

# Annual Security Report

Pittsburgh Career Institute  
421 7<sup>th</sup> Avenue  
Pittsburgh, PA 15219

**2019**

(Crime Reporting for Calendar Year 2018)

# Campus Security Information

Pittsburgh Career Institute (PCI) strives to provide students and employees with a safe and secure environment in which to study and work.

## CAMPUS SECURITY AUTHORITY (CSA)

PCI employs a Full Time Security Officer who checks credentials, maintains a daily crime log, and heads the Emergency Response Team (ERT). PCI security cannot arrest individuals, though PCI will contact local police to report criminal activity.

Students and staff should report all security concerns to the CSA/ERT, who will determine if a timely warning should be issued to students and staff.

Campus Security Authorities and Authorized Officials Include:

### **President/Sr. Leader of (School/Facility)**

(Patti Yakshe)

### **Physical Security Contact**

(Buzz Yakshe)

### **Facilities Manager**

(Massaro Properties)

### **Safety Officer #1**

(Cynthia Smith)

### **Safety Officer #2**

(Ernie Junstrom)

### **Communications Liaison**

(Patti Yakshe)

### **Administrative Secretary**

(Adam Bouchat-Friedman)

In addition to the officials listed, the President/CEO may designate any staff member as an authorized official, as necessary.

## **Reporting a Crime**

If a student or employee is aware that a crime has been, or is being, committed on school property or at a school sponsored or recognized event off-campus during the hours that the school is open, the crime should be reported as soon as possible to the President's Office or any CSA, which include school security staff, faculty, and administrative staff, when the victim of a crime elects to or is unable (physically/mentally) to make such a report. The President's Office is located on the 3<sup>rd</sup> floor of the school. Other emergencies should also be reported to the President's Office. Regular business hours for the school are 8:00 a.m. – 5:30 p.m. Monday-Friday. If the crime has been committed after regular business hours, it should be reported to the front desk, CSA, or security guard. If the crime has been committed when the school is closed, it should be reported to the President's Office or CSA as soon as possible after school is open. In addition to reporting the crime to the President's Office, the crime should be reported to local law enforcement authorities.

The local police department for the school is:  
Pittsburgh Police Station  
200 Ross Street, Floor 8  
Pittsburgh, PA 15219.

The local Police Department may be reached at 412-323-7800. In an emergency, the local Police Department may be contacted by dialing 911.

The security personnel have authority to determine whether individuals have lawful business at the school and may request identification to make that determination. In addition, they have the authority to ensure that school policies, such as parking and building access, are followed. They do not, however, have arrest authority. The school works with local law enforcement agencies and refers criminal incidents to the local police department having jurisdiction over such matters. The school does not have a written agreement with state or local law enforcement agencies to investigate alleged criminal offenses.

The CSA will work with local law enforcement, as appropriate, when a crime is reported. Crimes reported to the CSA are included in the annual campus crime statistics. In addition, the school requests from the local Police Department crime information not reported to the school President's Office that is appropriate for inclusion in the annual campus crime statistics. Further, if circumstances warrant, the school community will be notified if an on-going threat is posed related to a reported crime.

If you are the victim of a crime and do not want to pursue action through the school or the criminal justice system, you may still consider making a confidential report. The purpose of a confidential report is to comply with your wish to keep the matter

confidential, while taking steps to ensure the future safety of yourself and others. Reports filed in this manner are included in the annual crime statistics for the school.

The school does not tolerate violence or other threatening conduct against any members of the school community. This includes criminal acts against persons or property, as well as harassment based on sex, race, ethnicity, or disability. The school will impose strict disciplinary actions and appropriately involve law enforcement officials should any acts of violence or threatening conduct occur on school facilities or at school-sponsored events. This includes acts of violence against women.

In addition to any criminal sanctions, the school will impose appropriate disciplinary sanctions if the offender is a student or employee of the school. The President's Office should be contacted should one wish to file a complaint. Also, note that in cases of sexual assault complaints:

- both the accuser and the accused are entitled to the same opportunities to have others present during the disciplinary hearing and
- both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding based on an allegation of sexual assault.

The school will work with the victim, should it be requested, in making such changes as can reasonably be accommodated relative to the student's academic and living situations.

### **Emergency Response and Evacuation Procedures**

If an on-going threat is posed related to a reported crime, a campus safety alert will be issued in a timely manner to the school community via the school emergency notification system. Campus safety alerts can be distributed in various ways, as deemed appropriate for the situation. Most commonly, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff, an announcement will be sent to the school community in multi-modal format (E-mail, Voice Mail, Text, Short Message Service) with information and instructions. The campus President and Vice President have the authority to determine the content of the message.

Emergency Response Guides are posted at the school in each classroom and by each phone. The Emergency Response Guide provides guidelines and procedures for various emergency situations, including but not limited to medical emergencies, violent crime in progress, evacuations, fire, and weather emergencies. The school also maintains an Emergency Response Operations Plan. The school also tests emergency response and evacuation procedures periodically through drills or exercises. Please contact the President's Office or Campus Security for more information.

## **Sexual Assault and Related Crimes**

In the event of sexual assault, dating violence, domestic violence or stalking, please be aware of the procedures that should be followed:

- It is important to preserve any evidence of the assault that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order (do not drink, bathe, change clothing, or comb hair, as this may destroy evidence that may be needed to prosecute the offender)
- Go to a place where it is safe from further attack and notify the police or a campus security authority
- obtain immediate medical attention
- seek professional counseling

The school strongly advocates that a victim of sexual assault, dating violence, domestic violence or stalking report the incident in a timely manner. Victims may report a sexual assault, or incidents of dating violence, domestic violence and stalking to the President's Office, or to any CSA. Victims of sexual assault, dating violence, domestic violence and stalking also have the option of notifying local law enforcement. If requested by the student who is the victim of a sexual assault, the school will assist the student in notifying law enforcement. In addition, the school President's Office will provide information on off-campus agencies that provide services to victims of a sex offense. Local or state organizations that provide services to victims of sex offenses include:

### **The Center for Victims of Violence and Crime**

5916 Penn Avenue  
Pittsburgh, PA 15206  
Business Phone: (412) 482-3240  
Hotline: (412) 392-8582  
Fax: (412) 482-3242  
Website: <http://www.cvvc.org>

### **Pittsburgh Action Against Rape**

81 South 19<sup>th</sup> Street  
Pittsburgh, PA 15203  
Business Phone: (412) 431-5665  
Hotline: (866) 363-7273  
Fax: (412) 431-0913  
Website: <http://www.paar.net/>

The school encourages students and employees to take advantage of the materials and programs that promote awareness of sex offenses such as rape, forcible fondling, statutory rape and incest, as well as programs to prevent dating violence, sexual assault and stalking available through the school and/or local community agencies.

Information about such materials and programs is available at the school by contacting the Title IX Coordinator.

The institution will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation and working situations. The institution will make such accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus security authorities or local law enforcement. Institutions must keep information about these accommodations and any similar protective measures confidential.

The institution will protect the confidentiality of victims. Publicly available recordkeeping, such as mandatory Clery reporting, will be accomplished without the inclusion of identifying information, to the extent permitted by law.

For more information about the institution's programs to promote awareness and prevention of sexual misconduct, as well as the institution's policies and procedures for addressing allegations of sexual misconduct, please see the institution's Sexual Abuse and Misconduct Prevention Policy published in this Annual Security Report.

### **Registered Sex Offenders**

The Jacob Wetterling Act requires states to obtain information concerning registered sex offenders' enrollment or employment at institutions of higher education. Those seeking to obtain information about registered sex offenders should visit the following website: [www.nsopr.gov](http://www.nsopr.gov). Further, to the extent the State notifies an educational institution of information concerning registered sex offenders, the Family Educational Rights and Privacy Act (FERPA) does not prevent educational institutions from disclosing such information.

### **DAILY CRIME LOG**

PCI's security officer maintains a daily crime log including the date the crime was reported, the nature, date, time, general location and disposition of the complaint. An electronic log will soon be implemented to compliment the daily log. The Security Guard may print copies of the electronic log in cases where technical difficulties preclude access to the electronic version. The log is available to the public except when doing so would jeopardize the confidentiality of the victim, the alleged perpetrator, or an ongoing investigation.

### **BUILDING ACCESS**

Students, employees, and the public can access PCI during normal business hours and other times by appointment.

