

## **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act): Policies, Reporting, Warnings, Notifications, and Sanctions**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, more commonly known as the Clery Act, is contained (along with other security-related disclosure requirements) in section 485 of the Higher Education Act, codified at 20 U.S.C. § 1092. It requires all postsecondary education institutions to keep records and report annually on the nature, date, time, and place of crimes occurring on campus, including hate crimes. It also prescribes a number of security-related protocols for emergency response procedures, timely notifications for on-campus crimes, etc.

For your information, a copy of Falcon Institute of Health and Science's Annual Campus Safety and Security Report (also known as our Annual Security Report, or ASR) is attached. This report is distributed in compliance with the Clery Act. The ASR report is available at the Admission's Office.

Falcon Institute of Health and Science's commitment to safety and security includes:

- Providing a secure and crime free environment for students, faculty and staff.
- Performing regular evaluation of security programs.
- Monitoring and following up on each crime reported at Falcon Institute of Health and Science location.

We believe student, faculty, and staff behavior which promotes security awareness is important in all aspects of our lives and we encourage all students, faculty and staff to accept responsibility for their own security as well as the security of other members of the Falcon Institute of Health and Science community.

As you read the following report, comments, questions or concerns may be addressed to:

Falcon Institute of Health and Science  
Attention: Preet Chahal, Chief Executive Officer  
Student Financial Services  
3045 Avenue B  
Bethlehem, PA 18017

## **STATEMENT OF CURRENT POLICIES CONCERNING SECURITY AND ACCESS TO CAMPUS FACILITIES**

- The security of the educational and work environment is a high priority at Falcon Institute of Health and Science.
- As an effort to demonstrate this, the school utilizes security cameras in appropriate public areas of the school campus, both inside and outside the buildings.
- Access to the buildings is secured between the hours of 4:00 p.m. and 7:00 a.m. so that unauthorized individuals are not able to lawfully enter the building.
- During normal business hours and hours in which the building is accessible, visitors (including vendors, etc.) are required to sign in at the admissions office.
- Students have the responsibility to immediately report any unusual event to their Instructor who will take immediate action and then will utilize the chain of command immediately.
- A thorough investigation and then disciplinary action, and termination if warranted, will ensue when a student or a staff member is involved in any wrong doing.

## **STATEMENT OF CURRENT POLICIES REGARDING PROCEDURES FOR STUDENTS AND OTHERS TO REPORT CRIMINAL ACTIONS AND POLICES CONCERNING THE INSTITUTION'S RESPONSE TO SUCH REPORTS**

- During school hours students, faculty or staff who wish to report criminal actions, should immediately contact the Chief Executive Officer (CEO) at 484-809-0698 or the Acting Director/ Program Director at 484-426-6039 , then to local law enforcement at the non-emergency number, 610-759-2200. **In an emergency, dial 911 before reporting to the school officials.**
- If at the clinical site student must report immediately to the instructor and the instructor should immediately contact the Chief Executive Officer (CEO) at 484-809-0698 or the Acting Director/ Program Director at 484-426-6039 and then to local law enforcement at the non-emergency number, 610-759-2200. **In an emergency, dial 911 before reporting it to the school officials.**
- The Falcon Institute of Health and Science Incident Report Form must be completed with the assistance of the person reporting the criminal action.

- The incident report should be filed as soon as possible with the CEO or Acting Director at the school who will follow up on the report personally or assign responsibility to another appropriate administrator to follow up and report on the outcome as well as any preventative or other actions taken to ensure the safety and security of all staff, faculty, and students.
- Additional copies of the Falcon Institute of Health and Science Incident Report Form may be requested from the Admission's Office.
- If a crime occurs during non-school hours and no faculty or staff member is available, notify the Bethlehem Police Department immediately and the School's CEO as soon as possible.
- The Falcon Institute of Health and Science does not recognize any off campus student organizations. The purpose and authority of faculty and staff is limited to securing the premises and protecting the facility. The enforcement authority of faculty and staff is limited to the enforcement of campus rules and regulations. Incidents that go beyond the scope of faculty and staff will be referred to and investigated by the local law enforcement agency .

## **A STATEMENT OF CURRENT POLICIES THAT ENCOURAGE PROMPT REPORTING OF ALL CAMPUS CRIME TO THE CAMPUS AUTHORITIES AND LOCAL POLICE**

Falcon Institute of Health and Science is essentially a non-residential School, and does not have a campus police force. Therefore, all crimes are reported to local authorities as described in the first section regarding policies and procedures to report crimes. All crimes should be reported immediately in order to enhance the opportunity for a quick resolution.

The Falcon Institute of Health and Science Incident Report Form (referenced above) may be requested from the Administration Office to assist in the description and recording of an incident of crime or emergency.

Voluntary confidential reporting: As Falcon Institute of Health and Science is essentially a non-residential school, and does not have a campus police force; all crimes must be reported to local authorities. Local law enforcement will allow a victim or witness to report crime on a voluntary and confidential basis. All victims are encouraged to report all crimes to the CEO and local law enforcement. In the event the victim is unable to make such a report, the campus CEO or third-party witness is encouraged to report the crime promptly.

In very limited circumstances, an institution may remove from its crime statistics (but not from its crime log) reports of crimes that have been

determined to be “unfounded” by law enforcement officials. Falcon Institute of Health and Science will report to the Department and disclose in the annual security report statistics of the number of crime reports that were “unfounded” and subsequently withheld from its crime statistics during each of the three most recent calendar years.

The school does not have any memorandum of understanding (MOU) or any other type of written agreement, such as a memorandum of agreement (MOA), with any law enforcement agencies for the investigation of alleged criminal offenses. The local police station is in close proximity of the school campus and will be telephoned when needed.

Crime is a serious problem with no easy solutions. Therefore, all members of the school campus community are encouraged to assist one another by taking responsibility for personal safety and assisting with the security needs of others. While school staff and security measures may offer assistance regarding safety and security concerns, ultimately the primary responsibility for your personal safety rests with you.

### **Safety Tips**

- Stay alert of your surroundings, wherever you are.
- If you feel uncomfortable in a place, leave right away.
- Keep eyes and ears open, hands free.
- Choose busy streets and avoid going through deserted areas.
- At night, walk in well-lit areas whenever possible.
- Try not to walk or jog alone. Take a friend or walk in group.
- Avoid carrying large sums of cash.
- When in public spaces, keep valuable items including jewelry, mobile phones and wallets out of sight.
- Carry a pepper or mace spray as a precautionary measure.
- Avoid returning to campus after dark, or walk in groups to and from buildings.
- Communicate suspicious behavior immediately to a staff or faculty.

### **A STATEMENT OF PROGRAMS AVAILABLE TO STUDENTS AND EMPLOYEES RELATED TO CAMPUS SECURITY, PERSONAL SAFETY, AND CRIME PREVENTION**

Falcon Institute of Health and Science provides information on personal safety and crime prevention.

- The School provides this information at new student and new employee orientation.
- During the orientation of students, faculty, and staff, procedures are also outlined to cover the reporting of all criminal acts.

- Additionally, the Admissions Office has a directory of services that are available, within the community, to assist those who have suffered from a criminal act.
- These services are usually free and are provided by organizations or agencies within the community.
- The office also has available resource materials that address Domestic Violence, Dating Violence, Sexual Assault and Stalking.

### **Crime Reporting**

Efforts are made to inform members of the campus community on a timely basis about campus crime and crime-related issues. These efforts include the following:

- Crime Alerts – Crime Alerts are published when a crime occurs on or near campus that potentially threatens the campus community. The crime alerts are distributed in a variety of methods, depending upon the incident. (See Timely Campus Warnings below.)

### **PREPARING THE ANNUAL DISCLOSURE**

The CEO, serving as the Campus Security Authority for the school, has the responsibility of gathering the data used to prepare the annual campus crime statistics report.

