

# Pacific Northwest College of Art

## Annual Campus Security and Fire Report 2019



Department of Facilities and Campus Safety

Pacific Northwest College of Art  
511 NW Broadway, Portland, Oregon 97209

## **Clery Act Reporting Requirements**

This annual report is produced by the Pacific Northwest College of Art Campus Safety Team, in accordance with The Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act [20 U.S.C. § 1092 (f), and HEA §485 (f)]. The Clery Act, as it is commonly known, is a Federal law, enacted in 1990, requiring all

post-secondary institutions participating in Title IV student financial assistance programs, to publish a statistical report of crimes on or near the institution's campus, as well as information about security policies and procedures.

The Violence Against Women Reauthorization Act of 2013 amends the Clery Act to require such institutions to disclose statistics, policies and procedures relating specifically to dating violence, domestic violence, stalking, sexual assault, and hate crimes.

This annual report, available to all current and prospective students and employees, is distributed in accordance with the Clery Act, and includes data for the calendar years 2013, 2014, and 2015. This report can be viewed at:

<http://pnca.edu/about/c/safety>. Upon request, a paper copy of this report can also be provided by contacting the office of the Campus Safety Manager, Room #164, 511 NW Broadway, Portland, Or. 97209, 503-821-8897.

Campus security is currently handled by Pacific Patrol Services. All Pacific Patrol staff at PNCA are unarmed, uniformed, non-sworn officers trained in hands-off non-violent crisis intervention. While Pacific Patrol officers are not law enforcement, they may make a citizen's arrest in accordance with state law.

PNCA's Campus Safety Manager directs and coordinates campus security, and is overseen by the Facilities Manager. The Campus Safety Manager, Facilities Manager and Pacific Patrol Services are available 24 hours a day to respond to emergencies on campus. Upon receipt of a criminal complaint or report of an emergency, a security officer will interview any available witnesses to obtain information about the incident. An incident report should be filed as soon as possible. This report should include the date, time, place, subject, victim and witnesses, if any. All incidents are thoroughly investigated, and in instances of criminal activity, a report will be filed with the Portland Police Department.

### **Crime and Emergency Reporting Procedures**

Students and employees of PNCA are encouraged to take an active role in their own personal safety and that of their fellow students and coworkers when on campus and also when travelling between campus buildings or school-sponsored, off-campus events. Awareness of one's surroundings and familiarity with campus buildings and the neighborhood are strongly promoted. Individuals are expected

to conduct themselves responsibly with regard to their own safety, as well as the safety of their colleagues. Individuals, to the extent that it is possible, should not allow themselves to be found or placed in situations which might leave them vulnerable to bodily harm, and are responsible for securing their personal belongings, keeping them safe from potential theft or damage at all times.

PNCA strongly encourages the prompt and accurate reporting of all crimes and concerns related to public safety, and takes all such reports seriously. Reports should not be limited to crimes, but should also include any suspicious persons or activity on or near campus. Anyone who observes a situation they perceive as unsafe should immediately notify a Campus Safety Officer at one of the numbers listed below:

Campus Safety Office..... 503-821-8897  
Campus Safety Cell #1.....503-621-2061  
Campus Safety Cell #2.....503-539-1192

Students and employees can also contact any of the following administrators and managers for assistance in evaluating and reporting dangerous conditions:

PRESIDENT ..... 503-821-8880  
CHIEF OPERATIONS OFFICER..... 503-821-8910  
CHIEF ADVANCEMENT OFFICER..... 503-821-8927  
ACADEMIC DEAN.....503-242-8951  
TITLE IX COORDINATOR...  
.....503-821-8930  
DIRECTOR OF STUDENT SERVICES.....503-821-8920  
DIRECTOR OF RESIDENCE LIFE.....  
503-467-4909 DIRECTOR OF FACILITIES.....  
503-841-2890 DIRECTOR OF CAMPUS  
SAFETY.....503-875-9176 3D LABS  
MANAGER.....503-242-3859

Students or employees who are victims or witnesses to crimes and wish to

voluntarily file a report confidentially should contact the Campus Safety Manager or the Facilities Manager, who will respect their anonymity to the greatest extent possible.

You can also submit any concern (anonymously, if you wish) about any member of our community or any situation using our Slothline Community Support form. Slothline is a centralized referral system set up to capture and address concerns of students and the greater PNCA community to enable our college community to be alert and responsive.

The response team is comprised of the Inclusions Specialist, Director of Student Life, Assistant Academic Dean, Human Resources and a member of the Campus Safety Team.

The Slothline form can be found here: <http://pnca.edu/about/c/safety>  
Other helpful contacts:

CAMPUS PSYCHOLOGIST.....	.....	503-318-7736	
PNCA / AHSCAD (511) FRONT DESK.....	.....	503-226-4391	
OFFICE OF FACILITIES + MAINTENANCE .....	.....	971-242-3882	
FACILITIES	+	MAINTENANCE	MOBILE.
.....	503-380-1089	PORTLAND	POLICE
(NON-EMERGENCY).....	.....	503-823-3333	
GOOD SAMARITAN HOSPITAL.....	.....	503-431-7711	
MENTAL HEALTH CRISIS LINE .....	.....	503-988-4888	
SUICIDE HOTLINE.....	.....	800-273-8255	
POISON CONTROL CENTER.....	.....	800-222-1222	
WOMEN'S CRISIS LINE .....	.....	503-235-5333	
DOWNTOWN CLEAN + SAFE .....	.....	503-224-7383	

**In the event of an emergency involving an immediate or imminent threat to persons or property, always call 911.**

### **Emergency Notification Procedures**

In the event of a campus emergency, situation deemed dangerous, or seen to present

an immediate threat to the health and/or safety of students or employees, an emergency notification will be sent via sms text messaging to everyone who has entered their phone number into the system. This would include, but not be limited to, any of the following: Fire, gas leak, outbreak of disease, chemical spill, active shooter scenario, and any Clery-reportable crime. In some cases, an alert may also be broadcast via public address system, campus-wide email, website postings, and/or other means. More information regarding emergency notifications can be found in the PNCA Emergency Response Plan.

### **Timely Warnings**

When a crime on campus is reported that is covered by the Clery Act, considerations will be made whether to issue a campus-wide "Timely Warning" about the threat. This decision will be based on the nature of the crime, whether or not the crime is seen to pose a significant or ongoing threat to the campus community, and if issuing a warning would pose any potential risk to law enforcement or ongoing investigations.

### **Campus Geography**

For the purposes of this survey, PNCA's campus shall include the following locations:

- 511 NW Broadway- Main building and administration offices
- 321 NW Glisan- 3D fabrication labs, BFA & MFA studios
- 33 NW Park-Arthouse student housing

### **Non-campus Buildings**

PNCA does not own or control any non-campus buildings, housing or facilities. The properties at 33 NW Park and 321 NW Glisan are not owned by PNCA, but are considered as "under our control" for the purposes of this report.

### **Public Property**

Public property is defined as the sidewalks and streets immediately surrounding campus buildings.

### **Clery Crimes and Definitions**

The Clery Act requires crimes to be reported which fall into four general categories:

- Criminal Offenses, or Primary Crimes: Criminal Homicide, including Murder and non-negligent manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
- Hate Crimes: Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias.
- VAWA Offenses: Any incidents of Domestic Violence, Dating Violence and Stalking (with the exception of Sexual Assault, which falls under Primary Crimes).
- Arrests and Referrals for Disciplinary Action: For Weapons (Carrying, Possessing, Etc.), Law Violations, Drug Abuse Violations and Liquor Law Violations.