Students, staff, and the general public must access the school via the front entrance. Students and staff must electronically sign in to PCI with their personal ID Card. PCI locks all entries to the school when closed. PCI only issues keys to authorized individuals or to those responsible for opening the school in the morning and closing it at night.

### **Personal Safety**

While the school attempts to provide a safe and secure environment, students, faculty, staff, and campus visitors are ultimately responsible for their safety. Safety is enhanced when students and employees take precautions such as:

- Report all suspicious activity to Campus Security Authorities (CSA) immediately. CSA include school security staff, faculty, and administrative staff.
- Never take personal safety for granted.
- Avoid walking alone at night. Travel with a friend or companion.
- Avoid parking or walking in secluded or dimly lit areas.
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or where too many people drinking excessively.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, computers, etc.) unattended.
- Carry your keys with you at all times and don't lend them to anyone.
- Lock your car doors and close the windows when leaving your car.
- Never leave valuables in your car especially if they are easily noticeable.
- Inventory your personal property and make records of the serial numbers of all items of value.
- Never admit anyone without a valid ID badge on campus/school premises.

As the school becomes aware of relevant programs that address responsible practices and procedures that enhance personal safety, such information may be obtained on-campus from the Title IX Coordinator.

### **POLICY DISSEMINATION**

#### **Enrolled Students and Employees**

PCI publishes its Annual Security Report and Campus Security Policy by June 30<sup>th</sup> of each year. This report is then emailed to all current students and staff. This report is also posted publicly under "General Disclosures" on the PCI website.

#### **Prospective Students and Employees**

Prospective students and employees are made aware of the availability of the Annual Security Report and Campus Security Policy and are provided a statement of the report's availability, a description of its contents, and an opportunity to request a copy.

This report is also displayed in the PCI Learning Resource Center. Additionally, this report will be made available at any time to enrolled students and current employees, upon request. Requests can be made through the Admissions Department or the Library, both located on the 3<sup>rd</sup> Floor.

## **TIMELY WARNINGS**

PCI will provide a timely warning to the school community whenever the campus authorities have determined that a serious or continuing threat to students and employees exists. The following crimes, whether reported to the campus authorities or the police, are considered to represent a threat to students and employees:

- criminal homicide including (a) murder and non-negligent manslaughter, and (b) negligent manslaughter;
- forcible and non-forcible sex offenses;
- robbery;
- aggravated assault;
- burglary;
- motor vehicle theft;
- arson;
- arrests for violations of liquor and drug laws;
- arrests for illegal weapons possession;
- persons not arrested but referred for campus disciplinary action for liquor, drug, and weapons violations; and
- crimes listed above or otherwise result in bodily injury that show evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity, or disability.

In addition to these examples, timely warnings may also be issued for other crimes that campus authorities have determined may pose a serious or continuing threat to the community, such as violent crimes or threats to persons or property. An example would be a kidnapping that has occurred on campus.

Instances such as these should be reported to a Campus Security Authority. The CSA will report to an Authorized Official who will issue the timely warning. Please refer to the "Campus Security Authority" section for a listing of these individuals.

Timely warnings will be determined on a case-by-case basis and will be based on the following:



- nature of the crime;
- continuing danger to the campus community;
- possible risk of compromising law enforcement efforts.

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

1. Any and all members of PCI's administration, faculty, and staff will, and without delay, make a determination if there is a significant emergency or dangerous situation by evaluating the event and/or the environment to determine if there is a health or safety risk present. Significant emergencies and dangerous situations should be reported to an authorized official capable of notifying the proper authorities, as well as other staff that will be needed during this event and initiating the notification system. The authorized officials with whom this information should be reported to are listed under "Authorized Officials."

2. Generally, the notification system will be communicated campus-wide. However, an authorized official may determine that only segments of the campus community need to receive the notification. This determination will be made on a case-by-case basis and will depend upon the situation itself as well as the level of health and/or safety risk that is present.

3. The content of the notification will be determined on a case-by-case basis by an authorized official. The content will be determined based on the situation itself as well as the level of health and/or safety risk that is present.

4. Authorized officials will initiate the notification system unless doing so will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Any or all of the notification systems may be used. The determination as to which, if not all, notification systems will be used is based on the discretion of the authorized official.

Additional information can be found in PCI's "Emergency Operations Plan."

### **Annual Security Report**

The school prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). This report is prepared in cooperation with local law enforcement agencies. Nothing in the law shall be construed to permit a school to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of the Clery Act.

**Pittsburgh Career Institute  
Campus Crime Report**

The President prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report is prepared in cooperation with the local law enforcement agencies surrounding our campus.

Campus crime, arrest, and referral statistics include those reported to the President and local law enforcement agencies. Copies of the report may be obtained in the President’s Office or by calling (412) 281-2600. All prospective employees may obtain a copy from the President or by calling (412) 281-2600.

To Report A Crime: Contact the President at (412) 281-2600 (non-emergencies) or dial 9-1-1 (emergencies only). You may also contact one of the school’s designated Campus Security Authorities.

Offense	On Campus			Non Campus			Public Property		
	2016	2017	2018	2016	2017	2018	2016	2017	2018
Murder/Non-Negligent Manslaughter	0	0	0	NA	NA	NA	0	0	0
Negligent Manslaughter	0	0	0	NA	NA	NA	0	0	0
Rape	0	0	0	NA	NA	NA	0	0	0
Fondling	0	0	0	NA	NA	NA	0	0	0
Incest	0	0	0	NA	NA	NA	0	0	0
Statutory Rape	0	0	0	NA	NA	NA	0	0	0
Robbery	0	0	0	NA	NA	NA	0	0	0
Aggravated Assault	0	0	0	NA	NA	NA	0	0	0
Burglary	0	0	0	NA	NA	NA	0	0	0
Motor Vehicle Theft	0	0	0	NA	NA	NA	0	0	0
Arson	0	0	0	NA	NA	NA	0	0	0
<b>VAWA Offenses</b>									
Domestic Violence	0	0	0	NA	NA	NA	0	0	0
Dating Violence	0	0	0	NA	NA	NA	0	0	0
Stalking	0	0	0	NA	NA	NA	0	0	0
<b>Arrests &amp; Disciplinary Referrals</b>									
Liquor Law Arrests	0	0	0	NA	NA	NA	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	NA	NA	NA	0	0	0
Drug Law Arrests	0	0	0	NA	NA	NA	0	1	0
Drug Law Arrests Referred for Disciplinary Action	0	0	0	NA	NA	NA	0	0	0
Illegal Weapons Possession Arrests	0	0	0	NA	NA	NA	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	NA	NA	NA	0	0	0

**Hate Crimes** – There were no reported hate crimes for the years 2016, 2017 or 2018.

**Student Housing Facilities:**

Our school does not maintain school-operated student housing facilities.

**Fire Safety Reporting:**

Our school does not maintain school-operated student housing facilities and is not required to maintain a log of all fire related incidents.

**Missing Persons:**

Our school does not maintain school-operated student housing facilities and is not required to publish a missing student notification policy. However, students are encouraged to contact the local police if they have information about a missing person.

# SEXUAL ABUSE AND MISCONDUCT PREVENTION POLICY

Pittsburgh Career Institute prohibits and does not tolerate sexual abuse or misconduct in the school, workplace or during any organization-related activity on or off campus. Pittsburgh Career Institute provides procedures for students, employees, volunteers, or any other victims of sexual abuse or misconduct to report such acts. Those reasonably suspected or believed to have committed sexual abuse or misconduct will be appropriately disciplined, up to and including suspension, expulsion, termination of employment or membership, as well as criminally prosecuted. No employee, student, volunteer, or other person, regardless of his or her title or position has the authority to commit or allow sexual abuse or misconduct. This policy applies to all persons herein named regardless of sexual orientation or Gender Identity.