- Campus crime data is gathered the same day that it is reported.
- The data is obtained from reports made to local law enforcement.
- Crimes are counted in the disclosure based upon the crime having been reported, not whether there was a conviction.
- Data is obtained annually from local law enforcement and compared with the data gathered at the School. The resulting data is used to prepare the annual crime statistics report.
- The Annual Security Report (ASR) is published and distributed by October 1 of each year to current students and employees. A notice of the ASR's availability is also provided to prospective students and employees, with a notice that a paper copy is available upon request.

### **REPORTABLE OFFENSES UNDER THE CLERY ACT**

*The Clery Act requires reporting on the following offenses:*

- |  |  |
|--|--|
| • murder;                                    | • sex offenses, forcible and non-forcible; |
| • manslaughter (negligent and non-negligent) | • robbery;                                 |
|  | • aggravated assault;                      |

- burglary;
- motor vehicle theft;
- arson;
- arrests, or persons referred for campus disciplinary action for liquor law violations;
- arrests, or persons referred for campus disciplinary action for drug-related violations;
- domestic violence\*\*
- dating violence\*\*
- sexual assault\*\*
  - stalking\*\*
  - arrests, or persons referred for campus disciplinary action for weapons possession, carrying, etc., and
- hate crimes, [which for Clery Act purposes include any crime listed in the preceding points and, as of 2008, larceny-theft; simple assault; intimidation; and destruction, damage, or vandalism of property in which the victim is intentionally selected because of his or her actual or perceived race, gender, religion, sexual orientation, ethnicity, national origin, or disability.]

\*\*On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA). Among other provisions, this law amended the Clery Act to require postsecondary institutions to include in their Annual Campus Security Report all instances of domestic violence, dating violence, sexual assault, and stalking; and instances of gender identity and national origin crimes which fall under the category of Hate Crimes. These new reportable items must be included in the ASR released by October 1, 2014, using a good faith effort to comply with the law until the final regulations are published with an effective date of July 1, 2015 for the October 1, 2015 ASR reporting deadline.

## **GEOGRAPHICAL AREA**

The Clery Act requires each institution to disclose crime statistics that occur on three types of property: campus, non-campus buildings or property, and public property areas.

“Campus” is defined as buildings or property owned or controlled by the institution within the same reasonably contiguous geographic area and used by the institution in a manner related to the institution’s educational purpose. It also includes property in that contiguous area owned by the institution but controlled by another person, if that property is used by students and supports institutional purposes (e.g. a food or retail vendor).

Branch campuses and geographically disconnected administrative divisions or schools would be considered separate campuses for the purposes of reporting.

“Public property” is property that is located within the same reasonably contiguous geographic areas of the campus, like a sidewalk, street or public parking lot, that is adjacent to a facility owned or controlled by the institution for purposes related to the institution’s educational purposes. Crimes occurring on “public property” must also be reported in the crime statistics.

A “non-campus building or property” is one that is owned or controlled by a school recognized student organization, or one that is owned or controlled by the institution and used by students or by the institution for education-related purposes and that is not within the same reasonably contiguous geographic area of the campus. Crimes occurring on “non-campus property” must be reported. However, incidents occurring on public property adjacent to “non-campus buildings or property” do not have to be included. Our institution does not have such property in this category for which we must report.

## **TIMELY CAMPUS WARNINGS or ALERTS**

A timely warning to the campus community is distributed regarding any of the above listed crimes (see Reportable Offenses under the Clery Act) which are deemed to represent a threat to the students and employees, and which are reported to campus officials or to local police agencies. The campus crime alert is issued in a manner that is timely and will aid in the prevention of similar crimes. The manner of dissemination to alert the campus community may include one or more of the following methods: e-mail, voice mail, and text messages. In addition, the CEO or other campus officials will post relevant warnings, updates and advisories on the school Website ([www.falconihs.com](http://www.falconihs.com)) and may also utilize campus bulletin boards, its social media page. Campus officials may decide to issue an alert about a crime occurring off-campus but in a location frequented by students, even though such a crime would not be included in the annual report.

## **A STATEMENT ADVISING OF AVAILABILITY OF INFORMATION ON REGISTERED SEX OFFENDERS**

The federal Campus Sex Crimes Prevention Act that became effective October 27, 2002 requires eligible institutions participating in the Title IV Federal Student Aid programs to issue a statement advising the campus community where the State law enforcement agency information concerning registered sex offenders/predators may be obtained. Sex offenders are required to be registered according to the State law in the State in which they reside and are also required to notify appropriate State officials of each postsecondary school at which the offender is employed or is a student. Any such offender is also required to give notice to the appropriate State authorities of any changes in enrollment or employment status at the postsecondary school.

In the State of Pennsylvania information concerning registered sex offenders and predators may be obtained from:

PA State Police, **Megan's Law**

1800 Elmerton Avenue

Harrisburg, PA 17110

P: 1.866.771.3170

Website:

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

Information is also available in the United States Department of Justice national sex offender registry at <http://www.nsopw.gov/Core/Portal.aspx>

## **TITLE IX POLICY STATEMENT**

### **Falcon Institute of Health and Science's TITLE IX Officer**

Preet Chahal President

3045 Avenue B

Bethlehem, PA 18017

484-809-0698

[preet@falconihs.com](mailto:preet@falconihs.com)



Title IX of the Education Amendments of 1972 ("Title IX") protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states:

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

Falcon Institute of Health and Science not only complies with the letter of Title IX's requirements but also endorses the law's intent and spirit. The Institution is committed to compliance in all areas addressed by Title IX, including access to higher education, career education, math and science, standardized testing, athletics, education for pregnant and parenting students, learning environment, and technology, as well as sexual harassment.

The purpose of this policy is to ensure that the Institution's policies are applied and interpreted in ways consistent with Title IX and other applicable law.

It is the policy of the Institution to provide educational, preventative and training programs regarding sexual or gender-based harassment; to encourage reporting of incidents; to prevent incidents of sexual and gender-based harassment from denying or limiting an individual's ability to participate in or benefit from the School's programs; to make available timely services for those who have been affected by discrimination; and to provide prompt and equitable methods of investigation and resolution to stop discrimination, remedy any harm, and prevent its recurrence.

Violations of this policy may result in the imposition of sanctions up to, and including, termination, dismissal, or expulsion, as determined by the appropriate officials at the School.

### **Discrimination**

The Falcon Institute of Health and Science prohibits discrimination and harassment based on race, color, creed, religion, sex, gender, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, genetic information, veteran status, or any other status protected by applicable law to the extent prohibited by law.

### **Sexual Harassment**

The Falcon Institute of Health and Science defines sexual harassment as unwelcome behavior of a sexual nature that relates to the gender or sexual

identity of an individual and that has the purpose or effect of creating an intimidating, offensive or hostile environment for study. This policy applies to all interactions between students and Falcon Institute of Health and Science's faculty members and other faculty, staff, and administrative personnel, and other students.

Conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Repeated incidents or a pattern of harassing behavior may be cause for serious corrective action. However, a more serious incident, even if isolated, may be sufficient cause for action under this policy including referral to law enforcement when applicable.

