Pennsylvania Highlands Community College Annual Security Report

2025

Preface

There are nine sections contained in this report. For each section, regular print identifies information taken directly from the 2016 Clery Handbook detailing the federally mandated information that Pennsylvania Highlands Community College must report to meet the legal requirements under the law. The bold print details the Pennsylvania Highlands' specific information regarding how the College meets those legal requirements.

Section 1: Overview of Required Compliance

Introduction: An Overview of Campus Safety and Security Reporting

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial and geographic considerations, the issue of campus safety is a vital concern. In 1990, Congress enacted the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542), which amended the Higher Education Act of 1965 (HEA). This act required all postsecondary institutions participating in HEA's Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998, 2000 and 2008. The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of a student who was slain in her dorm room in 1986. It is generally referred to as the Clery Act and is in section 485(f) of the HEA.

On March 7, 2013, the Violence Against Women Reauthorization Act of 2013 (VAWA) (Public Law 113-14) was signed into law. VAWA includes amendments to the Clery Act. These changes require institutions to disclose statistics, policies and programs related to dating violence, domestic violence, sexual assault and stalking, among other changes.

Every institution must do the following:

- Collect, classify and count crime reports and crime statistics. The regulatory requirements for classifying and counting crimes are discussed in Section 3. The regulatory requirements for collecting crime reports and statistics are discussed in Section 4.
- Issue campus alerts. To provide the campus community with information necessary to make informed decisions about their health and safety, the College must:
    - issue a timely warning for any Clery Act crime that represents an ongoing threat to the safety of students or employees; and
    - issue an emergency notification upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The regulatory requirements regarding these topics are discussed in Section 6.
- Provide educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault and stalking, the College must:
    - provide primary prevention and awareness programs to all incoming students and new employees
    - provide ongoing prevention and awareness campaigns for students and employees.
    - have procedures for institutional disciplinary action in cases of dating violence domestic violence, sexual assault and stalking. Disclose any policy and procedures in the annual security report. The regulatory requirements regarding these topics are discussed in Section 8.

- Publish an annual security report containing safety and security related policy statements and crime statistics and distribute it to all current students and employees. Schools also must inform prospective students and employees about the availability of the report.
- Submit crime statistics to the Department of Education each year on a Web-based data collection system.
- In addition to the requirements for all institutions listed, any college that maintains a campus security department is required keep a daily crime log of alleged criminal incidents that is open to public inspection.

Compliance Timetable

Compliance with the HEA's campus safety and security related requirements is not a once-a-year event. Many requirements must be satisfied before an institution can be considered in full compliance. Some requirements are ongoing, such as crime information collecting, campus alerts and log updating, while other requirements are less frequent, such as the annual reports and the online survey submitted to the Department of Education.

This table is an overview of the basic requirements and time frames for the main components of compliance.

What to Do	When to Do It
Have emergency notification and evacuation procedures for alerting the campus community about significant emergencies or dangerous situations. Disclose your policies and procedures in the annual security report.	Use emergency notification procedures whenever there is an immediate threat to the health or safety of students or employees on campus.
Have in place primary and ongoing prevention and awareness programs and campaigns for students and employees. Disclose your policies and procedures in the annual security report.	Provide the primary education programs as part of the orientation process for new students and employees whenever they start. Ongoing campaigns should be visible throughout the year.
Issue timely warnings to alert the campus community about crimes that pose a serious or continuing threat to safety. Disclose your policy in the annual security report.	Issue a warning whenever there is a threat that a crime is ongoing or may be repeated.
Keep a crime log that records, by date reported, all crimes reported to the campus police or security department.	Update your log within two business days of the crime report. Make the log available to the public during business hours.
What to Do	When to Do It

Collect crime reports from campus security authorities within the institution.	Identify campus security authorities at the beginning of the calendar year and collect crime reports on an ongoing basis.

Request crime statistics from local law enforcement in the jurisdictions where the institution is located.	Make a request annually, ideally at the beginning of the calendar year.
Submit crime and statistics to the Department via a Web-based data collection.	Submit statistics each fall, by the dates provided by the Department of Education.
Have procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault and stalking. Disclose your policy and procedures in the annual security report.	Follow required procedures whenever a student or employee chooses to pursue institutional disciplinary action for alleged dating violence, domestic violence, sexual assault or stalking. Ensure prompt proceedings.
Publish an annual security report containing campus security policy disclosures and statistics for the previous three years.	Publish and distribute the report or provide a notice of its availability annually by Oct. 1.

Section 2: Geography

This section identifies and breaks down the physical parameters of reporting and explains how to apply these parameters to the College. The Clery Act requires institutions to disclose statistics for reported crimes based on

- where the crimes occurred,
- to whom the crimes were reported,
- the types of crimes that were reported, and
- the year in which the crimes were reported.

The College must disclose statistics for reported Clery Act crimes that occur (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or property that the institution owns or controls. The definitions for these geographic categories are Clery Act-specific and are the same for every institution regardless of its physical size or configuration. It doesn't matter if the campus consists of leased space in a strip mall, occupies 10 city blocks or consists of a couple of buildings on another school's campus.

Understanding each of these geographic categories as defined by the Clery Act is vital to complying with the law. The College must provide a breakdown of the statistics by category. Location is the key here—crimes that don't occur within the Clery Act geography are not included in the Clery Act statistics, even if students or employees are involved.

<u>Identifying On-Campus Geography</u>

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, any building or property that is within or reasonably contiguous to that area that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor) is deemed on-campus geography.

The first part of this definition states that, for Clery Act reporting purposes, the campus includes buildings and properties that meet all of the following criteria:

- the institution owns or controls them;
- they are reasonably contiguous to one another; and
- they directly support or relate to the institution's educational purposes.

Controlled by means that the institution directly or indirectly rents, leases or has some other type of written agreement for use of a building or property, or a portion of a building or property. Even if there is no payment involved in the transaction, for Clery Act purposes, a written agreement for the use of space gives the institution control of that space for the time period specified in the agreement.

Reasonably contiguous refers to a building or property the institution owns or controls that's in a location that students consider to be, and treat as, part of the campus.

A public transit stop located on campus or immediately adjacent to the campus is included in public property category up to the point at which a rider is required to pay a fare.

Directly support, or relate to, the institution's educational purposes refers to the function of the building or property.

Other On-Campus Considerations

Leased space in strip malls consists of any space within the strip mall that is covered by the written agreement. If the lease includes use of the parking lot, or selected spaces in the lot, it is included as part of the campus. If students need to use stairwells or elevators or hallways to access the space the institution controls, they are included as part of the campus.

If the agreement does not include use of the parking lot owned by the mall or office building, it is not included in on-campus or public property category. It is a private parking lot.

Institutions With More Than One Campus

If an institution has more than one campus, each campus must comply independently with all of the Clery Act and safety related HEA requirements described in the Clery handbook, including publishing its own annual security report or an institution may publish and distribute to students and employees a single annual security report as long as it clearly differentiates each campus's policies and statistics. For the purpose of these requirements, an additional location is considered a separate campus if it meets all of the following criteria:

- The institution owns or controls the site;
- It is not reasonably geographically contiguous with the main campus;
- It has an organized program of study; and
- There is at least one person on site acting in an administrative capacity.

An organized program of study means that the location offers courses in educational programs leading to a degree, certificate, or other recognized credential.

Administrative personnel encompass a variety of individuals who may have some responsibility for the activities that take place at the location; administrative personnel include, for example, a director, a building coordinator, a registrar or a secretary.

Branch: A branch campus is always a separate campus. Branch campus is a specific department designation. It is defined as a location of an institution that is geographically apart and independent of the main campus of the institution. A location of an institution is considered independent of the main campus if the location is permanent in nature, offers courses in educational programs leading to a degree or other recognized educational credential, has its own faculty and administrative or supervisory organization, and has its own budgetary and hiring authority.

The Clery Act Defines Public Property as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Public property refers to property owned by a public entity, such as a city or state government. An example of public property is a parking lot with a sign that reads, “City of Rockville Public Parking.” A parking lot with a sign that reads, “Joe’s 24-Hour Parking” is not public property despite the fact that the public can park there.

No matter where a campus is located, the Clery Act public property category consists solely of two limited areas.

The first is public property within the campus. An example is a public road or public bike path that runs through the campus. Crime statistics must be reported for crimes that occur on the section of the road or bike path that touches the campus. A private road or private driveway running through a campus is not public property. A public or municipal parking lot that bisects a campus is part of the public property. A privately owned parking lot that bisects a campus is not. However, regardless of whether the parking lot is publicly or privately owned, if the institution has a written agreement giving it use of the parking lot, it must be included in the on-campus geography, not public property geography.

The second area is public property that immediately borders and is accessible from the campus. In many cases this property consists of a public sidewalk that borders the campus, the public street along the sidewalk and the public sidewalk on the other side of the street. Only the portions of the sidewalk, street and sidewalk that are adjacent to the campus are included in public property.

To determine whether the public property immediately adjacent to the campus is accessible, look for one of two conditions to be present:

- There is no barrier of any kind between the campus border and public property.
- A standard of use has been established by students. This means that although some type of barrier is present, students frequently ignore, overcome or even use it, to gain access to public property.

<u>Other Public Property Considerations</u>

The public property does not include anything beyond the second sidewalk. (If there isn’t a second sidewalk, it doesn’t include anything beyond the street.) It’s possible that a campus does not have any public property. Some examples are:

- An institution that is located in a mall or office building if the parking lot and streets surrounding the building are privately owned by an individual or business.
- Space versus program agreements: if the institution sends students to an off-campus site for internships, externships, clinical training or student teaching. If the College owns or controls the site or any space within the site, include the site or the specified space in the non-campus category. If the College does not own or control the space, it isn’t included. If the College has an agreement, even a written agreement, to send students to a location for one of the aforementioned reasons, but that written agreement is for the program rather than for use of the physical space, the College does not have control of the location and does not have to include statistics for crimes that occur there.

The College is not required to include statistics for crimes that occur on field trips at locations the institution does not own or control.

PENN HIGHLANDS COMMUNITY COLLEGE CLERY GEOGRAPHY

Penn Highlands' main campus is located at 101 Community College Way, Johnstown, PA 15904. The College campus consists of a single building that is owned and controlled by Penn Highlands.

The aerial photo of the Richland location designates the on campus geography within the orange border. The public property is designated within the blue border and consists of Highfield Avenue to the east of the college and Academic Avenue to the northwest.

BRANCH CAMPUS CLERY GEOGRAPHY

Penn Highlands has four (4) branch campus locations.

- **881 Hills Plaza Drive, Suite 450, Ebensburg, PA 15931**
- **6024 Glades Pike, Suite 210, Somerset, PA 15501**
- **Logan Valley Mall, Suite 1147, 5580 Goods Lane, Altoona, PA 16602**
- **Bellefonte Match Factory, 190 Match Factory Place, Bellefonte, PA 16823**

All four locations meet the Clery requirements to be classified as a branch campus. The Ebensburg, Altoona and Bellefonte locations on campus Clery geography consists solely of the interior of each leased and controlled building as specified within the lease agreement. They are located within a mall or privately owned building and the parking lot and surrounding property is also privately owned. Therefore, those three branch campus locations do not have public property as defined by Clery geography.

The Somerset campus consists of the entire second floor of a two-story building owned by the County of Somerset.

The College has an additional location that is leased. The Culinary Center is located at 425 Main Street, Johnstown, PA 15901. It is leases space in a privately owned building on a public street. Only culinary classes are offered, and a part-time instructor is present only during class. No other administrative, part-time or full-time employees work at that location.

Section 3: Clery Act Crime Definitions, Classifications, and Statistics

This section discusses the types of crimes that are included in the Clery Act crime statistics reports and the rules for classifying and counting them. The Clery Act requires every institution to include four general categories of crime statistics:

- Criminal Offenses—Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
- Hate Crimes—Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/ Vandalism of Property that were motivated by bias;
- VAWA Offenses—Any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes); and
- Arrests and Referrals for Disciplinary Action for Weapons—Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations and Liquor Law Violations.

Statistics must be disclosed separately for each of these four general categories. This means that when an incident meets definitions in more than one of these categories, it must be reported in each category. For example, any Criminal Offense that is also a Hate Crime or VAWA Offense, or results in an arrest or disciplinary action for a Weapons, Drug Abuse or Liquor Law Violation, should be counted as a Criminal Offense and also as a Hate Crime, VAWA Offense, arrest, or disciplinary referral, as appropriate.

<u>Crime Definitions</u>

Under the Clery Act, for the purposes of counting and disclosing Criminal Offense, Hate Crime, arrest and disciplinary referral statistics The College must do so based on definitions provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program. The definitions for Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations are from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program. The definitions of Fondling, Incest and Statutory Rape are from the FBI's National Incident-Based Reporting System (NIBRS) Data Collection Guidelines edition of the UCR. Hate Crimes are classified according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual. Note that, although the law states that institutions must use the UCR Program definitions, Clery Act crime reporting does not have to meet all of the other UCR Program standards.

For the categories of Domestic Violence, Dating Violence and Stalking, the Clery Act specifies that the College must use the definitions provided by the Violence Against Women Act of 1994 and most recently updated information in 2022, and repeated in the Department's Clery Act regulations.

For Clery Act purposes, it is essential that institutions classify and count reported incidents based on the definitions specified by the Clery Act.

The College must include in its crime statistics the number of all reported offenses, without regard to the findings of a court, coroner or jury, or the decision of a prosecutor. Classify and count crimes from the records of calls for service, complaints and investigations.

Criminal Offenses

Criminal Homicide offenses are separated into two categories: Murder and Non-negligent Manslaughter, and Manslaughter by Negligence.

Murder and Non-negligent Manslaughter is defined as the willful (non-negligent) killing of one human being by another. Count one offense per victim. Include as Murder and Non-negligent Manslaughter any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime. Do not include as Murder and Non-negligent Manslaughter:

- Suicides.
- Fetal deaths.
- Traffic fatalities.
- Accidental deaths.
- Assaults with intent to Murder and attempts to Murder. (Classify assaults and attempts to Murder as Aggravated Assaults.)
- Situations in which a victim dies of a heart attack as the result of a crime, even in instances where an individual is known to have a weak heart.
- Justifiable homicide (which is defined as and limited to the killing of a felon by a peace officer in the line of duty, or the killing of a felon during the commission of a felony, by a private citizen).

Manslaughter by Negligence is defined as the killing of another person through gross negligence. Count one offense per victim. Any death caused by the gross negligence of another.
Do not include as Manslaughter by Negligence:

- Deaths of persons due to their own negligence
- Accidental deaths not resulting from gross negligence
- Traffic fatalities

Remember that the findings of a court, coroner's inquest, etc., do not affect classifying or counting criminal incidents.

Sexual Assault (Sex Offenses) include any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Include attempted Sexual Assaults, but do not include in Clery Act statistics any Sexual Assaults other than the four types of Sexual Assaults described in this chapter.

Rape is 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. This offense includes the rape of both males and females. Count one offense per victim.

Include the crime as Rape, regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, include the crime as Statutory Rape.

Fondling is 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. Count one offense per victim. Fondling is recognized as an element of the other sex offenses. Therefore, count Fondling only if it is the only sex offense.

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Count one offense per victim.

Statutory Rape is sexual intercourse with a person who is under the statutory age of consent. Count one offense per victim. The statutory age of consent differs by state. If force was used or threatened, or the victim was incapable of giving consent because of his/her age or temporary or permanent mental impairment, the offense is Rape, not Statutory Rape. The ability of the victim to give consent must be a professional determination by a law enforcement agency.

While the definitions of Sexual Assault include lack of consent as an element of the offense, for the purposes of including a reported Sexual Assault in Clery Act statistics, no determination as to whether that element has been met is required. Therefore, all Sexual Assaults that are reported to a campus security authority must be included in the Clery Act statistics and also included in the crime log regardless of the issue of consent.

Robbery is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear. In any instance of Robbery, count one offense for each distinct operation (i.e., incident), including attempts. Do not count the number of victims robbed, the number of those present at the Robbery or the number of offenders.

Essential Elements of a Robbery:

- Committed in the presence of a victim (usually the owner or person having custody of the property).
- Victim is directly confronted by the perpetrator.
- Victim is threatened with force or put in fear that force will be used.
- Involves a Theft or Larceny.

Because some type of assault is an element of Robbery, The College cannot report an assault as a separate crime as long as it was performed in furtherance of the Robbery. However, if the injury results in death, it will be classified as Murder and Non-negligent Manslaughter.

Aids to Classifying Incidents as Robberies:
The classification of Robbery includes both armed robbery and robberies where only personal weapons are used. Armed robbery includes incidents commonly referred to as stickups, hijackings, holdups, heists, carjackings, etc. Carjacking is a Robbery offense in which a motor vehicle is taken through force or threat of force. In such case, following the Hierarchy Rule, report only a Robbery, not a Motor Vehicle Theft. Robberies in which only personal weapons, such as hands, arms, fists, feet and teeth, are used or threatened to be used may be referred to as "strong-arms" or "muggings."

The UCR considers a weapon to be a commonly known weapon (a gun, knife, club, etc.) or any other item that, although not usually thought of as a weapon, becomes one in the commission of a crime. Robbery also includes crimes involving pretend weapons or those in which the weapon is not seen by the victim, but the robber claims to possess one.

Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Count one offense per victim. However, if a number of persons are involved in a dispute or disturbance, and the aggressors cannot be distinguished from the victims, count the number of persons assaulted as the number of offenses.

Included as Aggravated Assaults:

- Assaults or attempts to kill or Murder
- Poisoning (including the use of date rape drugs)
- Assault with a dangerous or deadly weapon
- Maiming
- Mayhem
- Assault with explosives
- Assault with disease (as in cases when the offender is aware that he or she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.)

Count all assaults by one person upon another with the intent to kill, maim or inflict severe bodily injury with the use of any dangerous weapon. It is not necessary that injury result from an Aggravated Assault when a gun, knife or other weapon that could cause serious personal injury is used. Also count attacks using personal weapons, such as hands, arms, feet, fists and teeth that result in serious or aggravated injury. In making determinations about whether or not an assault that is carried out using a body part such as hands and feet is aggravated, the institution must consider not only the intent of the attacker but also the extent of the injuries. If an attack results in broken bones, a loss of consciousness or significant blood loss, or requires medical treatment or hospitalization, such as stitches or casting (regardless of whether or not the victim accepts such assistance), the incident must be classified as an Aggravated Assault.

As stated earlier, the UCR considers a weapon to be a commonly known weapon (a gun, knife, club, etc.) or any other item that, although not usually thought of as a weapon, becomes one in the commission of a crime. For example, if an individual intentionally drives a car into another occupied car, classify the incident as an Aggravated Assault because, regardless of the extent of injury

sustained by the victim, the car was used as a weapon. If the victim dies, however, classify the death as Murder and Non-negligent Manslaughter.

The use of drugs to subdue a victim, such as the use of date rape drugs, should be counted as Aggravated Assault because it can be assumed that the intent was to inflict aggravated bodily harm. However, if the use of the drugs results in Rape or Murder within the same incident, follow the Hierarchy Rule, and count the more serious offenses.

Assault cases might be categorized as assault and battery, disorderly conduct, domestic violence or simple assault by some local jurisdictions, even though a knife, gun or other weapon was used in the incident. These should be classified as Aggravated Assault for Clery Act reporting purposes.

Burglary is the unlawful entry of a structure to commit a felony or a theft. Count one offense per each distinct operation. It is imperative that institutions carefully evaluate the operative facts of each reported incident to determine if it fits into any subpart of this definition.

Classify as Burglary:

- Offenses that are classified by local law enforcement agencies as Burglary (any degree); unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses.
- Forcible Entry: All offenses where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony. This rule applies when a thief gains entry by using tools; breaking windows; forcing windows, doors, transoms or ventilators; cutting screens, walls or roofs; and where known, using master keys, picks, unauthorized keys, celluloid, a mechanical contrivance of any kind (e.g., a passkey or skeleton key) or other devices that leave no outward mark but are used to force a lock. This includes Burglary by concealment inside a building followed by exiting the structure.
- Unlawful Entry–No Force: The entry of a structure in this situation is achieved by use of an unlocked door or window. The element of trespass to the structure is essential in this category. In this context, it is important to note that a “breaking” occurs when a perpetrator crosses the threshold of a boundary that results in a trespass. As such it is possible for a burglar to “break” an open doorway or window. There is no requirement that entry be forced in any way or that damage to a door, window or frame be evident.
- Attempted Forcible Entry: A situation where a forcible entry into a locked structure is attempted but not completed. An attempt to commit the crime of Burglary must be evaluated in context based on all available information. Such incidents must not be classified merely as “suspicious activity” or “vandalism” where the totality of facts indicates that a Burglary was in fact attempted. Possible indicators of an attempted Burglary may include, but are not limited to, damage to a door or window, the presence of Burglary tools, a recurring or similar modus operandi or “signature” that ties an incident to other similar offenses (sometimes referred to as “common plan and scheme”), and/or proximity in time and place to a pattern of other similar crimes.