## **FACTS FROM THE NATIONAL DOMESTIC VIOLENCE HOTLINE**

On average, 24 people per minute are victims of rape, physical violence or stalking by an intimate partner in the United States - more than 12 million women and men over the course of a year.<sup>11</sup>:

- Nearly 3 in 10 women (29%) and 1 in 10 men (10%) in the US have experienced rape, physical violence and/or stalking by a partner and report a related impact on their functioning.<sup>[ii]</sup>
- Nearly, 15% of women (14.8%) and 4% of men have been injured as a result of IPV that included rape, physical violence and/or stalking by an intimate partner in their lifetime.<sup>[iii]</sup>
- 1 in 4 women (24.3%) and 1 in 7 men (13.8%) aged 18 and older in the United States have been the victim of severe physical violence by an intimate partner in their lifetime.<sup>[iv]</sup>
- IPV alone affects more than 12 million people each year.<sup>[v]</sup>
- More than 1 in 3 women (35.6%) and more than 1 in 4 men (28.5%) in the United States have experienced rape, physical violence and/or stalking by an intimate partner in their lifetime.<sup>[vi]</sup>
- Nearly half of all women and men in the United States have experienced psychological aggression by an intimate partner in their lifetime (48.4% and 48.8%, respectively).<sup>[vii]</sup>
- Females ages 18 to 24 and 25 to 34 generally experienced the highest rates of intimate partner violence.<sup>[viii]</sup>

- Females ages 18 to 24 and 25 to 34 generally experienced the highest rates of intimate partner violence.[viii]
- Most female victims of intimate partner violence were previously victimized by the same offender, including 77% of females ages 18 to 24, 76% of females ages 25 to 34, and 81% of females ages 35 to 49.[x]

(l li) [http://www.cdt.gov/violenceprevention/pdf/1pv\\_factsheet2012\\_i1.pdf](http://www.cdt.gov/violenceprevention/pdf/1pv_factsheet2012_i1.pdf)

(111-lv) <http://www.cdc.gov/violenceprevention/intimatepartnerviolence/consequences.html>

(v-vil) [http://www.cdc.gov/violenceprevention/pdf/nisvs\\_report2010-a.pdf](http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf)

(viii-xih) <http://www.bis.s.QY/writept/publgtf/ip\19310.pdf>

## CONSENSUAL RELATIONSHIPS

This Policy covers unwelcome conduct of a sexual nature. Consensual romantic relationships between members of the college community are subject to other college policies. For example, PCI details policies governing employee-student relationships in the Personnel Policy Manual. While romantic relationships between members of the school community may begin as consensual, they may evolve into situations that lead to charges of sexual harassment or sexual violence.

Title IX Statement on Non-Discrimination: Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. To ensure compliance with Title IX and other federal and state civil rights laws, PCI has developed policies and procedures that prohibit sex discrimination in all of its forms. PCI does not discriminate on the basis of race, color, creed, age, gender, sex, sexual orientation, gender identity, religion, national origin, veteran status, physical or mental disability, genetic information or any other basis of prohibited discrimination in its programs and activities.

## DEFINITIONS AND EXAMPLES

The following definitions or examples of sexual abuse, misconduct or harassment, may apply to any and/or all of the following persons -employees, volunteers or other third-parties.

Sexual abuse or misconduct may include, but is not limited to:

- Child sexual abuse -any sexual activity, involvement or attempt of sexual contact with a person who is a minor (under 18 years old) where consent is not or cannot be given.
- Sexual activity with another who is legally incompetent or otherwise unable to give consent.
- Physical assaults or violence, such as rape, sexual battery, abuse, molestation or any attempt to commit such acts.
- Unwanted and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, brushing, massaging someone's neck or shoulders and/or pulling against another's body or clothes.
- Material such as pornographic or sexually explicit images, posters, calendars or objects.

- Unwelcome and inappropriate sexual activities, advances, comments, innuendoes, bullying, jokes, gestures, electronic communications or messages (e.g. email, text, social media, voicemail), exploitation, exposure, leering, or invasion of sexual privacy.
- A sexually hostile environment- characterized as comments or conduct that unreasonably interferes with one's performance or ability to do the job or creates an intimidating, hostile or offensive environment.
- Direct or implied threats that submission to sexual advances will be a condition of employment or affiliation with the organization.
- Stalking- repeated actions that serve no purpose but to cause annoyance, or to place someone in fear of annoyance.
- Dating violence- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship is determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Sexual Violence is defined, per Pennsylvania law {42 Pa.C.S.§ 6402), as an "act of sexual violence" which includes any conduct prohibited under the following Pennsylvania state laws:

18 Pa.C.S. §3121 Rape

18 Pa.C.S.§ 3123 Involuntary Deviate Sexual Intercourse 18 Pa.C.S.§3124.1 Sexual Assault

18 Pa.C.S.§ 3125 Aggravated Indecent Assault

18 Pa.C.S. § 3126 Indecent Assault

Rape is the most severe form of sexual violence and is generally defined as "forced sexual intercourse perpetrated against the will of the victim" that may involve physical violence, coercion, or the threat of harm to the victim. This definition applies regardless of whether the assailant is a stranger or an acquaintance, male or female.

Acquaintance rape is the most prevalent form of rape on college campuses. The acquaintance may be a date, friend, or someone the victim only casually knows through student housing, a class, or mutual friends. Regardless of the relationship, if one person uses force, drugs, or coercion to induce another into submitting to sexual intercourse, the act is defined as rape. The same disciplinary procedures, as well as criminal laws and penalties, apply in all cases of rape.

Involuntary deviate sexual intercourse is "forced deviate sexual intercourse" that includes anal or oral sexual intercourse, as well as forced penetration with a foreign object.

Sexual assault is generally defined in Pennsylvania as sexual intercourse without consent. To give consent, a person must make some type of affirmative statement or action that shows agreement to a sexual act and be in a state whereby he/she can make a reasonable judgment. A person who is in agreement regarding a sexual act but is unable to determine the potential harmfulness of an activity because of intoxication, unconsciousness, or mental incapacity, or has agreed because of threat or coercion, has not consented to the act. Sexual assault or any other acts of sexual violence that occur through lack of consent are not the victim's fault.

Aggravated sexual assault occurs if the sexual assault happens through force or is committed against an individual who is unconscious or impaired by alcohol and/or drugs.

Indecent assault involves indecent contact. Indecent contact is defined as "Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in either person." 18 Pa.C.S. §3101

Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship is determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence is as a felony or misdemeanor crime of violence committed by one or more of the following:

1. A current or former spouse or intimate partner with the victim
- 2 A person with whom the victim shares a child in common
- 3 A person who is cohabitating with or has cohabitated with the victim as a spouse
- 4 A person similarly situated to a spouse of the victim under the domestic violence laws of Pennsylvania
- 5 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 Pennsylvania

Consent is informed. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is voluntary. One gives consent without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will. Consent is not the same as silence, passivity, or lack of resistance alone.

Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and is revocable at any time. Once consent is withdrawn, the sexual activity must stop immediately.

Consent cannot be given when a person is incapacitated. A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if his/her understanding of the act is affected by a physical or mental impairment.

For purposes of this Policy, the age of consent is consistent with Pennsylvania state law.

Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affect a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. Being intoxicated by drugs or

alcohol does not diminish one's responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the accused knew, or whether a reasonable person should have known, that the complainant was incapacitated .

**Stalking.** For the purposes of reporting Clery Act crimes, 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.

Per Pennsylvania law, {18 Pa.C.S. § 2709.1), stalking is committed when a person engages in a course of conduct by repeatedly committing acts toward or communicating with another person. This includes following the person without proper authority under circumstances that demonstrate an intent either to place such other person in reasonable fear of bodily injury, or to cause substantial emotional distress to such other person.

Course of Conduct is defined as two or more acts including, but not limited to, acts in which the stalker directly, indirectly or through third parties - by any action, method, device, or means - follows, monitors, observes, threatens, or communicates to or about a person, or interferes with a person's property.

Substantial Emotional Distress is defined as significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

**Reasonable Person** - For the purposes of reporting Clery Act crimes, a reasonable person is a person under similar circumstances, and with similar identities to the victim. Pennsylvania defines a reasonable person as a "hypothetical person who sensibly exercises qualities of attention, knowledge, intelligence and judgment."

**Bystander Intervention** -is safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

## **REPORTING PROCEDURE**

Immediately report suspected sexual abuse or misconduct. It is not required to directly confront the person who is the source of the report, question or complaint before notifying any of the individuals listed. Pittsburgh Career Institute will take every reasonable measure to ensure that those named in complaint of misconduct, or are too closely associated with those involved in the complaint; will not be part of the investigative team.