Quid pro quo sexual harassment can occur whether a person resists and suffers the threatened harm, or the person submits and avoids the threatened harm. Both situations could constitute discrimination on the basis of sex. A hostile environment can be created by persistent or pervasive conduct or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. Sexual violence, including rape, sexual assault, and domestic and dating violence, is a form of sexual harassment. In addition, the following conduct may violate this policy:

1. Observing, photographing, videotaping, or making other visual or auditory records of sexual activity or nudity, where there is a reasonable expectation of privacy, without the knowledge and consent of all parties.
2. Sharing visual or auditory records of sexual activity or nudity without the knowledge and consent of all recorded parties and recipients.
3. Sexual advances, whether or not they involve physical touching.
4. Commenting about or inappropriately touching an individual's body.
5. Requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or continued employment.
6. Lewd or sexually suggestive comments, jokes, innuendoes, or gestures.
7. Stalking

Other verbal, nonverbal, graphic, or physical conduct may create a hostile environment if the conduct is sufficiently persistent, pervasive, or severe so as to deny a person equal access to the School's programs or activities. Whether the conduct creates a hostile environment may depend on a variety of factors, including: the degree to which the conduct affected one or more person's education or employment; the type, frequency, and duration of the conduct; the relationship between the parties; the number of people involved; and the context in which the conduct occurred.

## **Unwelcome Conduct**

Conduct is unwelcome if a person (1) did not request or invite it and (2) regarded the unrequested or uninvited conduct as undesirable or offensive. That a person welcomes some sexual contact does not necessarily mean that person welcomes other sexual contact. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion.

Whether conduct is unwelcome is determined based on the totality of the circumstances, including various objective and subjective factors. The following types of information may be helpful in making that determination: statements by any witnesses to the alleged incident; information about the relative credibility of the parties and witnesses; the detail and consistency of each person's account; the absence of corroborating information where it should logically exist; information that the Respondent has been found to have harassed others; information that the Complainant has been found to have made false allegations against others; information about the Complainant's reaction or behavior after the alleged incident; and information about any actions the parties took immediately following the incident, including reporting the matter to others.

In addition, when a person is so impaired or incapacitated as to be incapable of requesting or inviting the conduct, conduct of a sexual nature is deemed unwelcome, provided that the Respondent knew or reasonably should have known of the person's impairment or incapacity. The person may be impaired or incapacitated as a result of drugs or alcohol or for some other reason, such as sleep or unconsciousness. A Respondent's impairment at the time of the incident as a result of drugs or alcohol does not, however, diminish the Respondent's responsibility for sexual or gender-based harassment under this policy.

## **Gender-Based Harassment**

Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the School's education or work programs or activities. For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this policy.

### **Reporting Title IX complaints to the School Procedure:**

Consistent with Supreme Court precedent and the text of title IX, the school will respond when:

1. The school has actual knowledge of sexual harassment
2. That occurred within the school's education program or activity
3. Against a person in the United States.

The alleged victim or any third party may report to the Title IX Coordinator, the Program Director, or the President of the school in person, by email, by phone or by mail. If the alleged victim or any third party is not able to locate or report to the Title IX Coordinator, the Program Director, or the President of the school, they may report to any employee of the school.

Title IX Coordinator  
Preet Chahal President  
484-809-0698  
[preet@falconihs.com](mailto:preet@falconihs.com)

Kassidy Lax Program Director  
61-253-2527 x 405  
[klax@falconihs.com](mailto:klax@falconihs.com)

The US Department of Education's Title IX Final Rule defines that, "actual knowledge" includes notice to any school employee and states that any person (e.g. the alleged victim or any third party) may report the complaint to a Title IX Coordinator in person or by email, phone, or mail.

The Final Rule also specifies that a school's "educational program or activity" includes situations over which the school exercised substantial control, and

also buildings owned or controlled by student organizations officially recognized by a postsecondary institution such as many fraternity and sorority houses.

The school will offer supportive measures to every complainant with or without a formal complaint. The school will offer supportive measures to the complainant or respondent as appropriate as reasonably available, and without fee or charge before or after the filing of a formal complaint or where no formal complaint has been filed. Section 106.30 defines supportive measures as non-disciplinary, non-punitive, and individualized services designed to restore or preserve access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties and the recipient's educational environment or to deter sexual harassment.

The school will investigate every formal complaint (which may be filed by a complainant or by the school's Title IX Coordinator). If the alleged conduct does not fall under Title IX, then the school may address the allegations under the school's own code of conduct and provide supportive measures.

### **The School's Grievance Process to Investigate Title IX Complaints**

The Final Rule requires schools to investigate and adjudicate formal complaints of sexual harassment, using a grievance process that incorporates due process principles, treats all parties fairly, and reaches reliable responsibility determinations.

The school's grievance process will

- Will give both parties written notice of the allegations, an equal opportunity to select an advisor of the party's choice (who may be, but does not need to be, an attorney) and an equal opportunity to submit and review evidence throughout the investigation.
- Will use trained Title IX personnel to objectively evaluate all relevant evidence without prejudice of the facts at issue and free from conflicts of interest or bias for or against either party. Investigators, complainants, respondents, witnesses and advisors will acknowledge that they have read and understand the training materials on the school's website. Title IX Coordinator Preet Chahal will assist with explanations or questions about the training.

- Will make all materials used to train Title IX personnel publicly available on the school's website or, available upon request for inspection by members of the public.
- Will protect parties' privacy by requiring a party's written consent before using the party's medical, psychological, or similar treatment records during a grievance process.
- Will obtain the parties' voluntary, written consent before using any kind of "informal resolution" process such as mediation or restorative justice, and not use an informal process where an employee allegedly sexually harassed a student.
- Will apply a presumption that the respondent is not responsible during the grievance process, (often called a "presumption of innocence"), so that the school bears the burden of proof and the standard of evidence is applied correctly.
- Will use the preponderance of the evidence standard and will use the same standard for formal complaints against students as for formal complaints against employees.
- **Will ensure the decision-maker is not the same person as the investigator or the Title IX Coordinator.**
- Will provide notice of the date, time, location, participants, purpose of the hearing, investigative interviews or other meetings to participants with time to prepare to participate. Proceedings will be recorded.
- Will provide an investigative summary to participants at least 10 days prior to a hearing so that written responses and written questions to be asked at the hearing will be presented to the Title IX Coordinator, three days prior to the hearing.
- Will hold a live hearing and allow cross-examination by party advisors (never by the parties personally).
- Will protect all complainants from inappropriately being asked about prior sexual history ("rape shield" protections).
- Will send both parties a written determination regarding responsibility explaining how and why the decision maker reached conclusions.
- Will effectively implement remedies for a complainant if a respondent is found responsible for sexual harassment.
- Will offer both parties an equal opportunity to appeal.
- Will protect any individual, including complainants, respondents, and witnesses, from retaliation for reporting sexual harassment or participating (or refusing to participate) in any Title IX grievance process.

- Will make all materials used to train Title IX personnel publicly available on the school's website or, if the school does not maintain a website, make these materials available upon request for inspection by members of the public.
- Will document and keep records of all sexual harassment reports and investigations.

If the school believes safety is at risk at any time, it may execute an emergency removal of individual(s) from education or activities. This will be invoked if the school determines an immediate threat to the physical health or safety to any individual. Upon being informed of a notice of removal, an immediate challenge may be filed.

The school may place an individual on administrative leave during and pending the result of the investigative process.

In cases involving alleged criminal conduct, the complainant may file a criminal complaint with the local police department. A complainant need not pursue a criminal complaint in order to seek or to hold the accused responsible through the school's Student Code of Conduct.

The institution uses a "preponderance of the evidence" standard when determining substantiated or unsubstantiated. The School may consider any evidence it deems relevant. A "preponderance of the evidence" means the evidence which is of greater weight or is more convincing than opposing evidence such that it is "more likely than not" that an act occurred.

In determining whether sex discrimination, sexual harassment or sexual misconduct occurred, the School does not apply the criminal standard of "beyond a reasonable doubt," nor do formal court rules of evidence apply in regard to the institution's investigation.

The exact nature of the responsive action depends on the circumstances but may include discipline up to and including suspension or dismissal from the Institution for a student, staff or faculty who is found to have violated Institutional policies.

