

# Annual Security Report

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

**2020**

(Crime Reporting for Calendar Year 2019)

# 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**

(Dimitri Abbott)

### **Facilities Manager**

(Massaro Properties)

### **Safety Officer #1**

(Cindy Smith)

### **Safety Officer #2**

(Jeff Wadsworth)

### **Communications Liaison**

(Patti Yakshe)

### **Administrative Secretary**

(Jamie March)

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 available on the PCI website. 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 located on the 1<sup>st</sup> Floor, or the Library, located on the 2<sup>nd</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		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
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	1	0	1
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	1
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 2017, 2018 or 2019.

**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 HARASSMENT POLICIES & GRIEVANCE PROCEDURES

## **1. Introduction**

Pittsburgh Career Institute (the “School”) is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual harassment. Every member of the School community should be aware that the School is strongly opposed to sexual harassment, and that such behavior is prohibited by state and federal laws.

The School does not discriminate on the basis of sex in its educational, extracurricular, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

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

As part of the School’s commitment to providing a working and learning environment free from sexual harassment, this Policy shall be disseminated widely to the School community through publications, the School website, new employee orientations, student orientations, and other appropriate channels of communication. The School provides training to key staff members to enable the School to handle any allegations of sexual harassment promptly and effectively. The School will respond promptly to all reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this Policy.

## **2. Scope of the Policy**

This Policy governs sexual harassment that occurs in the School’s education programs or activities. This Policy applies to all students, employees, and third parties conducting business with the School, regardless of the person’s gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. The School encourages victims of sexual harassment to talk to somebody about what happened – so victims can get the support they need, and so the School can respond appropriately. As further described in this Policy, the School will seek to respect a victim’s request for confidentiality to the extent possible, while remaining ever mindful of the victim’s well-being.

### **3. Prohibited Conduct**

Sexual harassment comprises a broad range of behaviors focused on sex that may or may not be sexual in nature. Sexual harassment includes a School employee conditioning the provision of a School aid, benefit, or service on an individual's participation in unwelcome sexual conduct. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School's education programs or activities also constitutes sexual harassment. Sexual assault, stalking, domestic violence, and dating violence are all forms of sexual harassment. Retaliation following an incident of alleged sexual harassment or attempted sexual harassment is strictly prohibited. The definitions for specific acts of sexual harassment can be found in the Definitions of Key Terms at the end of this Policy statement.

Sexual harassment can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender. **This Policy prohibits all forms of sexual harassment.**

### **4. Options for Assistance Following an Incident of Sexual Harassment**

The School strongly encourages any victim of sexual harassment to seek immediate assistance. Seeking prompt assistance may be important to ensure a victim's physical safety or to obtain medical care. The School strongly advocates that a victim of sexual harassment report the incident in a timely manner. Time is a critical factor for evidence collection and preservation.

#### **Reporting Incidents of Sexual Harassment:**

Victims of sexual harassment may file a report with the Pittsburgh Police Department. Victims may also file a report with the School's Title IX Coordinator. More information about reporting an incident of sexual harassment can be found in Section 6 of this Policy, below.

The School will respond promptly when it has actual knowledge of sexual harassment in its education programs or activities. The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures as described below, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The School will also provide the complainant with written notification about assistance available both within and outside of the School community.

A complainant may choose for the investigation to be pursued through the criminal justice system and/or through the School's disciplinary procedures by filing a formal

complaint as described in this Policy. The School and the criminal justice system work independently from each other. Law enforcement officers do not determine whether a violation of this Policy has occurred. The Title IX Coordinator will guide the complainant through the available options and support the complainant in his or her decision.

### **Supportive Measures**

The School's Title IX Coordinator will work with all students affected by sexual harassment to ensure their safety and support their wellbeing. This assistance may include providing supportive measures to support or protect a student after an incident of sexual harassment and while an investigation or disciplinary proceeding is pending. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the School's education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School's educational environment, or deter sexual harassment.

Supportive measures may include:

- counseling,
- extensions of deadlines or other course-related adjustments,
- modifications of work or class schedules,
- campus escort services,
- mutual restrictions on contact between the parties,
- changes in work or housing locations,
- leaves of absence,
- increased security and monitoring of certain areas of the campus, and
- other similar measures.

The School will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the School to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The measures needed by each student may change over time, and the Title IX Coordinator will communicate with each student throughout any investigation to ensure that any supportive measures are necessary and effective based on the students' evolving needs. Students who report an incident of sexual harassment may also be able to obtain a formal protection order from a civil or criminal court. The School will work with the student and the applicable court to assist in the enforcement of any such protective orders.

Support Services Available:

Counseling, advocacy and support services are available for complainants, whether or not a complainant chooses to make an official report or participate in the School's disciplinary or criminal process. Pittsburgh Career Institute does not provide counseling or health care services. Personal counseling offered by the School will be limited to initial crisis assessment and referral.

Sexual harassment crisis and counseling options are available locally and nationally through a number of agencies, including:

National Resources:

National Sexual Assault Hotline - 800-656-4673

National Domestic Violence Hotline - 800-799-7233

National Teen Dating Abuse Helpline 1-866-331-9474

Local Resources include, but are not limited to the following:

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

UPMC Mercy Hospital

UPMC Presbyterian University Hospital 412-647-2345

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.cvvv.org>

Pittsburgh Action Against Rape

81 South 19th Street

Pittsburgh, PA 15203

Business Phone: (412) 431-5665 Hotline: (866) 363-7273

Fax: (412) 431-0913

Website: <http://www.paar.net/>

Evidence Preservation:

Victims of sexual assault, domestic violence or dating violence should consider seeking medical attention as soon as possible. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen where they were assaulted so that evidence necessary to prove criminal activity may be preserved. In circumstances where the victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address health concerns. Victims of

sexual harassment are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful in connection with a School or police investigation.