### **Excluded Crimes**

In some cases, an incident that is reported as a crime may not be included in the annual report. There are five standards that need to be met for an incident to be included in the annual safety report:

- The incident must be considered a reportable crime according to the Clery Act.
- The incident must be reported to law enforcement personnel, or a person who, in accordance with Clery Act requirements, is defined as a Campus Security Authority. This could be a security officer or anyone working for the institution who has "significant responsibility for student and campus activities"

- The incident must have occurred within campus boundaries that define our "reportable area".
- The incident must be determined to have been reported in good faith, with supporting evidence, if available.
- The incident must be considered factual and true by law enforcement.

### **Daily Crime Log**

PNCA Security Officers maintain an ongoing log of all criminal activity, suspicious and excluded persons, and otherwise notable incidents at the front desk of the main campus at 511 NW Broadway. The log will include any relevant information known at the time of the incident.

This log is available for viewing by members of the public during normal business hours. Some information may be redacted or withheld, at the discretion of the Officer or any Safety Team member, in the case of ongoing investigations or where such disclosure would compromise a victim's confidentiality.

### **Fire Safety and Emergency Response**

PNCA students living on campus reside in ArtHouse, located at 33 NW Park Avenue. PNCA staff mitigate risks associated with fire through education and training, inspections, policies and procedures.

All units in Arthouse are inspected, annually, prior to student move in day to ensure fire alarms, smoke detectors and carbon monoxide detectors are functioning properly. Students are trained on fire evacuation procedures during their floor meeting which is conducted by Resident Advisors (RA's). In the event of a fire, students are trained to exit the building via the east of west stairwell and gather at the Da Tung and Xi'an Bao Bao (Elephant) statue located in the North Park Blocks directly across Park Avenue.

Residence Life staff conducted health and safety inspections each semester. One purpose of these inspections is to identify and resolve hazardous conditions such as unsafe or prohibited items, obstructed egress routes, or tapestries on the ceilings.

RA's also conduct spot inspections when there is suspicion or evidence of smoking in the building. Students found in violation of smoking ban are referred to the student conduct process. Fire drills are conducted once per semester by Residence Life Staff.

All Residence Life Staff are trained and certified in: First Aid, Automated External Defibrillator (AED) use, Cardio Pulmonary Resuscitation (CPR) and Blood borne Pathogens

Fire Statistics

**Pacific NW College of Art  
511 Building Number of Fire  
Incidents 2018**

**Pacific NW College of Art 511 Building Fire Incidents in 2018**

Location	Number of Fires in Each Building	Cause of Fire	Injuries	Deaths	Damage
Arthouse	0	0	0	0	\$0.00
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0.00</b>

**Pacific NW College of Art  
Arthouse (Res Hall) Number of Fire  
Incidents 2018**

**Pacific NW College of Art Resident Halls Fire Incidents in 2018**

Location	Number of Fires in Each Building	Cause of Fire	Injuries	Deaths	Damage
Arthouse	0	0	0	0	\$0.00
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0.00</b>

**Pacific NW College of Art  
Falcon Building Number of Fire  
Incidents 2018**



## Pacific NW College of Art Falcon Building Fire Incidents in 2018

Location	Number of Fires in Each Building	Cause of Fire	Injuries	Deaths	Damage
Arthouse	0	0	0	0	\$0.00
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0.00</b>

### Fire Emergency

All residents and guests must evacuate their apartments when a fire alarm sounds.

1. If you have a fire in your apartment: exit if you can, shut the door, and activate a hand pull alarm in the hallway. Then, move with others down the stairwell to the designated evacuation location in the park across from the building (near the elephant). Report the fire's location to Residence Life staff and also let them know if you are aware of the location of any other residents who are unaccounted for at the evacuation location.
2. If the smoke detector goes off and you smell smoke, exit your apartment, staying near the floor, shut the apartment door, and activate the hand-pull alarm in the stairwell. Then move with others down the stairwell and to the designated evacuation area. Report the fire's location to Residence Life staff and also let them know if you are aware of the location of any residents who are unaccounted for at the evacuation location.
3. If the smoke detector goes off and you know that the source of the smoke is not dangerous (for example, burned toast), air the apartment out by opening the window. DO NOT open the door because the hallway alarm will sound, triggering evacuation and a visit from the Fire Department. The smoke detector in your apartment will end on its own once enough smoke has cleared. DO NOT dismantle the detector. Notify the RA about what happened, as concerned neighbors may call us if they hear a smoke detector sounding.
4. If you think that your smoke detector is defective, submit a maintenance request immediately. If it is beeping periodically, staff may simply

need to replace the battery. Do not turn off or cover your smoke detector. Tampering with or disconnecting a smoke detector or other fire equipment is prohibited because it endangers you and others. Tampering with any safety equipment will result in disciplinary action.

### **ArtHouse Residence Hall Policies**

For the safety of our community and proper care of our facility (ArtHouse), you may not:

- complete your own repairs to the facility, furniture, or appliances
- hang anything from or affix anything to the outside of your windows, including signs, flags, air conditioning units, antennae, and satellite dishes
- run wires beneath carpeting or duct tape wire to the carpet
- use extension cords without a UL approved circuit breaker
- use space heaters or personal air conditioning units
- replace light bulbs in the apartment (only maintenance staff via the work order system may replace light bulbs)
- possess hookah pipes, incense, candles, or other items that require a flame to ignite.

### **Weapons and Explosives**

The possession, or use of weapons including, but not limited to firearms, explosives of any type (including fireworks), and knives (other than those typically used in artwork or food preparation) is prohibited on campus and in ArtHouse. Violators will be subject to disciplinary action and weapons or explosives will be confiscated.

### **Flame-Free/ No-Smoking Environment**

ArtHouse is a flame-free/no-smoking facility. This includes e-cigarettes. Smoking is

not allowed within 25 feet of the building. You may not inhale, exhale, or possess, any lighted product in any form that produces smoke or vapor. Candles, incense, sage, marijuana, or similar may not be burned in your apartment as they pose a potential fire threat as well as smoke

Violation will result in a fine. Repeated violations may result in termination of the lease with full financial obligation for any balance on the full term of the lease. Residents will be responsible for the costs of removing smoke odor or residue, which may include deodorizing or replacing the carpets and painting the walls.

### **Reporting**

All fires should be reported by contacting the Portland Fire Department by activated the 911 emergency system.

### **Sexual Harassment and Sexual Assault Reporting and Procedures**

Pacific Northwest College of Art prohibits any form of sexual misconduct, including sexual assaults, dating/domestic violence, and stalking. PNCA is committed to responding promptly and effectively to complaints of sexual misconduct and providing support to those who experience any form of sexual misconduct.

### **Support and Advocacy for Victims & Survivors of Sexual Misconduct**

If you or someone you know may be the victim of any form of sexual misconduct, you are strongly urged to seek immediate assistance. Assistance can be obtained 24 hours a day, seven days a week, from the Portland Police by calling 911 or, during PNCA operating hours when the sexual misconduct is occurring or may reasonably be expected to occur on campus property, by calling the Campus Safety Manager or Pacific Patrol Services at the numbers listed above.