## **Implementing Provisions/Policies**

The Institution will take appropriate action (i.e., an investigation, adjudication and disciplinary and remedial/corrective steps) in response to a complaint made pursuant to the complaint policies/procedures listed above. The Institution will make every effort to handle complaints and investigations with sensitivity to both the rights of the person who complains and the rights of the accused.

The Institution handles complaints discreetly and attempts to maintain privacy throughout the investigative process, to the extent practicable and appropriate under the circumstances. However, in order to conduct an investigation, it is generally necessary to discuss the allegations with the accused and other potential witnesses. Additionally, the institution may have legal obligations to disclose information to law enforcement or in the context of legal proceedings.

Complaints may be made anonymously. While the Institution endeavors to investigate all complaints, including anonymous complaints, the nature of anonymous complaints makes investigation, determination, and remediation more difficult and, at times, impossible. Further, while the Institution attempts to protect the identity of complainants who do not wish to be identified, this may not always be possible.

In appropriate cases as determined by the School, conflict resolution may be possible. This is permitted only where both the complainant and accused voluntarily agree to participate, and either party may terminate informal resolution attempts and commence formal Grievance procedures at any time prior to reaching a mutually acceptable resolution. Depending on the circumstances, a mediated resolution may not necessarily involve face-to-face discussions between the complainant and the accused. Certain cases are not appropriate for conflict resolution, such as complaints of particularly egregious sexual harassment or cases involving sexual assault or violence.

Occasionally, an individual makes a complaint and later wishes to revoke or discontinue the investigation or adjudication process. Similarly, it may occur that someone other than the victim reports an incident, and the victim declines to participate in the investigation or adjudication process. In other instances, complaints may be received anonymously and/or the victim may not wish to be personally identified. The Institution endeavors to respect



the wishes of a victim to either not be identified and/or not participate in the process. In these situations, the School attempts to investigate and address complaints in accordance with the victim's wishes.

If a victim wishes to talk about an incident with the assurance that the discussion will be confidential and will not result in an investigation or follow up action, the Institution offers confidential resources through the Chief Executive Officer. Contact with the Chief Executive Officer that does not result in a complaint being filed with the institution or result in action being taken by the institution. Anyone wishing to have an incident investigated, mediated or adjudicated must make a complaint either orally or in writing in accordance with the procedures described above.

In determining whether sex discrimination, sexual harassment or sexual misconduct occurred, the School does not apply the criminal standard of "beyond a reasonable doubt," nor do formal court rules of evidence apply. Instead, the institution uses a "preponderance of the evidence" standard, and the School may consider any evidence it deems relevant. A "preponderance of the evidence" means the evidence which is of greater weight or is more convincing than opposing evidence such that it is "more likely than not" that an act occurred.

If the applicable investigative or adjudication process allows for parties to offer witnesses and evidence, the complainant and the accused will have an equal opportunity to do so. The complainant and the accused will be informed in writing of the outcome of the complaint, to the extent permitted by law. An accused that is a student may appeal the outcome to an impartial decision maker. An employee who is deemed guilty shall have whatever rights granted under law. The particular method and grounds for appeal are explained in the student policies listed above.

Falcon Institute of Health and Science will, upon written request, disclose to the alleged victim of a crime of violence (see definition below), or a non-forcible sex offense, the results of any disciplinary hearing conducted by the school against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Falcon Institute of Health and Science will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

*§ 16. Crime of violence defined. The term “crime of violence” means— (a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.*

The School endeavors to resolve complaints promptly. Ordinarily, the investigative stage will take no longer than 60 calendar days from the time the complaint is received. In exceptional circumstances (including but not limited to especially complex cases or when the Institution is not in session), it may be necessary to extend these timelines. If that occurs, the parties will be informed of the expected timeline for completion.

The School prohibits retaliation against any individual who in good faith makes a complaint of sex discrimination, sexual harassment, or sexual misconduct or participates as a witness in a proceeding under this or any other School policy. Retaliation is also unlawful pursuant to Title IX and other laws.

Compliance with the provisions of the changes that VAWA made to the Clery Act does not constitute a violation of the *Family Educational Rights and Privacy Act (FERPA)*

## **A STATEMENT OF CURRENT POLICIES CONCERNING THE SEXUAL ASSAULT PREVENTION PROGRAM AND THE PROCEDURES THAT ARE FOLLOWED**

The new Campus Sexual Violence Elimination Act of 2013 (SaVE Act) requires schools to educate students, staff, and faculty on the prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. As part of Falcon Institute of Health and Science’s compliance with the SaVE Act requirements for prevention and awareness programs that address the specified areas above, the institution has several relevant brochures and handouts available on display in the library bulletin board. These brochures and handouts are from nationally recognized organizations and include awareness and preventive information. These brochures and handouts also include help hotlines related to these specific topics.

## **Male Victims**

While most victims of sexual assault are women, some men are also victims and will be treated the same as a female victim and have the same rights, resources and access to help.

## **Institutional Notice of Petitioner's Rights Under the Violence Against Women Act**

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

Falcon Institute of Health and Science not only complies with the letter of Title IX's requirements but also endorses the law's intent and spirit. The School is committed to compliance in all areas addressed by Title IX including access to higher education, career education, math and science, standardized testing, athletics, education for pregnant and parenting students, learning environment, and technology, as well as sexual harassment.

Sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and include dating violence, domestic violence, sexual assault and stalking. As such should you report a form of sex-based discrimination, The School wants to inform you of our policy and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus as well as your rights, and the institution's responsibilities.

As a petitioner of sexual assault, dating violence, domestic violence or stalking, you will receive a full copy of our institution's Title IX Policy. This policy has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking. These procedures include our right to inform you of your rights to file criminal charges as well as the availability of medical, counseling, and support services. We also offer additional remedies to prevent contact between a complainant and an accused party. The policy also addresses possible sanctions and interim and/or long-term protective measures that the School may impose.

## **Definitions**

**Consent** - Pennsylvania does not specifically define “consent.” However, a person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

- By forcible compulsion;
- By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
- Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; or
- Who suffers from a mental disability which renders the complainant incapable of consent. 18 Pa.C.S.A. § 3121.

**“Forcible compulsion”** is defined as “compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after sexual intercourse.” 18 Pa.C.S.A. § 3101.

For More Information Visit: <https://www.rainn.org/laws-your-state-pennsylvania>

**Sexual Assault** is defined as an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

**Sexual violence** includes any one incident of:

1. Sexual battery, as defined in a lewd or lascivious act, as defined in upon in the presence of a person younger than 16 years of age.
2. Luring or enticing a child
3. Sexual performance by a child
4. Any other forcible felony wherein a sexual act is committed or attempted regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with

whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member of another family or household member. A family or household member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

**Dating Violence** means violence committed by a person—

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship will be determined based on a consideration of the following factors:
  - a. The length of the relationship
  - b. The type of relationship
  - c. The frequency of interaction between the persons involved in the relationship

Dating violence means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

1. A dating relationship must have existed within the past 6 months.
2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties.
3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time, and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who have engaged in ordinary fraternization in a business or social context.

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

**“Credible threat”** means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety, or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.

**“Cyber stalk”** means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose. A person who willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in PA State Law. A person who willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in the PA State Law.  
<http://victimsofcrime.org/our-programs/stalking-resource-center/stalking-laws/criminal-stalking-laws-by-state/pennsylvania>

**Bystander Intervention:** A bystander is someone other than the victim who is present when an act of dating violence, domestic violence, stalking, or sexual assault is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual assault, dating violence, domestic violence, or stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse.