An incident must meet three conditions to be classified as a Burglary. There must be evidence of unlawful entry (trespass). This means that the person did not have the right to be in the structure at the time the incident occurred. The unlawful entry must occur within a structure, which is defined as

having four walls, a roof, and a door. The structure was unlawfully entered to commit a felony or a theft. If the intent was not to commit a felony or a theft, the incident is not a Burglary.

Motor Vehicle Theft is the theft or attempted theft of a motor vehicle. Count one offense for each stolen vehicle.

Classify as Motor Vehicle Theft:

- Theft of any self-propelled vehicle that runs on land surface and not on rails, such as sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts and motorized wheelchairs.
- All incidents where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned. Include joyriding in this category. If a vehicle is stolen in conjunction with another offense, classify the crime using the procedures for classifying multiple offenses.

Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. Count one offense for each distinct incident of Arson occurring on Clery Act geography.

Classify as Arson:

- Only fires determined to have been willfully or maliciously set
- Attempts to burn
- Any fire that investigation determines to meet the UCR definition of Arson regardless of the value of any property damage
- Incidents where an individual willfully or maliciously burns his or her own property

The Clery Act requires institutions to disclose all Arsons that occur on their Clery Act geography. This includes seemingly minor fires such as burning wastebaskets or bulletin boards, regardless of whether they are discovered while burning or after being extinguished. All of the evidence for any fire not known to be accidental (such as a cooking fire) must be considered by the institutional official designated to make such determinations.

The Hierarchy Rule

When counting multiple offenses, the College must use the FBI's UCR Hierarchy Rule. Under this rule, when more than one Criminal Offense was committed during a single incident you should only count the most serious offense. A single incident means that the offenses were committed at the same time and place. That is, the time interval between the offenses and the distance between the locations where they occurred were insignificant. Beginning with the most serious offense, the following list shows the hierarchy for Clery Act reporting:

- Murder and Non-negligent Manslaughter
- Manslaughter by Negligence
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary

- Motor Vehicle Theft

There are exceptions to using the Hierarchy Rule when counting offenses. They apply to Arson, Sexual Assaults, Hate Crimes and VAWA Offenses.

The rules for counting Arson are:

- Always count Arson regardless of the nature of any other offenses that were committed during the same incident.
- When multiple offenses are committed during the same distinct operation as the Arson offense, report the most serious offense along with the Arson.
- Include incidents in which persons are killed as a direct result of Arson as Murder and Non-negligent Manslaughter and Arson or Manslaughter by Negligence and Arson.

The rules for counting Sexual Assaults are:

- If Rape, Fondling, Incest or Statutory Rape occurs in the same incident as Murder, count both the sexual assault and the Murder.
- Fondling is recognized as an element of the other Sexual Assaults. Include a Sexual Assault as Fondling only if it is the only Sexual Assault. If Fondling occurs in the same incident as Murder, count both the Fondling and the Murder.

<u>Hate Crimes</u>

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported:

- Race- A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- Religion- A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- Sexual Orientation- A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- Gender- A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- Gender Identity. A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- Ethnicity- A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that

stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

- National Origin- A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- Disability- A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias.

- Murder and Non-negligent Manslaughter
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

The first seven offenses are defined and discussed in the Criminal Offenses section. In addition to those offenses, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in the Clery Act statistics only if they are Hate Crimes.

<u>Larceny-Theft</u> is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

Classify as Larceny:

- Thefts of bicycles or automobile accessories
- Shoplifting
- Pocket-picking
- The stealing of any property or article that is not taken by force and violence or by fraud
- Any of the above regardless of the value of the item or items taken (For example, include the unlawful taking of a parking sticker that is peeled off a car windshield.)
- Attempted larcenies

<u>Simple Assault</u> is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury

involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Include all assaults that do not involve the use of a firearm, knife, cutting instrument or other dangerous weapon, and in which the victim did not sustain serious or aggravated injuries.

Intimidation is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

A person is assumed to be placed in "reasonable fear" if he or she reports threatening words or other conduct to law enforcement personnel. To be the victim of Intimidation, one doesn't have to be the intended target of the offender. For example, a person who reports seeing anti-gay threats on a bathroom wall to law enforcement is considered a victim. (For the Intimidation to be considered a Hate Crime there would have to be other supporting evidence of bias as well.) Include in this category cyber-intimidation if the victim is threatened via electronic means while on your Clery Act geography.

Destruction/Damage/Vandalism of Property is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Classify as Destruction/Damage/Vandalism of Property a wide range of malicious behavior directed at property, such as:

- Cutting auto tires
- Drawing obscene pictures on restroom walls
- Smashing windows
- Destroying school records
- Defacing library books

Classifying a crime as a Hate Crime is sometimes difficult. The following information was adapted from the FBI's Hate Crime Data Collection Guidelines and Training Manual. Before an incident can be classified as a Hate Crime, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias. While no single fact may be conclusive, facts such as the following, particularly when combined, are supportive of a finding of bias:

- The offender and the victim were of a different race, religion, disability, sexual orientation, ethnicity, national origin, gender or gender identity. For example, the victim was African American and the offender was white.
- Bias-related oral comments, written statements or gestures were made by the offender or that indicate the offender's bias. For example, the offender shouted a racial epithet at the victim.
- Bias-related drawings, markings, symbols or graffiti were left at the crime scene. For example, a swastika was painted on the door of a synagogue, anti-Islamic statements on the wall of a mosque, or anti-gay graffiti on the door of an LGBTQ center.

- Certain objects, items or things which indicate bias were used. For example, the offenders taped a photo of a burning cross to the door of an African American student's dorm room.
- The victim is a member of a racial, religious, disability, sexual orientation, ethnicity, national origin, gender or gender identity group that is overwhelmingly outnumbered by other residents in the student housing facility where the victim lives and the incident took place. This factor loses significance with the passage of time (i.e., it is most significant when the victim first moved into the facility, and becomes less and less significant as time passes without incident).
- Several incidents occurred in the same location at or about the same time, and the victims were all of the same race, religion, disability, sexual orientation, ethnicity, national origin, gender or gender identity.
- A substantial portion of the campus community where the crime occurred perceived that the incident was motivated by bias.
- The victim was engaged in activities related to his or her race, religion, disability, sexual orientation, ethnicity, national origin, gender or gender identity. For example, the victim was a member of the National Association for the Advancement of Colored People (NAACP) or participated in an LGBTQ Pride celebration.
- The incident coincided with a holiday or a date of particular significance relating to a race, religion, disability, sexual orientation, ethnicity, national origin, gender or gender identity, e.g., Martin Luther King Day, Rosh Hashanah or the Transgender Day of Remembrance.
- The offender was previously involved in a similar Hate Crime or is a hate group member.
- There were indications that a hate group was involved. For example, a hate group claimed responsibility for the crime or was active on the campus.
- A historically established animosity existed between the victim's and the offender's groups.
- The victim, although not a member of the targeted racial, religious, disability, sexual-orientation, ethnic, national origin, gender or gender identity group, was a member of an advocacy group supporting the precepts of the victim group.

Additional considerations in determining whether an incident is a Hate Crime:

- Need for a case-by-case assessment of the facts. The aforementioned factors are not all-inclusive of the types of objective facts that evidence bias motivation. Therefore, examine each case for facts that clearly provide evidence that the offender's bias motivated him or her to commit the crime.
- Misleading facts. Be alert to misleading facts. For example, the offender used an epithet to refer to the victim's race, but the offender and victim were of the same race.
- Feigned facts. Be alert to evidence left by the offenders that is meant to give the false impression that the incident was motivated by bias. For example, students of a religious school vandalize their own school, leaving anti-religious statements and symbols on its walls in the hope that they will be excused from attending class.
- Offender's mistaken perception. Even if the offender was mistaken about the victim's race, religion, disability, sexual-orientation, ethnicity, national origin, gender or gender identity, the offense is still a Hate Crime as long as the offender was motivated by bias against that group. For example, a non-gay student leaving a publicized LGBTQ meeting in a noncampus fraternity house is followed back to campus and attacked behind a dorm by six teenagers who mistakenly believed the victim is gay. Although the offenders were mistaken, the offense is a Hate Crime because it was motivated by the offenders' anti-gay bias.

Remember, it is the perception of the offender, not the perception of the victim that determines whether a crime is classified as a Hate Crime. Also, knowing that an offender is prejudiced is not enough to classify a crime as a Hate Crime. There must be evidence that the offender was motivated by that prejudice to commit the crime.

Rules for Counting Hate Crimes

Hate Crimes are counted in the same manner that the offenses are when they are not Hate Crimes except that the Hierarchy Rule does not apply to Hate Crimes. This means that:

- The College must count all of the offenses committed in a multiple offense incident that are bias-motivated. For example, there is a single reported incident involving an Aggravated Assault and a Motor Vehicle Theft that were both motivated by bias. Include the incident in the statistics for both crimes.
- In reporting the number of Hate Crimes, the College must include only the crimes that are bias-motivated as Hate Crimes in a multiple-offense incident. For example, three armed men commit a Robbery on the porch of a fraternity house. Two of the offenders go inside the house intending to rob more students. One of them spots a Hispanic woman, grabs her, and rapes her. The two offenders were later arrested and the investigation showed that although the Robbery was not bias-motivated, the Rape was. Include only the Sexual Assault as a Hate Crime.
- For any Criminal Offense that is also a Hate Crime, the statistics should indicate the offense and also the offense with the category of bias. For example, if an Aggravated Assault is a Hate Crime, include one Aggravated Assault in the statistics in the Criminal Offenses category and one Aggravated Assault motivated by (category of bias) in the Hate Crime category.
- The exception is when the Aggravated Assault is not included in the Criminal Offenses category because of the hierarchy rule. For example, for a single incident involving both a Rape and an Aggravated Assault that were both Hate Crimes, include only the Rape in the Criminal Offenses category and both the Rape and the Aggravated Assault in the Hate Crimes category.

VAWA Offenses

These are Dating Violence, Domestic Violence, Sexual Assault and Stalking. Sexual assault is included by the FBI as a Criminal Offense. Domestic Violence, Dating Violence and Stalking are considered crimes for the purposes of Clery Act reporting and are defined and discussed in this section.

Dating Violence, defined as:

Violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant'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 purposes 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.

Domestic Violence, defined as:
A pattern of behavior involving the use or attempted use of physical, sexual, verbal, psychological, economic, or technological abuse, or any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, by a person who is:
• a current or former spouse or dating partner of the Complainant or other person similarly situated to a spouse of the victim, or
• a person with whom the Complainant shares a child in common, or
• a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or dating partner, or
• an adult family member of, or paid or unpaid caregiver in an ongoing relationship of trust with, a complainant aged 50 or older or an adult complainant with disabilities, or
• a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Pennsylvania, or
• any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania

Stalking, defined as:
Engaging in a course of conduct, on the basis of sex, 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.
For the purposes of this definition,
• course of conduct means two or more acts including, but not limited to,
• acts in which the Respondent 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.
• Reasonable person means a reasonable person under similar circumstances
• and with similar identities to the Complainant.
• Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Record each report of Stalking as occurring at only the first location within the institution's Clery Act geography in which either the perpetrator engaged in the Stalking course of conduct or the victim first became aware of the Stalking. It is not necessary for all activities in the course of conduct to occur on Clery Act geography in order to count the incident. A Stalking incident in which only one or some of the activities took place on Clery Act geography must be included in the reported statistics.

A single course of conduct may include varying Stalking activities and may include acts committed over electronic communication (e.g., emails, texts or social media).

When recording reports of Stalking that include activities in more than one calendar year, an institution must record a crime statistic for each and every year in which the course of conduct is reported to a local police agency or to a campus security authority.

The College is not required to follow up with victims each year to determine whether the behavior has continued. If the institution learns that the behavior has continued into another calendar year,

the institution must record the behavior as a new report of Stalking in that year. Otherwise, institutions must record only reports that they receive in each year.

If Stalking occurs on more than one institution's Clery Act geography and is reported to a campus security authority at each institution, both institutions must include the Stalking in their statistics.

Rules for Counting VAWA Offenses

The Hierarchy Rule does not apply to VAWA Offenses. Therefore, for any Criminal Offense, Hate Crime, or arrest for Weapons, Drug or Liquor Law Violations that is also a VAWA Offense, your statistics must reflect the original offense and the VAWA Offense. For example, if an Aggravated Assault is also Domestic Violence, include the incident as one Aggravated Assault in the Criminal Offenses category and as an incident of Domestic Violence in the VAWA Offenses category.

Arrests and Disciplinary Referrals for Violation of Weapons, Drug Abuse and Liquor Laws

The number of arrests and the number of persons referred for disciplinary action for the following law violations:

- Weapons: Carrying, Possessing, Etc.;
- Drug Abuse Violations; and
- Liquor Law Violations

The College must report statistics for violations of the law that occur on Clery Act geography and result in arrests or persons being referred for disciplinary action. Do not include violations of your institution's policies that resulted in persons being referred for disciplinary action if there was no violation of the law. If an individual is both arrested and is referred for disciplinary action for an offense, include only the arrest.

If an individual is both arrested and referred for disciplinary action for an offense, include only the arrest in the statistics.

Note that arrests and referrals for these law violations are not covered by the Hierarchy Rule used to count Criminal Offenses. Therefore, count arrests for Weapons, Drug Abuse and Liquor Law Violations in addition to the most serious Criminal Offense when occurring in a single incident. For example, if an Aggravated Assault is committed with the use of a firearm in violation of a weapons law, count both the Aggravated Assault and the arrest or referral for the Weapons Law Violation.

Arrest for Clery Act purposes is defined as persons processed by arrest, citation or summons.

Classify as arrests:

- Those persons arrested and released without a formal charge being placed against them. An arrest has occurred when a law enforcement officer detains an adult with the intention of seeking charges against the individual for a specific offense(s) and a record is made of the detention.
- Juveniles taken into custody or arrested but merely warned and released without being charged. A juvenile should be counted as "arrested" when the circumstances are such that if the individual were an adult, an arrest would have been counted.

- Any situation where a young person, in lieu of actual arrest, is summoned, cited or notified to appear before the juvenile or youth court, or similar official for a violation of the law.
- Only violations by young persons when some police or official action is taken beyond a mere interview, warning or admonishment

Rules for Counting Arrests for Weapons: Carrying, Possessing, Etc., Drug Abuse Violations; and Liquor Law Violations

- Count the number of arrests for Weapons: Carrying, Possessing, Etc., the number of arrests for Drug Abuse Violations and the number of arrests for Liquor Law Violations.
- If a single incident involving a Liquor Law Violation resulted in the arrest of 10 students, count this as 10 arrests.
- If the same person is arrested for multiple incidents in the same calendar year (e.g., one arrest in February and one arrest in March), count this as two arrests. Count this as two arrests even when both arrests are for the same type of violation (e.g., both were Drug Abuse Violations).
- If an individual is arrested for one type of law violation and referred for disciplinary action for a different type of law violation during a single incident (e.g., arrested for a Drug Abuse Violation and referred for a Liquor Law Violation), count only the arrest.
- If a person is both arrested and referred for disciplinary action for a single incident involving a law violation (e.g., a Drug Abuse Violation), count only the arrest.
- If a person is arrested for multiple violations during a single incident (e.g., violations of both drug abuse and liquor laws), law enforcement or security officer discretion should be used to determine which violation to count. We recommend that you document the justification for this determination. Officer discretion is allowed only for Weapons, Drug Abuse and Liquor Law Violation arrests resulting from a single incident.

Do not combine statistics for arrests and persons referred for disciplinary action.

Documentation of the arrest must be maintained for purposes of Clery Act compliance for three years from the latest publication of the annual security report to which they apply, even if the record is expunged by the court.

Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

The disciplinary process at the institution might be called “disciplinary action,” “mediation,” “judicial process” or some other term. The referral may, but doesn’t have to, originate with the police. If the process involves the following three criteria, it’s a disciplinary action under the Clery Act:

- The official receiving the referral must initiate a disciplinary action,
- A record of the action must be established, and
- The action may, but does not have to, result in a sanction.

Note that a disciplinary action can be initiated in an informal as well as a formal manner. It can include an interview or an initial review of names submitted to an official. Sanctions can also be

formal or informal, punitive or educational. For example, requiring completion of a "Dangers of Alcohol" education seminar in lieu of an arrest for underage alcohol possession must be included as one referral for disciplinary action for a Liquor Law Violation.

Documentation of the referral must be maintained for purposes of Clery Act compliance for three years from the latest publication of the annual security report to which they apply.

Rules for Counting Referrals for Disciplinary Action for Weapons: Carrying, Possessing, Etc., Drug Abuse Violations; and Liquor Law Violations

- Count the number of persons who were referred for Weapons: Carrying, Possessing, Etc., the number referred for Drug Abuse Violations and the number referred for Liquor Law Violations.
- Do not count the number of persons who were referred for disciplinary action solely for violation of institutional policy. Only count the number of persons referred for violations of the law.
- If a person is referred for disciplinary action for multiple incidents in the same calendar year (e.g., one referral in February and one referral in March), count this as two referrals for disciplinary action. It is counted as two referrals even if both referrals are for the same type of violation (e.g., both were Drug Abuse Violations).
- If an individual is arrested for one type of law violation and referred for disciplinary action for a different type of law violation during a single incident (e.g., arrested for a Drug Abuse Violation and referred for a Liquor Law Violation), count only the arrest.
- If a person is referred for disciplinary action for multiple violations during a single incident (e.g., violations of both drug abuse and liquor laws), law enforcement or security officer discretion should be used to determine which violation to count. We recommend that you document justification for this determination. Officer discretion is allowed only for Weapons, Drug Abuse and Liquor Law Violation referrals resulting from a single incident.
- If a person is issued a civil citation for a law violation (e.g., in lieu of an arrest) do not count as an arrest. If the person is also referred for disciplinary action for the same violation, count the disciplinary referral.

How to Classify the Law Violations

Weapons: Carrying, Possessing, Etc., is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Classify as a Weapons: Carrying, Possessing, Etc., Violation:

- Manufacture, sale, or possession of deadly weapons.
- Carrying deadly weapons, concealed or openly.
- Using, manufacturing, etc., of silencers.
- Furnishing deadly weapons to minors.
- Aliens possessing deadly weapons.
- Attempts to commit any of the above.

This type of violation is not limited to "deadly" weapons; it also applies to weapons used in a deadly manner. For example, if there is a local or state law prohibiting the possession of brass knuckles, and an individual is arrested for possessing them on your Clery Act geography, the arrest must be included in your Clery Act statistics.

Drug Abuse Violations are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Classify as a Drug Abuse Violation:

- All drugs, without exception, that are illegal under local or state law where your institution is located. This means that if you have campuses in different states, the laws may differ for each of them.
- All illegally obtained prescription drugs

Liquor Law Violations are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Classify as a Liquor Law Violation:

- The manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor
- Maintaining unlawful drinking places
- Bootlegging
- Operating a still
- Furnishing liquor to a minor or intemperate person
- Underage possession
- Using a vehicle for illegal transportation of liquor
- Drinking on a train or public conveyance
- Attempts to commit any of the above

Beginning with the reports due in 2015, institutions have been required to include in the Web-based survey and the annual security report statistics for the total number of crime reports that were ''unfounded'' and subsequently withheld from crime statistics during each of the three most recent calendar years.

For Clery Act purposes, the standard for unfounding a reported crime is very high. You may classify a crime as unfounded only after a full investigation by sworn or commissioned law enforcement personnel. A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. Crime

reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner. Crime reports can be determined to be baseless only if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place. A reported crime cannot be designated ''unfounded'' if no investigation was conducted or the investigation was not completed. Nor can a crime report be designated unfounded merely because the investigation failed to prove that the crime occurred; this would be an inconclusive or unsubstantiated investigation. As such, for Clery Act purposes, the determination to unfound a crime can be made only when the totality of available information specifically indicates that the report was false or baseless.

The recovery of stolen property or the low valuation of stolen property is not adequate grounds for unfounding a reported Robbery, Burglary, or Larceny-Theft. Similarly, with regard to sex offenses, subsequent acts or inactions on the part of a victim, a witness, or a third party are not an independent ground for unfounding a reported crime. A reported crime may not be unfounded solely because a victim or witness fails to follow an institution's rules for filing a complaint or is unwilling to provide additional information or evidence, or to otherwise assist in an investigation or prosecution. Moreover, a crime may not be unfounded simply because a complainant agrees to execute a "Declination to Prosecute" form or because a prosecutor subsequently decides not to pursue criminal charges. The mere lack of sufficient evidence to make an arrest is not adequate grounds to unfound a crime report either.

Finally, determinations by a coroner, court or jury may not be used to unfound reports of offenses or attempts. A verdict that a particular defendant is not guilty of a particular charge (or, more technically, that there was not sufficient admissible evidence introduced demonstrating beyond a reasonable doubt that the accused committed the crime) does not mean that the crime did not occur. The inclusion of a reported crime in the Clery Act statistics is not based on the identity of a specific perpetrator.