### **5. Title IX Coordinator**

The School's Title IX Coordinator is responsible for monitoring and overseeing the School's compliance with Title IX and the prevention of sexual harassment and discrimination. The Title IX Coordinator is:

- Knowledgeable and trained in School policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant, respondent, or a third party, about School and community resources and reporting options;
- Available to provide assistance to any School employee regarding how to respond appropriately to a report of Title IX-related prohibited conduct and related retaliation;
- Participates in ensuring the effective implementation of this Policy, including monitoring compliance with all procedural requirements, record keeping, and timeframes; and
- Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

Inquiries or concerns about Title IX may be referred to the School's Title IX Coordinator:

Cindy Smith, Title IX Coordinator  
Office Location: PCI, 421 Seventh Ave.  
Pittsburgh, PA, 15219  
Phone: 412-281-2600 extension 164  
E-mail: csmith@pci.edu

### **6. Reporting Policies and Protocols**

Pittsburgh Career Institute strongly encourages all members of the School community to report information about any incident of sexual harassment as soon as possible. Reports can be made either to the School and/or to law enforcement.

#### Reporting to the School:

An incident of sexual harassment may be reported to the School's Title IX Coordinator or to a Designated School Official as described in Section 7, below. No other School officials or employees have the authority to institute corrective measures under these Policies and Procedures on behalf of the School. **The School will not be deemed to have actual knowledge of alleged sexual harassment unless the School's Title IX Coordinator or a Designated School Official possess such knowledge.** Reports of sexual harassment to School officials or employees other than the Title IX Coordinator



or a Designated School Official will not confer actual knowledge to the School of such allegations, unless the Title IX Coordinator or a Designated School Official subsequently obtain such actual knowledge.

If the School's Title IX Coordinator is the alleged perpetrator of the sexual harassment, the report should be submitted to a Designated School Official. Filing a report with the School will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed in Section 6 for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator or a Designated School Official receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

While there is no time limit for reporting, reports of sex discrimination or harassment should be brought forward as soon as possible. All incidents should be reported even if significant time has elapsed, but prompt reporting will better enable the School to respond, investigate, provide an appropriate remedy, and impose discipline if appropriate. Note that if a complainant seeks to file a formal complaint for the School to initiate an investigation into allegations of sexual harassment, the complainant must be participating in or attempting to participate in the School's education programs or activities at the time of filing such formal complaint. The School is committed to supporting the rights of a person reporting an incident of sexual harassment to make an informed choice among options and services available.

The School will respond to all reports in a manner that treats each individual with dignity and respect and will take prompt responsive action to end any harassment, prevent its recurrence, and address its effects.

#### Reporting to Law Enforcement:

An incident of sexual harassment can be reported to law enforcement at any time, 24 hours a day/7 days a week, by calling 911. At the complainant's request, the School will assist the complainant in contacting law enforcement. If the complainant decides to pursue the criminal process, the School will cooperate with law enforcement agencies to the extent permitted by law. A complainant has the option to decide whether or not to participate in any investigation conducted by law enforcement. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam)

#### Reporting of Crimes & Annual Security Reports:

Campus safety and security are important issues at Pittsburgh Career Institute. Our goal is to provide students with a safe environment in which to learn and to keep students, parents, and employees well informed about campus security. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Clery Act, requires institutions of higher education to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual harassment under this Policy.

Each year the School prepares an annual security report to comply with the Clery Act. The full text of this report can be located on the School's website at [www.pci.edu](http://www.pci.edu). This report is prepared in cooperation with the local law enforcement agencies around our campus. Each year notification is made to all enrolled students and employees that provides the website to access this report. 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.

#### Timely Warnings:

In the event that a situation arises, either on or off campus, that, in the judgment of the School President or Vice-President constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The President or Vice-President will immediately notify the School community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring at the School, unless issuing a notification will compromise efforts to contain the emergency. The warning will be issued through the most effective and efficient means available and may include instant messaging to students and School employees. Notices may also be posted in the common areas throughout the School. Anyone with information warranting a timely warning should report the circumstances to the President or Vice-President by phone at (412) 281-2600 or in person at the School. The School will provide adequate follow-up information to the community as needed.

#### Third-Party and Anonymous Reporting:

In cases where sexual harassment is reported to the Title IX Coordinator or a Designated School Official by someone other than the complainant (by an instructor, classmate, or friend, for example), the Title IX Coordinator will promptly notify the complainant that a report has been received. This Policy and the Procedures will apply

in the same manner as if the complainant had made the initial report. The Title IX Coordinator will make every effort to meet with the complainant to discuss available options and resources. Reports from an anonymous source will be treated in a similar fashion.

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, the School's ability to respond to an anonymous report may be limited.

Individuals can make anonymous reports by telephone to the Title IX Coordinator at 412-281-2600 x 155 or by email at [csmith@pci.edu](mailto:csmith@pci.edu). All reports will go directly to the Title IX Coordinator.

External Reporting Options:

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

A person may also file a complaint with the U.S. Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by calling 1-800-421-3481 or emailing [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov).

A person may also file a complaint with the Pennsylvania Human Relations Commission by calling 717-787-9780 for the Harrisburg Regional Office; 412-565-5395

for the Pittsburg Regional Office; or 215-560-2496 for the Philadelphia Regional Office or by visiting <https://www.phrc.pa.gov/Pages/default.aspx>.

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

#### No Retaliation:

The School prohibits retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. The School will take strong responsive action if retaliation occurs. Any incident of retaliation should be promptly reported to the Title IX Coordinator or the School President.

Except as may otherwise be required by law, the School will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness.

Charging an individual with a violation of the School's code of conduct for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

#### 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 or lose their eligibility to participate in federal student aid programs. Complaints about institutions 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.

