

PNCA

Annual Campus Security and Fire Report

2016



Campus Safety Team / Office of Facilities and Security

PACIFIC NORTHWEST COLLEGE OF ART

511 NW BROADWAY, PORTLAND, OR. 97209

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Clery Act Reporting Requirements

This annual report is produced by the Pacific Northwest College of Art Safety Team, in accordance with *The Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act* [20 U.S.C. §1092 (f), and HEA §485 (f)]. The Clery Act, as it is commonly known, is a Federal law, enacted in 1990, requiring all post-secondary institutions participating in Title IV student financial assistance programs, to publish a statistical report of crimes on or near the institution's campus, as well as information about security policies and procedures.

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

This annual report, available to all current and prospective students and employees, is distributed in accordance with the Clery Act, and includes data for the calendar years 2013, 2014, and 2015. This report can be viewed at: <http://pnca.edu/about/c/safety>. Upon request, a paper copy of this report can also be provided by contacting the office of Facilities, Maintenance and Security, Room B14, 511 NW Broadway, Portland, Or. 97209, 971-242-3857.

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

Portland Police Bureau Disclaimer:

"RE: Clery Act statistics for 2015

The Portland Police Bureau has recently transitioned to a new electronic records management system (RMS). This transition has caused a backlog of data verification with the inability to provide accurate crime reporting for the year 2015... The enclosed statistics are not complete and unverified for November and December of 2015. These numbers may or may not be accurate. The estimated date for 2015 statistics to be complete is sometime in the Summer of 2016."

Crime and Emergency Reporting Procedures

Students and employees of PNCA are encouraged to take an active role in their own personal safety and that of their fellow students and coworkers when on campus and also when travelling between campus buildings or school-sponsored, off-campus events. Awareness of one's surroundings and familiarity with campus buildings and the neighborhood are strongly promoted. Individuals are expected to conduct themselves responsibly with regard to their own safety, as well as the safety of their colleagues. Individuals, to the extent that it is possible, should not allow themselves to be found or placed in situations which might leave them vulnerable to bodily harm, and are responsible for securing their personal belongings, keeping them safe from potential theft or damage at all times.

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

CAMPUS SECURITY - 511 NW BROADWAY 971-732-0014
CAMPUS SECURITY - 321 NW GLISAN & ROVING 971-732-0005

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

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

PRESIDENT 503-821-8880
CHIEF FINANCIAL OFFICER 503-821-8910
CHIEF ADVANCEMENT OFFICER 503-821-8927
ACADEMIC DEAN 510-691-4675
FACILITIES MANAGER 503-841-2890
DIRECTOR OF STUDENT SERVICES 503-821-8920
DIRECTOR OF RESIDENCE LIFE 503-467-4909
3-D BUILDING MANAGER 971-242-3859

Students or employees who are victims or witnesses to crimes and wish to voluntarily file a report confidentially should contact the Facilities Manager, who will respect their anonymity to the greatest extent possible.

Other important campus contacts:

CAMPUS PSYCHOLOGIST	503-318-7736
AHSCAD (511) FRONT DESK	503-226-4391
FACILITIES OFFICE	971-242-3857
FACILITIES & MAINTENANCE – MOBILE	503-380-1089
OFFICE OF STUDENT LIFE	503-821-8902
INCLUSION SPECIALIST / TITLE IX COORDINATOR	503-360-8562

Additional helpful local emergency contacts:

POLICE (NON-EMERGENCY)	503-823-3333
GOOD SAMARITAN HOSPITAL	503-431-7711
MENTAL HEALTH CRISIS LINE	503-988-4888
SUICIDE HOTLINE	800-273-8255
POISON CONTROL CENTER	800-222-1222
WOMEN’S CRISIS LINE	503-235-5333
DOWNTOWN CLEAN & SAFE	503-224-7383

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

Emergency Notification Procedures

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

Timely Warnings

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

Campus Geography

The 2014-2015 academic year was one of many changes for PNCA. The school moved from its 1241 NW Johnson St. location to a former federal building at 511 NW Broadway. PNCA also moved out of three other former campus buildings at 825 NW 13th Ave., 1432 NW Johnson St. and 1830 NW 19th Ave., and now rents the first three floors of a building located at 321 NW Glisan St. While PNCA's urban campus footprint was reduced from seven locations to five, total square footage actually increased from 144,354 ft.² to 202,010 ft.², a gain of 57,656 ft.². For the purposes of this survey, PNCA's campus shall include the following locations:

- 511 NW Broadway – Main building and administration offices.
- 321 NW Glisan – 3-D fabrication labs, BFA & MFA studios.
- 724 NW Davis – The former Museum of Contemporary Craft.
- 421 NE 10th Ave. – Joint MFA Applied Craft and Design program (with OCAC).
- 33 NW Park – Arthouse student housing.

Non-campus Buildings

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

Public Property

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

Clery Crimes and Definitions

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

- Criminal Offenses, or Primary Crimes: Criminal Homicide, including Murder and nonnegligent manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
- Hate Crimes: Any of the above mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias.

- *VAWA* Offenses: Any incidents of Domestic Violence, Dating Violence and Stalking (with the exception of Sexual Assault, which falls under Primary Crimes).
- Arrests and Referrals for Disciplinary Action: For Weapons (Carrying, Possessing, Etc.), Law Violations, Drug Abuse Violations and Liquor Law Violations.

