destruction damaging public or private property. The unauthorized access or entry into University property, buildings, structures, facilities, residence facilities or property of any member of the University community.

**Misuse of University Materials** - Forgery, alteration, duplicating, photographing, and/or falsification of University forms, records, either electronic or physical. Using another ESU community member's identification as your own.

**Narcotics and Drugs** - Acts involving the manufacture, distribution, sale, exchange, use, offer to sell or possession of illegal drugs, narcotics, drugs not prescribed for the person in possession of the drug, or drug paraphernalia. Illegal drugs are defined by state and federal statutes. The use of counterfeit or synthetic substances, frequently referred to as "designer drugs" is also prohibited. Medical marijuana it is prohibited from being present and/ used on campus as it is still considered a schedule 1 Federal drug. Attending class, an organizational meeting, or educational event that is specific for an educational purpose, such as but not limited to, a lecture or presentation that may be a course requirement, while under the influence of drugs, as noted in this section, is a violation. Further, if medical assistance is sought for a student in need who has consumed drugs, the student and the student caller may qualify for Medical Amnesty as defined under Pennsylvania ACT 66. See also the Drug-Free Schools and Communities Act Amendments of 1989.

**Physical Abuse** - Assault and/or battery upon another person or the threat thereof. Inflicting or attempting to inflict harm to another person while engaging in intentional or reckless behavior.

**Policy or law** - Violations of University Policy and/or federal, state or local law.

**Residence Hall Information and Policies** - Violations of any policy or guideline governing university housing, as well as, the university housing rental agreement. Please also refer to the ESU Housing Agreement or any addendum. Residential and Dining Services Safety & Policies

**Responsibility for Guest(s)** - Failure to take responsibility for the actions of one's guest. Students may be responsible for violating University policy or this code even if the action is committed by their guest(s).

**Retaliation**

- a. Adverse action taken against any individual on the basis of a good faith report made by such individual, or on the basis of such individual's participation in an investigation or hearing being conducted at ESU or within the criminal justice system.
- b. Any action, directly or through others, which is aimed to deter a reasonable person from reporting sexual misconduct or participating in an investigation or hearing or action that is done in response to such activities. This includes but is not limited to intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations; or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing.

**Sexual Harassment:** includes the following as defined by Federal law, as well as Sexual Misconduct, or Gender Discrimination outlined in ESU policy ESU-2020-01 Sexual Misconduct (Title IX) Policy. Sexual Assault, Dating Violence, Domestic Violence and Stalking are categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Sexual Assault, Dating Violence, Domestic Violence and Stalking will be categorized as Non-Regulatory.

- a. **Regulatory Quid Pro Quo Sexual Harassment:** An Student Employee conditioning the provision of aid, benefit or service of the University on an individual's participation in unwelcome sexual conduct
- b. **Non-Regulatory Quid Pro Quo Sexual Harassment:** An Official, Volunteer or Student conditioning the provision of aid, benefit or service of the University on the individual's participation in unwelcome sexual conduct.
- c. **Regulatory Hostile Environment:** Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity.
- d. **Non-Regulatory Hostile Environment:** Unwelcome conduct, on the basis of sex, that a reasonable person would determine is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from any educational, employment, social or residential program in offered connection with the University.
- e. **Sexual Assault - Sexual Penetration Without Consent:** Any penetration of the mouth, sex organs, or anus of another person, however slight by an object or any part of the body, when Consent is not present. This includes performing oral sex on another person when Consent is not present.
- f. **Sexual Assault- Sexual Contact Without Consent:** Knowingly touching or fondling a person's genitals, breasts, buttocks, or anus, or knowingly touching a person with one's own genitals or breasts, when Consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when Consent is not present, to similarly touch or fondle oneself or someone else.
- g. **Sexual Assault - Statutory:** The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to sexual activity. Minors aged 13-15 years old cannot consent to sexual activity with anyone who is 4

or more years older than they are at the time of the activity. Minors aged 16 years of age or older can legally consent to sexual activity, as long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute.

- h. **Dating Violence:** includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.
- i. **Domestic Violence:** includes any violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under Pennsylvania's domestic or family violence laws or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.
- j. **Stalking/cyber-stalking:** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others; or suffer substantial emotional distress. A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property. Stalking includes the concept of cyberstalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, email or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.
- k. **Sexual Exploitation:** Engaging in sexual behaviors directed toward or involving another person when Consent is not present. This includes, but is not limited to, the following actions, including when they are done via electronic means, methods or devices:
  - i. Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's Consent;
  - ii. Indecent exposure or inducing others to expose private or intimate parts of the body when Consent is not present;

- iii. Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person's Consent;
- iv. Prostituting another individual; or
- v. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
- vi. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

**Smoking/Tobacco Use** - Smoking and/or the use of tobacco is prohibited in all buildings including residence halls, classrooms and laboratories, indoor areas, and in open or partially open space such as sports or recreational facilities, theaters or performance establishments. Tobacco includes nicotine-producing products such as cigars, cigarettes, and pipes. Electronic cigarettes (smokeless) and chewing tobacco are also included. Smoking is not permitted within a 25 foot perimeter of a building, building entrance, air intakes and operable windows. Please also refer to the ESU Tobacco Policy ESU-2011-11-A. [Tobacco Policy](#)

**Theft** - The actual or attempted deprivation of public or private property. This includes but is not limited to shoplifting, deception in electronic banking; credit or debit card fraud/misuse, identity theft, and receiving stolen property.