The Title IX Coordinator serves as a resource for members of the PCI community who have questions or concerns regarding behavior that may be sexual harassment or sexual violence. All members of the PCI community are encouraged to contact the Title IX Coordinator if they observe or encounter conduct that may be in violation of PCI's Sexual Abuse and Misconduct Prevention Policy or if they feel that their Title IX rights were violated.



The responsibilities of the Title IX Coordinator include, but not limited to, the duties listed below:

1. Coordinate with other responsible departments to ensure that PCI offers, and provides sexual harassment and sexual violence prevention education and training programs
2. Disseminate this policy widely to PCI community
3. Provide educational materials to promote compliance with the Policy and familiarity with reporting procedures
4. Provide prompt and effective response to reports of sexual harassment or sexual violence in accordance with the Policy
5. Maintain records of reports of sexual harassment and sexual violence and actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary action, as appropriate
6. Identify and address any patterns or systematic problems that arise during the review of sexual harassment and sexual violence complaints
7. The President must approve exceptions to procedures required by the policy.

Pittsburgh Career Institute's Title IX Coordinator is:

Ashwini Pednekar, Title IX Coordinator  
Office Location: PCI, 421 Seventh Ave.  
Pittsburgh, PA, 15219  
Phone: 412-281-2600 extension 155  
E-mail: [apednekar@pci.edu](mailto:apednekar@pci.edu)

## **INVESTIGATION & ADJUDICATION**

### **PROCEDURES FOR REPORTING & RESPONDING TO REPORTS OF SEXUAL HARASSMENT AND SEXUAL VIOLENCE**

All members of the college community are encouraged to contact the Title IX Coordinator if they observe or encounter conduct that may be subject to the Policy. This includes conduct by employees, students, or third parties. Bring reports of sexual harassment or sexual violence to the Title IX Coordinator, or any manager, supervisor, or other designated employee responsible for responding to reports of sexual harassment or sexual violence. If the person to whom harassment normally would be reported is the individual accused of harassment, reports may be made to another manager, supervisor, or designated employee. Managers, supervisors, and designated employees, upon receiving a report, are required to notify the Title IX Coordinator or other appropriate official designated to review and investigate sexual harassment complaints.

Bring reports of sexual harassment or sexual violence forward as soon as possible after the alleged conduct occurs. While there is no stated timeframe for reporting, prompt reporting will better enable the college to respond to the report, determine the issues, and provide an appropriate remedy and/or action. Report all incidents, even if a significant amount of time has passed. However, delaying a report may impede the college's ability to conduct an investigation and/or to take appropriate remedial actions.

## **REQUIRED NOTIFICATIONS FOR REPORTS OF SEXUAL VIOLENCE**

The school will provide a written explanation of available rights and options, including procedures to follow, when the school receives a report that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on- or off- campus or in connection with any school program. The written information shall include the following:

### **TO WHOM THE ALLEGED OFFENSE SHOULD BE REPORTED**

1. Options for reporting to law enforcement and campus authorities, including the option to notify local or on-campus law enforcement authorities, the right to be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses and the right to decline to notify such authorities
2. The rights of complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts and the school's responsibilities regarding such orders
3. The importance of preserving evidence as may be necessary to prove criminal domestic violence, dating violence, sexual assault, or stalking, or to obtain a protection order
4. Existing campus and community services available for victims including counseling, health, mental health, victim advocacy, legal assistance, and other services
5. Options for, and available assistance to, change academic, living, transportation, and working situations, if requested by the complainant and if reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement
6. Any applicable procedures for institutional disciplinary action.

### **OPTIONS FOR RESOLUTION**

Inform individuals reporting sexual harassment or sexual violence about options for resolving potential violations of the Policy. These options shall include procedures for Early Resolution, procedures for Formal Investigation, and filing complaints or grievances under applicable college complaint resolution or grievance procedures. Also, inform individuals making reports about policies applying to confidentiality of reports under this Policy. PCI shall respond to the

greatest extent possible to reports of sexual harassment and sexual violence brought anonymously or brought by third parties not directly involved in the asserted offenses. However, the response to such reports may be limited if information contained in the report cannot be verified by independent facts.

Inform individuals reporting sexual harassment and sexual violence about the range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the incident, and possible disciplinary actions against the accused because of the report, including information about the procedures leading to such outcomes.

An individual may make a report of retaliation if subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) for having made any of the following:

1. A report of sexual harassment or sexual violence in good faith
2. Assisted someone with a report of sexual harassment or sexual violence.
3. Participated in any manner in an investigation or resolution of a report of sexual harassment or sexual violence.
4. The report of retaliation shall be subject to the procedures in Sections 3 and 4 below.

## **PROCEDURES FOR EARLY RESOLUTION**

The goal of Early Resolution is to resolve concerns at the earliest stage possible with the cooperation of all parties involved. Early Resolution options are available when the parties desire to resolve the situation cooperatively and/or when a Formal Investigation is not likely to lead to a satisfactory outcome. Participation in the Early Resolution process is voluntary. Early Resolution may include an inquiry into the facts, but typically does not include a formal investigation. Means for Early Resolution shall be flexible and encompass a full range of possible appropriate outcomes. Early Resolution includes options such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting targeted preventive educational and training programs, or providing remedies for the individual harmed by the offense. Early Resolution also includes options such as discussions with the parties, making recommendations for resolution, and conducting a follow up review after a time period to assure the college implements the resolution effectively. Early Resolution may be appropriate for responding to anonymous reports and/or third party reports. PCI documents steps taken to encourage Early Resolution and agreements reached through Early Resolution efforts.

While the school encourages Early Resolution of a complaint, the school does not require that parties participate in Early Resolution prior to the school's decision to initiate a Formal Investigation. Some reports of sexual harassment or sexual violence may not be appropriate for mediation but may require a Formal Investigation at the discretion of the Title IX Coordinator or other appropriate official designated to review and investigate sexual harassment complaints.

The school will not compel a complainant to engage in mediation. PCI cannot use mediation, even if voluntary, in cases involving sexual violence.

## **PROCEDURES FOR FORMAL INVESTIGATION**

In cases where Early Resolution is inappropriate or in cases where Early Resolution is unsuccessful, PCI may conduct a Formal Investigation. In such cases, the individual making the report may be encouraged to file a written request for Formal Investigation. The school considers the wishes of the individual making the request, but is not determinative, in the decision to initiate a Formal Investigation of a report of sexual harassment or sexual violence. In cases where there is no written request, the Title IX Coordinator or other appropriate official designated to review and investigate sexual harassment complaints may initiate a Formal Investigation after making a preliminary inquiry into the facts.

In cases where a complainant states he or she does not want to pursue a Formal Investigation, the Title IX Coordinator should inform the complainant that the ability to investigate may be limited. When determining whether to go forward with a Formal Investigation, the Title IX Coordinator may consider the subsequent information:

1. The seriousness of the allegation
2. The age of the student, in the case of a student complainant
3. Whether there have been other complaints or reports against the accused, and
4. If formal proceedings with sanctions may result from an investigation, the accused person has the right to receive information about the complainant and the allegations

Even if a complainant does not want to pursue an investigation, under some circumstances, the Title IX Coordinator may have an obligation to investigate a complaint, such as when there is a risk to the campus community if the accused remains on campus. The college should make the complainant aware of this independent obligation to investigate the complaint.

In order to provide a prompt, fair, and impartial investigation and resolution, any Formal Investigation of reports of sexual harassment and/or sexual violence shall incorporate the following standards:

The individual(s) accused of conduct violating the Policy shall be provided a copy of the written request for Formal Investigation or otherwise given a full and complete written statement of the allegations, and a copy of the Policy

The individual(s) conducting the investigation shall be familiar with the Policy, have training or experience in conducting investigations, and as relevant to the investigation, be familiar with policies and procedures specific to students, staff, faculty, and visitors. For cases involving allegations of sexual violence, the individual(s) conducting the investigation must receive annual

training on issues related to sexual violence. Such training includes how to conduct an investigation that protects the safety of the complainants and promotes accountability.

If the alleged conduct is also the subject of a criminal investigation, the campus may not wait for the conclusion of the criminal investigation to begin an investigation pursuant to this Policy. However, PCI may need to coordinate its fact-finding efforts with the police investigation. Once notified that the police department has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any criminal charges), the campus must promptly resume and complete its fact-finding for the sexual harassment or sexual violence investigation.