During business hours (9:00am 5:00pm, Monday through Friday), you are also strongly urged to contact either of the following school staff as soon as reasonably possible to report any sexual misconduct you believe may have occurred:

Cordelia Daniels, Title IX Coordinator: 503.821.8930 [cdaniels@pnca.edu](mailto:cdaniels@pnca.edu) Manuel

Guerra, Director of Campus Safety: 503.821.8897 [mguerra@pnca.edu](mailto:mguerra@pnca.edu) Sharon

Sarcos, Director of Human Resources: 503.821.8943 [ssarcos@pnca.edu](mailto:ssarcos@pnca.edu) Victor

Maldonado, Dean of Inclusion: 503.360.8562 [vmaldonado@pnca.edu](mailto:vmaldonado@pnca.edu)

## **PNCA Sexual Harassment Policy**

### **PREAMBLE**

Your health, safety, and well-being are the College's primary concern. If you or someone you know may be the victim of any form of sexual misconduct, you are strongly urged to seek immediate assistance.

Assistance can be obtained 24 hours a day, seven days a week, from the Portland Police by calling 911 or, during PNCA operating hours when the sexual misconduct is occurring or may reasonably be expected to occur on campus property, by calling the Security phone at 503.621.2061 or by calling the Campus Safety Manager, Manny Guerra at 503.821.8897.

You are also strongly urged to contact the Title IX Coordinator as soon as reasonably possible to report any sexual misconduct you believe may have occurred.

PNCA's Title IX Coordinator is Cordelia Daniels, the Director of Legal Service, and can be contacted directly to report any misconduct at 503.821.8881 and [cdaniels@pnca.edu](mailto:cdaniels@pnca.edu).

You may also email information or reports to the Title IX team at [TitleIX@pnca.edu](mailto:TitleIX@pnca.edu)

Further information about Title IX and sex discrimination in education is available from the Office for Civil Rights, 400 Maryland Avenue SW, Washington, DC 20202-1100 (or by Customer Service Hotline: 800.421.3481; fax: 202.453.6012; TDD: 877.521.2172; email: [OCR@ed.gov](mailto:OCR@ed.gov) or [www.ed.gov/ocr](http://www.ed.gov/ocr))

## **I) INTRODUCTION**

### **A) OVERVIEW AND PURPOSE**

Sexual Misconduct, as defined by the College's Policy and Procedures, comprises a broad range of behavior that will not be tolerated in the College's community. For purposes of this policy, "Sexual Misconduct" includes Sexual Exploitation, Sexual Harassment, Non-Consensual Sexual Contact, and Non-Consensual Sexual Intercourse; see below for each term's full definition. Sexual Misconduct violates College policy and federal civil rights law and may also be subject to criminal prosecution.

The College is committed to fostering a community that promotes prompt reporting of all types of Sexual Misconduct and timely and fair resolution of Sexual Misconduct complaints. Creating a safe environment is the responsibility of all members of the College community. As a recipient of federal funds, the College is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. 1681 et seq.,

which prohibits discrimination on the basis of sex in education programs or activities. Title IX requires that the College have a statement of policy and procedure for handling complaints of Sexual Misconduct. This policy constitutes that requirement. Sexual Misconduct, as defined in this policy, is a form of sex discrimination prohibited by Title IX. PNCA is committed to providing programs, activities, and an educational environment free from sex discrimination.

The College is also required to provide due process to students accused of Sexual Misconduct. This policy is designed to provide a fair process for both/all parties while also ensuring the complainant's protections under Title IX. Consistent with due process, an accused student is presumed innocent until proven otherwise under this policy.

The College is also required and is committed to upholding the First Amendment of the United States Constitution. Nothing in this policy is intended to abridge the rights or freedoms guaranteed by the First Amendment.

## B) DEFINITIONS

"Adjudicator" means the standing group of faculty and staff, appointed by the President of PNCA or their designee, to oversee complaints of Sexual Misconduct and draft the final report.

"Clery Act" means the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. Section 1092(f); 34 C.F.R. Part 668.46.

"College" means Pacific Northwest College of Art.

"Educator" means Title IX Educator, a member of the Title IX Team who serves to educate the community on the role and function of Title IX.

"Effective Consent" means words or actions that show a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Effective Consent cannot be gained by Force, by ignoring or acting in spite of the objections of another, or by taking advantage of the Incapacitation of another, where the accused student knows or reasonably should have known of such Incapacitation. Effective Consent is also absent when the activity in question exceeds the scope of Effective Consent previously given. In addition, certain states have designated a minimum age under which a person cannot give "Effective Consent," which is 18 under Oregon State law.

"FERPA" means the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 C.F.R. Part 99.

"Force" means physical force, violence, threat, intimidation, or coercion.

"Incapacitation" means the physical and/or mental inability to make informed, rational

judgments. States of Incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol or another drug is involved, one does not have to be intoxicated or drunk to be considered Incapacitated. Rather, Incapacitation is determined by how the alcohol consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. The question is whether the accused student(s) knew, or whether a sober, reasonable person in the position of the accused student should have known, that the complainant was Incapacitated. Because Incapacitation may be difficult to discern, students are strongly encouraged to err on the side of caution; i.e., when in doubt, assume that another person is Incapacitated and therefore unable to give Effective Consent. Being intoxicated or drunk is never a defense to a complaint of Sexual Misconduct under this policy.

"Investigators" means the individuals designated by the Title IX Coordinator to conduct investigations into alleged Sexual Misconduct.

"Non-Consensual Sexual Contact" means Sexual Contact that occurs without Effective Consent.

"Non-Consensual Sexual Intercourse" means Sexual Intercourse that occurs without Effective Consent.

"Non-College Conduct" means conduct that occurred at a place other than: College-owned or -leased property, College sanctioned functions, the permanent or temporary local residence of a College student, faculty member, employee, or visitor, or anywhere in the City of Portland or Multnomah County.

"President" means the President of Pacific Northwest College of Art and their designee.

"Sexual Contact" means the deliberate touching of a person's intimate parts (including genitalia, groin, breast, or buttocks, or clothing covering any of those areas), or using force to cause a person to touch their own or another person's intimate parts.

"Sexual Exploitation" means taking sexual advantage of another person without Effective Consent, and includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over that person; causing the prostitution of another person; recording, photographing, or transmitting identifiable images of private sexual activity and/or the intimate parts (including genitalia, groin, breasts, or buttocks) of another person; allowing third parties to observe private sexual acts; engaging in voyeurism; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV.

"Sexual Harassment" means unwelcome conduct, based on sex or on gender stereotypes, which is so severe or pervasive that it unreasonably interferes with a

person's College employment, academic performance, or participation in College programs or activities, and creates a working, learning, program, or activity environment that a reasonable person would find intimidating, hostile, or offensive. Sexual Harassment may include, for example, unwelcome sexual advances, requests for sexual favors, and acts of sexual violence. In evaluating any complaint of Sexual Harassment, the perceived offensiveness of a particular expression, by itself, is not sufficient to constitute Sexual Harassment. The conduct in question must be objectively intimidating, hostile, or offensive, and must interfere with a person's right to equally participate in College programs and activities. The exclusive purpose of this policy is to protect students from sex discrimination, consistent with both federal regulatory law and the requirements of the First Amendment to the United States Constitution.

"Sexual Intercourse" means penetration (anal, oral, or vaginal) by a penis, tongue, finger, or an inanimate object.