**University Brand** - Unauthorized use of the university name, logo, or other symbols of the university. Please also refer to [Licensing and Branding](#)

**Weapons or Explosive Devices** - The unlawful possession, storage, use or sale of any weapon (lethal or non-lethal), ammunition, or any incendiary, explosive or destructive device. The following prohibited items include, but is not limited to, firearms, loaded or unloaded; pellet, BB, flare, tranquilizer, stun, spear, or dart gun(s); knives with blades longer than 3 inches; any cutting instrument where the blade is exposed in an automatic way; daggers or swords; striking instruments including clubs, truncheons, and blackjacks; martial arts weapons; bow and arrow combinations; explosive devices; ammunition or components to manufacture ammunition; or any object actually used as weapon to cause or threaten harm. See also [esu.edu/police/publication](http://esu.edu/police/publication).

## VII. Educational Sanctions

The following are educational sanctions that may be assigned to the student or student organization when there is responsibility for violating the student code of conduct. These sanctions are not progressive in nature. More than one sanction may apply.

**Restitution:** Payment and/or reimbursement for replacement and/or repair of damages to public or private property.

**Campus/ Community Service:** a specified number of hours of service to the campus/community. When possible, the service requested shall be related to the disciplinary infraction.

**Educational Program Referral:** may include but not be limited to alcohol and/or other drug education, time management education, and/or; emotions management education. Other educational sanctions may include writing a paper, presenting a program, designing a bulletin board, checking fire safety equipment, and/or

attending an assigned workshop. The student must provide documentation of satisfactory completion of assigned program.

**Alcohol and Illegal Drug Violations:** Parental notification may be rendered for students under 21 years of age when a student is either found, or takes, responsibility for the violation.

**Administrative Hold:** A hold may be placed on a student's record to ensure that the student complies with sanctions or pending the resolution of conduct matters. If a hold is placed on a record, the Registrar may prohibit the student from registering or receiving an official transcript or a diploma until the conditions of the hold have been met. Holds on student records will be initiated and released by the office of Student Conduct and Community Standards.

**Official Warning:** An official notice that indicates to the student that future violations during the period covered by the warning may result in additional sanctions.

**Residence Hall Suspension:** Removal from university housing for a specified amount of time. Students suspended from the residence halls for disciplinary reasons, will not be eligible for a refund of room fees. Students must properly check out of their rooms in accordance with existing university procedures and within the time frame established by the Office of Student Conduct and Community Standards/designee. Students are prohibited from re-entering any University residential area without approval of the Office Student Conduct and Community Standards/designee once they have officially checked out.

**Restriction(s):** Students may be restricted from holding executive roles, leadership positions, living in, and/or visiting university owned or affiliated housing, participating in campus sponsored organizations and/or events.

**Deferred Adjudication:** refers to the process when a student is responsible for a violation but the finding is held so the student can complete certain requirements in an allotted timeframe. In order to receive Deferred Adjudication, the student must begin by accepting responsibility. At the completion of all requirements, the student will be adjudicated "not responsible." This may only be used for specific non-violent first time offenses.

**Disciplinary Probation:** A status indicating that the student or student organization is not in good standing. This sanction may limit the student or student organization in participating in certain roles and/or functions at the university or in representing the university.

**Deferred Suspension:** The student's continued enrollment depends upon the successful maintenance of satisfactory behavior and completion of other mandated sanctions, if applicable, during the specified time of deferred suspension and there are no further policy violations. This status also renders the recipient not in good standing.

**Suspension:** The student is suspended from the University for a definite period of time. When the period of suspension is completed, the student may be allowed to reapply and/or return to the University under stipulation(s) provided by SCCS/designee. Students suspended from the institution for disciplinary reasons, will not be eligible for a refund from classes or residence hall fees. The student is also trespassed from all ESU property and events during the time of suspension.

*Expulsion:* The student is permanently separated from the University without the ability to return. Students' expelled from the institution for disciplinary reasons, will not be eligible for a refund from classes or residence hall fees. The student is also trespassed from all ESU property and events.

**The following are the possible educational sanctions for cases involving Sexual Harassment/Sexual Misconduct/Dating Violence/Domestic Violence/Stalking:**

Official warning for one semester; official warning for two semesters; disciplinary probation for one semester, disciplinary probation for two semesters; deferred suspension for one semester; suspension for one semester, suspension for two semesters; suspension for three semesters; suspension for four semesters; suspension for five semesters, suspension for six semesters; expulsion; educational program referral such as the civility workshop or ethics seminar; outside mental health assessment with a licensed clinician-at the student's own cost; no contact order; trespass from campus; suspension from housing for one semester; suspension from housing for two semesters; suspension from housing indefinitely; restriction of activity for one semester; restriction of activity for two semesters; restriction from activity for three semesters; restriction from activity for four semester; restriction from activity for duration of undergraduate or graduate enrollment; administrative hold on student account.