## **Reporting sexual assault, dating violence, domestic violence, or stalking**

- After an incident of sexual assault or domestic violence, the victim should consider seeking medical attention as soon as possible at a local hospital that will supply a physical evidence recovery collection kit.
- In Pennsylvania, evidence may be collected even if you chose not to make a report to law enforcement. A victim's name and identifying information will be withheld from the public and press in accordance with the Public Records Law.
- It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence as may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.
- Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to the Institution's hearing boards/investigators or police.
- Although the institution strongly encourages all members of its community to report violations to law enforcement, it is the victim's choice whether or not to make such a report, and victims have the right to decline involvement with the police.
- To report an incident involving a sexual assault, domestic violence, stalking or dating violence, contact Preet Chahal, 3045 Avenue B Bethlehem. PA 18017 at 484-809-0698. The purpose and authority of the School staff is limited to the enforcement of campus rules and

regulations. Incidents that go beyond this scope are referred and investigated by the Bethlehem Police Department.

A victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

1. A law enforcement officer who investigates an alleged sexual battery shall:
  - (a) Assist the victim in obtaining medical treatment, if medical treatment is necessary as a result of the alleged incident, a forensic examination, and advocacy and crisis-intervention services from a certified rape crisis center and provide or arrange for transportation to the appropriate facility.
  - (b) Advise the victim that he or she may contact a certified rape crisis center from which the victim may receive services.
  - (c) Prior to submitting a final report, permit the victim to review the final report and provide a statement as to the accuracy of the final report.
2. The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available to a victim on a standard form developed and distributed in conjunction with the Department of Law Enforcement. The notice will include the resource listing, including telephone number, for the area certified rape crisis center as designated by the State.

A person who is the victim of sexual violence or the parent or legal guardian of a minor child who is living at home who is the victim of sexual violence has standing in the circuit court to file a sworn petition for an injunction for protection against sexual violence on his or her own behalf, or on behalf of the minor child if:

1. The person has reported the sexual violence to a law enforcement agency and is cooperating in any criminal proceeding against the respondent, regardless of whether criminal charges based on the sexual violence have been filed, reduced, or dismissed by the state attorney; or
2. The respondent who committed the sexual violence against the victim or minor child was sentenced to a term of imprisonment in state prison for the sexual violence and the respondent's term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.

Further, the School complies with State law in recognizing orders of protection for dating violence, domestic violence, repeat violence, and



sexual violence. Any person who obtains an order of protection from the State or any reciprocal state should provide a copy to the Chief Executive Officer. A petitioner should then meet with Chief Executive Officer to develop a Safety Action Plan, which is a plan to reduce risk of harm while on campus, or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, or other measures to assist the petitioner.

Below are details on how to file a restraining order in the State of Pennsylvania:

1. Prepare a petition and file the petition with Circuit Court.
  - a. Petition includes information on the petitioner and respondent, such as, address, employment, children, and description of the respondent.
  - b. Allegation
    - 1) Must be described in detail
    - 2) Relationship to the respondent
    - 3) Dates of incidents
  - c. Reviewed by Judge immediately
    - 1) If requirements are met
    - 2) Judge will grant a temporary restraining order
    - 3) Restraining order will be valid for 10 days
    - 4) Once order is served to the respondent it will be valid and enforceable
2. Court Hearing
  - a. Scheduled after filing.
  - b. Gather witnesses, and any other evidence to present to the Judge.
  - c. All documents must be certified under State Rules of Evidence, or a live witness must testify at the hearing to document authenticity of the documents.
  - d. Evidence must relate to the allegation on the petition.
3. Hearing
  - a. Respondent does not appear at hearing.
    - 1) Petitioner allowed to present evidence.
    - 2) Ruling will be based on evidence presented.
  - b. Respondent appears at hearing.
    - 1) Respondent can object to evidence which is based on State Rules of Evidence.
    - 2) Respondent can cross-examine witnesses and the petitioner.
  - c. Petitioner will rest their case.

- d. Respondent can introduce evidence.
- e. Judge Rules on:
  - 1) Custody (if required)
  - 2) Visitation (if required)
  - 3) Restraining Order can be for a certain time period or indefinitely.
  - 4) Judge can also deny petition.
  - 5) At any time either the petitioner or respondent can file to remove the Restraining Order.

The Hearing is considered a trial and is applicable to PA Rules of Evidence. Non-authenticated statements and hearsay are not allowable at the hearing.

To the extent of the victim's cooperation and consent, all School staff will work cooperatively to ensure that the petitioner's health; physical safety, work and academic status are protected, pending the outcome of a formal Institution investigation of the complaint. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. The School does not publish the name of crime victims nor publish any identifiable information regarding victims in the crime logs.

### **Disciplinary Procedures Following a Complaint**

- The investigative process involves interviewing the parties involved and any witnesses while gathering documentary or other evidence. In cases involving alleged criminal conduct, the complainant may file a criminal complaint with the local police department. A complainant need not pursue a criminal complaint in order to seek, or to hold the accused responsible through the School's Student Code of Conduct. As soon as possible, the complainant will be offered appropriate assistance.
- Based on the outcome of the investigation, the assigned Title IX Officer or their designee will determine if there is sufficient cause to proceed with the complaint. If so, the Title IX Officer or the designee will arrange for an informal resolution conference with the accused. Complainants do not attend informal resolution meetings but are

apprised of the meeting's outcome. If the accused does not accept responsibility for the allegations and/or the proposed sanction, the Title IX Officer or their designee will determine if the evidence warrants a formal hearing before the Program Director and the President. The exact nature of the responsive action depends on the circumstances, but may include discipline up to and including suspension or dismissal from the School for a student, staff or faculty who is found to have violated Institutional policies.

- The School will take appropriate action i.e., an investigation, adjudication and disciplinary and remedial/corrective steps in response to a complaint made pursuant to the complaint policies/procedures listed above. The School will make every effort to handle complaints and investigations with sensitivity to both the rights of the person who complains, and the rights of the accused.
- The School handles complaints discreetly and attempts to maintain privacy throughout the investigative process, to the extent practicable and appropriate under the circumstances. However, in order to conduct an investigation, it is generally necessary to discuss the allegations with the accused and other potential witnesses. Additionally, the School may have legal obligations to disclose information to law enforcement or in the context of legal proceedings.
- Complaints may be made anonymously. While the School endeavors to investigate all complaints, including anonymous complaints, the nature of anonymous complaints makes investigation, determination, and remediation more difficult and, at times, impossible. Further, while the School attempts to protect the identity of complainants who do not wish to be identified, this may not always be possible.
- In appropriate cases as determined by the School, conflict resolution may be possible. This is permitted only where both the complainant and accused voluntarily agree to participate, and either party may terminate informal resolution attempts and commence formal Grievance procedures at any time prior to reaching a mutually acceptable resolution. Depending on the circumstances, a mediated resolution may not necessarily involve face-to-face discussions between the complainant and the accused. Certain cases are not appropriate for conflict resolution, such as complaints of particularly

egregious sexual harassment or cases involving sexual assault or violence.

- Occasionally, an individual makes a complaint and later wishes to revoke or discontinue the investigation or adjudication process. Similarly, it may occur that someone other than the victim reports an incident, and the victim declines to participate in the investigation or adjudication process. In other instances, complaints may be received anonymously and/or the victim may not wish to be personally identified. The School endeavors to respect the wishes of a victim to either not be identified and/or not participate in the process. In these situations, the School attempts to investigate and address complaints in accordance with the victim's wishes.
- If a victim wishes to talk about an incident with the assurance that the discussion will be confidential and will not result in an investigation or follow up action, the School will also proceed in this regard.
- In determining whether sex discrimination, sexual harassment or sexual misconduct occurred, the School does not apply the criminal standard of "beyond a reasonable doubt," nor do formal court rules of evidence apply. Instead, the School uses a "preponderance of the evidence" standard, and the Institution may consider any evidence it deems relevant. A "preponderance of the evidence" means the evidence which is of greater weight, or is more convincing than opposing evidence such that it is "more likely than not" that an act occurred.
- If the applicable investigative or adjudication process allows for parties to offer witnesses and evidence, the complainant and the accused will have an equal opportunity to do so. The complainant and the accused will be informed in writing of the outcome of the complaint, to the extent permitted by law. An accused that is a student may appeal the outcome to an impartial decision maker. An employee who is deemed guilty shall have whatever rights the law grants. The particular method and grounds for appeal are explained in the student policies listed above.