Excluded Crimes

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

- The incident must be considered a reportable crime according to the Clery Act.
- The incident must be reported to law enforcement personnel, or a person who, in accordance with Clery Act requirements, is defined as a Campus Security Authority. This could be a security officer or anyone working for the institution who has “significant responsibility for student and campus activities”
- The incident must have occurred within campus boundaries that define our “reportable area”.
- The incident must be determined to have been reported in good faith, with supporting evidence, if available.
- The incident must be considered factual and true by law enforcement.

Daily Crime Log

PNCA Security Officers maintain an ongoing log of all criminal activity, suspicious and excluded persons, and otherwise notable incidents at the front desk of the main campus at 511 NW Broadway. The log will include any relevant information known at the time of the incident. This log is available for viewing by members of the public during normal business hours. Some information may be redacted or withheld, at the discretion of the Officer or any Safety Team member, in the case of ongoing investigations or where such disclosure would compromise a victim’s confidentiality.

Clery Crime Statistics

PNCA 2013-2015	ON CAMPUS			ON CAMPUS RESIDENTIAL			NON-CAMPUS*			PUBLIC		
	2013	2014	2015	2013	2014	2015	2013	2014	2015	2013	2014	2015
CRIMINAL OFFENSES												
Murder & Non-Neg. Manslaughter	0	0	0	0	0	0	0	0	0			0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0			0
Sex Offense - Forcible	0	0	0	0	0	0	0	0	0			0
Rape	0	0	0	0	0	0	0	0	0			0
Fondling	0	0	0	0	0	0	0	0	0			0
Sex Offense - Non-Forcible	0	0	0	0	0	0	0	0	0			0
Incest	0	0	0	0	0	0	0	0	0			0
Statutory Rape	0	0	0	0	0	0	0	0	0			0
Robbery	0	0	0	0	0	0	0	0	0			2
Aggravated Assault	0	0	0	0	0	0	0	0	0			1

Burglary	0	0	0	0	0	0	0	0	0			1
Motor Vehicle Theft	0	0	1	0	0	0	0	0	0			7
Theft	6	0	0	0	0	0	0	0	0			0
Arson	0	0	0	0	0	0	0	0	0			0

HATE CRIMES (Based on Race, Religion, Sexual Orientation, Gender, Gender Identity, Disability, Ethnicity, National Origin)

Murder & Non-Neg. Manslaughter	0	0	0	0	0	0	0	0	0			0
Rape	0	0	0	0	0	0	0	0	0			0
Fondling	0	0	0	0	0	0	0	0	0			0
Incest	0	0	0	0	0	0	0	0	0			0
Statutory Rape	0	0	0	0	0	0	0	0	0			0
Robbery	0	0	0	0	0	0	0	0	0			0
Aggravated Assault	0	0	0	0	0	0	0	0	0			0
Burglary	0	0	0	0	0	0	0	0	0			0

Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0
Aarson	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage /Vandalism	0	0	0	0	0	0	0	0	0	0	0
VAWA OFFENSES											
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0
ARRESTS											
Weapons Arrests	0	0	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0	10
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	17
DISCIPLINARY ACTIONS											
Weapons Violations & Referrals	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations & Referrals	0	0	0	0	0	0	0	0	0	0	0
Liquor Laws Violations & Referrals	0	0	0	0	0	0	0	0	0	0	0

Fire Safety and Emergency Response

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

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

Residence Life staff conducted health and safety inspections each semester. One purpose of these inspections is to identify and resolve hazardous conditions such as unsafe or prohibited items, obstructed egress routes, or tapestries on the ceilings. RA's also conduct spot inspections when there is suspicion or evidence of smoking in the building. Students found in violation of smoking ban are referred to the student conduct process. Fire drills are conducted once per semester by Residence Life Staff.

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

Fire Statistics

Pacific NW College of Art Resident Halls Fire Incidents in 2015					
Location	Number of Fires in Each Building	Cause of Fire	Injuries	Deaths	Damage
Art House	0	n/a	0	0	\$0.00

Fire Emergency

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

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

4. If you think that your smoke detector is defective, make a maintenance request immediately. If it is beeping periodically, staff may simply need to replace the battery. Do not turn off or cover your smoke detector. Tampering with or disconnecting a smoke detector or other fire equipment is prohibited because it endangers you and others. Tampering with any safety equipment will result in disciplinary action.

ArtHouse Policies

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

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

Weapons and Explosives

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

Flame-Free / No-Smoking Environment

ArtHouse is a flame-free/no-smoking facility. This includes 'e-cigarettes'. Smoking is not allowed within 25 feet of the building. You may not inhale, exhale, or possess, any lighted product in any form that produces smoke or vapor. Candles, incense, sage, marijuana, or similar may not be burned in your apartment as they pose a potential fire threat as well as smoke

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

Reporting

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

Sexual Harassment and Sexual Assault Reporting and Procedures

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

Support and Advocacy for Victims & Survivors of Sexual Misconduct

If you or someone you know may be the victim of any form of sexual misconduct, you are strongly urged to seek immediate assistance. Assistance can be obtained 24 hours a day, seven days a week, from the Portland Police by calling 911 or, during PNCA operating hours when the sexual misconduct is occurring or may reasonably be expected to occur on campus property, by calling the Security phone at 503.841.2890.