**VIII. Interim Suspension**

When there is reason to believe that a student or student organization presents an immediate and significant threat to the safety and well-being of other persons and/or property, an interim suspension may be imposed pending the formal disposition of the disciplinary case. A decision to impose an interim suspension is made by the Office of Student Conduct and Community Standards.

The Director for the Office of Student Conduct and Community Standards/designee will meet with the student to discuss the interim suspension and the formal hearing process. The student may choose to have the Director or designee settle the case if possible during the Interim Suspension hearing. This would include the student entering into mutual resolution with SCCS. The student may accept the decision with all sanctions, in writing, at the Interim Suspension hearing or up to the hour before the Formal Hearing. If the student does not attend the Interim Suspension Hearing, a Formal Hearing will be scheduled and the Interim Suspension will remain in place until the results of the Formal Hearing.

**IX. Procedural Due Process/Stages of the Conduct Process**

The conduct process for a student or student organization begins when SCCS receives a referral of a potential violation of the Student Code of Conduct or local, state, or federal law. The referral is reviewed by SCCS and notice is sent to the student/student organization concerning the nature of the violation reported, date and location of incident, and asking the student/student organization to meet with a member of SCCS or designee.

1. **Receipt of Referral:** SCCS receives a referral that is filed within a reasonable amount of time following the discovery of the alleged violation and no later than three (3) months after the discovery, except in extraordinary cases or cases involving

allegations of serious misconduct. In certain cases, the SCCS may waive the time period for filing charges after making a finding in writing that waives the time period for filing charges in the best interest of the University.

A referral may be initiated by a student, faculty member, University Police personnel, staff member, office personnel, or interested party to the University. The Director of SCCS or designee may request information concerning prior misconduct of the student from the University Police and other appropriate persons or offices. SCCS will then send the student notice of the referral through either (1) a Charge Letter informing the student of the process, or (2) an Interim Suspension Letter informing the student of the charges and Interim Suspension Process. This notice will be sent to the student's official university email account. For student organizations, this notice will be sent to the official university email account of the presiding officer of the organization (President).

***In Absentia:** If the student does not make an appointment within the timeframe outlined in the letter, the case may be heard in absentia. The student will then receive an Outcome letter and have an option for Formal Hearing. If the student does not request a formal hearing in the timeframe allotted, then it will be understood that the student accepts the outcome as is and an appropriate sanction(s) may be issued.*

2. **Conduct Conference:** The University conducts meetings for students involved in incidents that may require disciplinary action. A member of the office of Student Conduct & Community Standards or designee will meet with the student for a Conduct Conference to review all charges, pertinent information to the incident and formal hearing options. Unless otherwise specified in this document, the student has the right to choose from the hearing options listed below:

- a. Option One: Mutual Resolution through Conduct Conference:

This is an informal meeting conducted by a member of SCCS/designee. This meeting is intended to apprise the party of the information contained in the referral, discuss the charges, and potential outcomes. Students are given the opportunity to explain their involvement in the incident and admit to some/all responsibility for the violations. If a mutual agreement is reached, the student will sign a form waiving his/her right to a formal hearing and his/her right to an appeal. The hearing, which is not recorded, is adjudicated by the Student Conduct & Community Standards/designee. The student and the adjudicator will review all information concerning the alleged violation and the student will speak on his/her own behalf. After the informal review, the adjudicator may reach one of the following decisions and send the decision in an Outcome Letter:

1. Student is responsible;
2. Case dismissed; or
3. Case continued pending further investigation by the hearing officer.

- b. Option Two: Formal Hearing with an Administrative Hearing Officer or the University Conduct Board:

This is a formal hearing before either one Administrative Hearing Officer or the University Conduct Board. The UCB is a panel consisting of students and faculty/staff, but for cases falling within Title IX regulations, the panel will consist of faculty/staff only.



Students may bring witnesses, who have knowledge of the incident, to this hearing. Students also have an appeal option after a formal hearing. At the conclusion of the Formal Hearing, the adjudicating body has up to three business days to reach a decision.

When circumstances arise (e.g., staffing constraints or a particularly complex matter), additional time may be required to issue a decision. If additional time is needed, that will be communicated to the charged student(s). In cases of sexual harassment/sexual misconduct or physical violence, the complainant will also be notified of the delay.

Once a decision is reached, the decision will be sent in the form of an Outcome letter to the student's official university email address. If SCCS does not receive an appeal from the student within 5 business days from the date of Outcome letter, it will be understood that the student accepts the decision as final, waives his/her right to appeal, and all sanctions will be effective.