Aid for Counting Unfounded Crimes

To count a crime as unfounded for Clery Act purposes, the reported crime must have been

- a Clery Act crime;
- reported to have occurred on Clery Act geography;
- thoroughly investigated by sworn or commissioned law enforcement personnel; and
- found through investigation to be false or baseless, meaning that the crime did not occur and was never attempted.

If a crime is unfounded, it should not be included in the Clery Act statistics for the associated crime category, and should be removed from any previously reported statistics for that crime category. The unfounded crime should be included in the total count of unfounded crimes for the year in which the crime was originally reported. Consistent with other recordkeeping requirements that pertain to the Title IV, HEA programs, if a crime was not included in the Clery Act statistics for the associated crime category because it was unfounded, the College must maintain accurate documentation of the reported crime and the basis for unfounding the crime. This documentation must demonstrate that the determination to unfound the crime was based on the results of the law enforcement investigation and evidence.

In addition, institutions that have a campus security department must include all reported crimes in their crime log. The crime log must include the nature, date, time and general location of each crime, as well as the disposition of the complaint. If a crime report is determined to be unfounded, The College must update the disposition of the complaint to unfounded in the crime log within two business days of that determination. It may not be deleted from the crime log.

If the College discloses a crime statistic and the crime is unfounded in a subsequent year, the College should revise its statistics and use a caveat to note that the change in a prior year's statistics reflects the unfounding of a crime.

PENN HIGHLANDS COMMUNITY COLLEGE CRIME STATISTICS

The Office of Security collects all statistics for reported crimes on the College's Clery geography from Campus Security Authorities (CSA), local and state law enforcement, the incident reporting system, the daily crime log and reports made to security. The following encompasses the total reportable crimes for the last three years for each Penn Highlands location. The College opened the Bellefonte Campus (Centre County) and the Culinary Center in 2024.

2022	**Richland Campus**		**Ebensburg Center**	**Huntingdon Center**	**Somerset Center**	**Blair Center**	**Central Park**
Criminal Offences	On Campus	Public Property	On Campus	On Campus	On Campus	On Campus	On Campus
Murder/Non-Negligent	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0
Forcible Sex Offenses	0	0	0	0	0	0	0
Non-Forcible Sex Offenses	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0
Hate Crimes							
Murder/Non-Negligent	0	0	0	0	0	0	0
Forcible Sex Offenses	0	0	0	0	0	0	0
Non-Forcible Sex Offenses	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0
Arrests/Discipline Referral							
Weapons	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0
V.A.W.A. Crimes							
Domestic Violence	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0
Sexual Assault	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0

2023	**Richland Campus**		**Ebensburg Center**	**Somerset Center**	**Somerset Center**	**Blair Center**		
Criminal Offences	On Campus	Public Property	On Campus	Public Property	On Campus	On Campus		
Murder/Non-Negligent	0	0	0	0	0	0		
Negligent Manslaughter	0	0	0	0	0	0		
Forcible Sex Offenses	0	0	0	0	0	0		
Non-Forcible Sex Offenses	0	0	0	0	0	0		
Robbery	0	0	0	0	0	0		
Aggravated Assault	0	0	0	0	0	0		
Burglary	0	0	0	0	0	0		
Motor Vehicle Theft	0	0	0	0	0	0		
Arson	0	0	0	0	0	0		
Hate Crimes								
Murder/Non-Negligent	0	0	0	0	0	0		
Forcible Sex Offenses	0	0	0	0	0	0		
Non-Forcible Sex Offenses	0	0	0		0	0		
Robbery	0	0	0	0	0	0		
Aggravated Assault	0	0	0	0	0	0		
Burglary	0	0	0	0	0	0		
Motor Vehicle Theft	0	0	0	0	0	0		
Arson	0	0	0	0	0	0		
Larceny/Theft	0	0	0	0	0	0		
Simple Assault	0	0	0	0	0	0		
Intimidation	0	0	0	0	0	0		
Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0		
Arrests/Discipline Referral								
Weapons	0	0	0	0	0	0		
Drug Abuse Violations	0	0	0	0	0	0		
Liquor Law Violations	0	0	0	0	0	0		
V.A.W.A. Crimes								
Domestic Violence	0	0	0	0	0	0		
Dating Violence	0	0	0	0	0	0		
Sexual Assault	0	0	0	0	0	0		
Stalking	0	0	0	0	0	0		

2024	**Richland Campus**		**Ebensburg Center**	**Somerset Center**	**Somerset Center**	**Blair Center**	**Centre County**	**Culinary**	**Culinary**
Criminal Offences	On Campus	Public Property	On Campus	Public Property	On Campus	On Campus	On Campus	On Campus	Public Property
Murder/Non-Negligent	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses	0	0	0	0	0	0	0	0	0
Non-Forcible Sex Offenses	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hate Crimes									
Murder/Non-Negligent	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses	0	0	0	0	0	0	0	0	0
Non-Forcible Sex Offenses	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/ Vandalism of Property	0	0	0	0	0	0	0	0	0
Arrests/Discipline Referral									
Weapons	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
V.A.W.A. Crimes									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Sexual Assault	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Section 4: Collecting Statistics: Authorities and Law Enforcement Agencies

The Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that are considered to be "campus security authorities" under the law.

Under the Clery Act, a crime is "reported" when it is brought to the attention of a campus security authority, the institution's campus safety office, or local law enforcement personnel by a victim, witness, other third party or even the offender. It doesn't matter whether or not the individuals involved in the crime, or reporting the crime, are associated with the institution. If a campus security authority receives a report, he or she must include it as a crime report using whatever procedure has been specified by the institution.

The College must include statistics based on reports of alleged criminal incidents. It is not necessary for the crime to have been investigated by the police or a campus security authority, nor must a finding of guilt or responsibility be made to include the reported crime in an institution's crime statistics.

"Campus security authority" is a Clery Act-specific term that encompasses groups of individuals and organizations associated with an institution.

- A campus security department, including all individuals who work for that department, are campus security authorities.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. If the College directs the campus community to report criminal incidents to anyone or any organization in addition to police or security-related personnel, that individual or organization is a campus security authority.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

To determine specifically which individuals or organizations are campus security authorities consider the function of that individual or office. Officials (i.e., not support staff) whose functions involve relationships with students. If someone has significant responsibility for student and campus activities, he or she is a campus security authority. Examples of individuals (outside of a police or security department) who generally meet the criteria for being campus security authorities include:

- anyone who oversees student extracurricular activities
- a director of athletics
- all athletic coaches
- a Title IX coordinator
- the director of a counseling center

The function of a campus security authority is to report to the official or office designated by the institution to collect crime report information, such as the campus security department, those allegations of Clery Act crimes that he or she receives. CSAs are responsible for reporting allegations of Clery Act crimes that are reported to them in their capacity as a CSA. This means that CSAs are not responsible for investigating or reporting incidents that they overhear students talking about in a hallway conversation; that a classmate or student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of group presentation; or that the CSA otherwise learns about in an indirect manner.

Exemption for Pastoral and Professional Counselors

There are two types of individuals who, although they may have significant responsibility for student and campus activities, are not campus security authorities under the Clery Act:

- Pastoral counselor: A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- Professional counselor: A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

The pastoral or professional counselor exemption is intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes they may learn about. This exemption is intended to protect the counselor-client relationship. However, even the legally recognized privileges acknowledge some exemptions, and there may be situations in which counselors are in fact under a legal obligation to report a crime.

To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors.

CSAs are required to forward all crime reports to campus security and keep documentation of all crime reports.

PENN HIGHLANDS CSAs

An email is sent annually to all employees that are considered CSAs based on the Clery requirements. Attached to that email is the CSA information copied directly from the 2016 Clery Handbook. The information provided identifies them as individuals with significant responsibility for student and campus activities. They are aware that alleged Clery crimes reported to them must then be reported to the Security Office for inclusion in the Clery reporting process.

Requesting Statistics from Local Law Enforcement Agencies

In addition to collecting crime reports from campus security authorities, the Clery Act requires that every institution make a "reasonable, good-faith effort" to obtain Clery Act crime statistics from all local law enforcement agencies that have jurisdiction over the school's Clery Act geography. Local law enforcement refers to outside law enforcement agencies or departments with jurisdiction over some or all of the College's Clery Act geography.

The College must ask for law enforcement statistics for Clery Act crimes that occurred on any area included in the institution's Clery Act geography: on campus, public property and non-campus locations, if any. The College must make the request annually.

Good-Faith Effort

The Clery Act doesn't require local law enforcement agencies to provide institutions with crime statistics. If the College makes a reasonable, good-faith effort to obtain the statistics, the institution is not responsible for the failure of the local or state police agency to supply them. The law states that an institution "may rely on the information supplied" by a local or state police agency. The phrase "may rely on" means that an institution is not required to verify the accuracy of the statistics that are provided; however, the College is required to ensure that the statistics received cover the Clery Act geography and no other areas.

PENN HIGHLANDS REQUEST FOR CRIME STATISTICS

The Director of Security makes a formal written request every year to all law enforcement agencies that have jurisdiction surrounding the College's Clery Geography.

Section 5: The Daily Crime Log

Any institution, regardless of whether it's public or private, that has a security department, must create, maintain and make available a daily crime log. The purpose of the daily crime log is to record all criminal incidents and alleged criminal incidents that are reported to the campus security department. The crime log differs from other disclosure requirements in some important ways:

- Crime log entries include all crimes reported to the campus security department for the required geographic locations, not just Clery Act crimes.
- The crime log includes specific information about criminal incidents, not crime statistics.
- The log is designed to provide crime information on a timelier basis than the annual statistical disclosures. A crime must be entered into the log within two business days of when it was reported to the campus security department. This includes crimes that are reported directly to the campus security department, as well as crimes that are initially reported to another campus security authority or to a local law enforcement agency, which subsequently reports them to the campus security department.
- The UCR Hierarchy Rule does not apply to the crime log. If multiple Criminal Offenses are committed during a single incident, all of the offenses must be recorded in the log.
- The log has a more specific location focus than the statistical disclosures.
- There is an additional geographic location that applies exclusively to the crime log. In addition to recording reported crimes that occurred on campus, in or on non-campus buildings or property or on public property within the campus or immediately adjacent to and accessible from the campus, reports of crimes that occurred within the patrol jurisdiction of the campus security department must also be entered into the crime log.

<u>Required Crime Log Elements</u>

The law requires a written log that can be easily understood. It also mandates specific categories of information that must be included. If any category is omitted, the institution is not in compliance with the crime log requirement. The daily crime log is not intended to be a general, catch-all incident log. Required information includes:

- The date the crime was reported
- The date and time the crime occurred
- The nature of the crime
- The general location of the crime
- The disposition of the complaint

An entry, an addition to an entry or a change in the disposition of a complaint must be recorded within two business days of the reporting of the information to the campus security department.

Making The Log Available

The log must be accessible on-site. If a College has additional campus locations a log must be available at, or accessible from, that campus as well.

The log may be either hard copy or electronic. Students and employees must know that the log is available, what it contains and where it is. A notice may be posted on the website, in the security office, in the student and employee handbooks or anywhere else it's likely to be seen.

The crime log for the most recent 60-day period must be open to public inspection, free of charge, upon request, during normal business hours. Anyone may have access to the log, whether or not they are associated with the institution. This includes the media. Make any portion of the log that is older than 60 days available within two business days of a request for public inspection.

PENN HIGHLANDS DAILY CRIME LOG

The Security Office maintains the Daily Crime Log in compliance with all stated Clery requirements. The log contains all required elements and is available on the Security and Safety tab located on the myPEAK website. An annual email notifies students and employees that the log is available, what it contains and where it can be viewed.

Section 6: Emergency Response Procedures

The Clery Act requires every Title IV institution, without exception, to have and disclose emergency response and evacuation procedures that would be used in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

The emergency response and evacuation requirements are intended to ensure that the institution has sufficiently prepared for an emergency situation on campus, that they are testing these procedures to identify and improve any weaknesses and that they have considered how they will inform the campus community and other individuals, such as parents and guardians, in the event of an emergency. In other words, they must have an emergency plan, test it, evaluate it and publicize it.

The Clery Act requires the College to include a statement of policy regarding the emergency response and evacuation procedures in the annual security report along with other security-related policy statements. In developing and disclosing procedures, address the who, what, when, and how elements. For example, explain who makes decisions and initiates procedures, the procedure for reporting an emergency, when information is released, how information is provided, etc. There is no prescribed manner in which to present the information as long as it's accurate, complete and understandable.

When is an emergency notification necessary?

Under the Clery Act, every institution is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. An "immediate" threat as used here includes an imminent or impending threat, such as an approaching forest fire, or a fire currently raging in one of the College's buildings.

Some other examples of significant emergencies or dangerous situations are:

- outbreak of meningitis, norovirus or other serious illness;
- approaching tornado, hurricane or other extreme weather conditions;
- earthquake
- gas leak
- terrorist incident
- armed intruder
- bomb threat
- civil unrest or rioting
- explosion; and
- nearby chemical or hazardous waste spill

Examples of situations that would not necessitate an emergency notification under the Clery Act:

- Power outage
- Snow closure
- String of larcenies

The emergency response and evacuation procedures statement must include the items below.

- The procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

Inherent in this requirement is a statement that the institution will immediately notify the campus community upon confirmation of an emergency or dangerous situation. Confirmation means that an institution official (or officials) has verified that a legitimate emergency or dangerous situation exists.

Make a complete disclosure of whatever methods will be used (or will potentially be used depending on the situation): a public address system, text messaging, e-mail messaging, electronic signboards, emergency phone lines, phone trees, bulletins posted on building entrances and exits, etc. If any of the emergency notification services require the campus community to sign up, include specific information on how to do this. Institutions must ensure that notifications and warnings can be transmitted quickly to all students and employees. Therefore, an institution would not be able to rely solely on a text messaging system if all members of the campus community are not required to participate in that system. Similarly, relying on an e-mail would not be adequate for institutions that do not establish an e-mail account for all students and employees, or require each member of the campus community to register an e-mail address with the institution.

- A description of the process the institution will use to confirm that there is a significant emergency or dangerous situation as described above

Describe the process the school will use. For example, is the director of the school solely responsible for confirming an emergency, or are there multi-layers of information gathering? If there are multiple people or offices involved, what is the relationship among them? Does the College rely on outside resources for certain types of emergencies or for all emergencies? How is this process coordinated?

Describe how to make the decision to notify or not notify specific segments of the campus community. For example, state that the entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation, or when a situation threatens the operation of the campus as a whole. Also indicate that there will be a continuing assessment of the situation and that additional segments of the campus community may be notified if a situation warrants such action.

Describe how the institution will determine what information will be contained in a notification.

Describe how the institution initiates notifying the campus community that there's an emergency or dangerous situation. For example, does the institution have first responders who are alerted before anyone else? Will the use fire alarms or public address systems to alert the campus community and

follow up with text messages and posted bulletins as more specific information becomes available? Who is responsible for initiating the system?

- A statement that the institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Provide a list of individuals (by title or position) or organizations (by name) responsible for carrying out the procedures described in the annual security report. If different people or organizations will be responsible for different procedures or for responding to different types of emergency or dangerous situations, make this clear. When designating individuals and organizations for the plan, avoid potential conflicts of responsibilities. For example, if the individual responsible for issuing an emergency notification is also responsible for containing the emergency, efforts to mitigate the emergency may be compromised.

Address how the institution disseminates emergency information to individuals and/or organizations outside of the campus community. Use different methods to target different segments of the community. If the procedures differ depending on the situation, explain this. Include information about who or what office is responsible for developing the information to be disclosed, and who or what office is responsible for disseminating the information to the larger community.

Describe the institution's procedures to test the emergency response and evacuation procedures on at least an annual basis, including tests that may be announced or unannounced. The Clery Act regulations define a test as regularly scheduled drills, exercises and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities. The College must conduct at least one test a year and can choose to announce it or not. To comply with the Clery Act requirement the test must meet all of the criteria in the definition. It must

- be scheduled
- contain drills, an activity that tests a single procedural operation (e.g., a test of initiating a cell phone alert system or a test of campus security personnel conducting a campus lockdown)
- contain exercises, a test involving coordination of efforts (e.g., a test of the coordination of first responders, including police, firefighters and emergency medical technicians)
- contain follow-through activities, designed to review the test (e.g., a survey or interview to obtain feedback from participants)
- be designed for assessment of emergency plans and capabilities. This means that the test should have measureable goals
- be designed for evaluation of emergency plans and capabilities. Design the test so that, using the assessments, you can judge whether or not the test met its goals

Whichever method is used, the test must address emergency response and evacuation on a campus wide scale. “Campus wide” scale means that tests must address your plan for evacuating all of your campus buildings. Document or describe how the institution will document each test:

- A description of the exercise (i.e., the test)
- The date the test was held

- The time the test started and ended
- Whether the test was announced or unannounced

As with all other Clery Act-related documentation, the institution is required to keep emergency test documentation for seven years.

The Timely Warning

The Clery Act requires an alert to the campus community for certain crimes in a manner that is timely and will aid in the prevention of similar crimes. Although the Clery Act doesn't define "timely," the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves. This means that a warning should be issued as soon as pertinent information is available. This is critical; even if you don't have all of the facts surrounding a criminal incident that represents a serious and continuing threat to students and employees the College must issue a warning. The warning should contain information about the type of criminal incident that has occurred, although additional information may be added as it becomes available. The College is required to include a policy statement that accurately reflects the institution's current timely warning procedures.

A timely warning must be issued for all Clery Act crimes that occur on Clery Act geography that are

- reported to campus security authorities or local police agencies
- considered by the institution to represent a serious or continuing threat to students and employees.

The requirement for timely warnings is not limited to violent crimes or crimes against persons. Timely warnings could be needed for crimes that represent threats to property.

Whether to issue a timely warning must be decided on a case-by-case basis in light of all the facts surrounding a crime, including:

- The nature of the crime
- The continuing danger to the campus community. This means that after a Clery Act crime is reported the College should consider whether students and employees are at risk of becoming victims of a similar crime.
- The possible risk of compromising law enforcement efforts. This does not mean that in the event of a serious or continuing threat to students or employees the College should decide not to issue a timely warning. It means that the institution should consider the potential impact on various law enforcement operations as it issues these warnings.

The warning should include all information that would promote safety and that would aid in the prevention of similar crimes. Issuing a warning that cautions the campus community to be careful or to avoid certain practices or places is not sufficient. It must include pertinent information about the crime that triggered the warning. Your institution's policy regarding timely warnings should specify what types of information will be included.

Although there is no required format for a timely warning, the warning must be reasonably likely to reach the entire campus community. Therefore, timely warnings must be issued in a manner that gets the word out quickly and effectively communitywide. The warning may be e-mailed, posted around

campus, provided as a text message or otherwise distributed according to the institution's policy. A combination of dissemination methods may be used.

Emergency Notification and Timely Warnings: Sorting Out the Differences

Emergency Notification

Scope: Wide focus on any significant emergency or dangerous situation (may include Clery Act crimes).

Why: Emergency notification is triggered by an event that is currently occurring on or imminently threatening the campus. Initiate emergency notification procedures for any significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students or employees.

Where: Applies to situations that occur on campus.

When: Initiate procedures immediately upon confirmation that a dangerous situation or emergency exists or threatens.

Timely Warning

Scope: Narrow focus on Clery Act crimes.

Why: Timely warnings are triggered by crimes that have already occurred but represent an ongoing threat. Issue a timely warning for any Clery Act crime committed on Clery Act geography that is reported to campus security authorities or a local law enforcement agency, and that is considered by the institution to represent a serious or continuing threat to students and employees.

Where: Applies to crimes that occur anywhere on your Clery Act geography.

When: Issue a warning as soon as the pertinent information is available.

PENN HIGHLANDS EMERGENCY RESPONSE PROCEDURES

An emergency is an imminent threat to life, safety, and potential for significant damage to property or extended disruption of operations that may happen at any time at any College location.

The major goals of the Emergency Response Plan are preserving life, protecting property, and preserving continuity of campus operations.

This document is intended to serve as a guide to College employees and students which, when followed, will provide a basis of organized responses to emergency and/or threatening situations. It cannot, nor does it intend to, address every conceivable situation. Each individual must assume responsibility for their own safety and security.

One of the most immediate ways to accept that responsibility is to read, understand and practice the procedures presented. In addition, individuals should familiarize themselves with their surroundings while at work or taking classes at the College. While you are on College property, learn where the

fire alarms, fire extinguishers and emergency telephones are located; know where the exits are located, have a plan and have a back-up plan.

Penn Highland's overall authority and responsibility for decision making regarding emergences rests with the College President.

Site Directors are tasked with the initial management of emergencies at their respective campus locations until administrative assistance is available, if needed.

The College employee confronted with an emergency will, on the basis of the conditions and urgency, take immediate action as required. However, as soon as possible, this individual should dial 9-1-1 (if appropriate) and make every effort to notify Security, his/her supervisor, or the Senior Administrator on site to report the emergency and actions taken.

All College employees should take immediate and prudent action as necessary to prevent injury to persons or damage to College property.