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

Rachael Allen, Director of Student Life: 503-821-8920 rallen@pnca.edu

Tracey Cockrell, Academic Dean: 503-821-8900 tcockrell@pnca.edu

Victor Maldonado, Title IX Coordinator and Inclusions Specialist: 503-360-8562 vmaldonado@pnca.edu

Further information about Title IX and sex discrimination in education is available from:

Office for Civil Rights U.S. Department of Health and Human Services 200 Independence Avenue,
SW Room 509F, HHH Building, Washington, D.C. 20201

Toll-free: 1-800-368-1019 / TTY toll-free: 1-800-537-7697 / email: OCR@ed.gov

I. INTRODUCTION

A. Overview and Purpose

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

The College is committed to fostering a community that promotes prompt reporting of all types of Sexual Misconduct and timely and fair resolution of Sexual Misconduct complaints. Creating a safe environment is the responsibility of all members of the College community. As a recipient of federal funds, the College is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in education programs or activities. Title IX requires that the College have a statement of policy and procedure for handling complaints of Sexual Misconduct.

This policy constitutes that requirement. Sexual Misconduct, as defined in this policy, is a form of sex discrimination prohibited by Title IX. PNCA is committed to providing programs, activities, and an educational environment free from sex discrimination.

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

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

B. Definitions

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

“College” means Pacific Northwest College of Art.

“Coordinator” means Title IX Coordinator.

“Deputy” means Deputy Title IX Coordinator(s) as appointed by the Title IX Coordinator.

“Domestic Violence” means violence committed by a current or former spouse or intimate partner of the victim, by person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from the person’s act under the domestic or family violence laws of the jurisdiction.

“Dating Violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on consideration of the following factors; length of the relationship, type of relationship, and frequency of interaction between the persons involved in the relationship.

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

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

“Force” means physical force, violence, threat, intimidation, or coercion.

“Incapacitation” means the physical and/or mental inability to make informed, rational judgments. States of Incapacitation include, without limitation, sleep, blackouts, and ash-backs. Where alcohol or an other drug is involved, one does not have to be intoxicated or drunk to be considered Incapacitated. Rather, Incapacitation is determined by how the alcohol consumed impacts a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments. The question is whether the accused student(s) knew, or whether a sober, reasonable person in the position of the accused student should have known, that the complainant was Incapacitated.

Because Incapacitation may be difficult to discern, students are strongly encouraged to err on the side of caution; i.e., when in doubt, assume that another person is Incapacitated and therefore unable to give Effective Consent. Being intoxicated or drunk is never a defense to a complaint of Sexual Misconduct under this policy.

“Investigators” means the individuals designated by the Title IX Coordinator or a Deputy Title IX Coordinator to conduct investigations of alleged Sexual Misconduct and to determine whether or not

there is good cause to grant a hearing. See Section 4, below, for more information.

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

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

“Non-College Conduct” means conduct that occurred at a place other than: College-owned or leased property, College sanctioned functions, the permanent or temporary local residence of a College student, faculty member, employee, or visitor, or anywhere in the City of Portland or Multnomah County. “Sexual Assault” means having or attempting to have sexual intercourse with another person by force or threat of force, without effective consent, or where the person is incapacitated. Sexual Assault includes, but is not limited to; rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual batter, or the threat of these. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

“Sexual Contact” means the deliberate touching of a person’s intimate parts (including genitalia, groin, breast, or buttocks, or clothing covering any of those areas), or using Force to cause a person to touch his or her own or another person’s intimate parts.

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

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

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

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

“Sexual Misconduct Board” means the standing group of students, faculty, and staff appointed by the Vice President to hear complaints of Sexual Misconduct.

“Stalking” means a course of physical or verbal contact directed at another person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

“Vice President’s Office” means the Office of the Vice President of Finance and Administration.

II. JURISDICTION; TIMING; RETALIATION AND RELATED MISCONDUCT; CRIMINAL PROCEEDINGS

A. JURISDICTION

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

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

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

- a. by a person who is not a member of the College community, and

b. relating to Non College Conduct, the College reserves the right to determine, in its sole discretion, whether the conduct described in the complaint constitutes a sufficient risk to the College community to warrant processing the complaint.

B. Timing of Complaints and Availability of Procedures

So long as there is personal jurisdiction over the accused student pursuant to Section II. A, above, there is no time limit to invoking this policy in response to complaints of alleged Sexual Misconduct.

Nevertheless, students are encouraged to report alleged Sexual Misconduct immediately in order to maximize the College's ability to obtain evidence and conduct a thorough, impartial, and reliable investigation. Failure to promptly report alleged Sexual Misconduct may result in the loss of relevant evidence and witness testimony, and may impair the College's ability to enforce this policy. Where the accused student is a degree candidate (i.e. the student is working on his or her thesis project), it is the responsibility of the complainant to consult with the Coordinator regarding the accused student's intended date of graduation, and to file a complaint in a timely manner when personal jurisdiction over the accused student would otherwise be lost pursuant to Section II A. 1, above.

The conferral of a degree may be deferred until any Sexual Misconduct charges have been properly resolved, provided that a hearing is scheduled for the earliest practicable date that may accommodate the parties and their witnesses.