- The School endeavors to resolve complaints promptly. Ordinarily, the investigative stage will take no longer than 60 calendar days from the time the complaint is received. In exceptional circumstances (including but not limited to especially complex cases, or when the School is not in session), it may be necessary to extend these timelines. If that occurs, the parties will be informed of the expected timeline for completion.
- The School prohibits retaliation against any individual who in good faith makes a complaint of sex discrimination, sexual harassment, or sexual misconduct or participates as a witness in a proceeding under this or any other Institution policy. Retaliation is also unlawful pursuant to Title IX and other laws.

The School engages in educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

1. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
2. Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
3. Defines what behavior and actions constitute consent to sexual activity in the State of PA.
4. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
5. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.
6. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

This educational campaign will consist of but not be limited to the distribution of educational materials to new students, participating in and presenting information and materials during student/employee orientation and through newsletters among other means of distribution through the

year. The CEO also has a directory of services that are available to victims within the community to assist those who have suffered from a criminal act.

### **Risk Reduction/Warning Signs of Abusive Behavior**

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warnings signs of abusive behavior and how to avoid potential attacks.

#### **Warning Signs of Abusive Behavior**

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

1. Being afraid of your partner.
2. Constantly watching what you say to avoid a “blow up.”
3. Feelings of low self-worth and helplessness about your relationship.
4. Feeling isolated from family or friends because of your relationship.
5. Hiding bruises or other injuries from family or friends.
6. Being prevented from working, studying, going home, and/or using technology (including your cell phone.)
7. Being monitored by your partner at home, work, or school.
8. Being forced to do things you don't want to do.

#### **Help Reduce Your Risk and Avoid Potential Attacks**

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

1. Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
2. Consider making a report with the CEO and ask for a “no contact” directive from the School to prevent future contact.
3. Consider getting a protective order or stay away order.
4. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.

5. Trust your instincts—if something doesn't feel right in a relationship, speak up or end it.

### **Sexual Assault Prevention (From Rape, Abuse and Incest National Network - RAINN)**

- Try not to leave your drink unattended.
- Only drink from un-opened containers, or from drinks you have watched being made and poured.
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle.
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.
- If you suspect you have been drugged, go to a hospital and ask to be tested.
- Keep track of how many drinks you have had.
- Try to come and leave with a group of people you trust.
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours.

### **Traveling around campus**

- Take major, public paths rather than less populated shortcuts.
- Avoid dimly lit places and talk to school staff if lights need to be installed in an area.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- Carry a noisemaker on your keychain.
- Carry a small flashlight on your keychain.

Falcon Institute of Health and Science has a sexual assault prevention program that includes, but is not limited to the following:

- If an assault occurs, notify the CEO or the Acting Director immediately
- Do not disturb the crime scene

- Notify local law enforcement officials
- Secure counseling for the victim
- Change the academic schedule and if victim requests
- Disciplinary actions include dismissal from the School

The nature of sexual assault, particularly when perpetrated by an acquaintance, makes it difficult for many survivors to report their experience. For this reason, the local Shelters and Women's Service Centers are primary places where individuals may seek assistance in complete confidentiality.

### **Important Phone Numbers**

National Domestic Violence Hotline at 1-800-799-7233 or TTY 1-800-787-3224.

National Sexual Assault Telephone Hotline 800.656.HOPE (4673)

Third Street Alliance for Women & Children 610- 258-6271

Victory House of Lehigh Valley (for men only) Phone 610-691-3373

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES – STATEMENT OF POLICY**

In an emergency or a dangerous situation, upon confirmation with the Chief Executive Officer, or designee, of the need for mass notification, the Chief Executive Officer, or designee, will without delay, taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of the responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Emergency or dangerous situations may include, but are not limited to, gas leaks, tornadoes, contagious viruses, etc.



## **EMERGENCY NOTIFICATIONS**

In the event of an emergency or a dangerous situation that poses an immediate threat to the campus community, Falcon Institute of Health and Science may utilize some or all of its mass notification capabilities to notify its campus community. These capabilities may include e-mail, voice mail and text messages to alert the campus community. In addition, members of the administration will post relevant updates and advisories on the school Website ([www.falconihs.com](http://www.falconihs.com)) and bulletin boards. The Chief Executive Officer, or designee, will simultaneously use the local means at her disposal to notify the campus students, staff and faculty of the situation, as well as disseminate pertinent information to relevant public entities.

This emergency notification requirement does not replace the timely warning requirement described earlier. They differ in that the timely warning applies only to Clery Act reportable crimes while the emergency notification requirement addresses a much wider range of threats (i.e., gas leaks, tornadoes, contagious viruses, etc.). However, an institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances or incident, but must provide adequate follow-up information to the community as needed.

Members of the community at large who are interested in receiving updates during an emergency can visit the website at [www.falconihs.com](http://www.falconihs.com).

Training, exercises and tests will be conducted annually by management on the campus level and by the individuals relevant to mass notification. Management will document each test conducted by all relevant entities.

### **Student Must Know – Emergency Information**

The campus takes various precautionary measures to protect the students, staff, faculty, and campus visitors. Nevertheless, unavoidable emergencies may occur in extreme situations. Therefore, the school has a CEO that implements and oversees the campus response to a crisis situation. The CEO receives training in dealing with crisis situations and will primarily direct the immediate response to a crisis situation until the arrival of law enforcement and emergency response personnel.

In order to make this program effective, students are to familiarize themselves with the following emergency procedures.

Nothing herein precludes any student, staff or faculty from contacting the appropriate authorities directly in the event they feel in threat of physical harm or imminent danger.

\*\*\* In case of emergency - dial 911\*\*\*

Department of Homeland Security:

**“Active shooter awareness- options for consideration”**

<http://www.dhs.gov/video/options-consideration-active-shooter-training-video>

## **Student Emergency Responses**

There is potential for students to be involved in a variety of emergency situations for which appropriate actions must be taken. These possible situations include incidences that may require emergency evacuation, emergency lockdown, external lockdown, or to shelter in place.

### Emergency Evacuation

Evacuation is the movement of campus occupants from a dangerous or potentially dangerous location to a safe location. There are two types of evacuation: fire evacuation and non-fire evacuation.

Fire evacuation:

- Evacuation is mandatory when a fire alarm is activated.
- Follow authorized personnel's (e.g., faculty, staff, or fire department personnel, etc.) instructions if given.
- Assist people with disabilities, if possible.
- Ensure all doors and windows are closed as a room and building is evacuated. (Do not lock doors.)

- Do not attempt to reenter the facility unless and until directed to do so by authorized personnel.
- Evacuate to a safe distance and location from the building affected, away from fire hydrants, fire lanes, and not under power lines.

#### Non-fire evacuation

- A non-fire evacuation will be initiated by campus CEO or designated staff or faculty.
- Follow CEO or designated staff or faculty's instructions if given.
- Assist people with disabilities if possible.
- Do not attempt to reenter the facility unless directed to do so

#### Emergency Lockdown

Emergency Lockdown is used to dramatically and rapidly enhance the level of security of the campus. By locking all exterior, interior and classroom doors, staff can make it more difficult for dangerous person(s) in the vicinity of the campus and in the campus to gain access to staff and students;

- Lock or barricade doors of classroom and internal student areas of congregation.
- Close blinds, turn off lights.
- Remain quiet and out of sight.
- If gunshots are heard, lie on the floor and try to use available resources for additional cover and concealment.
- If you are outside when a lockdown is declared, seek shelter away from danger.
- If a fire alarm is activated during a lockdown, proceed with extreme caution.
- Do not open the door for people claiming to be public safety personnel unless you have an opportunity to view photo identification or are instructed to do so by a staff member whom you recognize.