Layers of Emergency Response Plan (ERP)

- **Prevention – Proactive efforts for avoiding incidents.**
- **Preparation – Informing the employees and/or students what to do to increase safety during an incident.**
- **Mitigation – All efforts made to reduce the effects of incidents.**
- **Response – Action steps implemented when the incident occurs.**
- **Recovery – Events after the incident that help ensure a timely return to normal College functions.**

Recovery

Recovery is divided into short-term and long term actions and decisions. The goal is a return to pre-event, or improved, status concerning the learning environment and business operations.

Immediately after the incident has been controlled and is no longer a threat, upper level administrators, the security team and human resources should engage in post-event assessments and activities, including:

- **An accounting of individuals at a designated assembly point to determine who, if anyone, is missing and potentially injured.**
- **Presenting information from the External Relations Office through press releases and/or social media.**
- **Implementing an alternate academic plan if the College is restricted from resuming normal business in a timely fashion due to the facility being considered a "crime scene" by law enforcement for an extended period of time or the building is deemed structurally unsound.**
- **Analyze the recent situation and create an after action report.**
- **Lessons learned should be used to refine the Emergency Response Plan and assess training.**
- **Identifying and filling any critical personnel or operational gaps left in the organization as a result of the incident.**

Managing the consequences of an incident and identifying lessons learned promotes the well-being of those involved and facilitates preparedness for future emergencies.

Lessons Learned

To facilitate effective planning for future emergencies, it is important to analyze the recent situation and create an after-action report. The analysis and recommendations contained in this report are useful for:

- **Serving as documentation for response activities.**
- **Identifying successes and failures that occurred during the event.**
- **Providing an analysis of the effectiveness of the existing Emergency Response Plan.**
- **Describing and defining a plan for making improvements to the Emergency Response Plan.**
- **Adding or changing response training.**

Long term actions taken after an incident for the purpose of restoring or improving the pre-incident conditions at the College.

The goals of the recovery include:

- **Restore the learning environment as quickly as possible.**
- **If records have been destroyed in the incident, retrieve back-up copies from off-site storage location.**
- **Provide for the emotional well-being of College community.**
- **Repair physical damage to property.**

- **Take photos of any damage for insurance purposes.**
- **Assess immediate and long-term damage**

- **Return to normal business operations.**
- **Capture "lessons learned" and incorporate needed revisions to plans.**

First Day Back on campus

The return to campus is an important step in the recovery process. Mental health professionals must be readily available. Use of outside crisis counseling team should be considered based on expected need for services.

Special needs of College:

- **Media management**
- **Ensuring a sense of security and safety**
- **Activate referral system for people needing additional support**
- **Allowing opportunities for classroom discussion of the incident and the transition back to "normal"**

Administration and employees should meet at the beginning of the first day back to review the day's schedule and procedures.

Sample First Day Back on Campus Checklist

- **Communicate the goal is to return to the normal routine as much as possible. The structure of classes and meetings provides a sense of security, safety and comfort to members of the College community.**
- **Review actions taken and discuss the facts of the incident to dispel rumors. If necessary, prepare a fact sheet.**
- **Discuss possible reactions to returning to campus and the possible responses by employees.**
- **Provide guidelines for assisting students needing help.**
- **Encourage faculty to allow expressions of grief.**
- **Schedule a meeting for tomorrow morning to identify any additional issues or problems.**

Possible Responses

- **Shelter-in-place**
- **Evacuate**
- **Special**

Depending on the circumstances or type of emergency, the first important decision is to stay in the location or leave. Local authorities may or may not immediately be available to provide information or make safety recommendations.

The internal decision to shelter-in-place or evacuate will be made by the President of the College. This information will likely be communicated via PEAK txt. If locale authorities recommend a shelter-in-place response that information will be part of the information communicated to the College community.

If an incident occurs and the buildings or area surrounding the College becomes unstable, or dangerous due to toxic substances, dangerous animals, etc. it is usually safer to stay inside.

Shelter-in-place Guidelines

- **Stay inside the building when you receive the notification. If you are outside proceed directly to the nearest building.**
- **Select an interior room, if available, and close doors and windows.**
- **For HazMat incidents select a room above ground floor and attempt to seal all openings and turn off ventilation systems.**
- **For severe weather incidents, select rooms on the ground floor or basement level.**
- **Make a list of all occupants and call authorities to notify them of the number and location.**
- **Remain in area until instructed it is safe to evacuate.**

Evacuation Guidelines

Evacuation of the College is the safest response when there are unsafe conditions present inside the facility. Common dangers are fire, explosion, toxic material release, etc.

Fire Response

Preparation

- **The fire drill procedure for each Penn Highlands Campus is posted on the Security and Safety myPEAK tab.**
- **Security is responsible for conducting the Richland Campus fire drill(s) and the Site Directors are responsible for fire drills at their campus.**
- **Persons responsible for the drill are required by the International Fire Code section 405.5 to complete documentation concerning the drill.**

Mitigation

- **Fire alarms are installed in all campus locations and are tested annually and monitored by an alarm company.**

- **Fire extinguishers are located in all campus locations.**
- **The Richland campus is equipped with smoke and heat detection devices which will activate an alarm.**
- **The Ebensburg and Blair campuses are equipped with sprinkler systems.**
- **Exit signs are posted at all doors leading outside, except for courtyards, and are constantly illuminated.**
- **Emergency exit routes are posted in classrooms.**

Response

- **Implement building evacuation (site specific).**
- **Determine if fire can be extinguished.**
- **Call 9-1-1 when safe, to report the fire.**

Anyone discovering an open fire should pull the nearest fire alarm and alert others in the immediate area of the situation. That person must then make a decision to extinguish the fire or leave the area. Extinguish the fire only if you have been trained to do so and it can be done safely and quickly. Once the fire is extinguished, notify Security and the Senior Administrator on site with the following information:

  - **Identify yourself**
  - **Identify the floor, room or location of the fire**
  - **Identify, if possible, the type of fire (Paper, Chemical, Electrical)**
  - **Give an assessment of the situation**

If a fire cannot be extinguished, isolate the area by pulling the door closed. Pull the nearest fire alarm and alert others in the immediate area of the situation. Notify Security and the Senior Administrator on site, with the following information:

- **Identify yourself**
- **Identify the floor, room or location of the fire**
- **Identify, if possible, the intensity and type of fire (Paper, Chemical, or Electrical)**
- **Give an assessment of the situation**

If a fire is not visible but a strong odor of smoke is detected, report the location of the odor to Security and the Senior Administrator on site, investigate and assess the situation. If necessary, activate the nearest fire alarm station.

When evacuating the building, take only those personal belongings normally carried to and from the College each day, such as purses, briefcases, backpacks and lunch containers. Do not forget to take keys.

Instructors in charge of the room where the fire is located are to present themselves to Security, the Senior Administrator on site, Emergency response personnel to advise them of materials or hazards in the area.

Follow the established Fire / Emergency Evacuation plan for your location.

If You Become Trapped

- **Stay calm**
- **Go to a room with an outside window and a telephone. Call for help if possible.**
- **Stay where rescuers can see you and wave a light-colored cloth or flashlight on cell phone to attract attention.**
- **Open windows if possible. Close if smoke or other dangerous contaminants rush in.**
- **Stuff clothing, towels, newspapers, etc., around the cracks of doors to prevent smoke from entering your room.**

Evacuation - Other

- **Security and the Senior Administrator on site will initiate an evacuation for any imminent safety reason other than fire.**
- **Depending on the situation, evacuation of the building(s) may be initiated by utilizing the building fire alarm system, e-mail or other electronic method, word of mouth or messenger.**
- **Security and the Senior Site Administrator will assist in the evacuation of the building(s) by ensuring that all personnel leave the building and assisting persons with disabilities in their evacuation.**
- **If the fire alarm is not used for the evacuation notification, persons with disabilities are to have priority in use of the elevator(s).**

Special Circumstances

Active Threat Response

An active shooter is an individual actively engaged in killing or attempting to kill people in a confined space or other populated area. In most cases, active shooters use firearms and there is no pattern or method to their selection of victims.

Active shooter situations are unpredictable and evolve quickly. Typically, the immediate deployment of law enforcement is required to stop the shooting and mitigate harm to victims. Active shooters usually will continue to move throughout building or area until stopped by law enforcement, suicide, or other intervention.

Prevention

- **A Behavior Intervention Team (BIT) has been established, as a preventive measure, to evaluate and manage risks associated with behaviors that may present a threat to campus safety. The team seeks to identify students who may be struggling and need counseling or other support.**
- **Positive Actions With Students (PAWS) notification, anonymous reporting and incident report systems available to inform the College of concerns**
- **The College has a Security and Safety team that consists of a Director, Assistant Director and three Security Officers. The Richland campus is staffed with Security from open to close daily.**

Preparation

- **The College follows the U.S. Department of Homeland Security's recommended response to an active shooter, called "Run, Hide, Fight".**
    - **The following information regarding an Active Shooter can be found on the Security and Safety tab on the myPEAK portal:**
        - **A six-minute video detailing the Run, Hide, Fight concept**
        - **Active Shooter Response Quick Reference Guide**
        - **Active Shooter Manual**
        - **Active Shooter Awareness Webinar (on Employee tab)**
- **Basic Active Shooter Response information is included in the Student Orientation, FYE class, New hire and Adjunct power point presentations**
- **An in-house power point presentation for students and employees can be scheduled through the Security Office, concerning response to active shooters on campus**
- **Run, Hide, Fight training will be scheduled periodically to train new hires and refresh perishable skills for previously trained employees**

How to Respond

In an active shooter situation, you must quickly determine the most reasonable way to protect your own life. You should:

Run – evacuate if possible

- **Have an escape route and a plan.**
- **Evacuate even if others don't agree.**
- **Call 911 when it is safe to do so.**
- **Follow all instructions from police officers.**
- **Do not attempt to drive from the area.**

Hide – if you can't run find a place the shooter is less likely to find you

- **Get out of the active shooter's view and lock the door.**
- **Barricade the door with heavy furniture.**
- **Identify alternative escape routes.**
- **Gather improvised weapons.**
- **Make a plan and give assignments.**

When possible, provide the following information to law enforcement officers or 911 operators:

- **Location of the active shooter.**
- **Number of shooters, if more than one.**
- **Physical description of the shooter(s).**
- **Number and type of weapons held by the shooter(s).**
- **Number of potential victims at the location.**

Fight – when your life is in imminent danger

- **Have a winner's mindset.**
- **Be aggressive as possible.**
- **Commit to your actions.**
- **Attack the shooter as a team.**

Information and Assembly Points

After you have reached a safe location or assembly point, you will likely be held in that area by law enforcement until the situation is under control, and all witnesses have been identified and questioned.

Do not leave the safe location or assembly point until law enforcement authorities have instructed you to do so.

Mitigation

- **A timely notification/emergency warning system is in place to inform students, faculty, and staff of any ongoing emergency. Communication occurs via a text message system, college email, and loudspeaker notification.**
- **Interior and exterior security cameras provide another way to assist emergency personnel in the event of an incident.**
- **Emergency call boxes are located in the parking lots.**

- **A law enforcement response kit for all of our locations which includes floor plans, key/swipe card access, and emergency contact information has been provided to the appropriate law enforcement jurisdiction.**

Response

- **Implement the Run, Hide, Fight options**
- **Contact law enforcement to report incident**
- **Work with responding emergency management services throughout incident**

Medical Emergency

Employees and students are to report all medical emergencies or injuries, regardless of severity, to Security. Security will retrieve the emergency medical supply bag from the security office and respond immediately to the scene of the injury. Security will facilitate ambulance transportation if requested or deemed necessary and complete any required documentation after the incident.

In the event of a medical emergency requiring immediate action, persons are to dial 9-1-1 for outside medical assistance. The decision to call for external medical assistance is subject to the judgment of the injured person(s) or other person at the scene.

The following information, to the extent possible, should be reported on all medical emergencies or personal injury calls:

- **Name and sex of the person(s)**
- **Location of the person(s)**
- **The nature of the illness or injury**
- **Medical or health alerts readily identifiable on the person**
- **Unusual conditions surrounding the situation**

Remain with the person(s) until assistance arrives. Keep the person as comfortable as possible. Do not move the person unless the individual or you are in immediate danger.

Assist by:

- **Retrieving supplies and comfort items as necessary**
- **Obtaining information regarding the incident and surrounding events**
- **Providing communications with Medical Response Personnel as requested if available**

Violent or Criminal Incident

Anyone observing violence or criminal activity is responsible for reporting the activity to Security. If the witness believes anyone is in danger of physical harm or serious damage to College property will occur then call 9-1-1 first, and then alert Security. Include the following information:

- **The location of the activity**

- **What is happening**
- **Who (if known) is involved**
- **Number of persons involved**
- **The type and number (if known) of any weapons involved**
- **Any additional information pertinent to the situation**
- **Your name, location telephone number**

Avoid any actions that may escalate the situation. Provide as much information as possible to any responding personnel. The witness and responding College employees must complete an Incident Report within 2 business days.

Bomb Threat

Bomb Threats or suspicious items are rare, but should be taken seriously. Timely reaction to a bomb threat could save lives and stop property damage. Follow the steps below for bomb threats or suspicious items found.

- **Remain calm**
- **If a threat is made by phone, ask the questions provided on the 'Bomb Threat' questionnaire. If possible, alert a co-worker to contact Security immediately by dialing x5555.**
- **DO NOT HANG UP, even if the caller does.**
- **Record the call if possible.**
- **Security will notify administration. Administration will perform a threat assessment and contact local law enforcement personnel, if deemed necessary.**
- **The need to evacuate will be determined by the College President and/or the ranking College Administrator, and the proper law enforcement agency.**
- **In the event that evacuation is warranted, everyone is to vacate the building following fire alarm evacuation guidelines. Remain at least 300 feet from any structure. Please do NOT gather in front of doors, access routes, or any area that impedes access by emergency response personnel.**
- **Supervisors and instructors should do their best to account for employees and students.**
- **Under no circumstances is anyone to disturb any suspicious package or other object(s) found anywhere in the building.**
- **All electrical equipment, such as lighting, computers, and other appliances, are to remain in their current state**

Emergency Contact Information

9-1-1	**Cambria County Fire, Ambulance, and Police**
266-8333	**(Non-Emergency) Richland Police**
472-2100	**Cambria County Department of Emergency Services.**
471-6500	**PA State Police, Ebensburg. *PA State Police, Somerset 445-4104***

HOSPITALS:

534-9000	**Conemaugh Memorial Medical Center**
467-3000	**Windber Medical Center**

DISASTERS:

262-3170	**American Red Cross**

OTHER EMERGENCIES:

800-222-1222	**Poison Control Center (Pittsburgh)**
535-8531	**Cambria County Mental Health, Johnstown (or 877-268-9463)**
(717) 651-2001	**Pennsylvania Emergency management Agency (or 800-972-7362)**

PHCC Threat Form

Date Call Received: _____ **Received By:** _____

Extension Received On: _____ **Sex of Caller:** _____

Caller's Tone (Nervous, Calm, Talkative, Etc.):
_____
_____
_____

Exact Words Used By Caller:_____

_____
_____

Questions to ask if it is a bomb threat

Where is the bomb? _____

What kind of bomb is it? _____

Who are you? _____

Where are you? _____

Questions to ask if it is a different threat

What is the nature of the threat?_____

To Who is it directed? _____

How will it be carried out? _____

When will it be carried out? _____

Why are you doing this? _____

Who are you? _____

Where are you? _____

Take Note of any background noise, particulars of the caller (traffic noise, accents, etc.)
_____
_____
_____

PENN HIGHLANDS EMERGENCY EVACUATION PROCEDURES

The Director of Security and Safety and Safety has established evacuation procedures for the Richland campus, and at the direction of the College President, conducts an emergency response/evacuation test annually and completes the required documentation. Each Site Director is responsible for the above requirements for their respective campus.

The emergency evacuation plans are located on the student section of the Security and Safety tab on the MyPeak website. At least one time a year an email notification is sent to all students informing them where the emergency evacuation plans are located and the emergency evacuation plans are attached to the notification as well. All documentation concerning tests of the emergency evacuation plans are housed in the Security and Safety Office at the Richland campus.

- ***Richland Fire / Emergency Evacuation***

Students

- **Follow faculty / employees instructions**
- **Exit the building at the closest unobstructed exit**
- **Walk quickly but do not run**
- **Do not use elevators**
- **Move to staging areas (yellow stars) located in the far corners of the parking lots.**
- **Staging area #1 - northeast corner of the student parking lot near the R.H.S. football field.**
- **Staging area #2 – southeast corner of adjunct parking lot**
- **Staging area #3 – southwest arched lot between student and adjunct parking lots**
- **Staging area #4 – northwest corner of student parking lot near R.H.S.**
- **Stay calm and remain at staging area until directed to re-enter the building**
- **You will be informed the drill is over and to re-enter the building by a College employee.**

Contingencies

- **Notify any College employee immediately if an actual emergency or injury occurs.**
- **Security will respond to that area with the medical bag.**
- **If a life threatening emergency/injury occurs call 911 to activate EMS response first and then notify a College employee.**

➢ ***Blair Center Fire Drill Procedure***

Fire alarm activation

Employees

- **Lead students and visitors.**
- **Faculty should make best attempt to account for students.**
- **Exit the building at the closest unobstructed exit.**
- **Walk quickly but do not run to the staging area, which is at the edge of the mall parking lot approximately 300 feet from building along Goods Lane.**
- **Do not use elevators.**
- **Make every effort to calm your group and keep them together at staging area in mall parking lot.**
- **Director, Assistant Director, or Administrative Coordinator should retrieve the first aid kit.**
- **Director, Assistant Director, or Administrative Coordinator should verify rooms are empty and doors are closed (NOT locked) if safe to do so.**
- **Evacuate from the nearest unobstructed exit and move to the closest staging area.**
- **Director, Assistant Director, or Administrative Coordinator will give the "All clear. It is safe to re-enter the building." announcement over the radio to indicate the drill is over and everyone may re-enter the building.**

Contingencies

- **If a life threatening emergency/injury occurs call 911 to activate EMS response first and then notify Security.**

➢ ***Ebensburg Center Fire/Emergency Evacuation Plan***

- **During a fire evacuation at Ebensburg, the following procedures will take place:**
  - **Strobe Lights and Sirens will go off at the Ebensburg location**
  - **Staff and Faculty will help direct students to the emergency exits which are located at:**
    1. Rear Exit in the back of the building by classroom
    2. Front Exits (The main Entrance and also an emergency exit near the faculty mailbox
  - **Students will gather at the fire hydrants out in the vehicle parking lot located at the side of the building.**

- **Staff will do a final sweep of the building (when possible) to make sure all individuals have exited the building.**
- **Doors to the class room will be shut upon clearing the building.**
- **No one will re-enter the building upon exit.**
- **At the end of a drill the Site Director or staff member will signal the drill is complete and it is clear to re-enter the building.**

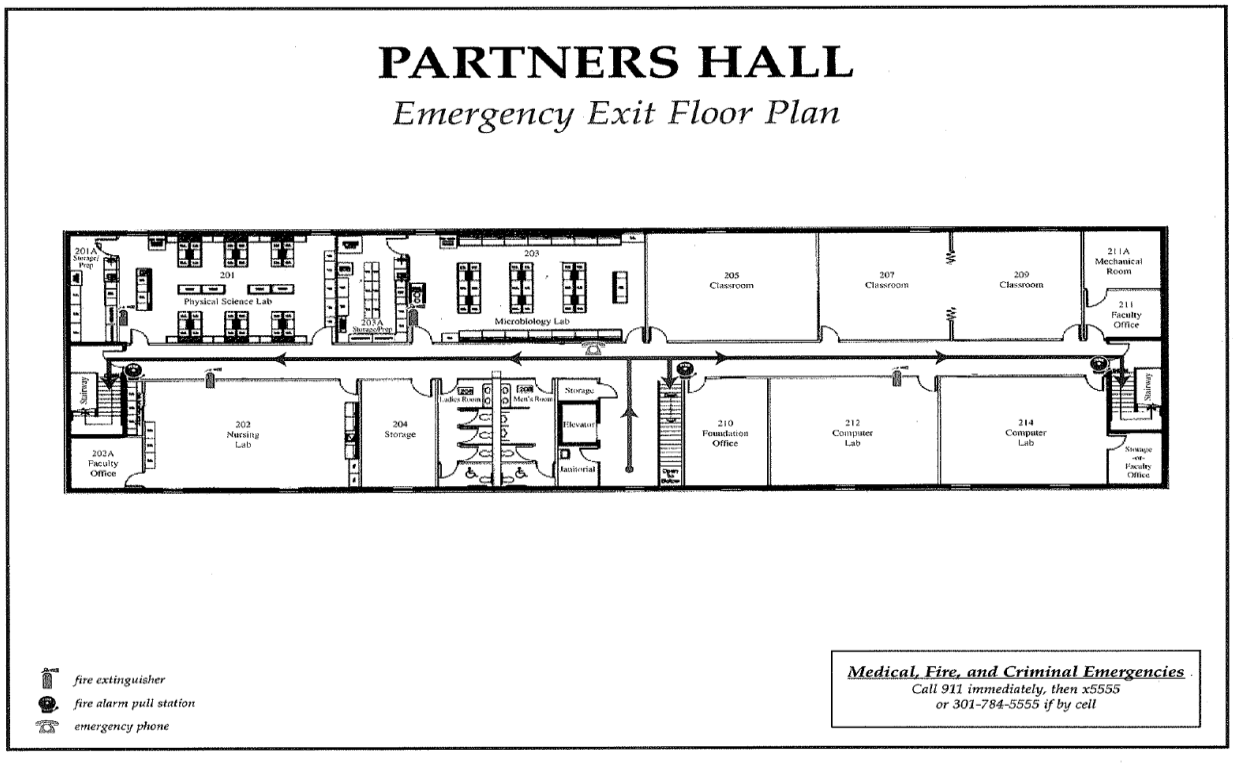
➢ ***Somerset Center Fire Drill Procedure***

Notify:

- **PHCC Security Office – 814-262-6427**
- **Somerset County Education Complex maintenance (Rick Walters) – 814-279-8702**
- **Somerset County non-emergency - 814-445-1525**
- **Somerset County Commissioners – 814-445-1400**

Employees:

- **Lead students and visitors**
- **Faculty and staff should make best attempt to account for students**
- **Exit building at closest unobstructed exit**
- **Walk quickly, do not run**
- **Do not use elevators**
- **Move to far corner of parking lot**



Culinary Center Fire/Emergency Evacuation Plan

- **Audible fire alarm or verbal notice can be given to evacuate the location**
- **Employees will help direct guests / students to exit the building and proceed across the street to the staging area in Central Park**
- **Walk quickly but do not run**
- **Employees will do a final sweep of the location (if safe to do so) to make sure all individuals have exited, and will close (but NOT lock) interior doors**
- **Employees completing the sweep will exit the building and join the group at Central Park**
- **During a drill the employee should count the number of people in the group for recording purposes**
- **During an actual emergency the employee should call 911**
- **No one will re-enter the building until the appropriate emergency agency communicates it is safe to do so, or the all clear is announced at the end of a drill**
- **At the end of a drill a staff member will signal the drill is complete and it is clear to re-enter the building, and then complete the Emergency Evacuation Drill Record**

Section 7: Policy Statements

A major requirement of the Clery Act is to disclose policy statements in the annual security report. Statements or descriptions of policies must accurately reflect the institution's current procedures and practices. If the institution does not have a policy or program responding to one or more of the categories listed in the regulations, you must disclose this fact.