#### Coordination With Drug Free School Policy:

The health and safety of every student at Pittsburgh Career Institute is of utmost importance. The School recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The School strongly encourages students to report incidents of sexual misconduct. A witness to or individual who experience sexual misconduct, acting in good faith, who discloses any incident of sexual misconduct to School officials or law enforcement will not be sanctioned under the School's code of conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident(s) of sexual harassment or sexual violence. The School may request the individual attend an approved alcohol or drug education program and without assessing any charges for such program. This amnesty provision also applies to student groups making a report of sexual misconduct. Amnesty does not preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes.

#### **7. School Policy on Confidentiality**

The School encourages victims of sexual harassment 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 harassment. 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. *The School does not provide professional or pastoral counseling, but can assist a victim of sexual harassment in obtaining support services from these groups or agencies.* Contact information for these support organizations is listed in Section 4 of this Policy.

**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 or Vice-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 a Designated School Official:

A "Designated School Official" is a School employee who has the authority to institute corrective measures on behalf of the School upon actual notice of sexual harassment.

A Designated School Official will report to the Title IX Coordinator all relevant details about the alleged sexual harassment shared by the complainant – including the names of the complainant and respondent, 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 Designated School Official will be shared only with people responsible for handling the School's response to the report. Designated School Officials should not share information with law enforcement without the complainant's consent or unless the complainant has also reported the incident to law enforcement.

In addition to the Title IX Coordinator, the School's Designated School Officials include the President, Vice-President, Compliance Specialist, Chief Academic Officer, and Program Director.

Before a complainant reveals any information to a Designated School Official, the official should ensure that the complainant understands the official's reporting obligations – and, if the complainant wants to maintain confidentiality, direct the complainant to confidential resources.

If the complainant wants to tell the Designated School Official what happened but also maintain confidentiality, the official should tell the complainant 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 official will also inform the Coordinator of the complainant's request for confidentiality.

Designated School Officials will not pressure a complainant to request confidentiality, but will honor and support the complainant's wishes, including for the School to fully investigate an incident. By the same token, Designated School Officials will not pressure a complainant to make a formal complaint and initiate a School investigation if the complainant is not ready to do so.

A complainant who at first requests confidentiality may later decide to file a formal complaint with the School or report the incident to local law enforcement, and thus

have the incident fully investigated.

Reporting to Title IX Coordinator:

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 complainant's consent or unless the complainant has also reported the incident to law enforcement.

Before a complainant reveals any information to the Title IX Coordinator, the Coordinator should ensure that the complainant understands the Coordinator's reporting obligations – and, if the complainant wants to maintain confidentiality, direct the complainant to confidential resources. If the complainant wants to tell the Title IX Coordinator what happened but also maintain confidentiality, the Coordinator should tell the complainant 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 complainant to request confidentiality, but will honor and support the complainant's wishes, including for the School to fully investigate an incident. By the same token, the Title IX Coordinator will not pressure a complainant to make a formal complaint and initiate a School investigation if the complainant is not ready to do so.

Requesting Confidentiality: How the School Will Weigh the Request and Respond  
If a complainant 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 complainant.

If the School honors the request for confidentiality, a complainant must understand that the School's ability to investigate the incident and pursue disciplinary action against the respondent will be limited. A complainant may provide the Title IX Coordinator with confidential knowledge of alleged sexual harassment and receive supportive measures from the School without the complainant filing a formal complaint and initiating an investigation. Although rare, there are times when the School may not be able to honor a complainant'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 complainant'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 respondent will commit additional acts of sexual harassment or other violence, such as:
  - whether there have been other sexual harassment complaints about the same respondent;
  - whether the respondent has a history of arrests or records from a prior school indicating a history of violence;
  - whether the respondent threatened further sexual harassment or other violence against the complainant or others;
  - whether the sexual harassment was committed by multiple respondents;
- Whether the sexual harassment was perpetrated with a weapon;
- Whether the complainant is a minor;
- Whether the School possesses other means to obtain relevant evidence of the sexual harassment (e.g., security cameras or personnel, physical evidence); and
- Whether the complainant'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 Title IX Coordinator to file a formal complaint to investigate and, if appropriate, pursue disciplinary action. If none of these factors are present, the School will likely respect the complainant's request for confidentiality.

**If the School determines that it cannot maintain a complainant's confidentiality**, the School will inform the complainant 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 complainant's well-being, and will take ongoing steps to protect the complainant from retaliation or harm and work with the complainant to create a safety plan. Retaliation against the complainant, whether by students or school employees, will not be tolerated. The School will also:

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

The School may not require a complainant to participate in any investigation or disciplinary proceeding.



Because the School is under a continuing obligation to address the issue of sexual harassment campus-wide, reports of sexual harassment (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 harassment 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 complainant’s request for confidentiality**, the School will also take immediate action as necessary to protect and assist the complainant. This includes the Title IX Coordinator promptly contacting the complainant to discuss the availability of supportive measures. A complainant’s request for confidentiality will limit the School’s ability to investigate a particular matter. The School may take steps to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the respondent or revealing the identity of the student complainant. Examples include: providing increased monitoring, supervision, or security at locations or activities where the harassment occurred; providing training and education materials for students and employees; revising and publicizing the School’s policies on sexual harassment; and conducting climate surveys regarding sexual harassment.

#### **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 complainant requests the disclosure and signs a consent or waiver form. Contact information for these off-campus resources can be found in Section 4 of this Policy.

#### **8. Formal Complaint Investigation Procedures and Protocols**

The School will investigate all formal complaints of sexual harassment. A formal complaint must be in writing filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the School investigate the allegation of sexual harassment. A formal complaint form may be obtained from the Title IX Coordinator, although no particular form is required to submit a formal complaint so long as the complaint is in writing, signed by a complainant, alleges sexual harassment against a respondent, and requests an investigation. The School’s Title IX Coordinator oversees the School’s investigation, response to, and resolution of all reports of prohibited sexual harassment, and of related retaliation, involving students, faculty, and staff.