The investigation generally shall include interviews with the parties if available, interviews with other witnesses as needed, and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. The college will advise the participants in an investigation that maintaining confidentiality is essential to protect the integrity of the investigation.

The investigator shall apply a preponderance of evidence standard to determine whether there has been a violation of this Policy.

Upon request, the complainant and the accused may each have a representative present when he or she is interviewed, and at any subsequent proceeding or related meeting. Other witnesses may have a representative present at the discretion of the investigator or as required by applicable School policy.

At any time during the investigation, the investigator may recommend that appropriate school officials provide interim protections or remedies for the parties or witnesses. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative working arrangements. Failure to comply with the terms of interim protections may be a separate violation of this Policy.

School officials shall complete the investigation as promptly as possible and in most cases within 60 working days from the filing date of the request for formal investigation. A designated school official may extend this deadline on approval.

Generally, an investigation results in a written report that at a minimum includes a statement of the allegations and issues, the positions of the parties, a summary of related information, findings of fact, and a determination by the investigator whether this Policy has been violated. The report also may contain a recommendation for actions to resolve the complaint, including preventive educational programs, remedies for the complainant, and a referral to disciplinary procedures as appropriate. The investigator submits the report to a designated school official with authority to implement the actions necessary to resolve the complaint. The school may use the report as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.

The school shall inform the complainant of findings declaring if the policy was violated or not, and if any actions were taken in relation to the complainant to resolve the complaint, such as an order that the accused not contact the complainant. In accordance with school policies that

protect an individual's privacy, the school may notify the complainant that they referred the matter for disciplinary action, but not inform them of the details of the recommended disciplinary action without the consent of the accused.

The complainant and the accused may request a copy of the investigative report pursuant to school policy governing privacy and access to personal information. However, the School may redact confidential information regarding all individuals other than the individual requesting the report.

At the conclusion of any disciplinary proceeding arising from an allegation of domestic violence, dating violence, sexual assault or stalking, the school will inform the complainant and the accused in writing of the following:

1. The outcome of any school disciplinary proceeding
2. Any change to the results that occur prior to the time that such results become final
3. When the results become final

## **COMPLAINTS OR GRIEVANCES**

An individual who was subject to sexual harassment or sexual violence may file a complaint or grievance pursuant to the applicable complaint resolution or grievance procedure. The individual may file such complaint or grievance either instead of, or in addition to, making a report of sexual harassment to the Title IX Coordinator or other appropriate official designated to review and investigate sexual harassment and sexual violence complaints under this Policy. A complaint or grievance alleging sexual harassment or sexual violence must meet all the requirements under the applicable complaint resolution or grievance procedure.

If a complaint or grievance, alleging sexual harassment or sexual violence, is filed in addition to a report made to the Title IX Coordinator (or other appropriate official who reviews and investigates complaints under this Policy) the complaint or grievance shall be held in abeyance subject to the requirements of any applicable complaint resolution or grievance procedure, pending the outcome of the Early Resolution or Formal Investigation procedures. If the individual wishes to proceed with the complaint or grievance, the Early Resolution or Formal Investigation shall constitute the first step or steps of the applicable complaint resolution or grievance procedure.

An individual who has made a report of sexual harassment or sexual violence may file a complaint or grievance alleging that the actions taken in response to the report of sexual harassment or sexual violence did not follow Policy. The individual who made such a complaint or grievance may not file to address a disciplinary sanction imposed upon the accused. The complainant must file any complaint or grievance regarding the resolution of a report of sexual harassment or sexual violence in a timely manner. The time period for filing begins on the date the individual was notified of the outcome of the sexual harassment or sexual violence investigation or other resolution process pursuant to this Policy, and/or of the actions taken by the administration in response to the report of sexual harassment or sexual violence, whichever is later.

## **REMEDIES AND REFERAL TO DISCIPLINARY PROCEDURES**

The school considers the findings of Policy violations to determine remedies for individuals harmed by sexual harassment or sexual violence and will refer to applicable disciplinary procedures. Procedures under this Policy shall be coordinated with applicable complaint resolution, grievance, and disciplinary procedures to avoid duplication in the fact-finding process whenever possible. Violations of the Policy may include engaging in sexual harassment or sexual violence, retaliating against a complainant reporting sexual harassment or sexual violence, or violating interim protections. The college may use investigative reports made pursuant to this Policy as evidence in subsequent complaint resolution, grievance, and disciplinary proceedings as permitted by the applicable procedures.

## **CONFIDENTIALITY**

The school encourages victims of sexual misconduct to talk to somebody about what happened – so victims can get the support they need, and so the school can respond appropriately.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual misconduct. The school encourages victims to talk to someone identified in one or more of these groups.

### **Privileged and Confidential Communications – Professional & Pastoral Counselors**

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission. *Pittsburgh Career Institute does not provide professional or pastoral counseling, but can assist a victim of sexual misconduct in obtaining support services from these groups or agencies.*

A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated.

**NOTE:** While these professional and pastoral counselors and advocates may maintain a victim's confidentiality vis-à-vis the school, they may have reporting or other obligations under state law.

**ALSO NOTE:** If the school determines that the alleged perpetrator(s) pose a serious and immediate threat to the school community, the School's President may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

### **Reporting to “Responsible Employees”**

A “responsible employee” is a school employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. When a victim tells a responsible

employee about an incident of sexual violence, the victim has the right to expect the school to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the school will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the school’s response to the report. A responsible employee should not share information with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement.

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee’s reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources. If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the school will consider the request, but cannot guarantee that the school will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim’s request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim’s wishes, including for the school to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

### **Reporting to Title IX Coordinator**

When a victim tells the Title IX Coordinator about an incident of sexual misconduct, the victim has the right to expect the school to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. To the extent possible, information reported to the Title IX Coordinator will be shared only with people responsible for handling the school’s response to the report. The Title IX Coordinator should not share information with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement.

Before a victim reveals any information to the Title IX Coordinator, the Coordinator should ensure that the victim understands the Coordinator’s reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources. If the victim wants to tell the Title IX Coordinator what happened but also maintain confidentiality, the Coordinator should tell the victim that the school will consider the request but cannot guarantee that the school will be able to honor it.

The Title IX Coordinator will not pressure a victim to request confidentiality, but will honor and support the victim’s wishes, including for the school to fully investigate an incident. By the same token, the Title IX Coordinator will not pressure a victim to make a full report if the victim is not ready to.



### **Requesting Confidentiality: How the School Will Weigh the Request and Respond.**

If a victim discloses an incident to the Title IX Coordinator but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the school must weigh that request against the school's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the school honors the request for confidentiality, a victim must understand that the school's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. Although rare, there are times when the school may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

The Title IX Coordinator will evaluate requests for confidentiality. When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual misconduct or other violence, such as:
  - whether there have been other sexual misconduct complaints about the same alleged perpetrator;
  - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
  - whether the alleged perpetrator threatened further sexual misconduct or other violence against the victim or others;
  - whether the sexual misconduct was committed by multiple perpetrators;
- Whether the sexual misconduct was perpetrated with a weapon;
- Whether the victim is a minor;
- Whether the school possesses other means to obtain relevant evidence of the sexual misconduct (e.g., security cameras or personnel, physical evidence);
- Whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the school to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the school will likely respect the victim's request for confidentiality.

**If the School determines that it cannot maintain a victim's confidentiality**, the school will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the school's response. The school will remain ever mindful of the victim's well-being and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or school employees, will not be tolerated. The school will also:

- assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance;
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of course schedules (including for the alleged

- perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the victim of the right to report a crime to local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The school may not require a victim to participate in any investigation or disciplinary proceeding.

Because the school is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the school to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

**If the school determines that it can respect a victim’s request for confidentiality**, the school will also take immediate action as necessary to protect and assist the victim.

### **Miscellaneous**

**Take Back the Night and other public awareness events.** Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents of sexual violence, are not considered notice to the school of sexual misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts.

**Off-campus Counselors and Advocates.** Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the school unless the victim requests the disclosure and signs a consent or waiver form.

### **REPORTING TO LAW ENFORCEMENT OR APPROPRIATE CHILD OR ADULT PROTECTIVE SERVICES**

Pittsburgh Career Institute is committed to following the state and federal legal requirements for reporting allegations or incidents of sexual abuse or misconduct to appropriate law enforcement and child or adult protective services organizations. It is the policy of the Pittsburgh Career Institute not to attempt to investigate or assess the validity or credibility of an allegation of sexual or physical abuse as a condition before reporting the allegation to proper law enforcement authorities or protective services organizations.