"Sexual Misconduct" is a broad term encompassing "Sexual Exploitation," "Sexual Harassment," "Non-Consensual Sexual Contact," and "Non-Consensual Sexual Intercourse," as defined in this policy. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex.

"Title IX Coordinator" means party designated by the College to oversee the Title IX process.

"Title IX Team" means the committee charged with overseeing the Title IX process, which includes; the Title IX Coordinator, Deputies, Adjudicators, Educators, and others parties as assigned by the Title IX Coordinator.

## **II) JURISDICTION; TIMING; RETALIATION AND RELATED MISCONDUCT; CRIMINAL PROCEEDINGS; INTERIM MEASURES**

### **A) JURISDICTION**

1) Personal Jurisdiction: Any person may file a complaint of Sexual Misconduct against a "College student" under this policy. A "College student" means any student who is registered or enrolled at PNCA

(a) at the time of the alleged Sexual Misconduct (including Sexual Misconduct that is alleged to have occurred during any academic recess, provided that there is an expectation of the student's continued enrollment at the College), and (b) at the time that the Title IX Coordinator prepares and delivers to the Investigators a formal complaint against such student pursuant to Section IV.B., below.

2) Geographic Jurisdiction: This policy applies to any allegation of Sexual Misconduct against a College student, regardless of where the alleged Sexual Misconduct occurred. Although there is no geographical limitation to invoking this policy, Sexual Misconduct that is alleged to have occurred at a significant distance from the College may be more

difficult to investigate. The College reserves the right to determine, in its sole discretion, whether the conduct described in the complaint constitutes a sufficient risk to the College community to warrant with respect to any complaint

(a) by a person who is not a member of the College community, and (b) relating to Non-College Conduct, the College reserves the right to determine, in its sole discretion, whether the conduct described in the complaint constitutes a sufficient risk to the College community to warrant processing the complaint.

## B) TIMING OF COMPLAINTS AND AVAILABILITY OF PROCEDURES

### 1) Informal Resolution Procedure

So, long as there is personal jurisdiction over the accused student pursuant to Section II.A.1 above, there is no time limit to invoking an Informal Resolution Procedure in response to complaints of alleged Sexual Misconduct. Nevertheless, students are encouraged to report alleged Sexual Misconduct immediately in order to maximize the College's ability to obtain evidence and conduct a thorough, impartial, and reliable investigation. Failure to promptly report alleged Sexual Misconduct may result in the loss of relevant evidence and witness testimony, and may impair the College's ability to enforce this policy.

Where the accused student is a degree candidate (i.e. the student is working on their thesis project), it is the responsibility of the complainant to consult with the Title IX Coordinator regarding the accused student's intended date of graduation, and to file a complaint in a timely manner when personal jurisdiction over the accused student would otherwise be lost pursuant to Section II A., above. The conferral of a degree may be deferred until any Sexual Misconduct charges have been properly resolved, provided that a hearing is scheduled for the earliest practicable date that may accommodate the parties and their witnesses.

### 2) Formal Resolution Procedure

In order to utilize the Formal Resolution Procedure, Complainants must file a written complaint with the Title IX Coordinator within one (1) calendar year of the alleged discriminatory act, or the date on which the complainant first knew or reasonably should have known of such act. Complaints of sex discrimination brought forth beyond the period will be tracked and investigated to the extent possible, consistent with the campus Title IX obligations, including the Title IX Coordinator's duties to spot patterns and address systemic issues.

## C) RETALIATION

It is a violation of College policy to retaliate against any person making a complaint of Sexual Misconduct or against any person cooperating in the investigation of (including testifying as a witness to) any allegation of Sexual Misconduct. For these purposes, "retaliation" includes intimidation, threats, harassment, and other adverse action threatened or taken against any complainant or third party. Retaliation should be



reported promptly to the Title IX Coordinator and may result in disciplinary action independent of the sanction(s) or interim measure(s) imposed in response to the original allegations of Sexual Misconduct. A faculty member, staff member, or student who retaliates in any way against an individual who has brought a complaint in good faith pursuant to this policy or against an individual who has participated in good faith in an investigation of such a complaint is subject to disciplinary action up to and including termination or expulsion.

#### D) OTHER RELATED MISCONDUCT

In accordance with this policy, the Title IX Team is empowered to hear allegations of, and to impose sanctions for, Sexual Misconduct and any violations of the Student Conduct Code directly related to the alleged Sexual Misconduct, or any alleged violations of the Student Conduct Code itself. Such related misconduct may include, without limitation, violations of the rules of privacy as articulated herein, violations of the Title IX Coordinator's directive(s) discussed in Section II.F. below, and/ or other Conduct Code violations that occurred in the course of the alleged Sexual Misconduct.

It is not the practice of the College to pursue disciplinary action against a complainant or witness for their improper use of alcohol or drugs (e.g., underage drinking), provided that such student is acting in good faith as a complainant or witness to the events of the alleged Sexual Misconduct. College students who appear before the Title IX Investigators or other Title IX Team members, whether as parties to the proceedings or as witnesses, are expected to provide truthful testimony in accordance with the Conduct Code.

#### E) COORDINATION WITH LAW ENFORCEMENT AND EFFECT OF CRIMINAL PROCEEDINGS

Because Sexual Misconduct may constitute both a violation of College Policy and a criminal activity, the College encourages students to report alleged Sexual Misconduct promptly to local law enforcement agencies. Criminal investigations may be useful for gathering relevant evidence, particularly forensic evidence.

Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this policy, criminal investigations or reports are not determinative of whether Sexual Misconduct, for the purposes of this policy, has occurred. In other words, conduct may constitute Sexual Misconduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute. In such cases, the complainant may not initially understand the results of the criminal investigation, the nature of criminal procedures, or the grounds for the law enforcement agency's decision not to prosecute. The complainant in such cases may request that the Title IX Coordinator identify a senior member of the College administration to assist the complainant with seeking and attending a meeting with the local prosecutor to gain an understanding of the decision to decline a prosecution.

The College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation into a complaint of Sexual Misconduct under this policy (except that the College's investigation may be delayed temporarily while the criminal investigators are gathering evidence) and may take interim measures to protect the complainant and the College community, if necessary, as described in Section II.F. below. In the event that an allegation includes behavior or actions that are under review by law-enforcement authorities, the Investigative Team will, in light of status updates from law-enforcement authorities and the Title IX Officer, assess and reassess the timing of the investigation under the Policy, so that it does not compromise the criminal investigation.

#### **F) INTERIM MEASURES**

In all complaints of alleged Sexual Misconduct, regardless of whether the complainant wishes to pursue Formal Resolution, Informal Resolution, or no resolution of any kind, the College will undertake an appropriate inquiry and take such prompt and effective action as is reasonably practicable under the circumstances to support and protect the complainant, including taking appropriate interim steps before the final outcome of the investigation and hearing, if any. Accordingly, at or after the intake meeting, the Title IX Coordinator may impose a "no contact" order, which typically will include a directive that the parties refrain from having contact with one another, directly or through proxies, in person or via electronic means, pending the investigation and, if applicable, the hearing. The Title IX Coordinator may also take any further protective action that they deem appropriate concerning the interaction of the parties pending the hearing, if any, including, without limitation, directing appropriate College officials to alter the students' academic, College housing, and/or College employment arrangements. When taking steps to separate the complainant and the accused student, the Coordinator (or Deputy) will seek to minimize unnecessary or unreasonable burdens on either party, provided, however, that every reasonable effort is made to allow the complainant to continue in their academic, College housing, and/or College employment arrangements. Violation(s) of the Title IX Coordinator's directive and/or protective actions will constitute related offenses that may lead to additional disciplinary action.