Prior to a formal hearing, a student may make an appointment to review any file information related to the charges. At a formal hearing, the student or representative(s) of the organization may be advised and accompanied (but not represented) by a member of the University community or by legal counsel procured at the student's expense. The advisor may only consult and interact privately with the student. The decision rendered by the Administrative Hearing Officer or UCB during a formal hearing shall be based solely upon the evidence/information presented in the hearing. This is a recorded hearing where witnesses may be called to provide information. The student's witness(es) must have pertinent information to the case. (Character witnesses are not permitted.) If during a hearing additional violations are brought to light, new charges may be filed and a new hearing may be scheduled.

3. Conflict Resolution Session/s: When appropriate and agreeable to all students involved, a conflict resolution process may be conducted in lieu of an adjudication of Code of Conduct violations. The Office of Student Conduct & Community Standards/designee will determine when this process may be an option. At the conclusion of the Conflict Resolution process, an Outcome letter will be sent to both parties.

**Additional procedural requirements for cases Involving Sexual Harassment/Sexual Misconduct/Dating Violence/Domestic Violence/Stalking the following apply (see also ESU Policy ESU-2011-10):**

1. All incidents of sexual misconduct must be reported to the Title IX Coordinator. Follow-up investigation may result in pursuit of the case through the Office of Student Conduct and Community Standards, the University Police and/or local police in both or either jurisdiction. The complainant has the right not to report sexual misconduct to University Police and/or local police if he, she, or they choose.
2. Formal hearings will be the venue for any incidents involving sexual harassment/sexual misconduct that are not resolved through an informal resolution process within the Title IX office.
3. Retaliation against any individual on the basis of a good faith report made by such individual, and/or on the basis of that individual's participation in an investigation, hearing, and/or final disposition of the sexual misconduct investigation is contrary to the community standards and is strictly prohibited under this code of conduct.

4. Both the respondent and complainant have the right to have one Advisor of their choice present at all steps of the process and at the student's personal expense. The Advisor may include a parent, guardian, or attorney. The Advisor may confer with the respondent or complainant, but may not speak on the respondent's or complainant's behalf. The Advisor is allowed to conduct the cross examination on behalf of the complainant and/or respondent in sexual harassment/sexual misconduct/VAWA related cases in the formal hearing.

5. The respondent(s) may have character witnesses present on his/her/their character for a formal hearing.

6. Both the respondent and complainant have the right to be informed of the outcome of the hearing in writing.

7. Both students, respondent and complainant, have the right to appeal the outcome of a formal hearing. The same basis for an appeal applies as stated below in Section XI. In these cases, if an appeal is filed by either the complainant and/or the respondent, both parties will receive the written appeal and have up to five (5) business days to write a response if they wish.

**X. Decision**

All decisions of the Administrative Hearing Body are final for all sanctions up to and including expulsion.

**XI. Appeals of Formal Hearings**

Appeals are decided by the Vice President for Campus Life and Inclusive Excellence/designee for non-academic cases, the Provost/designee for Academic Integrity Cases, or the President/designee in cases that result in Expulsion. Appeals must be made in writing by the student and submitted/delivered to the Office of Student Conduct and Community Standards within five (5) business days after the decision of the hearing body. Upon receipt of the written appeal, the Office of Student Conduct and Community Standards will submit the appeal to the designated individual and defer the imposition of the sanction(s) pending the decision on the appeal. Appeals must be based on:

- a) Lack of procedural due process;
- b) Lack of substantial evidence to support the decision; or
- c) New evidence that was not previously available that could substantially change the nature of the case;
- d) Severity of sanctions only if the sanction resulted in one or more of the following: loss of eligibility to live in and/or visit University-owned/operated housing, suspension, and/or expulsion.

If the appeal meets one of the categories listed above, it will be reviewed by the designated individual and the following may be recommended:

- a) Uphold the decision;
- b) Alter the decision and/or sanction that has been imposed;
- c) Return the matter to the Office of Student Conduct and Community Standards with instructions for re-adjudication relative to specific issues; or
- d) Overrule the decision and dismiss the case.

Decisions on appeal will be rendered by the Vice President or Provost within ten (10) business days, unless justifiable circumstances make adherence to this time frame infeasible. The decision of the Vice President or Provost is considered final university action. There is no other appeal process.

## **XII. Provision for Amendments**

A committee of students, faculty and administrators will periodically review this document at least every 3 years. The Vice President for Campus Life and Inclusive Excellence will assist in appointing the chair and members of the review committee. Such a review process, in cooperation with the Vice President, will facilitate making timely changes to better meet the needs of the academic community.

## **XIII. Records Retention**

All disciplinary records are the property of the office of Student Conduct and Community Standards. The office will maintain these records for 7 years from the date of graduation, or the last date of enrollment if the student did not graduate.

# **MOTOR VEHICLES AND PARKING**

## **Introduction**

To provide for a safe, secure, equitable operation, and for the control of motor vehicles on the campus of East Stroudsburg University, those utilizing motor vehicles on campus must follow a common set of rules and regulations. The Pennsylvania Crimes Code (Title 18) of 1972, Section 7505; Act 34 of 1949; and Act 188 of 1983 authorizes all Commonwealth agencies to regulate and enforce motor vehicle traffic and parking on Commonwealth property. A motor vehicle is defined as any self-propelled vehicle.