## **RESPONSE TO REPORTS OF SEX OFFENSES**

PCI shall provide prompt and effective response to reports of sexual harassment or sexual violence, which may include Early Resolution, Formal Investigation, and/or targeted prevention training or educational programs.

If an individual reports to the college that the individual has been a victim of domestic violence, dating violence, sexual assault, or stalking, s/he shall be provided with a written explanation of the individual's rights and options whether the offense occurred on- or off- campus.

Upon a finding of sexual harassment or sexual violence, the college may offer remedies to the individual or individuals harmed by the harassment and/or violence consistent with applicable complaint resolution and grievance procedures. Such remedies may include counseling, an opportunity to repeat course work without penalty, changes to student housing assignments, or other appropriate interventions such as changes in academic, living, transportation, or working situations.

Any member of the college community who the school finds to have engaged in sexual harassment or sexual violence is subject to disciplinary action including dismissal in accordance with the applicable college disciplinary procedure or other college policy. Generally, the school will recommend disciplinary action when the conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the opportunity to participate in or benefit from educational programs.

## **ADDITIONAL ENFORCEMENT INFORMATION**

The federal Equal Employment Opportunity Commission (EEOC) investigates complaints of unlawful harassment, including sexual violence, in employment. The U.S. Department of Education Office for Civil Rights (OCR) investigates complaints of unlawful harassment and sexual violence by students in educational programs or activities. These agencies may serve as neutral fact finders and attempt to facilitate the voluntary resolution of disputes with the parties. For more information, contact the nearest office of the EEOC or OCR.

Equal Employment Opportunity Commission  
William S. Moorhead Federal Building  
1000 Liberty Avenue, Suite 1112  
Pittsburgh, PA 15222  
Telephone: 1-800-669-4000

Office for Civil Rights  
U.S. Department of Education  
the Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Telephone: 215-656-8541

## **HEARING PROCEDURES**

The hearing shall be presided over by an individual not involved in the daily operations of the facility. The hearing shall be administered in the following fashion:

Evidence may be gathered by both sides and presented only after the evidence is reviewed by the individual presiding over the proceeding has sufficient time to deem if the material is relevant to the proceeding. The participants need to submit all evidence to the hearing officer within ten days of the proceeding. Should the hearing officer need additional information concerning evidence, he/she will schedule a meeting with participant to gather additional required information.

Evidence is limited to the following sources:

- Witness testimony (if requested the participants may request a recorded statement be entered into evidence in lieu of face to face testimony).
- Written transmitted testimony

Procedure:

- Opening Statement- Claimant
- Opening Statement- Respondent
- Case in Chief- Claimant
- Case in Chief- Respondent
- Closing Statement- Claimant
- Closing Statement- Respondent
- Decision

A decision shall be rendered and delivered by mail to all participants. Decisions are final and the procedure for Pittsburgh Career Institute is concluded barring additional evidence or information what was not available at the time of the original submission deadline.

## **WEIGHT OF EVIDENCE**

The weight of evidence used by the hearing officer is defined as the preponderance of the evidence.

## **RETENTION OF RECORDS**

The office of the Title IX Coordinator is responsible for maintaining records relating to sexual harassment and sexual violence reports, investigations, and resolutions. PCI will maintain records in accordance with school records policies and all records pertaining to pending litigation or a request for records in accordance with instructions from legal counsel.

## **SANCTIONS AND PROTECTIVE MEASURES**

If any individual violates this policy under the preponderance of the evidence standard, the school will address such misconduct promptly and effectively through appropriate remedial measures and/or sanctions. In the case of faculty and employees, sanctions may take the form of disciplinary action up to and including discharge from employment. In the case of students, sanctions may include disciplinary action up to and including dismissal. The school may sanction third parties who engage in such misconduct, including termination of contracts or other arrangements with such third party.

Even in cases where PCI concludes that a policy violation has not occurred, or that the evidence is inconclusive, the school nonetheless may determine that appropriate remedial measures or sanctions are necessary or advisable. Such measures may include disciplinary action and/or counseling, training and monitoring.

## **PREVENTION & INTERVENTION**

The Title IX Coordinator ensures that PCI offers and provides sexual harassment and sexual violence prevention education and training programs. In the preceding year, PCI staff attended Suicide Prevention training on November 30<sup>th</sup>, 2019 in which staff learned key terms, warning signs, and where to get help. A Sexual Violence Awareness Training occurred on April 12<sup>th</sup>, 2019, and staff were introduced to the basics of sexual violence, reporting guidelines, key definitions, and where to direct students for support. The Title IX Coordinator works with Gateway Rehabilitative Services to provide updated Sexual Violence & Awareness Programs to the student body. In September of 2019, Gateway will present a Sexual Violence Awareness Training to the student body, including the basics of sexual violence, key definitions and where to get support.

## **REDUCING THE RISK OF SEXUAL HARASSMENT AND SEXUAL VIOLENCE**

Pittsburgh Career Institute offers trainings on reducing the risk of sexual harassment and sexual violence to first year and continuing students. The training includes valuable information on sexual violence awareness, while individual training programs focus on risk reduction, students' rights under Title IX, and bystander intervention. Students also learn how, and to whom, they can report an incident. Information concerning on- and off- campus counseling, resources, and medical assistance is available to all students, faculty and staff.

The school promotes awareness of sexual harassment and sexual violence by periodically distributing information on reducing the risk of sexual violence, domestic violence, dating violence, and stalking. Additionally, PCI includes material on this topic via the school's website and as part of school awareness campaigns.

Included in this report are important steps to help reduce the risk of sexual violence. A few of these steps include traveling with a friend at night, being aware of the surroundings, understanding that drug and alcohol consumption increases the risk of sexual violence, and

knowing not to accept open drinks from other people. For more information on how to reduce the risk of sexual violence, visit [www.pci.edu](http://www.pci.edu).

For a comprehensive guide on reducing the risk of sexual violence, go to the

- Women Organized Against Rape website @ <http://www.woar.org/resources/sexual-assault-prevention.php>, or the
- U.S. State Department @ <http://www.state.gov/documents/organization/19788.pdf>.
- or the U.S. Government @ <https://www.notalone.gov>.

## **BYSTANDER INTERVENTION**

Bystander intervention is taking some type of action to stop the progression of an event - such as domestic violence, sexual assault, or stalking – because it is in the best interest of the person who is at risk .

All first-quarter students must complete the training, a web-based training program that includes a Bystander to Abuse or Sexual Assault module. This module focuses on how to:

- a. Identify reasons why people do not intervene when they see abuse or violence happening in a relationship.
- b. Explain practical, safe steps a person can take to seek help for someone who is experiencing abuse or violence in a relationship.
- c. Be motivated to help others who are in abusive or violent relationships.
- d. Notice the event. Active bystander intervention encourages people to watch for those behaviors and situations that appear to be inappropriate, coercive, and harassing
- e. Interpret the event. Is it a problem or an emergency? Consider whether the situation needs attention. Pay attention to situations that may put friends or acquaintances at risk
- f. Assume personal responsibility. Decide if there is a need to act. The presence of other witnesses, the uncertainty of the situation, apparent level of risk for the victim and the one who may intervene, and the setting of the incident are all factors to consider
- g. Know how to help. Determine the priority goal, formulate a plan and prepare what to say. Safety is a priority so identify the red flags and try to anticipate problems. Have an exit strategy and determine any barriers such as motivation, ability or the environment
- h. Implement assistance. Try to interrupt or delay the situation before it becomes an emergency. Maintain mutual respect with the assailant and be sensitive, understanding and non-judgmental. Contact law enforcement if it is not safe or prudent to help directly

The training includes the two types of response conditions, emergency and non-emergency .The program provides information on both emergency and non-emergency situations. In an

emergency, the program suggests to focus on S.E.E. (SAFE,EARLY, EFFECTIVE). The fundamentals of S.E.E. are to make safe choices, engage other bystanders, intervene early, encourage value- based decisions, and know when to seek help.