#### **III) INFORMAL RESOLUTION**

Informal Resolution provides an opportunity for the complainant to confront the accused student, in the presence of, and facilitated by a member of the Title IX Team, and to communicate their feelings and perceptions regarding the incident, the impact of the incident, and their wishes and expectations regarding protection in the future. The accused student will have an opportunity to respond.

#### **A) REQUESTING INFORMAL RESOLUTION**

Initiating Parties may make a request, in writing, for informal resolution to Title IX Coordinator. The request should identify the alleged harasser (if known) and describe the allegations with specificity. The Title IX Coordinator, in consultation with the Title IX

Team, will assess the severity of the alleged harassment and the potential risk of a hostile environment for others in the community to determine whether informal resolution may be appropriate.

B) Upon determining that informal resolution is appropriate, the Title IX Coordinator will

- 1) consult further with the person initiating the request,
- 2) inform the person who is the subject of the allegations, and
- 3) gather additional relevant information as necessary from the parties and others, as indicated.
- 4) Assign a member of the Title IX Team to facilitate the conversation between the parties and attempt to aid the parties in finding a mutually acceptable resolution
- 5) Title IX Coordinator also may put in place any appropriate interim measures to protect the educational and work environment.

#### C) ADVISORS

The complainant and the accused student each may bring an advisor to the informal resolution. An advisor should be an officer (faculty or staff) of the College but may not be related to anyone involved in the complaint or have any other involvement in the process. A student may select a secondary advisor of their choosing, including another student, but such secondary advisor may not be an attorney.

Advisors may offer feedback on their advisee's written statements, and provide general advice. Advisors may not speak for their advisees, although they may ask to suspend the interviews briefly if they feel their advisees would benefit from a short break.

When the allegations, if true, might constitute criminal conduct, the party against whom they are brought is hereby advised to seek legal counsel before making any written or oral statements. Those facing allegations may wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved. Such counsel may privately consult with and advise the parties during the process but may not examine witnesses or otherwise directly participate on behalf of either party.

#### D) RESOLUTION

A matter will be deemed satisfactorily resolved when both parties expressly agree to an outcome that is also acceptable to the College or Title IX Coordinator. At any point prior to such an express agreement, the Initiating Party may withdraw the request for informal resolution and initiate a formal complaint under these Procedures.

If the accused contests the complaint of alleged Sexual Misconduct, the Title IX Coordinator may nevertheless impose a protective order agreed upon by the parties or (with or without such agreement) based on information derived from the Informal Resolution proceedings, taken with any other relevant information known to the College

at the time of the Informal Resolution.

#### E) TIMING

Please see Section II.B.1. for the Timing requirements for filing an Informal Complaint. Ordinarily, the informal resolution process will be concluded within two to three weeks of the date of the request.

The College or the complainant may, at any time prior to the conclusion of the Informal Resolution, elect to end such proceedings and initiate Formal Resolution instead, so long as Section II.B.2. are still satisfied. In such cases, statements or disclosures made by the parties in the course of the Informal Resolution may be considered in the subsequent Formal Resolution.

#### F) PRIVACY OF INFORMAL RESOLUTION

In order to promote honest, direct communication, information disclosed during Informal Resolution must remain private while the Informal Resolution is pending, except where disclosure may be required by law or authorized in connection with duties on behalf of the College.

### **IV) FORMAL RESOLUTION**

#### A) INITIATING A COMPLAINT

An Initiating Party may file a formal complaint alleging a violation of the Policy. A complaint of sexual or gender-based harassment should be filed directly with the Title IX Coordinator, regardless of the identity of the Respondent (student, staff, faculty, or third party). The Title IX Coordinator will inform the Title IX Team that a complaint has been received, and if necessary, request that appropriate interim measures be put in place.

A formal complaint must be in writing and signed and dated by a Complainant or a third party filing on behalf of a potential Complainant (Reporter). It should state: 1) The name of the alleged harasser (if known)

2) Describe with reasonable specificity the incident(s) of alleged harassment including date and place of such incident(s).

The complaint must be in the Complainant's or Reporter's own words, and may not be authored by others, including family members, advisors, or attorneys. Attached to the complaint should be any sources of information (for example, witnesses, correspondence, records, photos, etc.) that the Complainant or Reporter believes may be relevant to the investigation. However, a complaint should not be delayed if such sources of information are unknown or unavailable.

The Title IX Team will not investigate a new complaint if it has already adjudicated a formal complaint based on the same circumstances or if the parties and the College, Title IX Coordinator, or Title IX Team have already agreed to an informal resolution based on the same circumstances.

## B) INITIAL REVIEW

Once a complaint is received by the Title IX Coordinator, the Title IX Coordinator will assign the case to an Investigator or Team of Investigators for initial review.

Investigators will have appropriate training, so that they have the specialized skill and understanding to conduct prompt and effective sexual and gender-based harassment investigations.

The Investigative Team will contact the Complainant or Reporter in an attempt to gather a more complete understanding of the allegations, as well as any related conduct that may implicate the Policy. When a complaint is brought by a Reporter, the Investigative Team will endeavor to meet with the person identified as the potential Complainant to both gather information and discuss their interest in participating in an investigation.

Based on the information gathered, the Investigative Team will determine whether the information, if true, would constitute a violation of the Policy such that an investigation is warranted or whether the information warrants an administrative closure. The Investigative Team will convey this determination to the Complainant (and the Reporter, if there is one) and the Title IX Coordinator. The Investigative Team will work with the Title IX Coordinator to implement any appropriate interim measures to be put in place by the College pending the completion of the case (or to revise as necessary any measures already in place).

Ordinarily, the initial review will be concluded within two weeks of the date the complaint was received.

## C) INVESTIGATION

Following the decision to begin an investigation, the Investigative Team will notify the Respondent in writing of the allegations and will provide a copy of these Policy and Procedures. The Respondent will have one week in which to submit a written statement in response to the allegations. This statement must be in the Respondent's own words; Respondents may not submit statements authored by others, including family members, advisors, or attorneys. Attached to the statement should be a list of all sources of information (for example, witnesses, correspondence, records, and the like) that the Respondent believes may be relevant to the investigation.

If the decision is made to begin an investigation in a case where a Reporter filed the complaint, and the Complainant is unwilling to participate but the College has assessed the severity of the harassment and the potential risk of a hostile environment for others in the community and has determined to proceed, then, for the purposes of these Procedures, the Title IX Coordinator (or a designee) will be considered the Complainant.

The Investigative Team will request individual interviews with the Complainant and the

Respondent, and, as appropriate, with other witnesses, which may include those identified by the parties as well as relevant officers of the College or others. When identifying potential witnesses, the parties should understand that the purpose of interviews is to gather and assess information about the incident(s) at issue in the complaint, not to solicit general information about a party's character.

When a complaint involves allegations that, if true, also might constitute criminal conduct, Respondents are hereby advised to seek legal counsel before making any written or oral statements. The investigation process is not a legal proceeding, but Respondents might wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved.