As soon as practicable after receiving a formal complaint, the Title IX Coordinator will make an initial assessment of the formal complaint to determine whether the formal complaint, on its face, alleges an act prohibited by this Policy. If the Title IX Coordinator

determines the formal complaint states facts which, if true, could constitute sexual harassment in violation of this Policy, the Title IX Coordinator will proceed through the formal investigation process (see below). If the Title IX Coordinator determines the complainant's report does not state facts that, if true, could constitute a violation of this Policy, the Title IX Coordinator will communicate this determination in writing to the complainant. In such circumstances the complainant may still file a report with the federal Office for Civil Rights, the police, or seek available civil remedies through the judicial system. The complainant may also re-file the report with the School upon discovery of additional facts.

The School will dismiss a formal complaint if the conduct alleged in the formal complaint would not constitute sexual harassment under Title IX even if proved, did not occur in the School's education program or activity, or did not occur against a person in the United States. *Such dismissal does not preclude action under another provision of the School's code of conduct.* The School may dismiss the formal complaint if a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint; the respondent is no longer enrolled or employed by the School; or specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. The School will promptly send written notice of the dismissal and reasons therefor simultaneously to the parties.

Notice:

Upon receipt of a formal complaint, the School will provide written notice of the School's grievance process to the parties who are known. The School will also provide the parties with notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known; the conduct allegedly constituting sexual harassment; and the date and location of the alleged incident, if known. The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence that is submitted to and/or collected by the School in connection with the investigation. The written notice will also inform the parties of any provision in the School's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the School decides to investigate allegations about the complainant or respondent that are not included in a prior notice provided to the

parties, the School will provide notice of the additional allegations to the parties whose identities are known.

Voluntary Resolution:

Voluntary resolution, when selected by all parties and deemed appropriate by the Title IX Coordinator, is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the safety and welfare needs of the School community. If all parties voluntarily agree to participate in an informal resolution that does not involve a full investigation and adjudication after receiving notice of a formal complaint, and if the School determines that the particular formal complaint is appropriate for such a process, the School will facilitate an informal resolution to assist the parties in reaching a voluntary resolution. The School retains the discretion to determine which cases are appropriate for voluntary resolution.

Voluntary resolution may include: conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the harassment occurred; facilitating a meeting with the respondent and the complainant present; and any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy.

Voluntary resolution may also include restorative principles that are designed to allow a respondent to accept responsibility for harassment and acknowledge harm to the complainant or to the School community. Restorative models will be used only with the consent of both parties and following a determination by the Title IX Coordinator that the matter is appropriate for a restorative approach.

The School will not compel parties to engage in mediation or to participate in any particular form of informal resolution. As the title implies, participation in voluntary resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation and adjudication at any time, including if voluntary resolution is unsuccessful at resolving the complaint.

In connection with any informal resolution process, the School will provide written notice to the parties disclosing the allegations and the requirements of the informal resolution process. The School will notify the parties that any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. The School must obtain the parties' voluntary, written consent to the informal resolution process. The informal resolution process may not be utilized to resolve allegations that a School employee sexually harassed a student.

The time frame for completion of voluntary resolution may vary, but the School will seek to complete the process within 15 days of all the parties' request for voluntary

resolution.

Formal Investigation Process:

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the School and not on the parties. The Title IX Coordinator is responsible for the investigation of a formal complaint. The Title IX Coordinator may designate a specially trained investigator (or team of investigators) to conduct the investigation.

The School's process for responding to, investigating, and adjudicating sexual harassment reports will continue during any law enforcement proceeding. The investigator may need to temporarily delay an investigation while the police are gathering evidence but will resume the investigation after learning that the police department has completed its evidence-gathering and will generally not wait for the conclusion of any related criminal proceeding.

The investigator will interview the complainant, respondent, and any witnesses. They will also gather pertinent documentary materials (if any) and other information. The School will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. Each party shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The School will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

Time Frame for Investigation:

Consistent with the goal to maximize educational opportunities and minimize the disruptive nature of the investigation and resolution, the Title IX Coordinator seeks to resolve all reports in a timely manner. In general, an investigation may last up to 30 days, from receipt of a formal complaint from the complainant or the Title IX Coordinator of the request to proceed with an investigation. Adjudication will generally take up to 30 days from the date the investigative report is provided to both the complainant and the respondent. The Title IX Coordinator may set reasonable time frames for required actions under the Policy. Those time frames may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, accommodate absences or delays by the parties, the need for language assistance or accommodation of disabilities, account for School breaks or vacations, or address other legitimate reasons, including the complexity of the investigation (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared simultaneously with the parties in

writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Where necessary, the School will take prompt steps to protect complainants pending the final outcome of an investigation, including the provision of supportive measures to the complainant and/or the respondent. The School may remove a respondent from the School's education programs or activities on an emergency basis, provided that the School undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. The School may place a non-student employee respondent on administrative leave during the pendency of a grievance process.

The School will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the School does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the School will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The School will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination

#### Investigation Report:

The investigator will prepare an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Such report will include a statement of the allegations and issues, the positions of the complainant and respondent, a summary of the evidence (including from interviews and documentation gathered), an explanation why any proffered evidence was not investigated, assessment of individual credibility, findings of fact, and an analysis of whether a violation of the Policy has occurred. The investigator will use "preponderance of evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of evidence means that the party must present evidence that leaves one with a firm belief or conviction that it is more likely than not that the alleged conduct occurred. The complainant and respondent will be simultaneously notified of the completion of the investigation and provided with the investigator's report.

## **9. Grievance/Adjudication Procedures**

### **Hearing Panel:**

The School will convene a hearing panel following the end of the investigation. The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Policy.

