

ANNEX A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

CHAPTER 33. COLLEGE AND UNIVERSITY SECURITY

PRELIMINARY PROVISIONS

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GENERAL PROVISIONS

**§ 33.101. Purpose.**

This chapter governs the responsibility of institutions of higher education to comply with the act. This chapter applies to independent institutions of higher education, community colleges, member institutions of the State System and State-related institutions.

**§ 33.102. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—[The College and University Security Information Act (24 P. S. §§ 2502-1—2502-5)] Uniform Crime Reporting Act (18 P.S. §§ 20.101—20.509).

*Applicant*—A person who has submitted an application for admission to be a student at an institution of higher education, or who has applied to transfer from one branch campus of an institution to another branch campus of the same institution.

*Branch campus*—The meaning under § 34.1 (relating to identity).

*Crime rate*—The numbers and categories of crimes reported to the State Police per 100,000 full-time equivalent students and employees.

*Crime report*—An annual report comprised of the institution's crime rates and statistics for the most recent 3-year period.

*Crime statistics*—The numbers and categories of crimes reported to the State Police.

*Criminal incident*—Offenses identified by the State Police under the *Federal Uniform Crime Reporting Handbook*.

*Employee*—A person employed by an institution of higher education on a regular part-time or full-time basis. Student employees who are counted as part of the FTE student population will not be considered employees of the institution of higher education for purposes of this chapter.

*FTE*—Full-time equivalent.

*Institution of higher education*—An independent institution of higher education, a community college, a State-related institution or a member institution of the State System.

*Student*—A person matriculated into a degree or non-degree program of study. The term does not include a person participating in noncredit programs or correspondence courses.

## CRIME REPORTING

### § 33.111. Reporting crime statistics and rates.

(a) *Reporting to the State Police*. Each institution of higher education shall annually report crime statistics and rates to the State Police in the form and manner

required by the State Police, for publication in the Pennsylvania uniform crime report, *Crime in Pennsylvania*. **The Pennsylvania Supplement to the Uniform Crime Reporting Handbook, a manual compiled by the Pennsylvania State Police, is available on the Internet at <http://ucr.psp.state.pa.us>.**

(b) *Reporting to students and employes.* Annually, each institution of higher education shall publish a crime report containing the crime statistics and crime rates for the most recent 3-year period. The report shall be distributed as required under § 33.112 (relating to distributing crime reports to students and employes). If the institution has more than one campus, the crime report shall include campus-by-campus crime statistics and rates, and the institution may distribute to students and employes the information applicable only to their campus or the information applicable to all of the institution's campuses.

(1) Crime statistics shall be reported substantially in the form and manner required by subsection (a).

(2) Crime rates shall be reported based on the numbers and categories of crimes reported under subsection (a) per 100,000 FTE students and employes.

(c) *Calculating FTE students and employes.* For purposes of this chapter, institutions of higher education shall use the number of FTE students reported to the Department under the Department's annual data collection procedures, and the number of FTE employes shall be the sum of the full-time employes and one-half the number of regular part-time employes as determined by the institution.

**§ 33.112. Distributing crime reports to students and employes.**

(a) Annually, the institution shall distribute an updated crime report for the most recent 3-year period to all its students and employees. An institution may choose to distribute the report separately or with other materials. The report shall be distributed to students and employees by mail or some other means determined by the institution. The method of distribution shall be reasonably designed to provide the report to all students and employees. The institution shall notify all students and employees of the method of distribution if other than mail.

**(b) An institution shall post the updated crime report as described under subsection (a) on its Internet site. An institution fulfills its responsibility to distribute the crime report by posting the required information on its Internet site. The institution shall notify all students and employees of the location of this information, including the Uniform Resource Locator (URL).**

**§ 33.113. Distributing crime reports to new employees and applicants.**

(a) *Notification.* An institution of higher education shall notify applicants and new employees that they are entitled to receive the institution's most recent crime report. The applicant's notice shall be enclosed in the receipt of formal application of admission. The employee's notice may be enclosed in any official document reasonably calculated to reach the new employee.

(b) *Distribution.* Upon request, institutions of higher education shall distribute a complete crime report containing crime statistics and rates for the most recent 3-year period to new employees and applicants.

**§ 33.114. Log of reports to campus police and public record.**

(a) Log development and maintenance. Campus police shall develop and maintain a daily log as a public record at each institution of higher education. Entries shall be chronologically recorded in an easily understood manner according to section 303(b.1) of the act (18 P.S. § 20.303(b.1)).

(b) Arrests by State, county or local police. The names and addresses of persons arrested by State, county or local police on higher education campuses shall be included in the daily log, along with the charges filed against those persons.

(c) Public records. Except for information concerning juveniles that have been adjudicated as juveniles and as otherwise provided by law, all entries in the daily log shall be public records.

## SECURITY POLICIES AND PROCEDURES

### § 33.121. Security policies and procedures.

(a) Each institution of higher education shall provide information regarding the institution's security policies and procedures to the following:

- (1) Every person who submits an application for admission to a main or branch campus.
- (2) Every new employe at the time of employment.
- (3) All students and employes annually.

(b) Institutions with a main campus and one or more branch campuses shall provide security information on a campus-by-campus basis, and the institution may distribute to students and employes the information applicable only to their campus or the information applicable to all of the institution's campuses. Security information for the most recent academic year shall include that which is required under [section 3(c) of the

act (24 P.S. § 2502-3(c))] section 303(c) of the act (18 P.S. § 20.303(c)). The information provided under this section shall include a statement regarding the institution's responsibility to comply with the act and this chapter and a statement informing students and employees of the procedure for filing complaints and the campus official responsible for receiving and resolving complaints. Upon resolution of the complaint, the complaining party shall be informed that if he continues to believe that the act is being violated, the complaining party may file a complaint with the Office of Attorney General and shall be given the address of the Office of Attorney General.

**§ 33.122. Student housing security policies and procedures.**

Institutions of higher education [~~which~~] that provide and maintain student housing facilities shall include in the information required under § 33.121 (relating to security policies and procedures) the information required under [~~section 3(d) of the act (24 P.S. § 2502-3(d))~~] section 303(d) of the act (18 P.S. § 20.303(d)).

## ASSURANCE OF COMPLIANCE

**§ 33.131. Assurance of compliance.**

(a) Annually, on or before [~~March 1~~] October 1, the president of each institution of higher education, or the president's designee, shall file with the Department an assurance statement attesting to the institution's compliance with the act and this chapter.

(b) The assurance statement under subsection (a) shall be completed as prescribed by the Department. The assurance statement may be filed with the Department electronically.

(c) The Department will submit to the Office of Attorney General the name of an institution which does not supply an assurance statement under this section.

(d) An institution of higher education shall make its published crime reports and security procedures available to the Office of Attorney General or the Department upon request.

**§ 33.132. Enforcement.**

The Office of Attorney General, upon complaint or by referral of a complaint from the Department, may investigate the complaint and bring an action to compel compliance with the act.

**§ 33.133. [Rule of construction] (Reserved).**

**[This chapter does not obviate compliance with or excuse a person or an institution of higher education from failure to comply with the act between November 28, 1988 and November 6, 1991. The crime statistics and rates reported under § 33.111 (relating to reporting crime statistics and rates) will not be required to include information for a 3-year period until the report developed in 1992.]**