After the collection of additional information is complete but prior to the conclusion of the investigation, the Investigative Team will request individual follow-up interviews with the Complainant and the Respondent to give each the opportunity to respond to the additional information.

#### D) ADVISORS

Both the Complainant and the Respondent may bring an advisor to any interviews with the Investigative Team. An advisor should be an officer (faculty or staff) of the College but may not be related to anyone involved in the complaint or have any other involvement in the process. A student may select a secondary advisor of their choosing, including another student, but such secondary advisor may not be an attorney.

Advisors may offer feedback on their advisee's written statements, and provide general advice. During interviews, personal advisors may not speak for their advisees, although they may ask to suspend the interviews briefly if they feel their advisees would benefit from a short break.

When the allegations, if true, might constitute criminal conduct, the party against whom they are brought is hereby advised to seek legal counsel before making any written or oral statements. Those facing allegations may wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved. Such counsel may privately consult with and advise the parties during the process but may not examine witnesses or otherwise directly participate on behalf of either party.

#### E) CONCLUSION OF THE INVESTIGATION AND ISSUANCE OF FINAL REPORT

At the conclusion of the investigation, the Investigative Team will provide a report to the Adjudicators who will make findings of fact, applying a preponderance of the evidence standard, and determine based on those findings of fact whether there was a violation of the Policy. A preponderance of the evidence means that the information shows that it is "more likely than not" that the accused student violated this policy.

The Adjudicator will prepare a written draft of the findings of fact and analysis, which the Title IX Coordinator will provide to the Complainant and the Respondent. Both parties will be given one week to submit a written response to the draft.

The Adjudicators will consider any written responses before finalizing these sections of the report and the final section of the report, which will outline any recommended measures to be taken by the College to eliminate any harassment, prevent its recurrence, and address its effects. The Adjudicators and the Title IX Coordinator will work with the College and relevant parties to put in place such measures as they determine are appropriate. Consistent with College policies, measures imposed might include, among others: restrictions on contact; counseling; course-schedule or work schedule alteration; changes in housing; leaves of absence; expulsion; or increased monitoring of certain areas of the campus.

The investigation will be completed and the final report provided to the Complainant, the Respondent, and the Title IX Coordinator concurrently within 14 calendar days following the submission of the Complainant and Respondents written responses unless the Adjudicators determine there is good cause for a delay.

The Title IX Coordinator will notify the parties of any disciplinary action as appropriate. For cases involving faculty, staff, or third parties, the imposition of sanctions will be considered separately by the appropriate officials at the College through their relevant policies.

F) EFFECTIVE DATE OF SANCTION. A sanction imposed by the Adjudicators is not effective until the resolution of any request to review the process. However, if advisable to protect the welfare of the complainant or the College community, the Adjudicators may determine that any probation, suspension, or expulsion be effective immediately and continue in effect until such time as the Title IX Coordinator may otherwise determine. The Title IX Coordinator may suspend the determination pending exhaustion of any appeal, and may allow the accused student to attend classes or to engage in other activity on a supervised or monitored basis, or may make such other modifications to the determination as may be advisable in the sole discretion of the Title IX Coordinator. The Title IX Coordinator's decision may not be appealed.

G) TRANSCRIPT NOTATION IN CASES OF SUSPENSION OR EXPULSION. If the Adjudicators imposes a sanction of suspension or expulsion, then, following exhaustion of any appeal, the Adjudicators or Title IX Coordinator will notify the College Registrar to place a notation on the student's transcript reading "Disciplinary Suspension" or "Disciplinary Expulsion," as the case may be.

H) PRIVACY, FERPA, AND CLERY IN THE FORMAL PROCESS 1) In order to

comply with FERPA and Title IX and to provide an orderly process for the consideration of relevant information without undue intimidation or pressure, the Investigation and Adjudication processes are not open to the general public. Accordingly, documents prepared during the Title IX case, including Investigative Reports, Final Reports, Evidence Reports, Witness Lists, documents, testimony, and other information, may not be disclosed outside of the Investigation and Adjudication process, except as may be required or authorized by law.

2) Under the Clery Act, both the complainant and the accused student must be informed of the hearing outcome, and the College may not impose any limitations on the re-disclosure of this information. Accordingly, following the hearing, the Panel will issue a written decision letter (the "Final Report"), concurrently to the accused student and the complainant. The Final Report will set forth, as required by the Clery Act, the name of the accused student; the violation(s) of this policy for which the accused student was found responsible, if any; any essential findings supporting the Panel's decision on the issue of responsibility; and the sanction(s) imposed, if any.

3) College policy neither encourages nor discourages the further disclosure of the Final Report by either the complainant or the accused student. The College acknowledges that sharing the Final Report with others, including family, friends, legal counsel, mental health professionals, and sexual assault advocates or victims, may be a critically important part of a student's healing process.

#### I) TIMEFRAME

Please see Section II.B.2. for the Timing requirements for filing a Formal Complaint. The Title IX Team will work diligently to ensure a prompt investigation. While there is no fixed time frame under which they must complete the Title IX investigation, the Team will make a good faith effort to conduct a fair, impartial investigation in a timely manner designed to provide all parties with resolution. In most cases, the Title IX Team aims to move from the date of the filing of the Formal Complaint to the Resolution in sixty (60) days.

#### J) ADMINISTRATIVE CLOSURE

If, after conducting the initial review of a formal complaint, the Investigative Team finds that the allegation, if true, would not constitute a violation of the Policy, then the Title IX Coordinator will administratively close the case and notify the Complainant (and the Reporter, if there is one).

Where the Complainant is unwilling to participate in further investigation, the Title IX Coordinator, in consultation with the Title IX Team, will assess the severity of the alleged harassment or the potential risk of a hostile environment for others in the community and will determine whether administrative closure is appropriate or whether the College should proceed with an investigation.



Within one week of the decision to close a case administratively, the Complainant or Reporter may request reconsideration on the grounds that there is substantive and relevant new information that was not available at the time of the decision and that may change the outcome of the decision. The Title IX Coordinator will consider requests for reconsideration and inform the Complainant or Reporter of the outcome, ordinarily within one week of the date of the request.

In cases where the Title IX Coordinator concludes that the alleged conduct, while not a violation of the Policy, might implicate other College conduct policies, the Title IX Coordinator may refer the complaint to the appropriate College official.

#### K) REQUEST TO WITHDRAW THE COMPLAINT

While every effort will be made to respect the Complainant's wishes to withdraw a formal complaint, the College must be mindful of its overarching commitment to provide a non-discriminatory environment. Thus, in certain circumstances, the Title IX Coordinator may determine that investigation is appropriate despite a Complainant's request to withdraw the complaint or failure to cooperate. Other circumstances also may result in a request to withdraw the complaint being declined, where, for example, a request to withdraw is made after a significant portion of the investigation has been completed and terminating the investigation would be inequitable.

#### L) REQUEST FOR INFORMAL RESOLUTION AFTER A COMPLAINT HAS BEEN FILED

Once a complaint has been opened for investigation and before the final report has been provided to the parties, a party may request informal resolution as an alternative to formal resolution of the complaint, but that disposition requires agreement of the Complainant and the Respondent and the approval Title IX Coordinator.

If such a request is approved the timeframes will be stayed and the Title IX Coordinator will assign a Title IX Team member to oversee the informal resolution process. The Title IX Team member will take such steps as they deem appropriate to assist in reaching a resolution. If the parties cannot reach an informal resolution within two weeks from receipt of the request, then the Investigative Team will resume the investigation of the complaint in accordance with the formal complaint procedures.