The hearing panel will consist of three members. The Title IX Coordinator will designate the members of the hearing panel but will not serve as a panel member. The investigator responsible for the School's investigation of the formal complaint may not serve as a panel member. The hearing panel members may include administrators, officers, lawyers, or other individuals with relevant experience and special training. Panel members may participate remotely so long as the School utilizes technology enabling the panel members and parties to simultaneously see and hear the party or witness answering questions. All panelists will receive training from experts in the field at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual harassment. The complainant and respondent will be informed of the panel's membership before the hearing process begins. A complainant and/or respondent may challenge the participation of a panel member because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made to the Title IX Coordinator at least three days prior to the commencement of the hearing. At its discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether a panel member should be replaced. Postponement of a hearing may occur if a replacement panelist cannot be immediately identified.

### **Advisors:**

Both the complainant and the respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of sexual harassment by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled.

### **Written Submissions:**

Both the complainant and respondent will have the opportunity to submit written responses to the investigation report and other relevant information to the hearing panel. Each of the complainant and respondent will have the opportunity to review any written submissions by the other. The hearing panel may set reasonable parameters for these written submissions. The hearing panel will review the investigation report and written submissions.

### **Hearing Procedures:**

The Title IX Coordinator will give the complainant and respondent at least 10 calendar

days' advance notice of the hearing. The Title IX Coordinator may arrange to hold the hearing at an off-campus location. The hearing is a closed proceeding, meaning that no one other than the panel members, the complainant and respondent, their respective advisors, witnesses (when called), and necessary School personnel may be present during the proceeding. The School's Vice-President will work with School staff so that any student whose presence is required may participate in the hearing.

In general, hearings will proceed as follows:

- The Title IX Coordinator may set reasonable time limits for any part of the hearing. Each of the complainant and respondent will have the opportunity to present witnesses and other information consistent with the Policy and these Procedures. The panel may determine the relevance of, place restrictions on, or exclude any witnesses or information. When the complainant and respondent are not able to be present for the hearing panel, arrangements will be made for participation virtually, with technology enabling the participants to see and hear each other simultaneously.
- In cases where either the complainant or respondent opts not to participate in the hearing, the panel may still hear from the other.
- Additional hearing rules include:
  - Cross Examination. At the hearing, the hearing panel shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
  - At the request of either party, the School will provide for the hearing to occur with the parties located in separate rooms with technology enabling the hearing panel members and parties to simultaneously see and hear the party or the witness answering questions.
  - Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
  - If a party does not have an advisor present at the live hearing, the School will provide without fee or charge to that party, an advisor of the School's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
  - Information Regarding Romantic or Sexual History. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone

other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged sexual harassment.

- o Prior Conduct Violations. The hearing panel will not consider the respondent's prior conduct violations, unless the investigator provided that information to the hearing panel because the respondent was previously found to be responsible, and the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.
- o If a party or witness does not submit to cross-examination at live hearing, the hearing panel will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the hearing panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.
- o The School will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- o Live hearings may be conducted with all parties physically present in the same geographic location or, at the School's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to see and hear each other simultaneously.

The School will create an audio or audiovisual recording, or transcript, of any hearing and make it available to the parties for inspection and review. The panelists may request a copy or transcript of the recording. Cell phones and recording devices may not be used in the hearing room(s) unless approved by the panel in advance.

#### Panel Determinations/Standard of Proof:

The hearing panel will issue a written determination regarding responsibility. The panel will use "preponderance of evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of evidence means that the party must present evidence that leaves one with a firm belief or conviction that it is more likely than not that the alleged conduct occurred. The panel will find a student responsible, or not responsible, based on a majority vote. The panel will generally



render a written determination within 10 calendar days after the conclusion of a hearing.

The panel's written determination will include:

- a) Identification of the allegations potentially constituting sexual harassment;
- b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of the School's code of conduct to the facts;
- e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School's education program or activity will be provided by the School to the complainant; and
- f) The School's procedures and permissible bases for the complainant and respondent to appeal.

The parties will be informed of the results of the adjudication hearing by simultaneous written notice to both parties of the outcome of the formal complaint. The determination regarding responsibility becomes final either on the date that the School provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

### **10. Sanctions and Other Remedies**

The hearing panel shall be responsible for imposing sanctions that are:

- Fair and appropriate given the facts of the particular case;
- Consistent with the School's handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of sexual harassment.

No disciplinary sanctions or other actions that are not supportive measures will be imposed against a respondent until the completion of the School's grievance procedures, including any applicable appeal.

The hearing panel will consider relevant factors, including if applicable: (1) the specific sexual harassment at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent,

etc.); (4) the impact of the offense on the complainant; (5) the respondent's prior disciplinary history; (6) the safety of the School community; and (7) the respondent's conduct during the disciplinary process. The sanctioning decision will be communicated in writing to the complainant and the respondent as part of the hearing panel's written determination.

The School may impose any one or more of the following sanctions on a student determined to have violated the Policy:

- Reprimand/warning;
- Changing the respondent's academic schedule;
- Disciplinary probation;
- Restricting access to School facilities or activities;
- Community service;
- Issuing a "no contact" order to the respondent or requiring that such an order remain in place;
- Dismissal or restriction from School employment;
- Suspension (limited time or indefinite); and
- Expulsion.

In addition to any other sanction (except where the sanction is expulsion), the School may require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the sexual harassment violation at issue. The School may also recommend counseling or other support services for the student.

Whatever the outcome of the hearing process, a complainant may request ongoing or additional supportive measures and the Title IX Coordinator will determine whether such supportive measures are appropriate. Potential ongoing supportive measures include:

- Providing an escort for the complainant;
- Changing the complainant's academic schedule;
- Allowing the complainant to withdraw from or retake a class without penalty; and
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class.

The School may also determine that additional measures are appropriate to respond to the effects of the incident on the School community. Additional responses for the benefit of the School community may include:

- Increased monitoring, supervision, or security at locations or activities where the harassment occurred;
- Additional training and educational materials for students and employees;
- Revision of the School's policies relating to sexual harassment; and
- Climate surveys regarding sexual harassment.