## **Policy**

All motor vehicles parking on campus must be registered with the University Security/Parking Office. Applicants for registration of a vehicle must possess a current driver's license and a current state vehicle registration card. Any charge for registering a vehicle on campus shall be determined by the president of the university. The university and the Commonwealth of Pennsylvania assume no responsibility or liability for loss or damage to any motor vehicle parked or driven on its property.

The University Police shall have the authority to temporarily close or restrict parking or traffic flow on the ESU campus. This includes but is not limited to special events, snow removal, and athletic contests.

Proceeding by citation, summons or warrant for violations of the motor vehicle code before a magistrate shall be in accordance with the rules of criminal procedure in effect at the time of the violation.

**Parking regulations are enforced 24 hours a day 7 days a week 365 days a year.**

Failure to have read the guidelines governing all motor vehicles on the ESU campus shall not constitute a valid excuse for non-compliance.

## **Guidelines and Procedures**

### **Resident Parking Eligibility**

Students residing in main campus housing under the age of 21 or with less than 60 credits are **not** permitted to have vehicles on campus midweek. There are exceptions to this guideline. Students covered by this restriction demonstrating a compelling need or unusual personal hardship may apply for a Special Permission Parking permit to have a car on campus. Applications are reviewed on a first-come first-serve basis by the Special Parking Committee

and the number of spaces is limited. Visit [Residence Life](#) or [Parking](#) for details regarding the application process.

## **Vehicle Registration**

Each semester, students shall register their vehicles within two weeks of the first day of classes as determined by the university Undergraduate Catalog. Students will be assigned to student parking areas and must park in those appropriate areas. Any student who acquires the use of a vehicle after the regular registration period must register the vehicle immediately upon bringing the vehicle on campus for the first time. Replacement of, or additional, vehicles must be registered within the first business day of bringing the vehicle to campus for the first time.

Upon sale, trade or other disposition of any vehicle displaying any type of current parking permit, and replacing it with a new vehicle, the owner/operator shall be responsible for updating the vehicle information through the MyESU Portal or by contacting the Security/Parking Office. If not replacing the sold, traded, or disposed vehicle, the owner/operator shall be responsible for the removal and return of the parking permit to the Security/Parking Office.

## **Parking Permits**

All vehicles parking on campus must properly display a valid permit designated by type. Students may purchase a permit online through the MyESU Portal or by completing an In-Person Transaction form at the Security/Parking Office authorizing the charge to be placed on their student account.

**Students are not permitted to display their permit on or register a vehicle whose owner/operator is another student, or the parent(s) or relative of another student.**

## **Student Parking Permit Fees**

The following fees are in effect and are subject to change:

**Commuter permits:** If purchased **before 4pm on 8/07/20** - \$70/semester or \$100 /year (commuter permits purchased before 4pm on 8/07/20 will be mailed to the address remitted at the time of purchase)

**Commuter permits:** If purchased **after 4pm on 8/07/20** - \$100/semester or \$150/year (commuter permits purchased after 4pm on 8/07/20 must be picked up at the Security/Parking Office)

**Resident permits:** \$70/semester or \$100/year

**Special Permission permits:** \$70/semester (must reapply each semester)

**University Ridge permits:** \$70/semester or \$100/year

All resident permits must be picked up at the Security/Parking Office.

Currently there is no charge for parking in any student lot during the summer break.

Visit [www.esu.edu/university\\_police/parking-transportation/permits.cfm](http://www.esu.edu/university_police/parking-transportation/permits.cfm) for additional permit information.

## **Violations**

It is not possible to mark with signs or paint all areas where parking is prohibited. However, the following guidelines will be strictly enforced. You may not park a vehicle or permit it to stand attended or unattended:

- Without displaying a valid permit
  - In reserved spaces without a proper permit
-

- In “No Parking” areas
- Inside any stadium or on any athletic field
- In a handicapped space without a valid plate or placard
- In fire lanes, fire exits or within 15 feet of a fire hydrant
- Blocking doorways
- In loading zones unless actually loading or unloading. Flashers **must** be on and time is limited to 20 minutes. Loading vehicles may not violate any provisions of the Pennsylvania State Vehicle Code, and may not park in any posted space
- In service entrances, construction sites, or spaces reserved for maintenance vehicles
- On lawns, sidewalks, crosswalks, parking lot driveways and curb cuts for persons with disabilities or straddling painted lines
- Within 30 feet of a stop sign
- In areas where the permit is not valid
- Over or adjacent to curbs painted yellow
- Against the flow of traffic
- On roadways, in traffic lanes or within intersections

Any person who is issued a University parking permit in violation of the following guidelines or a person who uses or displays it shall be issued a ticket for fraudulent registration. The giving of false information to the Security/Parking Office to obtain a parking permit may result in prosecution. Refunds will not be issued for fraudulent permit purchases. Fraudulent registration includes but is not limited to:

- Multiple vehicle registration for the same period, except as permitted by University guidelines.
- Registration of a vehicle which is to be used by a person who is not authorized a permit for University parking.
- Use of a “Temporary Permit/Day Pass” by Faculty, Staff, or Student unless the Security/Parking Office authorizes the use.
- Alteration to or counterfeit of a permit.
- Displaying someone’s permit on a vehicle which is not authorized to be registered for a permit.
- Misrepresentation of an individual’s eligibility (including local address) to secure a University parking permit.