Provide a statement of current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, and must specifically address:

- Policies for making timely warning reports to members of the campus community regarding the occurrence of Clery Act crimes
- Policies for preparing the annual disclosure of crime statistics
- A list of titles of each person or organization to whom students and employees should report Clery Act crimes for the purpose of making timely warning reports and the annual statistical disclosure
- Describe institutional policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual security report

PENN HIGHLANDS PROCEDURE FOR REPORTING CRIMES AND EMERGENCIES

All members of the College community and general public are strongly encouraged to report all crimes and emergencies for the purpose of making timely warning reports and the annual statistical disclosure to the Security Office. This can be done in person at the Richland campus, by calling the Security Office at 814-262-6427, by calling the Security Officer emergency cell phone at 814-525-2597 or reaching the same cell phone by dialing 5555 from any College desk phone.

Any person can use the Incident Reporting System, available at www.pennhighlands.edu in the Report a Concern section. Crimes and emergencies may also be reported to Campus Security Authorities (CSAs). Penn Highlands CSAs consist of:

- **All members of the Security Team**
- **Title IX Coordinator**
- **Athletic Director and Assistant Athletic Director**
- **All athletic coaches**
- **Director of Student Activities**
- **All Branch Campus Site Directors**

Victims and witnesses may report crimes on a voluntary, confidential basis for inclusion in the annual security report by any of the methods described above.

Timely warning reports will be made to members of the College community regarding the occurrence of Clery Act crimes that occur on Penn Highlands Clery geography, are reported to CSAs or local police agencies, and are considered by the institution to represent a serious or continuing threat to students and employees.

The Director of Security makes a formal written request every year to all law enforcement agencies that have jurisdiction surrounding all campus locations.

The Security Office maintains the Daily Crime Log in compliance with all stated Clery requirements. The log contains all required elements and is available on the Security and Safety tab located on the myPEAK website. An annual email notifies students and employees that the log is available, what it contains and where it can be viewed.

The Office of Security collects all statistics for reported crimes on the College's Clery geography from Campus Security Authorities (CSA), local and state law enforcement, the incident reporting system, the daily crime log and reports made to security. The Director of Security completes the Annual Security Report, which includes Clery crime statistics for the previous three years. Those crime statistics are reported each year in the Department of Education's web-based data collection system.

Provide current policies concerning:

- Security of and access to campus facilities
- Security considerations used in the maintenance of campus facilities

Provide a statement of current policies concerning:

- Campus law enforcement authority and jurisdiction of security personnel.
- The working relationship of campus security personnel with state and local law enforcement agencies, including whether those security personnel have the authority to make arrests, and any agreements, such as written memoranda of understanding between the institution and such agencies, for the investigation of alleged criminal offenses.
- Policies which encourage accurate and prompt reporting of all crimes to the campus security and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report.

- A description of procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Provide a statement that describes the type and frequency of programs designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others.

Provide a description of programs designed to inform students and employees about the prevention of crimes.

PENN HIGHLANDS PROCEDURE – SECURITY AND SAFETY INFORMATION

Members of the Security team are un-armed security and do not have the authority to make arrests. The Security Office has established an excellent working relationship with many law enforcement agencies that oversee the jurisdictions where our campuses are located. There are no agreements or written memoranda of understanding between the College and any law enforcement agency regarding the investigation of alleged criminal offenses.

Penn Highlands does not have a procedure that encourages pastoral counselors and professional counselors to inform persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

All Penn Highlands locations are open to the public. Access to the building is not restricted in any way. Visitors are not required to check in and are not monitored. The campus facility is well lit inside and out, including the parking lots, with no vegetation or obstacles that could create blind spots.

The Director and Assistant Director of Security provide numerous presentations throughout the year. In all of the presentations students and employees are encouraged to take responsibility for their own security and safety.

The Security Office communicates it's procedures to the college community through the annual security report, college wide emails, the Security tab on myPEAK, the Security section of the college website, and numerous classroom and orientation presentations throughout the year.

Provide a statement of policy concerning the monitoring and recording, through local police agencies, of criminal activity in which students engaged at non-campus locations of student organizations officially recognized by the institution, including student organizations with non-campus housing facilities.

Penn Highlands does not have housing facilities or "non-campus locations" for student organizations.

Provide a statement of policy regarding the possession, use and sale of alcoholic beverages and enforcement of State underage drinking laws.

Provide a statement of policy regarding the possession, use and sale of illegal drugs and enforcement of Federal and State drug laws.

Provide a description of any drug or alcohol abuse education programs as required under Section 120(a) through (d) of the HEA (otherwise known as the Drug-Free Schools and Communities Act of 1989). For the purpose of meeting this requirement, an institution may cross-reference the materials the institution uses to comply with Section 120(a) through (d) of the HEA.

PENN HIGHLANDS DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM

The Pennsylvania Highlands Community College procedure for a Drug and Alcohol Abuse Prevention Program is as follows:

The unlawful manufacture, distribution, dispensation, possession, or use of drugs and alcohol is prohibited on any property that is a part of the College. Alcohol may be served at college events with prior permission of the President, but under no circumstances at a student event. Any employee or student violating the policy will be referred to a rehabilitation program and/or disciplined in an appropriate manner, up to and including termination of employment or expulsion from academic course work. Employee discipline, when appropriate, shall be taken under the relevant provisions of Collective Bargaining Agreements and College policies. (For more information on the approved Alcohol and Drug Free Workplace refer to Policy 205 in Employee handbook.)

An employee or student convicted of a drug-related offense must notify the College within five (5) days of conviction. Students will report a conviction to the Office of Security. Employees must report to the Office of Human Resources.

This program is provided to you in compliance with Section 1213 of the Higher Education Act of 1965, as amended by the Drug-Free Schools and Communities Act Amendments of 1989. The following material will provide you with information concerning:

- **The annual distribution in writing to each employee, and to each student**
- **Standards of conduct that clearly prohibit the unlawful use of illicit drugs and alcohol by students and employees on its property or any College activity**
- **A description of applicable legal sanctions under law for the unlawful possession or distribution of illicit drugs or alcohol**
- **A description of health risks associated with the use and/or abuse of illicit drugs or the abuse of alcohol**
- **A description of drug/alcohol counseling available to students and/or employees**
- **And a clear statement that Pennsylvania Highlands Community College will impose disciplinary sanctions on students and/or employees for violation of this policy**

All students and employees are expected to adhere to this policy. If you need further information, please contact the Director of Security and Safety & Safety (for students) or the Assistant Vice President of Human Resources (for employees)

Annual Distribution

Twice a year, the Registrar's Office will notify all academic credit students of the Drug and Alcohol Abuse Prevention Program in writing. A website link will be continually available of the College "Policies" page on the website.

The Office of Human Resources will provide written information to each new employee advising of the College's Drug and Alcohol Abuse Prevention Program. Further, a The Employee Handbook will be distributed which refers to this program as well as Policy 205 (Drug-Free Workplace).

The Office of Security & Safety will include in its federally mandated Annual Security Report, the information presented in this program.

Prohibited Conduct

The unlawful manufacture, distribution, dispensation, possession, or use of drugs and alcohol is prohibited at any College facility or activity under the authority of Pennsylvania Highlands. Any student violating the policy will be disciplined under relevant provisions of the Student Code of Conduct.

Pennsylvania Highlands Community College Policy for a Drug-Free Campus is as follows:

1. **The consumption, possession, or sale of any alcoholic beverages and/or illegal drugs at any College facility is prohibited.**
2. **Appearing at a College facility or at an off campus event under the influence of alcohol and/or illegal drugs is prohibited.**
3. **The consumption, possession, or sale of any alcoholic beverages and/or illegal drugs at College sponsored or College recognized events is prohibited by the College.**
4. **The procedures for the enforcement of the Drug-Free Campus Policy are as follows: Any College employee who is responsible for monitoring behavior at both College and off-campus events will also be responsible for reporting policy violations to the Vice President for Student Services. Students or other individuals witnessing policy violations will report those violations to either the College employee in charge of the event or to the Vice President for Student Services.**
5. **Students who violate the Drug-Free Campus Policies will be subject to the Student Code of Conduct sanctions.**

More detailed information about College Policies regarding a Drug-Free College Environment can be found on the College's website. The unlawful manufacture, distribution, dispensation, possession, or use of drugs and alcohol is prohibited at any College facility or activity under the authority of Pennsylvania Highlands Community College. Any student violating the policy will be disciplined under relevant provisions of the Student Code of Conduct.

Legal Sanctions

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	**First Offense:** 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. **Second Offense:** 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	**First Offense:** 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. **Second Offense:** 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. **2 or More Prior Offenses:** 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	
IV	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	

Substance/Quantity	Penalty
Any Amount Of Other Schedule I & II Substances	**First Offense**: Not more that 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. **Second Offense:** 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.
Any Drug Product Containing Gamma Hydroxybutyric Acid	
Flunitrazepam (Schedule IV) 1 Gram	
Any Amount Of Other Schedule III Drugs	**First Offense**: Not more than 10 yrs. If death or serious bodily injury, not more that 15 yrs. Fine not more than $500,000 if an individual, $2.5 million if not an individual. **Second Offense**: 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)	**First Offense**: Not more than 5 yrs. Fine not more than $250,000 if an individual, $1 million if not an individual. **Second Offense:** 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	**First Offense:** Not more than 1 yr. Fine not more than $100,000 if an individual, $250,000 if not an individual. **Second Offense**: Not more than 4 yrs. Fine not more than $200,000 if an individual, $500,000 if not an individual.

Taken from the Department of Drug Enforcement Agency, "Federal Trafficking Guidelines": http://www.justice.gov/dea/druginfo/ftp3.shtml

Drug and Alcohol Health Risks

Substance abuse can affect all individuals; approximately 22 million individuals nationwide suffer from substance abuse. Countless others are affected indirectly as family members or friends of individuals with a substance abuse problem.

The problems caused by substance abuse have now reached epidemic proportions, creating overwhelming pain, suffering, and expense for individuals, their families, and employers. Anyone suffering with the problem of substance abuse is strongly encouraged to seek assistance from the services provided at the college or from local community agencies. Early identification of substance abuse is important in the rehabilitation process. Signs of substance abuse include:

- **Sudden change in behavior**
- **Mood swings; irritable and grumpy and then suddenly happy and bright**
- **Withdrawal from family members**
- **Careless about personal grooming**
- **Loss of interest in hobbies, sports, and other favorite activities**
- **Changed sleeping pattern; up at night and sleeps during the day**
- **Red or glassy eyes**
- **Stuffy or runny nose**

In addition to the signs of substance abuse, there are many health risks associated with the use of illicit drugs and abuse of alcohol. The following list is not a comprehensive list but an example of the major health risks associated with substance abuse.

Depression	**Anxiety**
Suicide	**Hepatitis/AIDS from injected drugs**
Respiratory Failure	**Coma Accidental Death**
Delirium	**Malnutrition**
Hypertension	**Paranoia**
Bronchitis	**Impaired sexual development**
Fertility issues	**Nausea**
Brain Damage	**Liver Disease**
Heart Disease	**Lung cancer**
Circulatory problem	

If you or someone you know are experiencing signs/symptoms of substance abuse and would like assistance initiating recovery, counseling services are available at Pennsylvania Highlands Community College free of charge. Located within the Student Success Center, the counselor also has available resources regarding local and national organizations that focus on recovery from addiction.

Information on specific illicit drugs is as follows:

Alcohol	**SYMPTOMS:** Odor on breath and skin, mild flushing, talkativeness, slurred speech, dizziness, hangover **HAZARDS:** Impaired judgment, slowed reflexes, peptic ulcers, heart/liver damage
Marijuana	**SYMPTOMS:** Sweet burnt odor, bloodshot eyes, dry mouth, lack of interest in personal hygiene, increased appetite **HAZARDS:** Impaired memory, impaired coordination, may cause cancer
Amphetamines	**SYMPTOMS:** Excessive activity, dilated pupils, decreased appetite, mood swings **HAZARDS:** Hallucinations, paranoia, psychosis, convulsions, heart failure
Cocaine	**SYMPTOMS:** Dilated pupils, elevated blood pressure, runny nose, rapid breathing, restlessness **HAZARDS:** Ulcerated nasal passages, headaches, respiratory arrest
Crack	**SYMPTOMS:** Erratic mood swings, hoarseness and parched lips **HAZARDS:** Rapid addiction, irregular heartbeat, respiratory problems, brain seizures, violent/suicidal behavior
Inhalants	**SYMPTOMS:** Impaired judgment, lightheadedness and disorientation, nasal inflammation **HAZARDS:** High risk of sudden death by heart failure, suffocation, accidental injury to self and/or others
Narcotics (including heroin and Oxycontin)	**SYMPTOMS:** Drowsiness, constricted pupils, watery eyes, itching, decreased sensitivity to pain **HAZARDS:** Infections from needles, coma, withdrawal, overdose death
Phencyclidine (PCP)	**SYMPTOMS:** Agitation and confusion, slowed movement, impaired coordination, incoherent speech, hostile/unpredictable behavior **HAZARDS:** Chronic memory and speech problems, mood disorders, hallucinations, convulsions and death.
Sedatives, Hypnotics & Tranquilizers	**SYMPTOMS:** Relaxation and disinhibition, impaired coordination and judgment, slurred speech **HAZARDS:** Nausea, vomiting, lethargy, dizziness, blurred vision, death from overdose
Tobacco	**SYMPTOMS:** Characteristic smell on person, stained teeth and fingers, nervousness when not smoking **HAZARDS:** Emphysema, heart disease, cancer, stroke, impaired fertility

Drug and Alcohol Counseling Cambria County

Program:	Telephone #:	Address:
Alcoholics Anonymous (Johnstown)	Tel: 814-283-4772	
Alliance Medical Services	Tel: 814-269-4700	1425 Scalp Ave, Suite 175 Johnstown, PA 15904
B.I. Incorporated Day Reporting Center	Tel: 814-471-1801	236 James Way Road Ebensburg, PA 15931
Cambria County Drug and Alcohol Program	Tel: 814-536-5388 (Mon – Fri) Tel: 814-243-9718 (weekends/evenings)	Central Park Complex 110 Franklin St, #300 Johnstown, PA 15901
Conemaugh Counseling Associates	Tel: 814-534-1095	320 Main Street, 2nd floor Johnstown, PA 15901
Conemaugh Health System	Tel: 814-534-9000	1086 Franklin Street Johnstown, PA 15901
Renewal Center of Cove Forge	Tel: 814-220-6249	538 Main Street Johnstown, PA 15906
Independent Family Services, Inc.	Tel: 814-625-7297	636 Scalp Avenue Johnstown, PA 15904
Narcotics Anonymous Helpline	Tel: 800-494-3414	
Narcotics Anonymous Tri-State Regional Services Office	Tel: 833-787-9718	322 East 8th Ave. Homestead, PA 15120
New Directions at Cove Forge	Tel: 814-536-2071	538 Main Street Johnstown, PA 15901
Nulton Diagnostic & Treatment Center P.C.	Tel: 814-262-0025	214 College Park Plaza Johnstown, PA 15904
Peniel Drug & Alcohol Residential Treatment Facility	Tel: 814-536-2111	760 Cooper Avenue Johnstown, PA 15906
Twin Lakes Center, Inc. Johnstown outpatient	Tel: 814-535-8830	132 Walnut Street, 2nd floor Johnstown, PA 15901
Twin Lakes Center, Inc Ebensburg outpatient	Tel: 814-472-7888	Cambria Office Towers, 313 West High St, Suite 212 Ebensburg, PA 15931

Alcoholics Anonymous Meetings: http://www.johnstownaa.com/meeting-list/

Blair County

Program:	Telephone #:	Address:
Alcoholics Anonymous	Tel: 814-381-0921	3001 Fairway Dr, Altoona, PA
Altoona Regional Health System	Tel: 814-889-3155	620 Howard Avenue Altoona PA, 16601
Anthony Pater Counseling	Tel: 814-935-1185	310 Penn St. Hollidaysburg, PA 16648
Cove Forge Behavioral Health System at Williamsburg	Tel: 814-317-0339	202 Cove Forge Road Williamsburg, PA 16693
Discovery House	Tel: 800-913-1755	3438 Route 764 Duncansville, PA 16635
Pyramid Healthcare	Tel: 866-416-1238	2 Sellers Dr. Suite B Altoona, PA 16601
Home Nursing Agency Community Services	Tel: 800-445-6262	201 Chestnut Avenue Altoona, PA 16601
Narcotics Anonymous Helpline	Tel: 877-380-3992	
Pyramid Healthcare Inc. Pine Ridge	Tel: 866-416-1238	13505 South Eagle Valley Road Tyrone, PA 16686
Pyramid Healthcare, Inc.	Tel: 866-940-0407	1894 Plank Road Old Route 220 Duncansville, PA 16635
Pyramid Healthcare – Altoona Outpatient	Tel: 866-416-1238	2 Sellers Drive, Suite B Altoona, PA 16601

Huntingdon County Substance Abuse Resources

Program:	Telephone #:	Address:
Alcoholics Anonymous	Tel: 814-643-0623	212 Penn St, Huntingdon, PA
Juniata Valley Tri-County MH/MR Program	Tel: 717-242-6467	152 E. Market St. Lewistown, PA 17044
Mainstream Counseling, Inc.	Tel: 814-643-1114	900 Washington Street Huntingdon, PA 16652

Bedford County Substance Abuse and Treatment Resources

Program:	Telephone #:	Address:
Alcoholics Anonymous	Tel: 814-946-9002	
Recovery Concepts Addiction Counseling Services, Inc.	Tel: 814-623-7370	233 East Pitt Street, Suite 1 Bedford, PA 15522
Twin Lakes Center, Inc.	Tel: 844-483-0633	130 W. Penn St. Bedford, PA 15522

Somerset County Substance Abuse Resources

Program:	Telephone #:	Address:
Alcoholics Anonymous	Tel: 814-283-4772	
Beal Counseling & Consulting	Tel: 814-444-9696	445 Westridge Road, Suite 103 Somerset, PA 15501
Narcotics Anonymous Helpline	Tel: 877-380-3992	
Somerset County Drug and Alcohol Commission	Tel: 814-445-1530	300 North Center Avenue, Suite 360 Somerset, PA 15501
Twin Lakes Center, Inc.	Tel: 814-443-3639	224 Twin Lakes Road Somerset, PA 15501

Fulton County Substance Abuse Resources

Program:	Telephone #:	Address:
Alcoholics Anonymous	Tel: 800-681-2956	
C & S Reed Consulting	Tel: 717-414-9695	292 Buchanan Trail - G McConnellsburg, PA 17233
Celebrate Recovery Church	Tel: 717-762-2991	9244 Five Forks Rd. Waynesboro, PA 17268
Keystone Crisis Intervention Hotline	Tel: 717-264-2555	112 N. Seventh St. Chambersburg, PA 17201
Laurel Life Counseling Services	Tel: 717-261-9833	426 Phoenix Drive Chambersburg, PA 17201
Narcotics Anonymous Helpline	Tel: 844-310-9590	
PA Counseling Children's Services	Tel: 717-245-9255	1 Greystone Road Carlisle, PA 17013
Substance Abuse Hotline	Tel: 717-485-0931	

Narcotics Anonymous Meetings: **http://www.marscna.org/meeting/SCANA_current.pdf**

Disciplinary Sanctions

The Pennsylvania Highlands Community College Student Handbook and Employee Handbook, individually describe possible disciplinary sanctions for violating any College Policy or Code of Student Conduct.