C. Retaliation

It is a violation of College policy to retaliate against any person making a complaint of Sexual Misconduct or against any person cooperating in the investigation of (including testifying as a witness to) any allegation of Sexual Misconduct. For these purposes, "retaliation" includes intimidation, threats, harassment, and other adverse action threatened or taken against any complainant or third party. Retaliation should be reported promptly to the Sexual Misconduct Board chair and may result in disciplinary action independent of the sanction(s) or interim measure(s) imposed in response to the original allegations of Sexual Misconduct.

D. Other Related Misconduct

In accordance with this policy, the Sexual Misconduct Board is empowered to hear allegations of, and to impose sanctions for, Sexual Misconduct and any violations of the Student Conduct Code directly related to the alleged Sexual Misconduct, or any alleged violations of the Student Conduct Code itself. Such related misconduct may include, without limitation, violations of the rules of privacy as articulated herein, violations of the Coordinator's directive(s) discussed in Section III. D. below, and/or other Conduct Code violations that occurred in the course of the alleged Sexual Misconduct. It is not the practice of the College to pursue disciplinary action against a complainant or witness for his or her improper use of alcohol or drugs (e.g., underage drinking), provided that such student is acting in good

faith as a complainant or witness to the events of the alleged Sexual Misconduct. College students who appear before the Sexual Misconduct Board, whether as parties to the proceedings or as witnesses, are expected to provide truthful testimony in accordance with the Conduct Code.

E. Effect of Criminal Proceedings

Because Sexual Misconduct may constitute both a violation of College policy and a criminal activity, the College encourages students to report alleged Sexual Misconduct promptly to local law enforcement agencies. Criminal investigations may be useful for gathering relevant evidence, particularly forensic evidence. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this policy, criminal investigations or reports are not determinative of whether Sexual Misconduct, for the purposes of this policy, has occurred. In other words, conduct may constitute Sexual Misconduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute. In such cases, the complainant may not initially understand the results of the criminal investigation, the nature of criminal procedures, or the grounds for the law enforcement agency's decision not to prosecute. The complainant in such cases may request that the Title IX Coordinator identify a senior member of the College administration to assist the complainant with seeking and attending a meeting with the local prosecutor to gain an understanding of the decision to decline a prosecution. The filing of a complaint of Sexual Misconduct under this policy and (except that the College's investigation may be delayed temporarily while the criminal investigators are gathering evidence) the College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and take interim measures to protect the complainant and the College community, if necessary, as described in Section III.D., below.

III. THE PROCESS: INITIAL STEPS

A. Intake Meeting with Complainant

Upon receipt of notice of any allegation of Sexual Misconduct, the Coordinator (or Deputy) will first schedule an individual intake meeting with the complainant in order to provide to the complainant a general understanding of this policy, and to identify forms of support or immediate intervention available to the complainant. (Detailed information about sources of support and immediate intervention available to the complainant at the College and within the local community is also available in the College's Student Life Office.) The intake meeting may also involve a discussion of any accommodations that may be appropriate concerning the complainant's academic, College housing, and/or College employment arrangements.

B. Complainant Wishes to Pursue Formal or Informal Resolution

At the initial intake meeting with the complainant, the Coordinator (or Deputy) will seek to

determine how the complainant wishes to proceed, i.e., whether the complainant wishes to pursue Formal Resolution, Informal Resolution, or does not wish to pursue resolution of any kind. If the complainant wishes to proceed with either Formal or Informal Resolution, the Coordinator (or Deputy) will ascertain the name of the accused student, and the date, location, and nature of the alleged Sexual Misconduct. The Coordinator (or Deputy) will schedule an intake meeting with the accused student to provide the accused student with a general understanding of this policy, and to identify forms of support or immediate interventions available to the accused student. If the complainant wishes to proceed with Formal Resolution, the Coordinator (or Deputy) will promptly prepare a formal complaint and forward it to the Investigators, in accordance with Section IV. C, below. The formal complaint will set forth the name of the accused student, and the date, location, and nature of the alleged Sexual Misconduct. If the complainant wishes to proceed with Informal Resolution, the Coordinator (or Deputy) will promptly refer the complainant to the Sexual Misconduct Board Chair to initiate Informal Resolution proceedings, in accordance with Section V., below.

C. Complainant Does Not Wish to Pursue Resolution or Requests Confidentiality

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

D. Interim Measures

In all complaints of alleged Sexual Misconduct, regardless of whether the complainant wishes to pursue Formal Resolution, Informal Resolution, or no resolution of any kind, the College will undertake an appropriate inquiry and take such prompt and effective action as is reasonably practicable under the circumstances to support and protect the complainant, including taking appropriate interim steps before the final outcome of the investigation and hearing, if any. Accordingly, at or after the intake meeting, the Coordinator (or Deputy) may impose a "no contact" order, which typically will include a directive that the parties refrain from having contact with one

another, directly or through proxies, in person or via electronic means, pending the investigation and, if applicable, the hearing. The Coordinator (or Deputy), also may take any further protective action that he or she deems appropriate concerning the interaction of the parties pending the hearing, if any, including, without limitation, directing appropriate College officials to alter the student's' academic, College housing, and/or College employment arrangements. When taking steps to separate the complainant and the accused student, the Coordinator (or Deputy) will seek to minimize unnecessary or unreasonable burdens on either party, provided, however, that every reasonable effort is made to allow the complainant to continue in his or her academic, College housing, and/or College employment arrangements. Violation(s) of the Coordinator's (or Deputy's) directive and/or protective actions will constitute related offenses that may lead to additional disciplinary action.