### Parking Fines

- Unauthorized parking in handicapped space: \$100 - \$200
- Fraudulent registration: \$50 + Loss of parking privileges
- Parking on grass: \$25 + Damages
- Parking outside designated space: \$25
- Parking against the flow of traffic: \$25
- Parking less than 15 feet from a fire hydrant: \$25
- Parking within 30 feet of a stop sign: \$25
- Parking in a Reserved Space: \$50
- Misuse of a parking permit: \$50
- Improper display or failure to display a valid parking permit: \$25
- Boot Removal: first offense \$50, second offense \$100, third offense \$150 within an academic year (each additional offense after the third is also \$150)
- All other parking violations: \$25
- Moving violations: \$50 - \$200 (ESU citation)

A person commits a summary offense if he/she does any of the following on the university campus:

- Operates a motor vehicle on a highway at a speed in excess of the maximum posted limit;
- Operates a motor vehicle on any highway which is posted as closed to motor vehicles;
- Operates a motor vehicle on a designated snow emergency route during a declared snow emergency without snow tires or chains;
- Operates a motor vehicle being used for business or commerce without specific written approval from an authorized official of the university;
- Operates a motor vehicle so as to cause noise which is unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility;
- Operates a motor vehicle on university grounds other than roads or other areas designated for the operation of motor vehicles;
- Operates a motor vehicle so as to disobey the directions of any traffic signal or sign, unless otherwise directed by a police officer;
- Parks a motor vehicle in a designated accessible space and the operator of said vehicle is not disabled or transporting a disabled person. Vehicle must display an accessible plate, permit or placard.

Any person in violation of the above rules shall be subject to a fine not to exceed \$100. Said payment shall terminate any further prosecution of said offense. Failure to pay the penalty within 10 business days may result in a Commonwealth citation being filed with the District Magistrate incurring additional fines plus costs of prosecution. (This guideline does not preclude a police officer from issuing a Commonwealth traffic citation instead of proceeding with a University citation).

The Chief of Police or Director of Parking and Transportation shall provide the name of any student charged with 10 parking or moving violations in any semester to the Office of the Vice President for Student Affairs for disciplinary action. A separate hold will be put on a student’s records for each parking violation issued. Holds are removed as the tickets are paid in full.

### Booting, Towing and Impounding

The University reserves the right to immobilize (boot) or to remove and impound abandoned vehicles or any vehicle found on campus:

- With three or more unpaid parking tickets
- With an unauthorized, altered or revoked permit
- Without a license plate
- With an expired license plate/vehicle registration
- Parked in driveways, fire lanes, reserved or service vehicle spaces, and reserved lots
- In repeated violation of parking guidelines
- Blocking a loading dock or trash dumpster
- Parked in an area designated as a construction zone or in an area which requires emergency repairs
- Parked in such a way as to constitute a hazard to vehicular or pedestrian traffic or to the movement and operation of emergency equipment

The owner will be responsible for costs involved in removing, impounding and storing such a vehicle, including any expenses charged by the towing company as a “show-up” fee or road service fee. Boots will not be removed until all fines/fees owed to the University have been satisfied.

- The owner or operator will have 72 hours from the date the immobilizing device was placed on the vehicle to make payment in full for any unpaid tickets (if applicable) plus an additional fee for the removal of the immobilizing device.

- The boot removal ticket fines are as follows: \$50 for the first offense, \$100 for the second offense, and \$150 for the third offense within an academic year (each additional offense after the third is also \$150).
- If the total amount of fines and fees are not paid within 72 hours, the vehicle may be towed off campus.
- The owner/operator of the vehicle will pay the towing and storage fees at the office of the designated tower.
- The owner/operator must first report to the University Police Department or Security/Parking Office for a release form prior to the release of the vehicle from the towing company.
- Prior to receiving the release form all fines/fees owed to the University must be paid.
- Any person who shall tamper with, damage, deface, remove or attempt to remove any device used to immobilize a vehicle which has been booted by the University Police or Security, or who shall move or attempt to move the booted vehicle before the release of the vehicle has been officially secured, shall be reported to Student Conduct, may be prosecuted and shall be required to make full restitution for damages caused by such actions.

Tow-away areas shall be posted with tow-away signs. No vehicle shall be removed under the authority of this policy if, at the time of removal, the owner/operator expresses a willingness and intention to immediately remove said vehicle and pay any appropriate charges due.