The Student Code of Conduct Disciplinary Process is as follows:

- **Reporting an Incident**

The College itself, and members of the College community should report violations of College rules, regulations, or policies to the Office of Security and Safety or site staff members. Details of the incident are to be documented on an Incident Report Form and must include all of the following information:

- **Date, time and location of incident**
- **Nature of incident**
- **Individual(s) involved**
- **Witnesses**
- **Description of incident**
- **Immediate action taken**
- **Signature of person filing the report and the date**

The College community encourages the reporting of sex discrimination and Student Code of Conduct violations. Sometimes, victims are hesitant to report to College officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interest of this community that as many victims as possible choose to report to College officials. To encourage reporting, the College pursues a policy of offering victims of sex discrimination and sexual misconduct limited immunity from being charged with policy violations related to the particular incident. While violations to policy cannot be completely overlooked, the College will provide educational options rather than punishment, in such cases.

- **Good Samaritan**

The welfare of students in our community is of paramount importance. At times, students on and off campus may need assistance. The college encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a victim of sexual misconduct to the Office of Security and Safety). The College pursues a policy of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.

- **Administrative Conference**

The Director of Security and Safety and Safety, Director of Student Activities and Athletics, or their designee(s) will conduct an investigation of the alleged incident and will hold an administrative conference with each student involved. The administrative conference procedures are as follows:

- **The student will be notified that his/her name is mentioned on an incident report.**
- **A summary of the specific violations will be presented to the student and the student will be given the opportunity to admit to or deny any alleged violations of College rules, regulations, or policies. The conference may result in the charges being disposed of administratively by mutual consent of the parties involved. In these situations, the disposition shall be final and there will be no subsequent proceedings. It is expected that most issues will be resolved informally.**

If the student admits to the violation, sanctions will be imposed during the Administrative Conference.

If the student is believed to be responsible but denies the violation, a Judicial Board Hearing will be scheduled.

In situations where the allegations are significant in nature, at the discretion of the Vice President for Student Services, the case may be immediately moved to the pre-board review level to commence judicial board action.

- **Interim Suspensions**

The Vice President for Student Services or designee may impose an interim suspension prior to a hearing before the Judicial Board. Interim suspension may be imposed only to ensure the safety and well-being of members of the College community or preservation of College property, to ensure the student's own physical or emotional safety and well-being, or if the student poses a definite threat of disruption of or interference with the normal operations of the College.

During the interim suspension, students will be denied access to the College, including classes and all other activities or privileges for which the student might otherwise be eligible. In such cases, the necessary notice and hearing shall follow as soon as is practical.

- **Pre-Board Review**

The Director of Student Activities and Athletics, who will serve as the Hearing Officer, will offer the opportunity to meet with both the accused and complainant students to explain the judicial process and the student's rights and responsibilities. The role of the pre-board review is not to determine accountability, but to assist the student in understanding the hearing process. A student is responsible for participating in the Judicial Board Hearing regardless of whether he or she elects to participate in the pre-board review. As part of the pre-board review, the following processes will occur:

- **All charges shall be presented to the accused student in written form.**
- **A time shall be set for a hearing, not less than five or more than fifteen business days after notification of the parties involved. Both the complainant and the accused student will be notified of the date, time, and location of the judicial board hearing. Maximum time limits for scheduling of the hearing may be extended at the discretion of the Vice President for Student Services.**

- **The complainant and the accused student will have a maximum of two school days post the pre-board review to submit in writing the names of any witnesses. It is the participants' responsibility to notify approved witnesses of the date, time and location of the hearing.**

➢ **Judicial Board Hearing**

A Judicial Board Hearing is an internal review of alleged violation(s) of College rules and/or policies. Its purpose is to determine if violations have occurred. Judicial Board Hearings are held whether or not the accused and/or the complainant attend.

The Judicial Board will be appointed by the Vice President for Student Services and will consist of ten members: four faculty members, two administrative employees, and four students. One alternate member of each group shall also be appointed. To conduct a hearing, three faculty members, one administrative employee, and two students must be present. The Director of Student Activities and Athletics and Athletics will serve as the Hearing Officer and will preside over the hearing. The Hearing Officer will also serve as a resource to the Judicial Board during the deliberation process. The Hearing Officer will review the case with the Judicial Board; will introduce witnesses; will direct the proceeding; will make certain that all relevant materials are reviewed and that non-relevant material is not introduced; and ensure that both the accused and the accuser will have ample opportunity to present the facts of the incident in their own words to the Judicial Board members.

The Judicial Board will assume responsibility for its procedural operation and will conduct hearings according to the following guidelines:

A. **Hearings shall be conducted in private.**
B. **Both the Accused and Complainant will have freedom of harassment from each other and/or their supporters.**
C. **In cases of violations of a highly sensitive nature, every effort will be taken to allow both the accused and the accuser the right to question without direct visual contact during the hearing. Freedom from having irrelevant sexual history discussed during the hearing will be granted to both the complainant and accused.**
D. **Admission of any person to the hearing shall be at the discretion of the chairperson of the Judicial Board.**
E. **The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused student are responsible for presenting his or her own case, and therefore, advisors are not permitted to speak or to participate directly in the hearing.**
F. **The complainant, the accused, and the judicial body shall have the privilege of presenting witnesses, and shall have the opportunity to suggest questions for the cross examination.**
G. **Pertinent records, exhibits and written statements may be accepted as evidence for consideration by the hearing board at the discretion of the chairperson.**

H. There shall be a single verbatim record of the hearing, such as a tape recording. The record shall be the property of the College.

I. Except in the case of a student charged with failing to obey the summons of the judicial body or College official, no student may be found to have violated the Student Code solely because the student failed to appear for the hearing. In all cases, the information in support of the charges shall be presented and considered at the hearing.

J. All procedural questions are subject to the discretion of the chairperson of the Judicial Board.

K. After the hearing, the judicial body shall meet in closed session to determine by majority vote, whether the student has violated each section of the Student Code of Conduct that the student is charged with violating.

L. The Judicial Board's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.

M. Judicial Hearing Board decisions shall be prepared in writing within five (5) business days and directed to the Vice President for Student Services.

- **Sanctions**

The following sanctions may be imposed upon a student who is found to have violated the Student Code of Conduct. The Vice President for Student Services shall be responsible for determining and imposing appropriate sanctions in all cases.

A. Warning - A notice in writing to the student that the student is violating or has violated College regulations.

B. Probation - A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe sanctions if the student is found to be violating any College regulation during the probationary period.

C. Loss of privileges - Denial of specified privileges for a designated period of time.

D. Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

E. Discretionary Sanctions - Work assignments, service to the College, or other related discretionary assignments. Such assignments must have prior approval of the Vice President for Student Services.

F. Suspension - Separation of the student from the College for a specified period of time, after which the student may apply to return. Conditions of readmission may be specified.

G. Dismissal - Permanent separation of the student from the College.

H. More than one of the sanctions listed above may be imposed for any single violation. Notices of disciplinary action shall be filed in the student's confidential disciplinary file in the Vice President for Student Services' Office. Upon graduation, such notices other than dismissal may be removed by application to the Vice President for Student Services.

The following sanctions may be imposed upon student groups or organizations:

A. **Those sanctions listed above in the Student Code.**

B. **Deactivation-Loss of all privileges, including College recognition, for a specified period of time.**

In each case in which the Judicial Hearing Board determines that a student has violated the Student Code, the decision will be considered by the Vice President for Student Services for final action, who will notify both the accused and complainant students in writing within five (5) business days of the Judicial Hearing Board's determination and the sanctions imposed, if any.

- **Appeals**

A decision reached by the Judicial Board or a sanction imposed may be appealed in writing by the students in violation or complainants to the Vice President for Student Services. The decision of the Vice President for Student Services is final. Except as required to explain the basis of new evidence, an appeal will be limited to the review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:

1. **To determine whether the original hearing was conducted in conformity with prescribed procedures of the Student Code.**
2. **To determine whether the decision reached regarding the student was based on sufficient information to establish that a violation of the Student Code occurred.**
3. **To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which occurred.**
4. **To consider new information, sufficient to alter a decision, which was not brought out at the original hearing because the information was not known to the person appealing at the time of the original hearing.**

- **Interpretation and Revision**

Any question or interpretation regarding the Student Code of Conduct shall be referred to the Vice President for Student Services or his or her designee. The Student Code of Conduct shall be reviewed periodically as is practicable under the direction of the Vice President for Student Services.

- **Employee Disciplinary Procedures**
  (Please refer to Policy 205 in the Employee Handbook)

Pursuant to applicable College procedures governing employee discipline and negotiated Labor agreements, any employee involved in the unlawful use, sale, manufacturing, dispensing or possession of controlled substances, illicit drugs and alcohol on College premises or during the course of employment, or working under the influence of such substances, will be subject to disciplinary action, including dismissal, consistent with applicable laws, rules and regulations.

The College will not shield or protect its members from legal consequences of these actions, and will cooperate fully in investigation and prosecution of these cases. College disciplinary sanctions shall be made independently for the same violation.

As a condition of employment, all employees must abide by the above program statement, and any employee who is convicted of any drug violation in the workplace must inform the Human Resources Department within five (5) days of the conviction. Any employee so convicted is subject to disciplinary action up to and including termination.

At the College's option, the College may require that the employee enter a drug-abuse of rehabilitation program within thirty (30) days of the College receiving notice of conviction. Although the use and/or abuse of alcohol and other drugs at the workplace will not be tolerated, the employee will be encouraged to utilize the opportunity to receive proper help.

Provide a statement that the institution 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, the report on the results of any disciplinary proceeding conducted by such institution 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.

PENN HIGHLANDS DISCLOSURE OF INFORMATION

Pennsylvania Highlands Community College 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, the report on the results of any disciplinary proceeding conducted by Pennsylvania Highlands Community College 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 the purposes of this paragraph.

Pennsylvania Highlands Community College will protect the confidentiality of victims and other necessary parties by:

- **Completing publicly available record keeping, including Clery Act reporting and disclosures, without inclusion of personally identifying information about the victim; and**
- **Maintaining as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.**

Section 8: VAWA Crimes Policies, Procedures and Programs

The Clery Act requires the College to include statements of policy in the annual security report that address the institution's programs to prevent dating violence, domestic violence, sexual assault and stalking, and the procedures it will follow when one of these crimes is reported. For purposes of the Clery Act, "dating violence," "domestic violence," and "stalking" are defined in the Department's regulations.

Dating Violence, defined as:

Violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant'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 purposes 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.

Domestic Violence, defined as:

A pattern of behavior involving the use or attempted use of physical, sexual, verbal, psychological, economic, or technological abuse, or any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, by a person who is:

• a current or former spouse or dating partner of the Complainant or other person similarly situated to a spouse of the victim, or

• a person with whom the Complainant shares a child in common, or

• a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or dating partner, or

• an adult family member of, or paid or unpaid caregiver in an ongoing relationship of trust with, a complainant aged 50 or older or an adult complainant with disabilities, or

• a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Pennsylvania, or

• any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania

Stalking, defined as:

Engaging in a course of conduct, on the basis of sex, 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. For the purposes of this definition,

• course of conduct means two or more acts including, but not limited to,

• acts in which the Respondent 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.

• Reasonable person means a reasonable person under similar circumstances

• and with similar identities to the Complainant.

• Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Sexual Assault is defined as an offense that meets the definition of Rape, Fondling, Incest or Statutory Rape as used in the FBI's UCR program.

Educational Programs and Campaigns

The statement must include:

- a description of the institution's educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault and stalking
- the statement must include a description of the institution's primary prevention and awareness programs for all incoming students and new employees.

Programs to prevent dating violence, domestic violence, sexual assault and stalking are defined as comprehensive, intentional and integrated programming, initiatives, strategies and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that are:

- culturally relevant
- inclusive of diverse communities and identities
- sustainable
- responsive to community needs
- informed by research or assessed for value, effectiveness or outcome, and
- consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

The statute and regulations do not require that all students and employees take or attend the training, The College is required to make a good faith effort to reach all incoming students and new employees with this

training. This means providing all incoming students and new employees with active notification of the training's availability, and providing the training in a format and timeframe that encourages and allows for maximum participation.

Primary prevention programs are defined as programming, initiatives and strategies intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. Examples of these programs might include programs that promote good listening and communication skills, moderation in alcohol consumption and common courtesy.

Awareness programs are defined as community-wide or audience-specific programming, initiatives and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety and reduce perpetration.

The description of the institution's primary prevention and awareness programs for all incoming students and new employees must include:

- a statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as those terms are defined for purposes of the Clery Act
- the definition of "consent" in reference to sexual activity, in the applicable jurisdiction
- a description of safe and positive options for bystander intervention
- information on risk reductions

A description of the institution's ongoing prevention and awareness campaigns for students and employees must provide the same information as primary awareness and prevention programs. Your campaign should use multiple strategies in a coordinated way throughout the year to reach all populations of students and employees at the institution.

PENN HIGHLANDS SEXUAL ASSAULT PROTECTION AND PREVENTION PROGRAM

Pennsylvania Highlands Community College strictly prohibits all sexual assaults.

Consent is:
● knowing, and voluntary, and clear permission by word or action to engage in sexual activity.
***The Commonwealth of Pennsylvania does not specifically define "consent."**

Risk Reduction

To protect yourself and your friends from incidents of sexual assault, dating violence, domestic violence and stalking, the following are possible options to reduce risk:

- **Trust your instincts**
- **Don't worry about offending someone – just get away from them**
- **Make your limits know as early as possible**
- **Say "NO" clearly and firmly**
- **Notice when your boundaries are not being respected**

- **Assert your right to have those boundaries respected**
- **Be "situationally aware" by taking note of your surroundings and who is present**
- **Don't be afraid to ask for help when you don't feel safe**
- **Take responsibility for your alcohol/other drug consumption, and acknowledge those substances can -lower inhibitions and make you vulnerable**
- **Walk with others**
- **Lock doors and windows in car and living space**
- **Look out for your friends and ask they look out for you**
- **Respect a friend who challenges you if you're about to make a poor decision**
- **As a victim, NEVER blame yourself, the perpetrator is the only person responsible**

Bystander Intervention

Bystanders can and must intervene if they believe sexual or relationship violence is about to occur. Possible ways to intervene include:

- **Provide a distraction that interrupts an interaction**
- **Directly engage one or more of the involved parties**
- **Involve police or security**
- **Tell someone else to get help**
- **Ask someone in a potentially dangerous situation if they want to leave**
- **Make sure they get home safely**
- **Remind a potential perpetrator that an incapacitated person can NOT give consent**
- **Help remove someone from the situation**
- **Provide options and a listening ear**
- **Don't just assume someone else will step in**
- **Be part of the solution**

Ongoing prevention and awareness campaigns and information for students and employees are provided by the Office of Security and Safety.

PENN HIGHLANDS SEXUAL ASSAULT AWARENESS AND PREVENTIVE MEASURES RESOURCE TOOL

Pennsylvania Highlands Community College is committed to providing a learning and working environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex, which includes all forms of sexual misconduct. Sex discrimination violates an individual's fundamental rights and personal dignity. Pennsylvania Highlands Community College considers sex discrimination in all its forms to be a serious offense.

TITLE IX

Title IX is a federal law that states, "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 educational program or activity receiving Federal financial assistance." This federal law protects students, faculty, staff,

administration, and visitors from sexual harassment and sexual assault, which are forms of discrimination covered by the College's Nondiscrimination Policy.

NONDISCRIMINATION POLICY

Pennsylvania Highlands Community College is committed to providing equal opportunity in admissions and treatment of students in educational programs for students, in employment opportunities and in governance of the College, without regard to race, color, religion, ancestry, national origin, sexual orientation, handicap or disability, age, or sex. The College shall take affirmative action to ensure (1) that it does not discriminate against an employee or applicant for employment or another person on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, or other characteristic protected by law; (2) that it does not subject students to unlawful discrimination in the admission process, take any action, direct or indirect, to segregate students in a classroom or course, or subject students to different or separate treatment in, nor restrict the enjoyment by a student of, a service, facility, activity or program at the College on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, or other characteristic protected by law; (3) that it does not discriminate in the employment of administrators on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, or other characteristic protected by law. And that its governance structure includes diverse membership broadly representative of the public interest as may be required by law or regulation. There shall be no retaliation against any applicant, employee, or student for filing a harassment or discrimination complaint, or assisting, testifying, or participating in the investigation of such a complaint. Any applicant, employee, or student reporting sexual or other harassment or discrimination will also be protected from reprisals or retaliation by the College, any supervisors, and/or co-workers as a result of such complaint(s).

Employment and educational opportunities at Pennsylvania Highlands Community College are available to all as required by Title VI, Title VII, Title IX, Section 504 of the Rehabilitation Act, the Pennsylvania Fair Educational Opportunities Act (24 P.S. § § 5001-5009), the Pennsylvania Human Relations Act (43 P. S. §§ 951-962.2), and all other applicable laws and regulations.

For information regarding equal education and employment opportunity including services, activities and facilities that are usable and accessible to disabled persons, contact the Assistant Vice President of Human Resources, Pennsylvania Highlands Community College by telephone at (814)262-3848, or in writing at Human Resources Office, 101 Community College Way, Johnstown, PA 15904. If an applicant, employee, or student is physically or mentally disabled, he/she may request accommodations, academic adjustments, or auxiliary aids or services. Information on the College's services for disabled students may be obtained from the Counselor/ADA Specialist at (814)262-6468. Employees or applicants should contact the Director of Human Resources at (814)262-3848 for more information.

VIOLENCE AGAINST WOMEN ACT (VAWA)

Violence Against Women Act is a federal law in response to the increasing violence against women in America. The Act has provisions ranging from funding of domestic violence programs to civil rights

remedies for women and also men who were victims of gender-based attacks as well as expanding protection to lesbian, gay, bisexual, and transgender, including Native Americans and immigrants, which were added in 2013.

Sources: http://definitions.uslegal.com/v/violence-against-women-act-vawa/; http://www.justice.gov/ovw/blog/celebrating-reauthorization-violence-against-women-act

SEXUAL VIOLENCE TERMS AND EDUCATION

Rape: Defined by 18 Pa 3121

(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.**

Acquaintance Rape: Defined by Rape, Abuse & Incest National Network

Pennsylvania has no legal definition/crime.

Acquaintance assault involves coercive sexual activities that occur against a person's will by means of force, violence, duress, or fear of bodily injury. These sexual activities are imposed upon them by someone they know (a friend, date, acquaintance, etc.).

Domestic Violence: Defined by 23 PA 6102

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 actions between family or household members, sexual or intimate partners or persons who share biological parenthood:

- **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.**
- **Placing another in reasonable fear of imminent serious bodily injury.**
- **The infliction of false imprisonment pursuant to 18 Pa.C.S. 2901 (relating to false imprisonment).**

- **Physically or sexually abusing minor children, including terms as defined in Chapter 63 (relating to child protective services).**
- **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 criminal offenses).**

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.

<u>Dating Violence:</u> Defined by National Center for Victims of Crime

Pennsylvania does not have a definition/crime.

Dating violence is controlling, abusive, and aggressive behavior in a romantic relationship. It can happen in straight or gay relationships. It can include verbal, emotional, physical, or sexual abuse, or a combination.

Controlling behavior may include:

- **Not letting you hang out with your friends**
- **Calling or paging you frequently to find out where you are, whom you're with, and what you're doing**
- **Telling you what to wear**
- **Having to be with you all the time**

Verbal and emotional abuse may include:

- **Calling you names**
- **Jealousy**
- **Belittling you (cutting you down)**
- **Threatening to hurt you, someone in your family, or himself or herself if you don't do what he or she wants**

Physical abuse may include:

- **Shoving**
- **Punching**
- **Slapping**
- **Pinching**
- **Hitting**
- **Kicking**
- **Hair pulling**
- **Strangling**

Sexual Assault: Defined by 18 PA 3124.1

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 deviant sexual intercourse with a complainant without the complainant's consent.

SEXUAL HARASSMENT

Sexual Harassment is unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when:

1) **submission to such conduct is made a term or condition of employment or the educational relationship;**
2) **submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or**
3) **such conduct has the effect of unreasonably interfering with a student's or employee's work performance or creating an intimidating, hostile, or offensive working, educational, or living environment.**

Source: Pennsylvania Highlands Title IX Policy – http://www.pennhighlands.edu/forms/title_ix_policy.pdf

Stalking: Defined by 18 PA 2709.1

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.**

DRUG AND ALCOHOL – FACILITATED SEXUAL VIOLENCE

Some attackers use drugs to incapacitate and/or have control over an individual to commit sexually-based acts known as "drug-facilitated sexual assaults." These colorless, odorless, and sometimes tasteless drugs can easily be slipped into a person's drink without that person's knowledge or consent. You can find further information regarding this issue at the link below.