IV. FORMAL RESOLUTION

A complainant may elect to pursue a Formal Resolution, which involves a hearing before a panel of the Sexual Misconduct Board, as more particularly described in this section. Such a hearing is also referred to as "Formal Resolution."

A. The Sexual Misconduct Board

The Sexual Misconduct Board (or the "Board") is a standing group composed of students, faculty, and staff appointed by the Coordinator, who also appoints the Board Chair. The Board Chair will ensure that all Board members receive annual training in their responsibilities that draws on professional and expert resources.

B. The Hearing Panel

Formal Resolution involves a hearing before a panel (the "Panel") of at least one College student, and at least two College faculty and/or staff who are members of the Board. The Board Chair will select the Panel and will either serve as the presiding chair or will appoint the presiding chair (or, if the Board Chair is unavailable or otherwise unable to serve, the Coordinator will select the Panel and a presiding chair).

C. Investigation

When the complainant indicates a desire to pursue Formal Resolution, the Coordinator (or Deputy) will prepare and forward the complaint to be investigated by such person or persons (the "Investigators") designated by the Coordinator (or Deputy). The Investigators typically include a trained attorney and a mental health professional, both of whom have received annual training that draws on professional and expert resources. The Investigators are neutral fact-finders, who, during the course of the investigation, typically conduct interviews with the complainant, the accused student, and each third party witness (including expert witnesses, where applicable); visit and take photographs at each relevant site; and, where applicable, coordinate with law enforcement agencies to collect and preserve relevant evidence. The completed investigative report (the "Investigative Report") includes, among other things,

summaries of interviews with the complainant, the accused student, and each third-party witness; summaries of interviews with expert witnesses, where applicable; photographs of the relevant site(s) and related logs; other photographic, electronic, and forensic evidence; and a detailed written analysis of the event(s) in question. A typical investigation will be completed within sixty (60) days, if not sooner. The Investigative Report will be distributed concurrently to both parties and to the Coordinator (or Deputy). If a hearing is held, the Board Chair and the Panel will also be provided with a copy of the Investigative Report.

D. Granting/Denying a Hearing

The Investigators will determine whether or not there is good cause to grant a hearing. If the Investigators determine that a hearing should be granted, notice of that determination will be delivered, concurrently, to both parties and to the Coordinator (or Deputy). The Investigators may specify which alleged violations of this policy (i.e., which type or types of Sexual Misconduct) and, if applicable, which other related alleged misconduct (as described in Section II. D, above) will go forward for a hearing. Concurrently with the delivery of the Investigators' notice that a hearing should be granted, the Investigators may, where the alleged Sexual Misconduct is sufficiently serious in their reasonable discretion, cause a hold to be placed on the accused student's transcript pending formal resolution of the complaint. A complainant whose request for a hearing is denied, and an accused student whose transcript is subject to a hold, each may appeal that decision to the Coordinator, whose decision will be final.

E. Complainant Changes Election to Informal Resolution; Accused Student Elects to Accept Responsibility

After reviewing the Investigative Report, the complainant may decide to elect Informal Resolution instead of Formal Resolution by making such request to the Coordinator (or Deputy) prior to the hearing date. At any time prior to the hearing, the accused student may elect to acknowledge his or her actions and take responsibility for the alleged Sexual Misconduct. In such cases, the Board Chair will propose a resolution to the complaint and a sanction. If both the complainant and the accused student agree to such proposed sanction, the complaint is resolved without a hearing and without any further rights of appeal by either party. If either the complainant or the accused student objects to such proposed sanction, a hearing before the Board will be convened for the exclusive purpose of determining a sanction, the determination of which is subject to appeal pursuant to Section IV. H.14 hereof. For purposes of this sanction hearing, all other provisions of this Policy relating to the imposition of a sanction for Sexual Misconduct shall apply (including, for example, the provision for an Impact Statement, and the provision governing the effective date of the sanction).

F. Notice of Hearing; Challenges to Panel; Delivery of Notice

If a hearing is granted by the Investigators (or by the Coordinator, on appeal), the Board Chair will commence the Formal Resolution process by providing written notice to both parties (the “Notice of Hearing”) stating (1) the date, time, and place of the pre-hearing meeting, during which preliminary matters will be discussed, as more fully addressed in Section IV. H. I, below; and (2) the names of the Board members selected to serve as the Panel. A party wishing to challenge the participation of any Panel member must notify the Board Chair, in writing, within ten (10) calendar days of receiving the Notice of Hearing, stating the specific reason(s) for the objection. Failure to do so will constitute a waiver of any objection to the composition of the Panel. The Chair will determine whether the challenge has merit, and reserves discretion to make changes in the Panel composition at any time. The Notice of Hearing will be delivered, at the Board Chair’s discretion, by email or in person, and will be considered effective immediately upon receipt. The hearing will take place promptly following delivery of the Notice of Hearing. The parties are expected to cooperate in the scheduling of the hearing. If either party fails to appear at the scheduled hearing, the Board Chair may postpone the proceedings, or direct the Panel to proceed and determine the complaint based on the Investigative Report and any other available information, provided the absent party was duly notified of the scheduled hearing date, as outlined in this section.