## **11. Appeals**

Either the respondent or the complainant or both may appeal from a determination regarding responsibility, and from a recipient's dismissal of a formal complaint or any allegations therein, on the following bases:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or hearing panel member(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

The decision maker(s) for the appeal may not be the same person as the hearing panel members, the investigator(s), or the Title IX Coordinator. The appealing party must submit the appeal in writing to the School Registrar within seven calendar days after receiving the written determination regarding responsibility. If either the complainant or respondent submits an appeal, the Title IX Coordinator will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing party may submit a written response within seven days after notice of an appeal.

If the decision-maker concludes that a change in the hearing panel's determination is warranted, the School may enter a revised determination, reconvene the panel to reconsider the determination, or return the matter for additional investigation. If both the complainant and respondent appeal, the appeals will be considered concurrently.

The decision maker will issue a written decision describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties. Appeals decisions will be rendered within 15 calendar days after the receipt of the written appeal. All appeal decisions are final.

## **12. Records Disclosure & Recordkeeping**

Disciplinary proceedings conducted by the School are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student

information. FERPA generally limits disclosure of student information outside the School without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances. Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct or required to be produced through other compulsory legal process.

Additional information about FERPA can be found on the School's website at [www.pci.edu](http://www.pci.edu).

The School will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, a report on the results of any disciplinary proceeding conducted by the School against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

The School will maintain for a period of not less than seven years records of:

- a) Each sexual harassment investigation including any determination regarding responsibility; any audio, audiovisual recording, or transcript from a hearing conducted in response to a formal complaint; any disciplinary sanctions imposed on the respondent; and any remedies provided to the complainant designed to restore or preserve equal access to the School's education programs or activities;
- b) Any appeal and the result therefrom;
- c) Any informal resolution and the result therefrom; and
- d) All materials used to train Title IX Coordinators, investigators, hearing panel members, decision-makers, and any person who facilitates an informal resolution process. The School will make these training materials publicly available on its website.

The School will create and maintain for a period of not less than seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the School will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the School's education program or activity. If a School does not provide a complainant with supportive measures, then the School will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the School in the future from providing additional explanations or detailing additional measures taken.

### **13. Education and Prevention Programs**

As set forth in Section 3 of this Policy statement, sexual assault, sexual harassment, dating violence, domestic violence, and stalking are all forms of prohibited conduct.

The School is committed to offering educational programs to promote awareness and prevention of prohibited conduct. Educational programs include an overview of the School's policies and procedures; relevant definitions, including prohibited conduct; discussion of the impact of alcohol and illegal drug use; consent; safe and positive options for bystander intervention; review of resources and reporting options available for students, faculty, and staff; and information about risk reduction. Incoming students and new employees will receive primary prevention and awareness programming as part of their orientation.

As part of the School's commitment to provide an educational and work environment free from prohibited conduct, this Policy will be disseminated widely to the School community through e-mail communication, publications, websites, new employee orientations, student orientations, and other appropriate channels of communication.

The Title IX Coordinator, investigators, hearing panel members, and anyone else who is involved in responding to, investigating, or adjudicating sexual harassment will receive annual training from experts in the field. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual harassment.

#### **Definitions of Sexual Harassment under Pennsylvania Law**

Pennsylvania law provides the following definitions with respect to Sexual Assault and Consent:

18 Pa.C.S. § 3104. Evidence of victim's sexual conduct. (a) General rule. -- Evidence of specific instances of the alleged Evidence of specific instances of the alleged victim's past sexual conduct, past sexual victimization, allegations of past sexual victimization, opinion evidence of the alleged victim's past sexual conduct, and reputation evidence of the alleged victim's past sexual conduct shall not be admissible in prosecutions of any offense listed in

subsection (c) except evidence of the alleged victim's past sexual conduct with the defendant where consent of the alleged victim is at issue and such evidence is otherwise admissible pursuant to the rules of evidence..

*18 Pa.C.S. § 3105. Prompt complaint.* Prompt reporting to public authority is not required in a prosecution under this chapter: Provided, however, That nothing in this section shall be construed to prohibit a defendant from introducing evidence of the complainant's failure to promptly report the crime if such evidence would be

admissible pursuant to the rules of evidence.

*18 Pa.C.S. § 3106. Testimony of complainants.*

The credibility of a complainant of an offense under this chapter shall be determined by the same standard as is the credibility of a complainant of any other crime. The testimony of a complainant need not be corroborated in prosecutions under this chapter. No instructions shall be given cautioning the jury to view the complainant's testimony in any other way than that in which all complainants' testimony is viewed.

*18 Pa.C.S. § 3107. Resistance not required.*

The alleged victim need not resist the actor in prosecutions under this chapter: Provided, however, That nothing in this section shall be construed to prohibit a defendant from introducing evidence that the alleged victim consented to the conduct in question.

*18 Pa.C.S. § 3121. Rape.*

(a) Offense defined. --A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

- (1) By forcible compulsion.
- (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
- (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.
- (4) Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by

administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.

(5) Who suffers from a mental disability which renders the complainant incapable of consent.

*18 Pa.C.S. § 3124.1. Sexual assault.*

Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

*18 Pa.C.S. § 3125. Aggravated indecent assault.*

(a) Offenses defined. --Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if:

- (1) the person does so without the complainant's consent;
- (2) the person does so by forcible compulsion;
- (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (4) the complainant is unconscious or the person knows that the complainant

is unaware that the penetration is occurring;

- (5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
- (6) the complainant suffers from a mental disability which renders him or her incapable of consent;
- (7) the complainant is less than 13 years of age; or
- (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

*18 Pa.C.S. § 3126. Indecent assault.*

(a) Offense defined. --A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and:

- (1) the person does so without the complainant's consent;
- (2) the person does so by forcible compulsion;
- (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (4) the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring;

- (5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
- (6) the complainant suffers from a mental disability which renders the complainant incapable of consent;
- (7) the complainant is less than 13 years of age; or
- (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

*18 Pa.C.S. § 3131. Unlawful dissemination of intimate image.*

(a) Offense defined. Except as provided in sections 5903 (relating to obscene and other sexual materials and performances), 6312 (relating to sexual abuse of children) and 6321 (relating to transmission of sexually explicit images by minor), a person commits the offense of unlawful dissemination of intimate image if, with intent to harass, annoy or alarm a current or former sexual or intimate partner, the person disseminates a visual depiction of the current or former sexual or intimate partner in a state of nudity or engaged in sexual conduct.