For a complete listing of campus parking guidelines visit:  
[www.esu.edu/university\\_police/parking-transportation/index.cfm](http://www.esu.edu/university_police/parking-transportation/index.cfm)

## SAFETY REMINDERS

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### Safety Reminders from the University Police

*Adapted from guidelines by the Pennsylvania Crime Prevention Practitioners Association*

At home, your family takes responsibility for the safety of its members, its dwelling, and its property. At ESU, you are living in a much larger “family” whose members are also responsible for their own and each other’s safety.

In the larger university family, each member must take extra care to ensure the safety of everyone. No member of the university community should feel afraid, but all members should exercise ordinary prudence.

The University Police Department has been established to protect you and everyone at ESU, but many safety factors are under your control.

Here are some reminders of common-sense precautions you can take. Your home is as safe as you make it. So is your university.

#### In Offices, Classrooms, Libraries, or Laboratories

Always keep personal belongings in view.

Keep petty cash and other valued items in a locked drawer.

Keep your purse with you or in a locked cabinet or drawer. Never leave it in, on top of, or underneath a desk.

Never prop doors open, especially fire doors, even for a short time.

Avoid working or studying alone in a building at night.

Report anyone who behaves suspiciously to the University Police. Remember his or her appearance and relay the information to the dispatcher.

Advise the University Police of any hazards or security problems.

#### On the Street

Stay in well-lit areas. Walk at the mid-point between curbs and buildings. Stay away from alleys, entries, and bushes.

Walk with someone whenever possible. Participate in the buddy system. Use the Escort Service if you must travel after dark. It’s worth the wait. The Escort Service may be reached by dialing 570-422-3064.

If you are followed, act suspicious. Keep looking behind you and you may discourage the follower. If someone is following you on foot, cross the street, change directions, or vary your pace. If someone in a car follows you, turn around and walk in the opposite direction. If the follower persists, record the car’s license number and call the police.

#### On Campus

Keep doors locked, even if you are away for only a few minutes, don’t leave notes on your door saying that you are out.

Lock your door before you go to sleep. An unlocked door, night or day, can be an invitation to trouble.

Always keep your keys in your possession. Never place them under mats, over doors, or in any other obvious “hiding place.”

Remember that most losses occur during the day. Close and lock all windows when you leave your room, especially if you are on the first floor or off a fire escape.

Keep an accurate inventory of your possessions.

If you should return to your residence and suspect that it has been illegally entered, do not enter. Call the University Police at 570-422-3064. In the event of an emergency call 911.

If you see a suspicious person in a hallway or lounge, or if someone knocks on your door to solicit, call the University Police. Never confront or ignore a stranger.

In a residence hall, screams could sound like horseplay. In an emergency, be specific. Shout “Help,” “Police,” or “Fire.”

In all activities, use common sense and be conscious of your surroundings.

Know your neighbors.

Don’t ignore hazardous situations and don’t create them for others.

#### Online

Keep your online information and personal site settings private and do not give access to persons you do not know or trust.

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Keep your passwords secure and do not post information of a personal nature.

If you receive harassing or threatening electronic communication be sure to save the materials and report the incident to University Police.

## In Case of Fire

When the fire alarm sounds, all occupants must evacuate the building immediately using the nearest exit.

Only University Police Officers or members of the Fire Department may authorize reentry into the building.

### Fire Safety Tips:

- Familiarize yourself with the location of fire alarm pull stations and fire safety equipment, and all exits
- If you encounter smoke, flames or have a medical emergency, immediately call 911 and provide as much information as possible.
- If the fire alarm sounds, assume an actual fire or emergency is occurring in the building and evacuate as quickly as safely possible through the closest exit. If you encounter smoke while evacuating, keep as low to floor as possible. If you are able, help others that require assistance.

## Walking, Running and Biking

### A. Rules for safe walking

1. Always use sidewalks when provided.
2. If no sidewalk exists, always walk facing opposing vehicular traffic as far as possible from the edge of roadway.
3. Always cross a roadway at an intersection or a well-defined crosswalk, and look both ways before crossing.
4. Always carry identification with you.
5. At night, do not walk alone unless absolutely necessary; walk in well-lighted areas, and wear light colored or reflective clothing.

### B. Rules for safe running

1. Run on sidewalks, to the right of walkers. If sidewalks are not available, run on the shoulder of the road, facing traffic.
2. Be alert for cars at sharp curves and on crests of hills where you cannot see oncoming traffic.
3. Run in parks, on the track or on grass whenever possible. Never run alone, but do not run in large groups.

4. Communicate to your partner about oncoming traffic.
5. Wear or carry, white, bright or glow-in-the-dark clothes, if you must run at night. Be extra careful during inclement weather.
6. Observe cross walks, traffic lights, stop signs, etc. Run in place if necessary.
7. When making turns, look behind you and back over to traffic facing running side as soon as possible.
8. Do not intimidate or provoke automobile drivers. In general, do the things a walker would do:
  - a. Cross at crosswalks; look both ways before crossing.
  - b. Cross only on proper traffic signal.
  - c. Watch for turning cars.
  - d. Never go into the roadway from between parked cars.