G. Advisors to the Parties

Both the complainant and the accused student may have advisors present to support and assist them during the pre-hearing, hearing, and appeal stages of the Formal Resolution process. The Board Chair will appoint an advisor who has completed the training required by the College to each party; however, a student may select a secondary advisor of his or her choosing, including another student, but such secondary advisor may not be an attorney (see Section IV. H. 4., below, for a description of the role outside counsel may play during a hearing). The Board Chair may disallow a particular advisor in cases where the advisor might be a witness, or in cases where the advisor’s presence, in the Board Chair’s sole determination, would be obstructive to the process, or for other good cause. An advisor may not direct questions to the Panel or witnesses at the hearing, but may suggest questions in writing to the Panel and may consult with the student that he or she is advising. The Board Chair will not allow an advisor’s presence to inhibit the parties’ sharing of information or the conduct of the hearing.

H. Hearing Procedures

(1) Pre-Hearing Submissions. The parties will provide the Board Chair (or the Panel’s presiding officer, hereinafter included within the term “Chair”) with a list of witnesses they propose to call, copies of documents, and a description of any other information they propose to present at the hearing, on or before a date set by the Chair. Evidence of the complainant’s past sexual history will not be permitted at the hearing unless it is relevant to the complaint. The Chair will provide each party with a copy of the list of witnesses, identification or copies of documents, or other information submitted by each party. In the absence of good cause, as determined by the Chair in his or her sole

discretion, the parties may not introduce witnesses, documents, or other information at the hearing that were not provided to the Chair by the deadline. The parties are responsible for their witnesses' attendance at the hearing.

- (2) Pre-Hearing Meeting and Determination of Complaint and Witnesses. The Chair will schedule a pre-hearing meeting prior to the hearing date. At the meeting, the Chair will review hearing procedures with the parties, separately or jointly, at the discretion of the Chair. The Chair will also review the complaint of alleged Sexual Misconduct (and related misconduct, if applicable), and will review the parties' respective lists of proposed witnesses to eliminate redundant information. The College reserves the right, through the Chair,
 - (a) to add to or modify the alleged violations specified by the Investigators, pursuant to Section IV. D., above, at the prehearing meeting, and
 - (b) to add witnesses to the witness lists at the pre-hearing meeting and/or at the hearing.
- (3) Pre- Hearing Discussion. Once a Board member has been named to a Panel, he or she may not publicly or privately discuss the merits of the complaint with anyone not on the Panel, with the parties themselves, or with anyone acting on the behalf of the parties. The Chair will provide the panelists with a copy of the Notice of Hearing, the Investigative Report, and the list of witnesses submitted by the parties, with an instruction to avoid any public or private discussion of the merits of the complaint.
- (4) Legal Counsel. Legal counsel may be present at the hearing on behalf of either party. Such counsel may privately consult with and advise the parties during the proceeding but may not examine witnesses or otherwise directly participate on behalf of either party.
- (5) Panel's Counsel. The Chair and Panel may seek advice from the College's counsel throughout the hearing process on questions of law and procedure; however, factual determinations are the domain of the Panel.
- (6) Conduct of the Hearing. The hearing will not follow a courtroom model, and formal rules of evidence will not be observed. Accordingly, for example, the parties may elect to rely upon the witnesses' statements contained in the Investigative Report if such witnesses are unavailable to attend the hearing. The Chair will determine the order of the witnesses and will resolve any questions of procedure that arise during the hearing. The parties are responsible for ensuring that their proposed witnesses are present. Members of the Panel will review in advance of the hearing all the written materials provided to them by the Chair in accordance with Section IV. H. 1., above. The parties will have received or been provided the opportunity to review and copy these materials during earlier stages of the pre-hearing process. The parties will be expected not to repeat undisputed details or non-material circumstances that would duplicate information contained in the

Investigative Report or in other written materials. Only the Chair and the Panel may question the individual parties and any witnesses, unless permission is granted by the Chair to modify the questioning process. Either party or their advisors may ask the Chair to pose additional questions or inquire further into specific matters by submitting these requests in writing or orally, at the discretion of the Chair. If necessary, a brief break may be granted to allow both parties the opportunity to prepare and submit such requests. The Chair is empowered to disallow or reframe any questions that are irrelevant or redundant. After all witnesses have been questioned, each party may make a closing statement and request a short recess to prepare it. If the Panel determines that unresolved issues exist that would be clarified by the presentation of additional information, the Chair may suspend the hearing and reconvene it in a timely manner to receive such additional information. A delay may not be based on the failure of witnesses to appear without good cause, or on the proposed introduction of documents or information that should have been presented at the prehearing meeting.