(b) Defense. It is a defense to a prosecution under this section that the actor disseminated the visual depiction with the consent of the person depicted.

*Pennsylvania law provides the following definitions with respect to Stalking:*

18 Pa.C.S. § 2709.1. *Stalking.*

(a) Offense defined. --A person commits the crime of stalking when the person either:

(1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or

(2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

(b) Venue. -

(1) An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.

(2) Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

\* \* \*

(d) False reports. --A person who knowingly gives false information to any law enforcement officer with the intent to implicate another under this section commits an offense under section 4906 (relating to false reports to law enforcement authorities).

(e) Application of section. --This section shall not apply to constitutionally protected activity.

(f) Definitions. --As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Communicates.” To convey a message without intent of legitimate communication or address by oral, nonverbal, written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission.

“Course of conduct.” A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

“Emotional distress.” A temporary or permanent state of mental anguish.

“Family or household member.”

Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

*Pennsylvania law provides the following definitions with respect to Domestic Violence:*



23 Pa.C.S. § 6102. Definitions.

(a) General rule. --The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Abuse.” The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

(1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.

(2) Placing another in reasonable fear of imminent serious bodily injury.

(3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).

(4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).

(5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

\* \* \*

“Domestic violence counselor/advocate.” An individual who is engaged in a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone 40 hours of training.

“Domestic violence program.” A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims which include, but are not limited to, crisis hotline; safe homes or shelters; community education; counseling systems intervention and interface; transportation, information and referral; and victim assistance.

“Family or household members.” Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

\* \* \*

“Victim.” A person who is physically or sexually abused by a family or household member. For purposes of section 6116 (relating to confidentiality), a victim is a person against whom abuse is committed who consults a domestic violence counselor or advocate for the purpose of securing advice, counseling or assistance. The term shall also include persons who have a significant relationship with the victim and who seek advice, counseling or assistance from a domestic violence counselor or advocate regarding abuse of the victim.

\* \* \*

23 Pa.C.S. § 6105. Responsibilities of law enforcement agencies.

(a) General rule. --The police department of each municipal corporation, the Pennsylvania State Police and the sheriff of each county shall insure that all their officers, deputies and employees are familiar with the provisions of this chapter. Instruction concerning protection from abuse shall be made a part of the training curriculum for all trainee officers and deputies. All law enforcement agencies within this Commonwealth shall adopt a written domestic violence policy.

(b) Notice of services and rights. --Each law enforcement agency shall provide the abused person with oral and written notice of the availability of safe shelter and of domestic violence services in the community, including the hotline number for domestic violence services. The written notice, which shall be in English and Spanish and any additional language required by local rule of court, shall include the following statement:

"If you are the victim of domestic violence, you have the right to go to court and file a petition requesting an order for protection from domestic abuse pursuant to the Protection From Abuse Act (23 Pa.C.S. Ch. 61), which could include the following:

- (1) An order restraining the abuser from further acts of abuse.
- (2) An order directing the abuser to leave your household.
- (3) An order preventing the abuser from entering your residence, school, business or place of employment.

(4) An order awarding you or the other parent temporary custody of or temporary visitation with your child or children.

(5) An order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

\* \* \*

(d) Notice of arrest. --All law enforcement agencies shall make reasonable efforts to notify any adult or emancipated minor protected by an order issued under this chapter of the arrest of the defendant for violation of an order as soon as possible, unless the person cannot be located, notice of the arrest shall be provided not more than 24 hours after preliminary arraignment.

23 Pa.C.S. § 6111. Domestic violence counselor/advocate. A domestic violence counselor/advocate may accompany a party to any legal proceeding or hearing under this chapter.

23 Pa.C.S. § 6116. Confidentiality. Unless a victim waives the privilege in a signed writing prior to testimony or disclosure, a domestic violence counselor/advocate or a coparticipant who is present during domestic violence counseling/ advocacy shall not be competent nor permitted to testify or to otherwise disclose confidential communications made to or by the counselor/ advocate by or to a victim. The privilege shall terminate upon the death of the victim. Neither the domestic violence counselor/advocate nor the victim shall waive the privilege

of confidential communications by reporting facts of physical or sexual assault under Chapter 63 (relating to child protective services), a Federal or State mandatory reporting statute or a local mandatory reporting ordinance.

Dating Violence is not defined in the Pennsylvania criminal statutes. However, 24 Pa.C.S. §15-1553 provides for Dating Violence education programs in Pennsylvania schools. "Dating violence" is defined as behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner. "Dating Partner" is defined as a person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate involvement, whether casual, serious or long term.

### Bystander Intervention

The School's primary prevention and awareness program includes a description of safe and positive options for bystander intervention. Active bystanders take the initiative to help someone who may be targeted for a sexual assault. They do this in ways that are intended to avoid verbal or physical conflict. Active bystanders also take the initiative to help friends, who are not thinking clearly, from becoming offenders of crime. Intervention does not mean that you directly intervene to stop a crime in progress; rather, these steps are "early intervention" – before a crime begins to occur. There are three important components to consider before taking action that we refer to as the ABCs:

- **Assess for safety.** Ensure that all parties are safe, and whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the #1 priority. When in doubt, call for help.
- **Be with others.** If it is safe to intervene, you are likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends that you know well.
- **Care for the person.** Ask if the target of the unwanted sexual advance/attention/behavior is okay – does he or she need medical care? Ask if someone they trust can help them get safely home.