Source: http://www.911rape.org/drug-facilitated-sexual-assault-dfsa/overview

CONSENT

Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the individual responding party of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

<u>Signs that you may be in an abusive relationship</u>

Do you:

- **Feel afraid of your partner much of the time?**
- **Avoid certain topics out of fear of angering your partner?**
- **Feel that you can't do anything right for your partner?**
- **Believe that you deserve to be hurt or mistreated?**
- **Wonder if you're the one who is crazy?**
- **Feel emotionally numb or helpless?**

Does your partner:

- **Humiliate or yell at you?**
- **Criticize you and put you down?**
- **Treat you so badly that you're embarrassed for your friends or family to see?**
- **Ignore or put down your opinions or accomplishments?**
- **Blame you for their own abusive behavior?**
- **See you as property or a sex object, rather than as a person**

<u>Your Partner's Violent Behavior or Threats</u>

Does your partner:

- **Have a bad and unpredictable temper?**

- **Hurt you, or threaten to hurt or kill you?**
- **Threaten to take your children away or harm them?**
- **Threaten to commit suicide if you leave?**
- **Force you to have sex?**
- **Destroy your belongings?**

Your Partner's Controlling Behavior

Does your partner:

- **Act excessively jealous and possessive?**
- **Control where you go or what you do?**
- **Keep you from seeing your friends or family?**
- **Limit your access to money, the phone, or the car?**
- **Constantly check up on you?**

http://www.helpguide.org/mental/domestic_violence_abuse_types_signs_causes_effects.htm

RISK EDUCATION AND PERSONAL PROTECTION

The best defense against assault of any kind is to avoid situations where you are vulnerable. Here are a few suggestions:

- **Choose settings for social activities very carefully. The proximity of other people heightens your safety, but does not guarantee it.**
- **Do not walk alone at night. Travel with friends. Keep to familiar, well-traveled and well-lighted areas.**
- **Do not hitchhike. By doing so you forfeit the ability to change direction and control of your movement.**
- **Tell someone where you are going and when you expect to return.**
- **Have your key in hand and ready to unlock your door. This also applies to your vehicle as well.**
- **Always keep your home and vehicle door locked.**
- **Examine your own desires and feeling about sex, and set sexual limits.**
- **Be assertive and communicate your limits clearly.**
- **Alcohol and drugs can compromise your ability to make responsible decisions and are often related to date rape situations. This applies to both potential victims and potential assailants.**

http://www.rpi.edu/dept/public_safety/safety/assault.html

BELOW ARE TIPS THAT CAN ASSIST YOU WHEN YOU ARE BEING PRESSURED

- **Do not feel you must do something that you do not want to do.**
- **Have a signal that you can communicate with a family member or friend if you feel you are in an uncomfortable situation.**
- **Create distance from the situation and immediately report the situation to College administration.**
- **Make up an excuse to remove yourself from an uncomfortable situation.**
- **Remember that being coerced and made to feel uncomfortable is not your fault.**

Source: https://www.rainn.org/get-information/sexual-assault-prevention/avoiding-pressure

WHAT TO DO IF YOU ARE A VICTIM OF SEXUAL VIOLENCE

- **Find a safe environment away from the attacker, have a friend stay with you, and understand you are a victim with rights and have done nothing wrong.**
- **Individuals are encouraged to report the assault to police by calling 911 and/or notify campus administration.**
- **Save any evidence of the assault – do not change your clothes, use the restroom, comb your hair, bathe, brush your teeth, eat, smoke, clean up the crime scene, or move anything the attacker may have touched. Also, it is beneficial to retain any text messages, emails, or voicemails pertaining to the assault.**
- **Seek immediate medical attention and ask the hospital to conduct a sexual assault kit exam to preserve forensic evidence. Identify any risks of sexually transmitted infections or diseases (STIs or STDs) and pregnancy. Request a urine sample be taken, if you suspect you were drugged. Examples of STDs include, but are not limited to, Chlamydia, Gonorrhea, Hepatitis, Herpes, HIV/AIDS, HPV, PID, and Syphilis.**
- **Write down what you recall about the assault and the attacker.**
- **Remember, what happened is not your fault.**
- **Allow yourself time to recover from sexual violence.**
- **Seek professional counseling for assistance.**

Source: https://www.rainn.org/get-information/sexual-assault-recovery/tips-for-after-an-attack

Tips for Intervening in Risky Situations

- **Step in and intervene asking friends from both sides to assist either as individuals or a group**
- **Use a distraction to redirect the focus ("Hey, I need to talk to you")**

Remember to always:

- **Approach everyone as a friend**
- **Do not be antagonistic**
- **Avoid using violence**
- **Be honest and direct whenever possible**
- **Recruit help if necessary**
- **Keep yourself safe**

If things get out of hand or become too serious, contact the police

COUNSELING RESOURCES

Penn Highlands Student Success Center **Bridgett Hall, Counselor** **101 Community College Way** **Johnstown, PA 15904** **814.262.6467**	**National Sexual Assault Hotline** **1220 L. Street NW, Suite 505** **Washington, DC 20005** **1.800.656.HOPE**
Cambria County **Victim Services** **638 Ferndale Avenue** **Johnstown, PA 15905** **814.288.4961**	**Blair County** **Blair County Victim/Witness Program** **423 Allegheny St, #421** **Hollidaysburg, PA 16648-2011** **814.693.3010**
Cambria County **Women's Help Center** **809 Napoleon Street** **Johnstown, PA 15901** **814.536.5361**	**Blair County** **Family Services Inc.** **2022 Broad Avenue** **Altoona, PA 16601** **814.944.3583**
Somerset County **Victim Services** **218 N. Kimberly Ave. #4** **Somerset, PA 15501** **814.443.1555**	**Huntingdon County** **Huntingdon House** **626 Moore Street** **Huntingdon, PA 16652** **1.814.643.2801**
Somerset County **Women's Help Center** **124 N. Center Ave.** **Somerset, PA 15501** **814.443.2824**	

COLLEGE RESOURCES

Contact one or more of the following:

Title IX Coordinator

Trish A. Corle, Vice President of Student Services

814.262.3841 **TCorle@pennhighlands.edu**

Title IX Deputy Coordinators

Michaela Long, Assistant Regional Center Director

814.701.2628 **MLong@pennhighlands.edu**

Natalie Toma, Director Blair Center

814.631.9633 **NToma@pennhighlands.edu**

Robert Sekerak, Director Ebensburg Center

814.471.0013 **RSekerak@pennhighlands.edu**

Office of Security

Cregg Dibert, Director

814.262.3837 **CDibert@pennhighlands.edu**

Main Phone Number- Office of Security and Safety

814.262.6427

COLLEGE PROCEDURES

Once a report of a suspected assault or violation is received, the complainant will be contacted within 48 hours by either the Title IX Coordinator, Deputy Coordinator or Investigator. Interim remedies will be provided to the victim as requested and an investigation will ensue if warranted. Upon conclusion of the investigation a determination will be made as to whether or not College policy has been violated. Appropriate sanctions will be put in place where warranted and both the complainant and respondent will be notified of the outcome of the investigation.

COLLEGE REMEDIES

Once the College has received a complaint of a violation under this policy the College is under obligation to do the following:

- **Take immediate and appropriate steps to investigate what has occurred**
- **Take prompt and effective action to:**
  - **End the harassment**
  - **Remedy its effects**
  - **Prevent its recurrence**

The College has the right to impose interim remedies. These may include but are not limited to:

- **A change in academic, work or transportation conditions as warranted**
- **No contact orders for both the complainant and respondent**
- **Security escorts as warranted**

Upon completion of an investigation, the college has the right to impose sanctions on any respondent who it deems has violated college policy. These sanctions may include but are not limited to:

- **Personal/Professional development education**
- **Community service**
- **Restorative justice**
- **Suspension**
- **Expulsion/employment termination**

SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS

Pennsylvania Highlands Community College is committed to providing a safe, secure, and healthy teaching, learning, and working environment free from sexual assault by providing sexual assault awareness and prevention programs.

If you are a victim of sexual assault, find a safe environment away from the attacker. To seek assistance and report a sexual assault call 911, contact Campus Security and Safety, and/or notify College administration. It is imperative to preserve all evidence to be used in proving that a sexual assault occurred. Seek medical attention and notify those involved that you are a victim of a sexual assault, identify any risks of sexually transmitted infections/diseases and/or pregnancy, and seek counseling, if necessary. In addition, write down as much as you can remember immediately following the attack. Understand you are a victim and this was not your fault. College administration are here to assist you by providing both internal and/or external resources regardless if you choose to criminally prosecute the offender or not. Pennsylvania Highlands Community College will act promptly to protect the rights of all individuals involved in a sexual assault matter. We support the victim's right to choose which avenues of assistance are most appropriate for him/her to pursue and the victim's right not to pursue, if he/she so chooses. Individuals who have been sexually assaulted have the right to:

- **To be treated with respect by College officials**
- **To take advantage of campus support resources**
- **To experience a safe educational and work environment**

- **To have an advisor (students) or representative (employees) during this process**
- **To refuse to have an allegation resolved through informal procedures**
- **To be free from retaliation**
- **To interim remedies related to the victims academic or work schedule**
- **To have complaints heard in substantial accordance with these procedures**
- **To reasonable and necessary participation in the process**
- **To be informed in writing of the outcome of the complaint and, where permissible, sanctions, and the rationale for the outcome**

CONFIDENTIALITY

The College will treat all sexual assault matters with dignity and discretion. Every attempt will be made to protect the privacy of all individuals involved to the extent possible by law and to the extent that such confidentiality does not pose a direct threat to the individual or others or interfere with the investigation.

For further information, please contact Trish A. Corle, Vice President of Student Services, Title IX Coordinator at 814.262.3841.

<u>Procedures Victims Should Follow in the Case of Alleged Dating Violence, Domestic Violence, Sexual Assault or Stalking</u>

Statement must include

- **the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred,**
- **written information about the importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;**
- **how and to whom the alleged offense should be reported;**
- **options about the involvement of law enforcement and campus authorities, including notification of the victim's option to**
    - **notify proper law enforcement authorities, including on-campus and local police;**
    - **be assisted by campus authorities in notifying law enforcement authorities if the victim chooses;**
    - **decline to notify such authorities;**

PENN HIGHLANDS FIVE-STEP SEXUAL ASSAULT PROTOCOL

What To Do If You Are a Victim of *Dating Violence, Domestic Violence, Sexual Assault or Stalking*

- **STEP 1: Getting Safe and Contacting Authorities**

  1. **Get to a safe place as soon as you can.**
  2. **Contact someone you trust such as a close friend or family member to be with you through the various steps. Contact a hospital immediately. You may also want to contact the Johnstown Women's Help Center 1-800-999-7406, Huntingdon Victim Services (814) 443-1555/(800) 755-1983, or Moore Counseling Services (Blair) (814) 942-5588.**
  3. **Preserve all physical evidence as much as possible. Do not use the toilet, bathe, wash, or change your clothing, if you can avoid it. If you do (or must) change clothes, put all the clothing you were wearing at the time of the attack in a *paper* bag. Please, *do not* use a plastic bag for this purpose as is degrades possible evidence.**
  4. **As soon as possible, get medical attention in order to collect important evidence and ensure your physical well-being.**
  5. **Contact the Office of Security and Safety by dialing ext. 6427 or 5555 on any campus phone or call the local police by dialing 911.**

- **STEP 2: Obtaining Medical Treatment**

  It is vitally important to seek immediate and follow-up medical treatment: (1) to determine and treat any physical injuries you may have sustained; (2) to determine the risk of sexually transmitted diseases and/or pregnancy, and take appropriate preventative measures; and (3) to gather important evidence which will aid prosecuting the offender if you choose to pursue criminal charges.

  NOTE: Physical evidence should be collected immediately; within the first 24 hours is the ideal time frame. If the evidence is collected later than 24 hours, the quantity and quality of evidence will be diminished.

  After an assault, there is a special medical examination which should be conducted as soon as possible. This exam ensures your physical well-being. This exam is important even if you have not been physically injured as the exam is recommended to maintain all your legal options. All evidence will be maintained after collection in the event you desire to pursue criminal charges against the assailant. An emergency department physician or gynecologist will perform this exam. Throughout the procedure, a nurse is present and a support person of your choice can also be present. You can choose to have the exam conducted at any local hospital you prefer. All local hospitals' emergency

departments follow national standards for evidence collection procedures, rape exams, and victim care.

NOTE: As a matter of procedure, victims must be advised that the hospital will notify the police department in the jurisdiction in which the assault occurred as well as the local rape/sexual assault center if the victim has not already done this. A sexual assault advocate and the police will proceed to the hospital. However, victims are not required to furnish any information to the advocate or police.

- **STEP 3: Counseling and Emotional Support**

At the Richland Campus or the Ebensburg Education Center, you can speak with a counselor by calling Victim Services of Johnstown at (814)288-4961 or 800-755-1983 (24 hours). Victim Services for Huntingdon can be contacted at (814) 643-2801. Also, Somerset Victim Services is available at (814) 443-1555 or (800) 755-1983. For Blair County you can contact Moore Counseling Services at (814) 942-5588.

- **STEP 4: Reporting to the Office of Security and Safety**

You should report all crimes occurring within the Pennsylvania Highlands Community College Clery geography by completing an Incident Report form or by contacting the Office of Security and Safety. You (or another person) may make this report anonymously if desired. The information you provide will be kept private. An individual, who wishes to make a report at the Ebensburg, Blair, Huntingdon and Somerset Education Centers, may contact the Director of the respective facility. The information will be relayed to the Director of Security and Safety and Safety.

To protect yourself and others from future victimization, you are highly encouraged to report the incident. Should you choose to report it, the Office of Security and Safety can arrange for a local law enforcement officer to take your statement. The police officer will ask for a description of your assailant and/or ask you to identify the assailant--if you know your attacker. You may be asked if anyone else was present, where the crime occurred, the time, and any other pertinent information about the incident. If you desire, you may have a support person with you during this interview. You may decline to notify law enforcement authorities if you wish.

- **STEP: 5: Criminal Investigation and Charges**

If you wish to press criminal charges regarding the incident, you must contact law enforcement agency having jurisdiction in the area where the crime occurred. The Office of Security and Safety will assist in contacting law enforcement if requested.

Law enforcement officers will disclose legal rights and protections available under the law, such as court orders of protection, no contact, or restraining orders. Police officers can explain legal options available considering the circumstances. If a court order is issued and the Security and Safety Office is made aware of the details or provided with a copy of the court document all protective considerations will be available to the protected.

Procedures The Institution Will Follow In the Case of Alleged Dating Violence, Domestic Violence, Sexual Assault or Stalking

Statement must include information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will:

- **complete publicly available recordkeeping, including Clery Act reporting and disclosures, without inclusion of personally identifying information about the victim; and**
- **maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.**
- **a statement that the institution will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and in the community.**
- **a statement that the institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement**

"Proceeding" is defined as all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim. In this statement the College must disclose all procedures for campus disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and stalking. For each type of proceeding, list all of the steps involved and the anticipated timeline for each step, and describe the decision-making process, including who is responsible for making decisions. Describe, in detail, how an individual can file a complaint. Provide contact information for the person or office to which the complaint should be made, the location of any forms required, and the options for filing the complaint (i.e., in-person, electronically, by phone). Also, describe how the institution decides which type of proceeding will be used for which cases and who makes that decision (i.e., do sexual assaults automatically get assigned a formal hearing).

The College must follow the procedures described in the statement regardless of where the alleged case of dating violence, domestic violence, sexual assault or stalking occurred (i.e., on or off the institution's Clery Act geography).

- **describe the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault or stalking;**
- **lists all the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault or stalking;**
- **describes the range of protective measures that the institution may offer to the victim following an allegation of dating violence, domestic violence, sexual assault or stalking;**
- **provides that the proceedings will include a prompt, fair and impartial process from the initial investigation to the final result;**
- **be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability;**
- **provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice;**
- **not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;**
- **require simultaneous notification, in writing, to both the accuser and the accused of**
    - **the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking;**
    - **the institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available;**
    - **any change to the result; and**
    - **when such results become final.**
- **a statement that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options.**

<u>Additional Penn Highlands Resources</u>

The Student Success Center provides numerous pamphlets, counseling options and presentations concerning:

- Title IX

- Sexual assault prevention
- VAWA crimes information
- Substance abuse

Advising the Campus Community About Sex Offenders

The institution must provide a statement advising the campus community about where law enforcement agency information provided by a state concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus or a computer network address.

The institution is required to advise the campus community how to access this information. The law doesn't, however, require you to disseminate additional information about the offenders. The College responsible for notifying the campus community if there is a change in how the data can be obtained.

Sex Offender Registry and Access to Related Information

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, became effective on October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student.

In the Commonwealth of Pennsylvania, information regarding registered sex offenders who are subject to community notification may be obtained from a community member's respective local municipal police agency and/or the Pennsylvania State Police. PSP information concerning Megan's Law may be viewed on the Internet at http://www.pameganslaw.state.pa.us/.

Pennsylvania Highlands Community College
Title IX Policy: Non-Discrimination, Harassment, Retaliation on the Basis of Sex

Rationale for Policy
Pennsylvania Highlands Community College is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Pennsylvania Highlands Community College has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of sex, and for allegations of retaliation.
Pennsylvania Highlands Community College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

Applicable Scope
The core purpose of this policy is the prohibition of discrimination on the basis of sex. Sometimes discrimination involves exclusion from activities, such as admission, athletics, or employment. In the case of sex-based discrimination, this can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. The policies of Pennsylvania Highlands Community College are written and interpreted broadly to include online and cyber manifestations of any of the prohibited behaviors. The Pennsylvania Highlands Community College's resolution process will be utilized for alleged violations of the Policy on Non-Discrimination, Harassment, Retaliation on the Basis of Sex.
When the Respondent is a member of the Pennsylvania Highlands Community College community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Pennsylvania Highlands Community College community. This College community includes, but is not limited to, students, student organizations, faculty, administrators, and staff. Visitors are not part of the college community; however, they are both protected by and expected to abide by this policy. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.
For the purposes of this policy, the following definitions apply:
• *Complainant* means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination on the basis of sex; or retaliation for engaging in a protected activity.
• *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination on the basis of sex; or retaliation for engaging in a protected activity.

Title IX contact information
1) Title IX Coordinator

The Vice President of Student Services serves as the Title IX Coordinator and ADA/504 Coordinator and oversees implementation of the Pennsylvania Highlands Community College's policy on Non-Discrimination, Harassment, Retaliation on the Basis of Sex.
The Title IX Coordinator has the primary responsibility for coordinating Pennsylvania Highlands Community College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact the Pennsylvania Highlands Community College President, at 814-262-3820 or via email at president@pennhighlands.edu. Concerns involving bias, conflict of interest, misconduct, or discrimination by any other Title IX Team member should be raised with the Title IX Coordinator.

2) Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about/concerns regarding this policy and procedures, may be made internally to:
Title IX Coordinator Pennsylvania Highlands Community College 101 Community College Way Johnstown, PA 15904 Phone: 814.262.3841 Email: TitleIXCoord@pennhighlands.edu
Pennsylvania Highlands Community College has also classified all employees as Mandated Reporters of any knowledge they have that a member of the college community is experiencing harassment, discrimination, and/or retaliation under this policy. The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

3) Complaints may also be discussed with the following:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100 Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012 TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

For complaints involving employees:
Pittsburgh Office of the Equal Employment Opportunity Commission
William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA 15222
Phone: 1.800.669.4000
Fax: 1.412.395.5749
info@eeoc.gov

4) How to report/file a complaint

Notice and Complaints of Discrimination, Harassment, and/or Retaliation
Reporting and providing notice are different from filing a complaint. A report is defined as notification of an incident of sexual misconduct to the Title IX Coordinator/designee by any responsible employee or reporting person. Filing a complaint initiates the formal resolution process.
Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:
a. File a complaint with, or give verbal notice to, the Title IX Coordinator, Title IX Investigator, and/or Title IX Deputy Coordinators.

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.
b. Report online, using the reporting options posted at: https://www.pennhighlands.edu/student-life/security-safety/report-an-incidentconcern/

Anonymous reports are accepted using these options. Pennsylvania Highlands Community College tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as the Pennsylvania Highlands Community College respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the Pennsylvania Highlands Community College to discuss and/or provide supportive measures.

c. Report using the reporting hotline at 1.800.401.8004.

A formal complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the Pennsylvania Highlands Community College investigate the allegation(s). As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the Pennsylvania Highlands Community College) that contains the Complainant's physical or digital signature or otherwise indicates that the Complainant is the person filing the complaint.
If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly. There is no time limitation on providing notice/complaints.