- (7) **Testimony or Participation by the Accused.** The accused student has the option not to testify; however, the exercise of that option will not preclude the Panel from proceeding or from determining the complaint on the basis of the Investigative Report and other available information. In addition, as indicated in Section IV. F., above, if the accused student fails to appear at the hearing, after being duly notified of its place and time, the Chair may postpone the proceedings or direct the Panel to proceed and determine the complaint on the basis of the Investigative Report and other available information.
- (8) **Testimony by Closed-Circuit Technology.** Upon timely request by a party or witness, the College may be able to provide for testimony by closed-circuit technology in appropriate circumstances, including where parties or witnesses are otherwise unable to participate in the hearing. The availability of testimony by closed-circuit technology will be at the sole discretion of the Chair.
- (9) **Recording.** The Chair will arrange for the hearing to be recorded and may arrange for the preparation of any transcript of the recording that he or she deems appropriate or that a party requests (upon prompt payment of the transcription fee by the requester). Such recording will be arranged through the Coordinator's office.
- (10) **Standard of Proof.** The Department of Education's Office of Civil Rights has interpreted Title IX to require schools to evaluate evidence of alleged Sexual Misconduct under a "preponderance of the evidence" standard, and that is the standard adopted by this policy. A preponderance of the evidence means that the information shows that it is "more likely than not" that the accused student violated this policy. In the context of a hearing hereunder, the accused student will be found to be responsible for the alleged Sexual Misconduct if the Panel, by a unanimous vote, concludes that such Sexual Misconduct more likely than not occurred based upon careful review of all information presented. In making its determination, the Panel shall carefully consider all evidence presented and shall follow the procedures stated in this policy in order to ensure as fair a

hearing as possible for all parties.

- (11) **Impact Statement.** If the Panel determines that the accused student is responsible for Sexual Misconduct, i.e., that the Sexual Misconduct more likely than not occurred, the complainant may present the Panel with a statement recommending a sanction (the “Impact Statement”). The responsible student will be provided an opportunity to respond to the Impact Statement. The Panel is not bound by these statements in determining a sanction. Witnesses other than the parties normally are not permitted at the Impact Statement phase of the hearing; however, the Chair reserves discretion to permit the presence of other persons.
- (12) **Sanction.** The Panel is required to consider suspending or expelling any student found responsible for Sexual Misconduct; however, the Panel may impose any sanction that it finds to be fair and proportionate to the violation. In determining an appropriate sanction, the Panel may consider any record of past violation(s) of the Code of Conduct, as well as the nature and severity of such past violation(s). The Panel will also consider, as part of its deliberations, whether the sanction will
 - (a) bring an end to the violation in question
 - (b) reasonably prevent a recurrence of a similar violation and
 - (c) remedy the effects of the violation on the complainant and the College community.

The sanction decision will be made by the Panel by majority vote. Any sanction imposed will be explained or supported in the written decision of the Panel.

- (13) **Decision.** The decision of the Panel, including the sanction, if applicable, will be announced to both parties, concurrently, by the Chair at the conclusion of the hearing. In addition, the Chair will provide a copy of the Final Outcome Letter described in Section 17, below, to both parties, concurrently, and to the Coordinator, within ten (10) calendar days following the conclusion of the hearing (or such longer time as the Chair may for good cause determine).
- (14) **Appeals.** Neither party may appeal the Panel’s decision, however a senior College administrator may be asked to review the process to assure that it has been conducted in compliance with this policy. In such cases, the senior College administrator will respond in writing within fourteen (14) calendar days of the date of the Panel’s decision.
- (15) **Effective Date of Sanction.** A sanction imposed by the Panel is not effective until the resolution of any request to review the process as described in IV. H. 14, above. However, if advisable to protect the welfare of the complainant or the College community, the Panel may determine that any probation, suspension, or expulsion be effective immediately and continue in effect until such

time as the Coordinator may otherwise determine. The Coordinator may suspend the determination pending exhaustion of any review as described in IV. H. 14., above, and may allow the accused student to attend classes or to engage in other activity on a supervised or monitored basis, or may make such other modifications to the determination as may be advisable in the sole discretion of the Coordinator. The Coordinator's decision may not be appealed.

- (16) **Transcript Notation in Cases of Suspension or Expulsion.** If the Panel imposes a sanction of suspension or expulsion, then, following exhaustion of any review as described in IV. H. 14, above, the Board Chair will notify the College Registrar to place a notation on the student's transcript reading "Disciplinary Suspension" or "Disciplinary Expulsion," as the case may be.
- (17) **Privacy of the Hearing Process: Final Outcome Letter.** In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, documents prepared in anticipation of the hearing (including the Investigative Report, the Notice of Hearing, and the pre-hearing submissions referenced in Section IV. H. 1 above), documents, testimony, or other information introduced at the hearing, and any transcript of the hearing itself, may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law.

In addition to complying with Title IX and FERPA, the College is required to comply with the Federal Clery Act. Under the Clery Act, both the complainant and the accused student must be informed of the hearing outcome, and the College may not impose any limitations on their disclosure of this information. Accordingly, following the hearing, the Panel will issue a written decision letter (the "Final Outcome Letter"), concurrently to the accused student and the complainant. The Final Outcome Letter will set forth, as required by the Clery Act, the name of the accused student; the violation(s) of this policy for which the accused student was found responsible, if any; any essential findings supporting the Panel's decision on the issue of responsibility; and the sanction(s) imposed, if any. College policy neither encourages nor discourages the further disclosure of the Final Outcome Letter by either the complainant or the accused student. The College acknowledges that sharing the Final Outcome Letter with others, including family, friends, legal counsel, mental health professionals, and sexual assault advocates or victims, may be a critically important part of a student's healing process.