#### M) APPEAL

Both the Respondent and the Complainant may appeal the decision of the Adjudicators to the Title IX Coordinator based on the following grounds:

1) A procedural error occurred, which may change the outcome of the decision; or 2) The appellant has substantive and relevant new information that was not available at the time of investigation and that may change the outcome of the decision.

Disagreement with the Adjudicators' findings or determination is not, by itself, a ground

for appeal.

Appeals must contain: A clear statement of the grounds for the appeal. If appealing under Section M.1., the document must contain the specific procedural error that occurred and how the appellant believes it impacted the outcome of the decision. If appealing under Section M.2., the document must contain the substantive and relevant new information, details as to why the information was not available at the time of the investigation, and how the new evidence might impact the outcome of the decision.

Appeals of the Adjudicators' decision must be received in writing by the Title IX Coordinator within one week of the date of the final report. Likewise, appeals of decisions to administratively close a case or to deny a request to withdraw the complaint must be received by the Title IX Coordinator within one week of the date of the decision under appeal. Such appeals must contain a clear statement of the grounds of the appeal.

Ordinarily, appeals will be decided within two weeks and the parties and the Title IX Coordinator promptly will be informed of the outcome in writing.

#### **V) COMPLAINANT DOES NOT WISH TO PURSUE RESOLUTION OR REQUESTS CONFIDENTIALITY**

If the complainant does not wish to pursue Formal or Informal Resolution and/or requests that their complaint remains confidential, Title IX nevertheless requires that the College investigate and take reasonable action in response to the complainant's information. The Title IX Coordinator will inform the complainant that the College's ability to respond may be limited. The Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual Misconduct and may weigh the complainant's request(s) against the following factors: the seriousness of the alleged Sexual Misconduct; whether there have been other complaints of Sexual Misconduct made against the same accused student; and the accused student's right to receive information about the allegations if the information is maintained by the College as an "education record" under FERPA. The Title IX Coordinator will inform the complainant if the College cannot ensure confidentiality. Even if the College cannot take disciplinary action against the accused student due to the complainant insisting on confidentiality or that the complaint not be resolved, the Title IX Coordinator reserves the authority to undertake an appropriate inquiry, issue a "no contact" order, and take other reasonably necessary measures.

#### **VI) CONFIDENTIALITY**

PNCA will endeavor to maintain confidentiality to the extent permitted by law. In cases where the complainant's desire to maintain anonymity may constrain attempts to establish facts and eliminate the alleged harassment, PNCA will attempt to find the right balance between the complainant's desire for confidentiality and PNCA's responsibility to provide an environment free of sexual harassment. However, PNCA may take formal action to ensure an environment free of sexual harassment and/or sexual misconduct.

Once a complaint is filed, the Complainant or Reporter, the Respondent, and any witnesses will be notified of the potential for compromising the integrity of the investigation by disclosing information about the case and the expectation that they therefore keep such information – including any documents they may receive or review – confidential. They also will be notified that sharing such information might compromise the investigation or may be construed as retaliatory. Retaliation of any kind is a separate violation of the Policy and may lead to an additional complaint and consequences.

The parties remain free to share their own experiences, other than information that they have learned solely through the investigatory process, though to avoid the possibility of compromising the investigation, it is generally advisable to limit the number of people in whom they confide.

## **VII) STUDENT, FACULTY, AND STAFF RELATIONSHIPS**

Consensual Relationships Romantic or sexual relationships between a faculty member and a student or between a supervisor and a person under their supervision create situations that may lead to sexual harassment, conflicts of interest, and favoritism. Therefore, PNCA strongly discourages consensual relationships between supervisors and subordinates, faculty and students, and advisors and students. Failure to report such consensual relationships and to cooperate in making alternative arrangements may result in disciplinary action up to and including termination or expulsion.

This policy is not intended to discourage the interaction of faculty and students and supervisors and employees where it is appropriate and ethical. If a romantic or sexual relationship exists or develops between a faculty member and a student enrolled in the faculty member's course, the faculty member must disclose the relationship's existence to an immediate supervisor and cooperate in making alternative arrangements for the supervision, teaching, grading, or advising of the student and/or student employee.

Supervisors must disclose a romantic or sexual relationship that exists or develops between the supervisor and an employee under their supervision to an immediate supervisor, and must cooperate in making alternative arrangements for the supervision of the employee. The supervisor and employee, or faculty member and student, involved must understand appropriate behavior for the classroom and/or workplace. In the event that a complaint of sexual harassment or sexual misconduct is brought by either party regarding the relationship, there will be no presumption by PNCA that the relationship was consensual. Behaviors that include inappropriate displays of affection are prohibited on campus and may result in disciplinary action. Inappropriate displays of affection include, but are not limited to, unwarranted comments of a sexual nature and any deliberate physical contact that might cause humiliation or intimidation to other students, faculty, or staff.

## **VIII) AMENDMENTS**

This Policy may be amended, in writing, by the President or the President's designee at any time.

### **Missing Student Notification Policy**

In compliance with the Missing Student Notification Policy and Procedures 20 USC 1092 C; (Section 488 of the Higher Education Opportunity Act of 2008). it is the policy of Pacific Northwest College of Art to actively investigate any report of a missing student who is enrolled at the college as either a full or part-time student.

### **DEFINITION**

Most missing-person reports in the college environment result from students changing their routines without informing roommates and friends of the change. For purposes of this policy, a student will be considered missing or if a roommate, classmate, faculty member, friend, family member, or other campus person has not seen or heard from the person in a reasonable amount of time. In general, a reasonable amount of time is 24 hours or more, but may vary with the time of day and information available regarding the missing person's daily schedule, habits, and reliability. Individuals will also be considered missing immediately if their absence has occurred under circumstances that are suspicious or cause concern for their safety.

### **INVESTIGATION & NOTIFICATION**

If a member of the college community has reason to believe that a student is missing, that person should immediately notify one or all of the following individuals:

Any missing student report must be referred to PNCA's Security Department. All efforts will be made immediately (no waiting period) to locate the student to determine his or her state of health and well-being.

Manuel Guerra, Director of Campus Safety: 503.875.9176 [mguerra@pnca.edu](mailto:mguerra@pnca.edu)

Kate Copeland, Academic Dean: 503.821.8900 [kcopeland@pnca.edu](mailto:kcopeland@pnca.edu) Jackson

Seemayer, Director of Student Life: 503.821.8920 [jseemayer@pnca.edu](mailto:jseemayer@pnca.edu) V

Maldonado, Asst. Dean of Inclusion: 503.360.8562 [vmaldonado@pnca.edu](mailto:vmaldonado@pnca.edu)

Actions that will be taken by PNCA's Campus Safety Team include (but are not limited to):

- Call or text the student's home/cell phones or other numbers on record
- Email the student
- Contact the student's roommates and neighbors (residential students only)  
    Contact the student's faculty or academic advisors
- Contact any other on-campus or off-campus friends or contacts that are made known including the student's emergency contact
- Review the student's network print or email accounts to determine most recent activity •  
    Check a student's social networking sites such as Homeroom, Facebook, Instagram, Tumblr, and Twitter.

If after investigation a student is determined missing for at least 24 hours. the appropriate law enforcement agencies and will be notified.