### Rules for safe bicycle riding

1. Keep to the right side of the roadway and ride in single file. Pass other cyclists with caution.
2. Obey all traffic lights. Use hand signals.
3. Ride cautiously through parking areas, driveways and congested intersections.
4. For night riding, equip your bike with front/rear lights, use reflectors and wear light colored or reflective clothing.
5. Give pedestrians and motor vehicles the right of way and use a warning device.
6. Use caution when passing parked vehicles because doors can be opened without warning.
7. Watch out for potholes, rocks, broken glass and other road hazards.
8. Always lock your bicycle properly when not in use using a high security lock.
  - a. Secure at least the back wheel and frame tube to something immovable. Bike racks are available throughout the campus.
  - b. Always lock your bicycle in a well-lit area.

These rules are not only for your safety, they are the law. The Pennsylvania vehicle code requires joggers, cyclists, and pedestrians to obey the traffic laws. The police can issue you a citation for failing to follow these rules.



# Have questions? Here's where to go for answers

Call 570-422 + extension listed

QUESTIONS ABOUT	WHERE TO GO	EXTENSION
<a href="#">Academic Requirements</a>	Faculty Adviser or <a href="#">University Catalog</a>	
<a href="#">Athletic Information</a>	Koehler Fieldhouse	3642
<a href="#">Automobile Registration</a>	University Police	3064
<a href="#">Books and Supplies</a>	University Store, University Center	2665
<a href="#">Campus Events/Activities</a>	Student Activity Association, University Center	3291
<a href="#">Career Planning and Resources</a>	Career Development Center, University Center	3219
<a href="#">Change of Course/Schedule</a>	Student Enrollment Center, Zimbar-Liljenstein Hall	2800
<a href="#">Commuter Student Services</a>	University Center Room 223	3384
<a href="#">Course Schedules</a>	Your Faculty Adviser or MyESU Portal	
<a href="#">Diversity and Inclusion</a>	Campus Life & Inclusive Excellence, Reibman Administration	4017
<a href="#">Employment (Work/Study)</a>	Human Resources	3145
<a href="#">Event Scheduling and Room Reservations</a>	Conference Services	3061
<a href="#">Fees, Tuition, Room and Board</a>	Student Enrollment Center, Zimbar-Liljenstein Hall	2800
<a href="#">Gender and Sexuality Center</a>	University Center G-7	3614
<a href="#">Graduate Study Information</a>	Graduate College, Zimbar-Liljenstein Hall	3536
<a href="#">Greek Life</a>	Daniel Ayala	3775
<a href="#">Honors Program</a>	Paul Creamer, director	3318
<a href="#">Housing (On-Campus)</a>	Residential & Dining Services, Hemlock Suites	3460
<a href="#">Identification Cards/eCards</a>	Campus Card Center, University Center	2273
<a href="#">Health Services at Lehigh Valley Health Network - Pocono</a>	100 East Brown Street, East Stroudsburg	3553
<a href="#">Insurance, Student</a>	Health & Wellness, Sycamore Suites	3553
<a href="#">Lost and Found</a>	University Police	3064
<a href="#">Meal Plans</a>	Residential and Dining Services, Hemlock Suites	3460
Meeting Place Reservations, University Center	Jill Hill, University Center	3767
<a href="#">New Student Programs</a>	Dean of Student Life, Sycamore Suites	3461
<a href="#">National Student Exchange</a>	International Programs, Zimbar-Liljenstein Hall	3527
<a href="#">Orientation</a>	Dean of Student Life, Sycamore Suites	3461
<a href="#">Parents' Association</a>	Dean of Student Life, Sycamore Suites	3461
<a href="#">Parking Regulations</a>	University Police	3064
<a href="#">Personal Counseling</a>	Counseling and Psychological Services, Sycamore Suites	3277
<a href="#">Registration</a>	Student Enrollment Center, Zimbar-Liljenstein Hall	2800
<a href="#">Room Changes</a>	Resident Director	
<a href="#">Scholarships and Loans</a>	Student Enrollment Center, Zimbar-Liljenstein Hall	2800/800-378-6732
<a href="#">Sexual Harassment/Title IX Concerns</a>	Lonnice Allbaugh, Title IX Coordinator	3461
<a href="#">Student Activity Association</a>	University Center	3556
<a href="#">Student Conduct and Community Standards</a>	Sycamore Suites	3461
<a href="#">Student Teaching</a>	Director of Field Experience, Stroud Hall	3471
<a href="#">Study Abroad</a>	Director of International Study Programs	3527
<a href="#">Tutoring Services</a>	Warrior Tutoring Center, Rosenkrans East	3433
<a href="#">Undeclared Majors</a>	Dept. of Academic Enrichment and Learning, Rosenkrans East	3164
<a href="#">Wellness Education and Prevention</a>	Sycamore Suites	3298
<a href="#">Withdrawal from Course/University</a>	Student Enrollment Center, Zimbar-Liljenstein Hall	2800