V. INFORMAL RESOLUTION

A complainant who wishes to file a formal complaint with the Coordinator's Office, but who does not wish to pursue Formal Resolution, may request a less formal proceeding, known as "Informal Resolution." Although less formal than Formal Resolution, Informal Resolution is a resolution process; it is not mediation. The accused student is expected to attend the Informal Resolution proceeding, but is not required to participate.

A. Purpose of Informal Resolution

Informal Resolution provides an opportunity for the complainant to confront the accused student, in the presence of, and facilitated by, a presiding officer, as described in Section V. B., below, and to communicate his or her feelings and perceptions regarding the incident, the impact of the incident, and his or her wishes and expectations regarding protection in the future. The accused student will have an opportunity to respond.

B. Advisors; Presiding Officer

The complainant and the accused student each may bring an advisor to the Informal Resolution. Advisors are assigned and subject to the same restrictions set forth for advisors in Formal Resolution, outlined above. The Board Chair or a designee of the Chair will preside over the Informal Resolution, and may elect to be assisted by another member of the Board or senior administrator of the College.

C. Informal Resolution Where Accused Student Acknowledges Responsibility

If, during the course of the Informal Resolution, the accused student elects to acknowledge his or her actions and take responsibility for the alleged Sexual Misconduct, the Informal Resolution will be concluded and the Board Chair will propose a sanction. If both the complainant and the accused student agree to the proposed sanction, the complaint will be resolved without any further rights of administrative review by either party. If either the complainant or the accused student objects to the proposed sanction, a hearing before the Board will be convened for the exclusive purpose of determining a sanction, the determination of which is subject to appeal pursuant to Section IV. H. 14. For the purposes of this sanction hearing, all other provisions of this policy relating to the imposition of a sanction for Sexual Misconduct shall apply (including, for example, the provision for an Impact Statement, and the provision governing the effective date of the sanction).

D. Informal Resolution Where Accused Student Contests Responsibility

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

E. Election of Formal Resolution

The College or the complainant may, at any time prior to the conclusion of the Informal Resolution, elect to end such proceedings and initiate Formal Resolution instead. In such cases, statements or

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

VI. AMENDMENTS

This Policy may be amended, in writing, by the President or the President's designee at any time. Consensual Relationships Romantic or sexual relationships between a faculty member and a student or between a supervisor and a person under his or her supervision create situations that may lead to sexual harassment, conflicts of interest, and favoritism. Therefore, PNCA strongly discourages consensual relationships between supervisors and subordinates, faculty and students, and advisors and students. Failure to report such consensual relationships and to cooperate in making alternative arrangements may result in disciplinary action up to and including termination or expulsion.

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

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

RETALIATION

A faculty member, staff member, or student who retaliates in any way against an individual who has brought a complaint in good faith pursuant to this policy or against an individual who has participated in good faith in an investigation of such a complaint is subject to disciplinary action up to and including termination or expulsion.

CONFIDENTIALITY

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

Missing Student Notification Policy

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

DEFINITION

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

INVESTIGATION & NOTIFICATION

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

Rachael Allen, Director of Student Life: 503-821-8920 / rallen@pnca.edu

Kavin Buck, Vice President for Enrollment Services: 503-821-8942 / kbuck@pnca.edu

Tracey Cockrell, Academic Dean: 503-821-8960 / tcockrell@pnca.edu

Front Desk Security 503-732-0014

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

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

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

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

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

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

DESIGNATING EMERGENCY CONTACTS

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

Students who live on campus Residential Life staff will request that each residential student, upon checking into his or her assigned on campus room, complete an emergency contact form to designate the name and contact number of the individual(s) to be contacted in case of an emergency, including in the event of the resident being determined missing for at least 24 hours.

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

CONFIDENTIALITY

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

Campus Notification About Registered Sex Offenders

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

For information about sex offenders, please call 503.378.3725, Ext. 4429

or email sexoffender.questions@state.or.us

Alcohol and Drug Policies

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

ALCOHOL POLICY

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

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

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

SMOKING POLICY

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

DRUG POLICY

The use, possession, distribution, sale, or possession with the intent to distribute or sell illegal drugs (including marijuana) is a violation of federal, state, and local laws, as well as PNCA policy. The possession of drug paraphernalia is also a violation of state law and PNCA policy. The misuse, distribution, or sale of prescription drugs is also prohibited. Any student or employee found to be using, possessing, manufacturing, or distributing controlled substances in violation of the law on college property or at PNCA events may be subject to both administrative disciplinary actions and criminal proceedings.

All drug related violations by students, on campus, and at college sponsored events off campus may be handled under procedures outlined in the Student Code of Conduct. The college will take appropriate personnel actions for infractions by employees, up to and including termination. Violations of state and federal laws may be referred to the appropriate authorities.

ALCOHOL AND DRUG ABUSE EDUCATION PROGRAMS

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

Staff and Faculty may be eligible for protected leave under FMLA/OFLA for treatment. As with any

other sick leave, the leave may include a combination of paid time off and Unpaid Personal Leave of Absence. Treatment resources are available through the employer paid medical program and/or through the Employee Assistance Program which provides free and/or discounted services.

CONFIDENTIALITY

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