#### External Lockdown

External lockdown creates a physical layer of security between the internal and external dimensions of the campus. In addition to locked entrances, this may also include a supervised entry and exit to campus facilities, and/or barricade to campus property (e.g., barricades or chains restricting access to campus parking and grounds). This lockdown allows staff and

students to continue activities while maintaining access control to the campus and remain in an elevated state of security.

- Remain in classroom.
- Follow faculty and staff instructions
- Remain attentive to any change in status.

### Shelter in place

Sheltering in place procedures are traditionally utilized when:

1. A tornado has been spotted.
  2. There has been a chemical or biological incident outside of, but in proximity to a campus and available information indicates that there is no adequate time to evacuate building occupants to another safe location before the dangerous contaminants reach the facility.
- Follow staff and faculty instructions.
  - Assist people with disabilities if possible
  - If you are outside when a shelter in place is declared, immediately seek an interior room or hallway with no windows.
  - Close windows and doors – do not lock doors.
  - Remain in shelter until an all clear is given.

### **Staff and Faculty Must Know – Emergency Information**

The school takes various precautionary measures to protect the students, staff, faculty, and campus visitors. Nevertheless, unavoidable emergencies may occur in extreme situations. Therefore, the school has a CEO that implements and oversees the campus response to a crisis situation. The CEO receives training in dealing with crisis situations and will primarily direct the immediate response to a crisis situation until the arrival of law enforcement and emergency response personnel.

In order to make this program effective, all staff and faculty are expected to familiarize themselves with the following emergency procedures.

Nothing herein precludes any student, staff or faculty from contacting the appropriate authorities directly in the event they feel in threat of physical harm or imminent danger.

## **Staff and Faculty Emergency Responses**

**\*\*\* In case of emergency: dial 911 \*\*\***

There are a number of different potential situations that may occur that have capability to impact students or staff and faculty. The following possible scenarios are described below with steps to be taken.

- Emergency evacuation for a fire incident
- Emergency evacuation for bomb threat or other non-fire situation
- Emergency lockdown
- External lockdown
- Shelter in place

### **Emergency Evacuation for a Fire Incident**

#### **Definition**

A fire emergency evacuation is initiated when a fire incident occurs. Depending upon the campus size, it may require an evacuation of a single particular building affected by the fire incident, rather than the entire campus.

The objective: all building occupants are safely evacuated to a safe distance and location from the building affected, away from fire hydrants, fire lanes, and not under power lines.

#### **Staff Response**

Staff/faculty responsible for the affected areas should conduct a sweep of the building(s) to ensure all students are aware of and appropriately responding to the fire alarm and safely evacuated.

Fire evacuation procedures:

- Evacuation is mandatory when a fire alarm is activated.
- Designated staff or faculty check the affected building(s) to ensure all personnel are appropriately evacuating.
- Do not use the elevators.
- Assist people with disabilities if possible.
- Ensure all doors and windows are closed as a room and building are evacuated.

- Do not attempt to reenter the facility unless and until directed to do so by authorized personnel.
- Evacuated persons are directed to a safe distance and location from the building affected, away from fire hydrants, fire lanes, and not under power lines.

## **Emergency Evacuation for Bomb Threat or Other Non-Fire Situation**

### **Definition**

Non-fire emergency evacuation is used for any emergency evacuation not related to a fire incident. It is important to remember that evacuation distances significantly expand, up to hundreds of yards, for suspicious object evacuations. Nevertheless, not all bomb threats will necessarily result in evacuation, depending upon the individual event circumstances.

The objective: move all campus occupants to a remote, predefined and controlled location.

### **Staff Response**

Team members who are designated to sweep evacuation routes and sites should locate a staff member to take responsibility for students under their supervision, and should then sweep the evacuation route and evacuation site for secondary hazards. They should immediately report their findings to the lead administrator.

**Note:** The lead administrator will typically direct that this step be completed before making the general announcement for evacuation of the building.

### **Other staff:**

1. Gather all students and visitors in your area of responsibility and evacuate using the route and site designated by the lead administrator or designee.
2. Ensure that all special needs persons are provided assistance by their designees as per the site evacuation plan.
3. Remain alert to your surroundings. Be particularly alert to any people or conditions that might pose a danger to evacuees. If you encounter a significant hazard, quickly evaluate the situation; adjust your evacuation route and attempt to notify the lead administrator or the appropriate public safety officials.

4. Once you reach the designated evacuation site, search the site for suspicious objects and adjust accordingly.
5. On evacuation site - develop a written list of all evacuees and provide the list to the lead administrator or his/her designee. Also indicate the presence or lack of any suspicious objects in your room/work area.
6. Supervise students under your care.
7. Do not attempt to reenter the facility unless the lead administrator or his/her designee directs you to do so.

## **Emergency Lockdown**

### Definition

Emergency Lockdown is used to dramatically and rapidly enhance the level of security in the facility. By locking all exterior, interior and class doors, staff can make it more difficult for dangerous person(s) in the vicinity or in the facility to gain access to staff and students.

**Note – locking doors should not eliminate immediate egress possibilities from the facility.**

The objective: create as many physical layers of separation between you and the potential aggression.

### Staff Response:

1. Make sure entrance points to the building near your location are locked immediately.
2. If you are located in an area with a door that can be locked, gather all students in the vicinity into the room and lock the door.
3. Improvise additional door blocking if possible.
4. Close blinds and cover additional windows, e.g., with a shirt, up-turned table, paper, etc.
5. Turn off lights in the room.
6. If possible, report your status to the lead administrator or designee by telephone or intercom.
7. Do not open the door for people claiming to be public safety personnel unless you have an opportunity to view photo identification or are instructed to do so by a staff member whom you recognize.

### Department of Homeland Security:

- **“Active shooter awareness - options for consideration”**  
<http://www.dhs.gov/video/options-consideration-active-shooter-training-video>

## **External Lockdown**

### **Definition**

External lockdown creates a physical layer of security between the internal and external dimensions of the campus. By locking all exterior doors and supervising these doors, staff can make it more difficult for a possible external intruder or a potentially dangerous person in the vicinity of the facility to gain access to staff and students. In addition to locked entrances and supervised entry and exit to campus facilities, this step may include barricades to campus property (e.g., barricades or chains restricting access to campus parking lots and grounds). This lockdown allows staff and students to continue with productive activities while maintaining access control to the facility.

**Objective:** create a physical layer of security between the external environment and internal campus operation while elevating the overall level of security.

### **Staff Response:**

1. Make sure the designated entrance points to the building near your location are locked immediately.
2. If you are in an external classroom to the main building move students to alternative internal classrooms.
3. If possible, report your status to the lead administrator or designee by telephone or intercom.
4. Continue with normal activities as much as the situation allows.
5. If students or staff have a need to move about in the building, obtain permission first from the lead administrator or designee.
6. Be prepared to rapidly implement an emergency evacuation or emergency lockdown – if directed to do so or if circumstances indicate you should do so.

## **Shelter in Place**

### **Definition**

Sheltering in place procedures are traditionally utilized when:

1. A tornado has been spotted.
2. There has been a chemical or biological incident outside of, but in



proximity to, a facility and available information indicates that there is no adequate time to evacuate building occupants to another safe location before the dangerous contaminants reach the facility.