## **VICTIMS OF SEX OFFENSES**

### **CAMPUS SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS**

President George Bush signed the Campus Sexual Assault Victims' Bill of Rights into law in July of 1992. This law requires that all schools (both public and private) participating in federal student aid programs afford sexual assault victims certain basic rights. Schools found to have violated this law can be fined up to \$35,000 or lose their eligibility to participate in federal student aid programs. Complaints about colleges that have failed to comply with this law should be made to the U.S. Department of Education.

The rights provided by the Federal Campus Sexual Assault Victims' Bill of Rights include the following:

1. Survivors shall be notified of their options to notify law enforcement
2. Accuser and accused must have the same opportunity to have others present
3. Both parties shall be informed of the outcome of any disciplinary proceeding
4. Survivors shall be notified of counseling services
5. Survivors shall be notified of options for changing academic and living situation

The School's Sexual Assault Victims' Bill of Rights exists as a part of the campus security reporting requirements, commonly known as the Jeanne Clery Act.

### **PROCEDURES FOR VICTIMS OF SEXUAL HARASSMENT OR SEXUAL VIOLENCE**

Immediately after an assault, the victim may be in a state of shock. Victims react in different ways, sometimes hysterically, angrily, or calmly. In this state, the victim will most likely make better decisions by talking with someone that they trust or speaking with a professional crisis intervention worker. It may help them understand their options.

The victim, at this time, may want to bath or shower. It is not advised to do this. Instead, the victim should wrap himself or herself in something warm, such as a blanket or coat and then call emergency services for immediate assistance.

Things to do immediately after an assault:

1. A sexual assault victim should get to a safe place and lock the doors and windows
2. The victim should call 911
3. It is important for the victim to receive medical attention. This will ensure physical well-being and permit medical staff to collect evidence. Even if there is no physical injury, the victim should be tested for STDs, pregnancy, and internal trauma

4. A sexual assault resource center or a trusted friend can offer support to the victim during this time
5. If possible, the victim should try to write down what they remember

After an assault the victim should avoid taking a shower or bath, brushing or combing their hair, douching or go into the bathroom, changing clothes or bedding, eating or drinking, brushing or rinsing teeth or touching anything at the crime scene. Doing any of this may damage or destroy important evidence.

The victim should consider having a rape kit done at the hospital. If deciding to press charges the preservation of evidence is very important to the successful prosecution of cases involving sexual violence. All medical procedures are confidential.

Additional information on sexually transmitted diseases is available on the Allegheny County Health Department's website at <http://jwww.achd.net/std/pamphlets.html>.

If the victim decides to press charges, preservation of physical evidence is important to the successful prosecution of cases involving sexual violence.

Area hospitals that collect evidence include, but are not limited to the following:

Allegheny General Hospital	412-359-3131
UPMC Magee Women's Hospital	412-647-4933
UPMC Mercy Hospital	412-232-8222
UPMC Presbyterian University Hospital	412-647-2345

The victim may seek medical attention and evidence preservation help from the following resources.

Pittsburgh Action Against Rape WellConnect (PCI's Counseling Service)  
866-640-4777

Sexual violence is comprised of a number of crimes, and victims have the opportunity to press charges. The victim is the only one who can make the decision to file charges against the perpetrator. All who are involved in the reporting of the crime, including those at PCI, will respect any decisions made. If the victim chooses, the PCI's security department, or other personnel, may assist in filing a report. Because sexual violence is a crime, the school will confer with local authorities regarding the sex offense even if the victim decides not to press charges.

Centralized Reporting Options: To enable PCI to respond to all reports in a prompt and equitable manner, any individual who wishes to report an incident of sexual harassment or sexual violence is encouraged to make a direct report to the following departments.

Public Safety Department: 412-281-2600 x 190

Title IX Coordinator: 412-281-2600 x 115



Interim Protections: Upon receipt of a report of sexual assault or harassment, the college will impose reasonable and appropriate interim protections designed to eliminate the reported hostile environment and protect the parties involved. PCI will maintain consistent contact with the parties to ensure that all safety, and emotional and physical well-being, concerns are being addressed. The School may impose interim protections regardless of whether the complainant or PCI pursue formal disciplinary action.

A complainant or respondent may request separation or other protection, or PCI may choose to impose interim protections at its discretion to ensure the safety of all parties, and/or the integrity of the investigative and/or resolution process.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim protection. The college will take immediate and responsive action to enforce a previously implemented protection.

PCI, at its discretion, will implement interim protections with potential remedies to the complainant and/or the respondent, including but not limited to, the following:

- a. Access to counseling services and assistance in setting up an initial appointment, on- and off-campus
- b. Rescheduling of exams and assignments
- c. Providing alternative course completion options
- d. Changing class schedules, including the ability to transfer course sections or withdrawal from a course without penalty
- e. Changing work schedules or job assignments
- f. Assistance from college support staff in completing housing relocation
- g. Limiting an individual's or organization's access to certain college facilities or activities pending resolution of the matter
- h. Voluntary leave of absence
- i. Providing assistance in locating medical services and providers
- j. Providing academic support services, such as tutoring
- k. If the President or Vice President of Pittsburgh Career Institute decides, at any point, that the well-being of a student or of any member of PCI community is at stake, an interim suspension may be imposed on a student who is suspected of violating the Student Code of Conduct (as outlined in the Student Handbook).
- l. Similarly, PCI may impose leave for any employee and will structure such leave at their discretion

## **CHOOSING TO REPORT**

PCI recognizes that an individual's decision to report sexual harassment or sexual violence is personal. There is no single right way to respond. Individuals may not be prepared to make a report to the college or to law enforcement, and individuals are not expected or required to

pursue a specific course of action. Moreover, an individual does not have to decide whether to request a specific course of action at the time of making the report. PCI recognizes that choosing to make a report, and deciding how to proceed after making the report can be a process that unfolds over time. At all times, the school will seek to respect an individual's autonomy in making these important decisions.

## **ANONYMOUS REPORTING**

Any individual may make an anonymous report concerning an act of sexual harassment or sexual violence. An individual may report the incident without disclosing his/her name, identifying the Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, however, PCI's ability to respond to an anonymous report may be limited.

Individuals can make anonymous reports by telephone to PCI Security at 412-281-2600 x 190. All reports will go to the Title IX Coordinator.

## **AMNESTY FOR STUDENTS WHO REPORT SEXUAL MISCONDUCT**

PCI encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The school recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential Student Conduct consequences for his/her own conduct. An individual who reports sexual harassment or sexual violence, either as a Complainant or a third party witness, will not be subject to disciplinary action by PCI for his/her own personal consumption of alcohol or drugs at or near the time of the incident. This is if any such violations did not and do not place the health or safety of any other person at risk. The school may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

## **RESOURCES**

1. WellConnect (PCI's Counseling Service), 866-640-4777
2. Pittsburgh Action Against Rape (PAAR), 412-431-5665
3. Not Alone @ <https://www.notalone.gov/>
4. Violence Against Women Reauthorization Act (VAWA) of 2013, @ <http://www.justice.gov/ovw/legislation-0>
5. Title IX @ [http://www2.ed.gov/about/offices/lst/oct/docs/ti\\_x\\_dis.html](http://www2.ed.gov/about/offices/lst/oct/docs/ti_x_dis.html)
6. Clery Act @ <http://clerycenter.org/>
7. PCI Student Code of Conduct
8. PCI Personnel Policy Manual
9. PCI Nondiscrimination Policy

## **IDENTIFICATION OF SEXUAL OFFENDERS (MEGAN'S LAW)**

Please visit <http://www.pameganslaw.state.pa.us/> to view any registered sex offenders from the communities from the geographic areas most affecting PCI. --

## **ANTI-RETALIATION AND FALSE ALLEGATIONS**

Pittsburgh Career Institute prohibits retaliation made against any employee, volunteer, board member or other person who lodges a good faith complaint of sexual abuse or misconduct or who participates in any related investigation. Making knowingly false or malicious accusations of sexual abuse or misconduct can have serious consequences for those who are wrongly accused. Pittsburgh Career Institute prohibits making false or malicious sexual misconduct allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination of employment or membership and criminal prosecution.

Any time after receiving notice of a possible policy violation, PCI reserves the right to impose interim measures intended to promote the safety and well-being of its campus community. This may include separating the parties, changing class schedules, work schedules or job assignments, voluntary leave of absence, or rescheduling exams.