If a student is under age 18 and not an emancipated individual, or has failed to designate an emergency contact, PNCA is required to notify a parent or guardian.

If a student is over age 18, PNCA is required to notify the emergency contact the student identified to the college.

### **DESIGNATING EMERGENCY CONTACTS**

All PNCA students will be given an opportunity to identify an emergency contact. The contact information will be registered confidentially as part of the student's official record. Students can update their emergency phone contact in Self Service [reg.pnca.edu](http://reg.pnca.edu) on their My Profile tab.

Students who live on campus, Residential Life staff will request that each residential student, upon checking into his or her assigned on campus room, complete an emergency contact form to designate the name and contact number of the individual(s) to be contacted in case of an emergency, including in the event of the resident being

determined missing for at least 24 hours.

Students who live off campus, ALL PNCA students are strongly encouraged to complete the emergency contacts form to designate the name and contact number of the individual(s) to be contacted in case of an emergency, including in the event of the student being determined missing for at least 24 hours.

## **CONFIDENTIALITY**

The contact information of person(s) reporting will be registered confidentially and will only be accessible to authorized campus officials. This information may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

### **Campus Notification About Registered Sex Offenders**

In the State of Oregon, convicted sex offenders must register with the Oregon State Police Sex Offender Registration Unit. The Oregon State Police is responsible for maintaining this registry. Oregon State Police provide this list online on the Oregon Sex Offender Inquiry System. It can be accessed at <http://sexoffenders.oregon.gov>.

For information about sex offenders, please call 503.378.3725, Ext. 4429 or email [sexoffender.questions@state.or.us](mailto:sexoffender.questions@state.or.us)

### **Alcohol and Drug Policies**

PNCA is committed to maintaining a safe learning and work environment free from the effects of alcohol, drug and controlled substance abuse. Such abuse affects performance as well as employee and student safety. To this end, the College discourages the use of chemical substances for social and recreational purposes. PNCA does not permit the use, manufacture, or sale of illegal (State and/or Federal) drugs on campus, or as part of any official College business or activity held off campus.

#### **ALCOHOL POLICY**

The consumption of alcohol in moderate amounts is allowed only at certain expressly authorized College functions, and only by students or visitors who are of legal drinking age (21 years or older). Without authorization by the College, one may not serve alcoholic beverages on campus or as part of any official College business or activity held off campus. Students may request alcohol service for beer or wine only for a College event by using the Beer and Wine Service Request Form, available from the Director of Facilities or the Director of Campus Safety. The student(s) who have requested the service of alcohol for a College event will be notified when their request has been authorized. The Beer and Wine Service Request Form should be submitted at least one week prior to the event in order to secure all necessary authorizations in time. All PNCA events must be in compliance with Oregon Liquor Control Commission rules and regulations. No alcoholic beverages may be served to those who cannot verify that they are at least 21 years old or to anyone whose judgement or physical performance has already been affected by alcohol consumption.

Students who are under the legal drinking age (21 years) may not possess, serve, or drink alcohol in any college housing, including their own apartments or the apartment of any other person residing in ArtHouse. Residents who are 21 years or older may drink alcohol in the privacy of their own apartments, however, they may not buy for or serve alcohol to students or others under the legal drinking age.

Students may not attend classes intoxicated. Students found intoxicated in classes or on campus may be subject to disciplinary action. Students found distributing or supplying underage students with alcohol or Marijuana will be subject to sanctions including but not limited to probation and/or suspension.

## **SMOKING POLICY**

Smoking is not permitted in any of the college's buildings, within 50 feet of a posted no smoking sign, or within 50 feet of any college entrance or window.

## **DRUG POLICY**

The use, possession, distribution, sale, or possession with the intent to distribute or sell illegal drugs (including marijuana) is a violation of federal, state, and local laws, as well as PNCA policy. The possession of drug paraphernalia is also a violation of state law and PNCA policy. The misuse, distribution, or sale of prescription drugs is also

prohibited. Any student or employee found to be using, possessing, manufacturing, or distributing controlled substances in violation of the law on college property or at PNCA events may be subject to both administrative disciplinary actions and criminal proceedings.

All drug related violations by students, on campus, and at college sponsored events off campus may be handled under procedures outlined in the Student Code of Conduct

## **ALCOHOL AND DRUG ABUSE EDUCATION PROGRAMS**

PNCA is committed to the provision of substance abuse education and prevention activities. Consultations, assessment, and referrals are available for students through the college's counseling services. These services are available at no out of pocket expense to students for the first 10 sessions (per academic year). The student's insurance will be billed and the college will subsidize the visits by paying remaining fees for those 10 visits. An additional five sessions are usually available for a fee of \$25 per session. To make an appointment with the Director of the Counseling Center, Dr. Forrest Kublick, call 503-318-7736 or email [fkublick@pnca.edu](mailto:fkublick@pnca.edu).

Staff and Faculty may be eligible for protected leave under FMLA/OFLA for treatment. As with any other sick leave, the leave may include a combination of paid time off and Unpaid Personal Leave of Absence. Treatment resources are available through the employer paid medical program and/or through the Employee Assistance Program which provides free and/or discounted services.

## **CONFIDENTIALITY**

All information collected pursuant to this policy will be kept in confidence to the extent possible, revealed only when necessary or consistent with applicable law.

### **Clery Act Reporting Requirements**

This annual report is produced by the Pacific Northwest College of Art, Department of Campus Safety, in accordance with the Jeanne Clery Disclosure of Campus Security Crime Statistics Act [20 U.S.C. § 1092 (f)]. The Clery Act, as it is commonly known, is a



Federal law, enacted in 1990, requiring all post-secondary institutions participating in Title IV student financial assistance programs, to publish a statistical report of crimes on or near the institution's campus, as well as information about security policies and procedures.

The Violence Against Women Reauthorization Act of 2013 amends the Clery Act to require such institutions to disclose statistics, policies and procedures relating specifically to dating violence, domestic violence, stalking, sexual assault, and hate crimes.

This annual report, available to all current and prospective students and employees, is distributed in accordance with the Clery Act, and includes data for the calendar years 2014, 2015, 2016. This report can be viewed at: <http://pnca.edu/about/c/safety>. Upon request, a paper copy of this report can also be provided by contacting the office of the Campus Safety Manager, room #164, 511 NW Broadway, Portland, OR 97209, 503.821.8897.

Campus security is currently overseen by the Department of Campus safety, which employs full time campus safety officers, who are unarmed, uniformed, non-sworn officers trained in hands-off non-violent crisis intervention. Campus Safety officers are not law enforcement, they may make a citizen's arrest in accordance with state law.

PNCA's Campus Safety Manager directs and coordinates campus security, and is overseen by the Facilities Manager. Campus safety officers are available to respond to calls during building operating hours from 0630-0230 during the school semester, and 0730-2230 during summer break. Outside the building operating hours, the campus safety manager and the facilities manager respond 24 hours a day to emergencies on campus. Upon receipt of a criminal complaint or report of an emergency, a campus safety officer will interview any available witnesses to obtain information about the incident. An incident report is then filed within 24 hours. This report should include date, time, place, subject, victim, and witnesses, if any. All incidents are thoroughly investigated, and in instances of criminal activity, a report will be filed with the Portland Police Bureau.

### **Crime and Emergency Reporting Procedures**

Students and employees of PNCA are encouraged to take an active role in their own personal safety and that of their fellow students.

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