### Risk Reduction

The School's primary prevention and awareness program includes information on risk reduction. This includes:

*Avoiding Dangerous Situations.* While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted.

- **Be aware of your surroundings.** Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- **Try to avoid isolated areas.** It is more difficult to get help if no one is around.
- **Walk with purpose.** Even if you don't know where you are going, act like you do.
- **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down with packages or bags** as this can make you appear more vulnerable.
- **Make sure your cell phone is with you and charged** and that you have money for transportation.
- **Don't allow yourself to be isolated with someone you don't trust or someone you don't know.**

- Avoid putting headphones in or on both ears so that you can be more aware of your surroundings, especially if you are walking alone.

*Safety Planning.* Things to think about:

- How to get away if there is an emergency? Be conscious of exits or other escape routes. Think about options for transportation (car, bus, subway, etc.).
- Who can help? Friends and/or family, or support centers in your area. Please see Section 4 of this Policy for a list of support organizations.
- Where to go? Options may include a friend's or relative's house, or you may consider going to a domestic violence or homeless shelter. You may also go to the police. **Important Safety Note:** If the dangerous situation involves a partner, go to the police or a shelter first.
- What to bring? This may include important papers and documents such as a birth certificate, social security card, license, passport, medical records, lease, bills, etc. This will also include house keys, car keys, cash, credit cards, medicine, important numbers, and your cell phone. If you are bringing children with you, remember to bring their important papers and legal documents. You can keep all of these things in an emergency bag. You should hide the bag – it is best if it is not in your house or car. If the bag is discovered, you can call it a “tornado” or “fire” bag.

*Protecting Your Friends.* You have a crucial role to play in keeping your friends safe. No matter what the setting, if you see something that doesn't feel quite right or see someone who might be in trouble, there are some simple things you can do to help out a friend.

- Distract. If you see a friend in a situation that doesn't feel quite right, create a distraction to get your friend to safety. This can be as simple as joining or redirecting the conversation: suggest to your friend that you leave the party, or ask them to walk you home. Try asking questions like: “Do you want to head to the bathroom with me?” or “Do you want to head to another party - or grab pizza?”
- Step in. If you see someone who looks uncomfortable or is at risk, step in. If you feel safe, find a way to de-escalate the situation and separate all parties involved. Don't be shy about directly asking the person if they need help or if they feel uncomfortable.
- Enlist others. You don't have to go it alone. Call in friends or other people in the area as reinforcements to help defuse a dangerous situation and get the at-risk person home safely. There is safety in numbers.
- Keep an eye out. Use your eyes and ears to observe your surroundings. If you see someone who has had too much to drink or could be vulnerable, try to get them to a safe place. Enlist friends to help you. Even if you weren't around when the

assault occurred, you can still support a friend in the aftermath.

*Social Situations.* While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted in social situations.

- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

*Information on Risk Reduction was provided by RAINN: Rape, Abuse & Incest National Network: [www.rainn.org](http://www.rainn.org).*

#### **14. Amendments**

The School may amend the Policy or the Procedures from time to time. Nothing in the Policy or Procedures shall affect the inherent authority of the School to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the School community.

**Pittsburgh Career Institute**  
**Sexual Harassment Policies & Grievance Procedures**

**Definitions of Key Terms**

- Sexual Harassment - means conduct on the basis of sex that satisfies one or more of the following:
  - 1) An employee of the School conditioning the provision of an aid, benefit, or service of the School on an individual's participation in unwelcome sexual conduct;
  - 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School's education programs or activities; or
  - 3) "Sexual assault," "dating violence," "domestic violence," or "stalking" as defined herein.
  
- Sexual Assault - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Unified Crime Reporting ("UCR") program.
  - Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - Sex Offenses - Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
    - Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
    - Incest – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent.
  
- Domestic Violence - A felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- 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. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- "Education program or activity" includes locations, events, or circumstances over which the School exercises substantial control over both the respondent and the context in which the sexual harassment occurs. It includes all of the academic, educational, extra-curricular, and other programs of the School, whether they take place in the facilities of the School, at a class or training program sponsored by the School at another location, or elsewhere. An instructor's alleged sexual harassment of a student would likely constitute sexual harassment in the School's education programs or activities even if the alleged harassment occurs off campus. The School's education programs and activities may also include computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of, the School.
- Prohibited Conduct - The School prohibits Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, and Stalking as defined in these Definitions of Key Terms.
- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. Course of conduct means 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, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Retaliation - The School shall not, and no individual shall, intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX and/or



this Policy. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation; provided, however, that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith.

- Consent - A knowing and voluntary agreement to engage in specific sexual activity at the time of the activity. In order to be valid, consent must be knowing, voluntary, active, present and ongoing. Consent is not present when an individual is incapacitated due to alcohol, drugs, or sleep, or otherwise without capacity to provide consent due to intellectual or other disability or other condition.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs impact each individual differently. Determining whether an individual is incapacitated requires an individualized determination.

When determining whether a person has the capacity to provide consent, the School will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity. When determining whether consent has been provided, all the circumstances of the relationship between the parties will be considered.

- Complainant - means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- Respondent - means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

#### **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.

## **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 May 20, 2020 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 2020, 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>.

## 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.

### 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/llst/ocr/docs/tixdis.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 OFF ENDERS (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. --

## **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, Dimitri Abbott      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

**December 2020**

## Drug and Alcohol Abuse Prevention Information

### **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		<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.  <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.		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <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.		

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>
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**Chart Two**

<b>Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances</b>	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	<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>
Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants	<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>
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants	<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>
Hashish More than 10 kilograms	
Hashish Oil More than 1 kilogram	
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)  1 to 49 marijuana plants	<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>
Hashish 10 kilograms or less	
Hashish Oil 1 kilogram or less	

### 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.