## **EMPLOYEE AND WORKER SCREENING SELECTION**

As part of its sexual abuse and misconduct prevention program, Pittsburgh Career Institute is committed to maintaining a diligent screening program for prospective and existing employees, volunteers and others that may have interaction with those employed by, associating with or serviced by Pittsburgh Career Institute. The organization may utilize a variety of methods of screening and selection, including but not limited to applications, personal interviews, criminal background checks and personal and professional references.

### **Emergency Contact Information**

Police, Fire, and Ambulance **911**

PCI Security, William "Buzz" Yakshe 412-281-2600, extension 190

Pittsburgh Police

Emergency: **911**

Non-Emergency: 412-255-2824

Allegheny County Police

Emergency: **911**

Non-Emergency: 412-473-1251

PA State Police - Troop B

Emergency: **911**

Non-Emergency: 412-299-1607 (Moon Township Barracks)  
724-929-6262 (Greensburg Barracks)

## REVISIONS TO THE POLICY

The President approves the Policy and has the authority to approve revisions upon recommendation by the Responsible Staff.

## APPROVAL OF ACTIONS

The President must approve actions within the Policy.

## COMPLIANCE WITH THE POLICY

The President designates the office responsible for monitoring, enforcing, and reporting Policy compliance.

# **Drug and Alcohol Abuse Prevention Information**

Pittsburgh Career Institute  
421 7<sup>th</sup> Avenue  
Pittsburgh, PA 15219

**June 2019**

## **POLICY STATEMENT**

In accordance with the requirements of the Drug-Free Schools and Communities Act of 1989 (Public Law 101-226), and the Drug-Free Workplace Act of 1988 (Public Law 101-690), our school provides all students and employees with the following information concerning school policies and the consequences of the manufacture, distribution, possession, or use of illicit drugs or alcohol. Students and employees are prohibited from unlawfully manufacturing, distributing, possessing, or using illicit drugs or alcohol while on school property or participating in any school activity. Violation of this policy will subject students or employees to disciplinary action up to and including expulsion or termination from employment. In addition, violation may result in local, state, and/or federal criminal charges.

## **POLICY DISSEMINATION**

All new students receive the Drug Abuse and Prevention Policy during the enrollment process. Current students receive an updated copy to their PCI email address each June. Students may obtain a hard copy at the front desk, the Library, or the Office of the President.

## **SCHOOL SANCTIONS**

The President has full power and authority to prescribe rules and regulations to govern student life and to take emergency measures to protect the health and safety of students and/or school employees. The President and/or Dean of Education have responsibility for administering discipline regarding student conduct, which will be exercised through the established procedures stated below.

Every student is subject to federal and state law and respective county and city ordinances. The conviction of a student for any criminal offense which interferes with the orderly operation of Pittsburgh Career Institute, or which the administration feels would endanger members of the campus community, shall be subject to disciplinary action.

The following section describes sanctions available in response to violations of any Code of Conduct that applies to students. The listing is not inclusive of all options which the Institution may choose to exercise, and the institution may impose more than one sanction for one act of misconduct:

1. Reprimand: A written or verbal communication which gives official notice to the Student that any subsequent offense against a Code of Conduct may carry heavier penalties because of this prior infraction.
2. General Probation: An individual may be placed on General Probation when involved in a minor disciplinary offense; General Probation has two (2) important implications: the individual is given a chance to show capability and willingness to observe the Student Code of Conduct without further penalty, and, if the individual errs again, further action will be taken. This probation will be in effect for no more than two (2) terms.
3. Restrictive Probation: Restrictive Probation results in loss of good standing and becomes a matter of record in the Student's file. Restrictive conditions may limit activity in the Institution Community, including possible exclusion from class(es), program(s), and/or specific campus locations. This probation will be in effect for not less than two (2) terms. Any violation of Restrictive Probation may result in immediate suspension.
4. Restitution: Students may be responsible for paying for damaging, misusing, destroying, or losing property belonging to the Institution, Institution personnel, visitors, or Students.
5. Loss of academic credit or reduction in grade: Imposed as a result of academic dishonesty.
6. Withholding Transcript, Diploma, or Right to Register or Participate in Graduation Ceremonies:

Imposed when financial obligations are not current.

7. Suspension: Exclusion from all Institution privileges and activities for a specified period of time. This sanction is reserved for those offenses warranting discipline more severe than probation, or for repeated misconduct. Students who receive this sanction must request and get specific written permission from the Institution's President or their designee before returning to campus.
8. Expulsion: stripping a Student of Student status and dismissing a Student from campus for an indefinite period of time. The Student may be readmitted to the Institution only with written approval of the Appeals Committee.
9. Loss of Technology Privileges: Exclusion from all privileges associated with Institution technology access, including but not limited to email and network access and storage.

**NOTE:** If a student is in violation of the trafficking or distribution of a controlled substance, said student will face immediate withdrawal from the school, and in extreme cases, will be reported to the proper legal authorities.

A summary of federal sanctions is listed below. The legal sanctions provided below are for informational purposes and do not represent legal advice.

**Chart One**

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
II	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
<b>Substance/Quantity</b>		<b>Penalty</b>		
Any Amount Of Other Schedule I & II Substances		<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid		<b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV) 1 Gram or less				

Any Amount Of Other Schedule III Drugs	<p><b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>
Any Amount Of All Schedule V Drugs	<p><b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>

Chart Two

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p><b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p><b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Hashish More than 10 kilograms</p>	
<p>Hashish Oil More than 1 kilogram</p>	
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p> <p>1 to 49 marijuana plants</p> <p>Hashish 10 kilograms or less</p> <p>Hashish Oil 1 kilogram or less</p>	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>



## **Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance**

### **21 U.S.C. 844(a)**

1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:

- (a) 1st conviction and the amount of crack possessed exceeds 5 grams.
- (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams.
- (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

### **21 U.S.C. 853(a)(2) and 881(a)(7)**

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack.)

### **21 U.S.C. 881(a)(4)**

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

### **21 U.S.C. 844a**

Civil fine of up to \$10,000 (pending adoption of final regulations).

### **21 U.S.C. 853a**

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

### **18 U.S.C. 922(g)**

Ineligible to receive or purchase a firearm.

### **Miscellaneous**

Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

Note: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.

## **HEALTH RISKS & TREATMENT**

Information regarding the effects of commonly abused drugs may be found on the internet at [www.nida.nih.gov/DrugsofAbuse.html](http://www.nida.nih.gov/DrugsofAbuse.html).

Drug and alcohol abuse education programs are offered by local community agencies. The school will

post information about such education programs in the department of education.

While care must be taken to ensure that a person is not wrongly accused of drug use, it is recommended that anyone who notes warning signs in either a student or employee contact the school President's Office. If it is determined by the school President that a student or employee is in need of assistance to overcome a drug problem, he/she may be advised on the need to seek assistance. The cost of such assistance or treatment will be the responsibility of the student or employee. Records of such counseling will remain confidential.

In certain instances, students and employees may be referred to counseling and/or a substance abuse help center. If such a referral is made, continued enrollment or employment is contingent upon attendance and successful completion of any prescribed counseling or treatment. Students or employees who are seeking treatment for a substance abuse problem may contact the President's Office. Confidentiality will be maintained.

***Students facing drug and alcohol issues may contact the BackOnTrack EAP- A Service of Gateway Rehab (24/7-365) at 1-800-472-1177.***

***There are local agencies that may also assist students and employees in need of substance abuse treatment. A few include:***

Pyramid Healthcare, Inc.  
2100 Wharton Street Suite  
321 Pittsburgh, PA 15203  
**Phone:** (412) 481-1922 **Fax:** (412) 481-1933

Western Psychiatric Institute and Clinic  
Address: 3811 O'Hara St.  
Pittsburgh, PA 15213  
Phone:(412) 624-2100

***There are also national organizations that may be contacted for help, such as:***

- The Alcoholism and Drug Abuse Hotline 1-800-ALCOHOL (1-800-252-6465)
- National Drug Abuse Helpline 1-866-874-4553
- The National Institute on Drug Abuse Treatment Referral Hotline 1-800-662-HELP (4357) or <http://findtreatment.samhsa.gov/>
- Al-Anon for Families of Alcoholics 1-800-344-2666

## **DRUG CONVICTIONS**

Student and employees must notify the school President, in writing, within five days of being convicted of a criminal drug statute at the school. Disciplinary action will occur within 30 days of receipt of the written notification and may range from a letter of admonishment to termination from enrollment or employment at the school.