Objective: seek immediate shelter away from doors and windows and remain there during an emergency

**Staff Response:**

1. All staff that is outdoors should quickly gather all students and adults in the area and instruct them to go inside the facility immediately. Once inside, if possible instruct everyone to move to an interior area without windows and doors.
2. Close all windows and doors.
3. In chemical spills / biological incident - if available, use tape to cover all windows and doors with sheets of plastic to help reduce airflow into the area. Wet towels can be used to reduce airflow under doors. Close all outside air vents. Turn off all heating or ventilation systems. Use damp towels or cloths to cover any openings in walls or doors. Tape can also be used to cover any cracks, crevices, electrical outlets, cable television connections or other openings that might allow air to flow into the shelter area.
4. Listen to local radio or television news for instructions from emergency management and public safety officials.
5. Review emergency evacuation protocols

## **Crime Definitions From the Summary Reporting System (SRS) User Manual From the FBI's UCR Program**

### **Arson**

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

**Criminal Homicide—Manslaughter by Negligence** - The killing of another person through gross negligence.

**Criminal Homicide—Murder and Nonnegligent Manslaughter** - The willful (nonnegligent) killing of one human being by another.

## Rape

The penetration, no matter how slight, of the vxxxxx or axxx with any body part or object, or oral penetration by a sxx organ of another person, without the consent of the victim.

## Robbery

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

## Aggravated Assault

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

## Burglary

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

## Motor Vehicle Theft

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

## Weapons: Carrying, Possessing, Etc.

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

## Drug Abuse Violations

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

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

## **Crime Definitions From the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program**

### Sex Offenses

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

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

C. Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.

## **Crime Definitions From the Hate Crime Data Collection Guidelines and Training Manual From the FBI's UCR Program**

### Larceny-Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

## Simple Assault

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

## Intimidation

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

## Destruction/Damage/Vandalism of Property

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

*Falcon Institute of Health and Science*  
Clery Act: Annual Security Report (ASR) Findings  
2019 Reporting Year

There has never been a crime at the Falcon Institute of Health and Science where there is evidence of prejudice based on race, religion, sexual orientation, or ethnicity. There has never been a crime at the Falcon Institute of Health and Science involving a weapons violation, arrest for drug abuse, liquor laws, murder, forcible or non-forcible sex offenses, or aggravated assault. There has never been a fire at the Falcon Institute of Health and Science. Pennsylvania State Police incidents for public property near the Falcon Institute of Health and Science include two (2) reports of general theft and one (1) liquor law violation. At a remote instructional site, HCR Manor Care, located at 2125 Elizabeth Ave., Laureldale, PA 19606, incidents have been reported as follows by the Muhlenberg Township Police in the 2019 reporting year: one (1) incident of sex offense and one (1) incidents of theft. Of note, these incidents occurred at the facility address, none in the space utilized by Falcon Institute of Health and Science, and none affecting students or staff of Falcon Institute of Health and Science. A current crime statistic report and Fire Safety Report is available at the Admissions Office of the School and will be distributed to each student and employee by October 1<sup>st</sup> of each year. Please see attached report for further detail.

*Falcon Institute of Health and Science*  
**Clery Act: Annual Security Report (ASR) Findings**  
**2019 Reporting Year**

Falcon Institute of Health and Science has a commitment to the safety and security of all students and staff. In the interest of safeguarding this commitment, Falcon Institute of Health and Science will:

- Provide a secure and crime free environment for students, faculty and staff
- Perform regular evaluation of security programs
- Monitor and follow up on each crime reported at the Falcon Institute of Health and Science location

Additionally, Falcon Institute of Health and Science reports on crime statistics that occur on-campus, non-campus property, and public property areas. The table indicates the number of reported incidences of each offense at each site from the 2019 reporting year:

	<b>Campus</b> 3045 Ave B Bethlehem, PA	<b>Public Property</b> <i>near</i> 3045 Ave B Bethlehem, PA	<b>HCR Manor Care</b> <b>Laureldale</b> 2125 Elizabeth Ave Laureldale, PA	<b>HCR Manor Care</b> <b>Pottstown</b> 724 N Charlotte St Pottstown, PA
Murder	0	0	0	0
Manslaughter	0	0	0	0
Sex Offense	0	0	1 <sup>b</sup>	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0 <sup>a, b</sup>	0
Arson	0	0	0	0
Liquor Law Violations	0	0	0	0
Drug-related Violations	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Sexual Assault	0	0	0	0
Stalking	0	0	0	0
Weapons and Hate Crimes	0	0	0	0

Notations--

a: One (1) report of general theft

b: Reports reflect occurrence within facility, but not at the remote classroom location for the Falcon Institute of Health and Science

\*Two (2) reports of general theft and one (1) liquor law violation were reported to the school as occurring in the immediate vicinity but not that contiguous with Falcon Institute of Health and Science property

*Falcon Institute of Health and Science*  
Clery Act: Annual Security Report (ASR) Findings  
2018 Reporting Year

There has never been a crime at the Falcon Institute of Health and Science where there is evidence of prejudice based on race, religion, sexual orientation, or ethnicity. There has never been a crime at the Falcon Institute of Health and Science involving a weapons violation, arrest for drug abuse, liquor laws, murder, forcible or non-forcible sex offenses, or aggravated assault. There has never been a fire at the Falcon Institute of Health and Science. At a remote instructional site, HCR Manor Care, located at 2125 Elizabeth Ave., Laureldale, PA 19606, incidents have been reported as follows by the Muhlenberg Township Police in the 2018 reporting year: one (1) incident of sex offense and two (2) incidents of theft. Of note, these incidents occurred at the facility address, none in the space utilized by Falcon Institute of Health and Science, and none affecting students or staff of Falcon Institute of Health and Science. A current crime statistic report and Fire Safety Report is available at the Admissions Office of the School and will be distributed to each student and employee by October 1<sup>st</sup> of each year. Please see attached report for further detail.

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**2018 Reporting Year**

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Manslaughter	0	0	0	0
Sex Offense	0	0	1 <sup>b</sup>	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0 <sup>a, b</sup>	0
Arson	0	0	0	0
Liquor Law Violations	0	0	0	0
Drug-related Violations	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Sexual Assault	0	0	0	0
Stalking	0	0	0	0
Weapons and Hate Crimes	0	0	0	0
Notations-- a: Two (2) reports of general theft b: Reports reflect occurrence within facility, but not at the remote classroom location for the Falcon Institute of Health and Science				



*Falcon Institute of Health and Science*  
Clery Act: Annual Security Report (ASR) Findings  
2017 Reporting Year

There has never been a crime at the Falcon Institute of Health and Science where there is evidence of prejudice based on race, religion, sexual orientation, or ethnicity. There has never been a crime at the Falcon Institute of Health and Science involving a weapons violation, arrest for drug abuse, liquor laws, murder, forcible or non-forcible sex offenses, or aggravated assault. There has never been a fire at the Falcon Institute of Health and Science. At a remote instructional site, HCR Manor Care, located at 2125 Elizabeth Ave., Laureldale, PA 19606, incidents have been reported as follows by the Muhlenberg Township Police in the 2017 reporting year: two (2) incidents of sex offenses and two (2) incidents of theft. Of note, these incidents occurred at the facility address, none in the space utilized by Falcon Institute of Health and Science, and none affecting students or staff of Falcon Institute of Health and Science. A current crime statistic report and Fire Safety Report is available at the Admissions Office of the School and will be distributed to each student and employee by October 1<sup>st</sup> of each year. Please see attached report for further detail.

*Falcon Institute of Health and Science*  
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 2017 Reporting Year

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Murder	0	0	0	0
Manslaughter	0	0	0	0
Sex Offense	0	0	2 <sup>b</sup>	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0 <sup>a, b</sup>	0
Arson	0	0	0	0
Liquor Law Violations	0	0	0	0
Drug-related Violations	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Sexual Assault	0	0	0	0
Stalking	0	0	0	0
Weapons and Hate Crimes	0	0	0	0
Notations-- a: Two (2) reports of general theft b: Reports reflect occurrence within facility, but not at the remote classroom location for the Falcon Institute of Health and Science				