Mandated Reporting
All Pennsylvania Highlands Community College employees (faculty, staff, administrators) are required to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions.
If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.
The following sections describe the reporting options at Pennsylvania Highlands Community College for a Complainant or third-party (including parents/guardians when appropriate):

1. Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:
- **Counselor located in Student Success, Richland Campus**
- **Off-campus counselor (non-employees)**
- **Licensed professional counselors and other medical providers**
- **Local rape crisis counselors**
- **Domestic violence resources**
- **Local or state assistance agencies**
- **Clergy/Chaplains**
- **Attorneys**

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.
Campus counselors are available to help free of charge and may be consulted on an emergency basis during normal business hours.

2. Mandated Reporters and Formal Notice/Complaints

All employees of Pennsylvania Highlands Community College (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.
Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.
Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of Pennsylvania Highlands Community College policy and can be subject to disciplinary action for failure to comply.
Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

Supportive Measures
Pennsylvania Highlands Community College will offer and implement appropriate and reasonable supportive measures to all parties upon notice of alleged harassment, discrimination, and/or retaliation.
Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the Pennsylvania Highlands Community College's education program or activity, including measures designed to protect the safety of all parties or Pennsylvania Highlands Community College's educational environment, and/or deter harassment, discrimination, and/or retaliation.

Promptness
All allegations are acted upon promptly by Pennsylvania Highlands Community College once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the Pennsylvania Highlands Community College will avoid all undue delays within its control.

Privacy
Every effort is made by Pennsylvania Highlands Community College to preserve the privacy of reports. Pennsylvania Highlands Community College will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Jurisdiction
This policy applies to the educational programs and activities of Pennsylvania Highlands Community College, to conduct that takes place on the campus or on property owned or controlled by Pennsylvania Highlands Community College, at Pennsylvania Highlands Community College-sponsored events, or in buildings owned or controlled by Pennsylvania Highlands Community College's recognized student organizations. The Respondent must be a member of Pennsylvania Highlands Community College's community for its policies to apply.

Pennsylvania Highlands Community College may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial Pennsylvania Highlands Community College interest.

Free Expression and Academic Freedom
Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. Pennsylvania Highlands Community College's Non-Discrimination, Harassment, Retaliation on the Basis of Sex policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom.
The sections below describe the specific forms of legally prohibited harassment that are also prohibited under Pennsylvania Highlands Community College Non-Discrimination, Harassment, Retaliation on the Basis of Sex policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Pennsylvania Highlands Community College policy, though supportive measures will be offered to those impacted.

1. Discriminatory Harassment

Discriminatory harassment constitutes a form of discrimination that is prohibited by Pennsylvania Highlands Community College policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.
A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.
When discriminatory harassment rises to the level of creating a hostile environment, Pennsylvania Highlands Community College may also impose sanctions on the Respondent through application of the Non-discrimination, Harassment, Retaliation on the Basis of Sex grievance process.

2. Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the Commonwealth of Pennsylvania regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.
Pennsylvania Highlands Community College has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.
Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.
Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:
a. Conduct on the basis of sex that satisfies one or more of the following: i. Quid Pro Quo: 1. an employee of the Pennsylvania Highlands Community College, conditions the provision of an aid, benefit, or service of the Pennsylvania Highlands Community College, on an individual's participation in unwelcome sexual conduct; and/or

ii. Sexual Harassment: 1. unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive, and, objectively offensive, that it effectively denies a person equal access to Pennsylvania Highlands Community College's education program or activity.

iii. Sexual assault, including: 1. Sex Offenses, Forcible
2. Forcible Rape
3. Forcible Sodomy
4. Sexual Assault with an Object
5. Forcible Fondling
6. Sex Offenses, Non-forcible
a) Incest
b) Statutory Rape

3. Dating Violence, defined as:
Violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
The existence of such a relationship shall be determined based on the Complainant'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 purposes 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.

4. Domestic Violence, defined as:
A pattern of behavior involving the use or attempted use of physical, sexual, verbal, psychological, economic, or technological abuse, or any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, by a person who is:
• a current or former spouse or dating partner of the Complainant or other person similarly situated to a spouse of the victim, or
• a person with whom the Complainant shares a child in common, or
• a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or dating partner, or
• an adult family member of, or paid or unpaid caregiver in an ongoing relationship of trust with, a complainant aged 50 or older or an adult complainant with disabilities, or • a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Pennsylvania, or
• any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania

5. Stalking, defined as:
Engaging in a course of conduct, on the basis of sex, 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.

For the purposes of this definition,
• course of conduct means two or more acts including, but not limited to,
• acts in which the Respondent 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.
• Reasonable person means a reasonable person under similar circumstances
• and with similar identities to the Complainant.
• Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Consensual Relationships
There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power.
The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome.
Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable policies.
The college does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the college. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student, supervisor-supervisee) are generally discouraged.
Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical; therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift the student or employee out of being supervised or evaluated by someone with whom they have established a consensual relationship. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

Consent
As used in the offenses above, the following definitions and understandings apply:

Consent is:
● knowing, and voluntary, and clear permission by word or action to engage in sexual activity.

***The Commonwealth of Pennsylvania does not specifically define "consent."**

Force
Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you", "Okay, don't hit me, I'll do what you want").

Coercion
Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Incapacitation
A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

Retaliation
It is prohibited for Pennsylvania Highlands Community College or any member of Pennsylvania Highlands Community College's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, 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 this policy and procedure.
The exercise of rights protected under the First Amendment does not constitute retaliation.
Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Pennsylvania Highlands Community College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Amnesty for Complainants and Witnesses
The Pennsylvania Highlands Community College community encourages the reporting of misconduct and crimes by Complainants and witnesses. To encourage reporting and participation in the process, Pennsylvania Highlands Community College maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.
Additionally, Pennsylvania Highlands Community College maintains a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the Pennsylvania Highlands Community College may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

Formal Resolution Process
Pennsylvania Highlands has established procedures related to the requirements of 34 CFR Part 106.45 *Grievance process for formal complaints of sexual harassment*. These processes/procedures can be further reviewed at this link:
https://www.pennhighlands.edu/title-ix-policy/
or by contacting the Title IX Coordinator.

Burden of proof
Burden of proof refers to whom has the responsibility of showing a violation has occurred. It is always the responsibility of Pennsylvania Highlands Community College to satisfy the burden of proof. The respondent does not have the burden to prove that a violation did not occur.

Standard of Proof
Pennsylvania Highlands Community College uses the preponderance of the evidence standard in investigations of complaints alleging violations of this policy and any related violations.
This means that the investigation determines whether it is more likely than not that a violation of the policy occurred.

Resolution following notice and/or filing of formal complaint
Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, which is typically one to five business days in duration.
The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process if they so choose. The parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.
Pennsylvania Highlands Community College will initiate at least one of three responses:
1. Offering supportive measures because the Complainant does not want to proceed formally; and/or

2. An informal resolution; and/or

3. A Formal Grievance Process including an investigation and a hearing.

• If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in informal resolution.

Informal Resolution can include three different approaches:
1) When the parties agree to resolve the matter through an alternate resolution mechanism;
2) When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
3) When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.
• If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the alleged misconduct falls within the scope of Title IX. If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address an incident, and/or a pattern of alleged misconduct, and/or a culture/climate issue, based on the nature of the complaint.

This process will include:
1) A notification of investigation and allegations to all parties.
2) Appointment of trained investigators.
3) Appointment of Decision Maker(s).
4) Interviewing of Complainant, Respondent, and all relevant witnesses.
5) Creation of final investigative report.
6) Referral for hearing where applicable.
7) Live recorded hearing with cross examination of all parties.
8) Appointment of Appeals Officer.
9) Appeal.

Please review the Pennsylvania Highlands Community College *resolution process* for alleged violations of the Policy on Non-Discrimination, Harassment, Retaliation on the Basis of Sex found at https://www.pennhighlands.edu/title-ix-policy/ or by contacting the Title IX Coordinator.

The investigation and grievance process will determine whether the Policy has been violated. If so, Pennsylvania Highlands Community College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.
If it does not, the Title IX Coordinator determines that Title IX does not apply and will "dismiss" that aspect of the complaint and assesses which policies may apply. Dismissing a complaint under Title IX is procedural and does not limit Pennsylvania Highlands Community College's authority to address a complaint with the appropriate process and remedies.
Pennsylvania Highlands Community College must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:
1. The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy hereinabove, even if proved; and/or
2. The conduct did not occur in an educational program or activity controlled by the Pennsylvania Highlands Community College (including buildings or property controlled by recognized student organizations), and/or the Pennsylvania Highlands Community College does not have control of the Respondent; and/or
3. The conduct did not occur against a person in the United States; and/or

4. At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the Pennsylvania Highlands Community College.

Sanctioning
Upon a finding that a violation has occurred, Pennsylvania Highlands Community College has the authority to impose sanctions upon the respondent. The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.
The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities.
Student sanctions may include:
- **Warning**
- **Required Counseling**
- **Probation**
- **Suspension**
- **Expulsion**
- **Organizational Sanctions**
- **Other Actions**

Employee sanctions may include:
- **Warning – Verbal or Written**
- **Performance Improvement/Management Process**
- **Required Counseling**
- **Required Training or Education**
- **Probation**
- **Demotion**
- **Suspension with pay**
- **Suspension without pay**
- **Termination**

Appeals
All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within 5 business days of the delivery of the written finding of the Decision-maker. Any party may appeal the findings only under the grounds described below.
An Appeal Decision-maker will be designated by the Title IX Coordinator. Any party may appeal, but appeals are limited to the following grounds:
- **A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, failure to correctly apply the evidentiary standard).**
- **To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.**
- **The sanctions-imposed fall outside the range of sanctions the Recipient has designated for this offense and the cumulative record of the Respondent.**

Record Keeping
Pennsylvania Highlands Community College will maintain for a period of seven years, records of:
1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;

3. Any remedies provided to the Complainant designed to restore or preserve equal access to the Pennsylvania Highlands Community College's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Pennsylvania Highlands Community College will make these training materials publicly available on Pennsylvania Highlands Community College's website, and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including: a. The basis for all conclusions that the response was not deliberately indifferent;
b. Any measures designed to restore or preserve equal access to the Pennsylvania Highlands Community College's education program or activity; and
c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Pennsylvania Highlands Community College will also maintain any and all records in accordance with state and federal laws.

Pennsylvania Highlands Community College EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION POLICY for incidents occurring on or after August 1, 2024
(Hereinafter, "the Policy")

Purpose

Pennsylvania Highlands Community College is committed to providing an educational and employment environment that is free from discrimination based on protected characteristics, harassment, and retaliation for engaging in protected activity.

Pennsylvania Highlands Community College values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the resolution process during what is often a difficult time for all involved.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, Pennsylvania Highlands Community College has developed policies and procedures that provide for prompt, fair, and impartial resolution of allegations of protected characteristic discrimination, harassment, or allegations of retaliation.

Notice of Nondiscrimination

Pennsylvania Highlands Community College seeks to comply with all federal, state, and local laws, regulations, and ordinances prohibiting discrimination in public post-secondary education institutions.

Pennsylvania Highlands Community College does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of actual or perceived:

- **Age (40 years and over in the employment context)**
- **Color**
- **Disability (physical or mental)**
- **Ethnicity**
- **Gender expression**
- **Gender identity**
- **Genetic information (including family medical history)**
- **Marital status**
- **National origin (including ancestry)**
- **Pregnancy or related conditions**
- **Race**

- **Religion**
- **Sex**
- **Sexual orientation**
- **Veteran or military status (including disabled veteran, recently separated veteran, active-duty, wartime, or campaign badge veteran, and Armed Forces Service Medal veteran)**
- **or any other protected characteristic under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process within the institution, with the Equal Employment Opportunity Commission, and/or other human/civil rights agency.**

This Policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the Pennsylvania Highlands Community College community whose acts deny, deprive, unreasonably interfere with or limit the education or employment, social access, benefits, and/or opportunities of any member of the Pennsylvania Highlands Community College community, guest, or visitor on the basis of that person's actual or perceived protected characteristic(s), is in violation of this Policy.

Pennsylvania Highlands Community College will promptly and effectively address any such discrimination of which it has Knowledge/Notice using the resolution process in the Equal Opportunity, Harassment, and Nondiscrimination Procedures.

<u>Nondiscrimination Team Contacts</u>

Pennsylvania Highlands Community College has appointed the following positions and/or employees, to coordinate Pennsylvania Highlands Community College's compliance with federal, state, and local civil rights laws and ordinances:

For discrimination and harassment allegations [not based on sex or disability]:
Associate Vice President of Administration
Suite B136A
101 Community College Way
Johnstown, PA 15904
814-262-3833
Civilrights@pennhighlands.edu

For sex discrimination and sex-based harassment allegations:
Title IX Coordinator
Trish Corle
Vice President of Student Services
Suite A107J
101 Community College Way

Johnstown, PA 15904
814-262-3841
Civilrights@pennhighlands.edu

For disability-based allegations:
Trish Corle
Vice President of Student Services
Suite A107J
101 Community College Way
Johnstown, PA 15904
814-262-3841
Civilrights@pennhighlands.edu

Collectively, these individuals are responsible for providing comprehensive nondiscrimination education and training; coordinating the Pennsylvania Highlands Community College's timely, thorough, and fair response, investigation, and resolution of all alleged prohibited conduct under this Policy; and monitoring the effectiveness of this Policy and related procedures to ensure an education and employment environment free from discrimination, harassment, and retaliation.

External Contact Information

Concerns about Pennsylvania Highlands Community College's application of this Policy and compliance with certain federal civil rights laws may also be addressed to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

For Complaints involving employee-on-employee conduct:

William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA 15222
Phone 1-800-669-4000

Fax 412-395-5749
TTY 1-800-669-6820
ASL Video 844-234-5122

Mandated Reporting and Confidential Employees

All Pennsylvania Highlands Community College faculty and employees (including student employees), other than those deemed Confidential Employees, are Mandated Reporters and are expected to promptly report all known details of actual or suspected discrimination, harassment, and/or retaliation to appropriate officials immediately, although there are some limited exceptions. Supportive measures may be offered as the result of such disclosures without formal Pennsylvania Highlands Community College action.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged crimes and/or Policy violations, and these employees will immediately pass Notice to the Title IX Coordinator (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

The following sections describe Pennsylvania Highlands Community College's reporting options for a Complainant or third party (including parents/guardians when appropriate):

Confidential Employees

To enable Complainants to access support and resources without filing a Complaint, Pennsylvania Highlands Community College has designated specific employees as Confidential Resources. Those designated by Pennsylvania Highlands Community College as Confidential Resources are not required to report actual or suspected discrimination, harassment, or retaliation in a way that identifies the Parties. They will, however, provide the Complainant with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or Pennsylvania Highlands Community College official unless a Complainant has requested the information be shared.

These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following Confidential Employee:

Designated Confidential Employees

- **Bridget Hall, Counselor**
  Pennsylvania Highlands Community College Counselor
  Suite B125A
  101 Community College Way
  Johnstown, PA 15904
  814-262-6467
  Bhall@pennhighlands.edu

Failure of a Mandated Reporter, as described above in this section, to report an incident of discrimination, harassment, or retaliation of which they become aware is a violation of Pennsylvania Highlands Community College Policy and can be subject to disciplinary action for failure to comply/failure to report. This also includes situations when a harasser is a Mandated Reporter. Such individuals are obligated to report their own misconduct, and failure to do so is a chargeable offense under this Policy.

A Mandated Reporter who is themselves a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

In addition, Complainants may speak with individuals unaffiliated with Pennsylvania Highlands Community College without concern that Policy will require them to disclose information to the institution without permission:

- **Licensed professional counselors and other medical providers**
- **Local rape crisis counselors**
- **Domestic violence resources**
- **Local or state assistance agencies**
- **Clergy/Chaplains**
- **Attorneys**

Disability-based Grievances and Complaints

Grievances related to disability status and/or provision of accommodations are addressed using the procedures found on our Disability Services webpage.

Scope

This Policy is only applicable to alleged incidents that occur on or after August 1, 2024. For alleged incidents of sexual harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. Applicable versions of those

policies and procedures are available from the Title IX Coordinator and on our Title IX webpage.

This Policy applies to all faculty, employees, students, and other individuals participating in or attempting to participate in Pennsylvania Highlands Community College's program or activities, including education and employment.

This Policy prohibits all forms of discrimination on the basis of the protected characteristic(s) listed in the Equal Opportunity, Affirmative Action and Nondiscrimination. The Equal Opportunity, Harassment, and Nondiscrimination Procedures may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed in accordance with this Policy.

Jurisdiction

This Policy applies to Pennsylvania Highlands Community College's education programs and activities (defined as including locations, events, or circumstances in which Pennsylvania Highlands Community College exercises substantial control over both the Respondent and the context in which the conduct occurred), circumstances where Pennsylvania Highlands Community College has disciplinary authority, and to misconduct occurring within any building owned or controlled by Pennsylvania Highlands Community College.

This Policy may also apply to the effects of off-campus misconduct that limit or deny a person's access to Pennsylvania Highlands Community College's education program or activities or impact a substantial interest of Pennsylvania Highlands Community College.

For disciplinary action to be issued under this Policy, the Respondent must be a Pennsylvania Highlands Community College faculty member, student, or employee at the time of the alleged incident. If the Respondent is unknown or is not a member of the Pennsylvania Highlands Community College community, the Title IX Coordinator will offer to assist the Complainant in identifying appropriate institutional and local resources and support options and will implement appropriate supportive measures and/or remedial actions (e.g., trespassing a person from campus). Pennsylvania Highlands Community College can also assist in contacting local or institutional law enforcement if the individual would like to file a police report about criminal conduct.

All vendors serving the Pennsylvania Highlands Community College through third-party contracts are subject to the policies and procedures of their employers and to these Policies and procedures to which their employer has agreed to be bound by their contracts.

Supportive Measures

Pennsylvania Highlands Community College will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged discrimination, harassment, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to Pennsylvania Highlands Community College's education program or activity, including measures designed to protect the safety of all Parties and/or Pennsylvania Highlands Community College's educational environment and/or to deter discrimination, harassment, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the Parties upon receiving Notice/Knowledge or a Complaint. At the time that supportive measures are offered, if a Complaint has not been filed, Pennsylvania Highlands Community College will inform the Complainant, in writing, that they may file a Complaint with Pennsylvania Highlands Community College either at that time or in the future. The Title IX Coordinator will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

Pennsylvania Highlands Community College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair Pennsylvania Highlands Community College's ability to provide those supportive measures. Pennsylvania Highlands Community College will act to ensure as minimal an academic/occupational impact on the Parties as possible. Pennsylvania Highlands Community College will implement measures in a way that does not unreasonably burden any party.

These supportive measures may include, but are not limited to:

- **Referral to counseling, medical, and/or other healthcare services**
- **Referral to the Employee Assistance Program**
- **Referral to community-based service providers**
- **Visa and immigration assistance**
- **Student financial aid counseling**
- **Education to the institutional community or community subgroup(s)**
- **Altering work arrangements for employees or student-employees**
- **Safety planning**
- **Providing campus safety escorts**
- **Implementing contact limitations (no contact orders) between the Parties**
- **Academic support, extensions of deadlines, or other course/program-related adjustments**
- **Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders**
- **Timely warnings**

- **Class schedule modifications, withdrawals, or leaves of absence**
- **Increased security and monitoring of certain areas of the campus**
- **Any other actions deemed appropriate by the Title IX Coordinator**

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing Complaint under this Policy.

The Parties are provided with a timely opportunity to seek modification or reversal of Pennsylvania Highlands Community College's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the Title IX Coordinator. An impartial employee other than the employee who implemented the supportive measures, who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the definition of supportive measures in § 106.2 of the federal Title IX Regulations. Pennsylvania Highlands Community College will also provide the Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances change materially. Pennsylvania Highlands Community College typically renders decisions on supportive measures within seven (7) business days of receiving a request and provides a written determination to the impacted party(ies) and the Title IX Coordinator.

<u>Online Harassment and Misconduct</u>

Pennsylvania Highlands Community College policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on Pennsylvania Highlands Community College's education program and activities, or when they involve the use of Pennsylvania Highlands Community College networks, technology, or equipment.

Although Pennsylvania Highlands Community College may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to Pennsylvania Highlands Community College, it will engage in a variety of means to address and mitigate the effects.

Nothing in this Policy is intended to infringe upon or limit a person's rights to free speech. Any online posting or other electronic communication by students, including technology-facilitated bullying, stalking, harassment, etc., occurring completely outside of Pennsylvania Highlands Community College's control (e.g., not on Pennsylvania Highlands Community College networks, websites, or between Pennsylvania Highlands Community College email accounts) will only be subject to this Policy when such online conduct can be shown to cause

(or will likely cause) a substantial in-program disruption or infringement on/harm to the rights of others.
Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided.

Inclusion Related to Gender Identity/Expression

Pennsylvania Highlands Community College strives to ensure that all individuals are safe, included, and respected in their working and learning environments, regardless of their gender identity or expression, including intersex, nonbinary, transgender, agender, two-spirit, and gender-diverse students and employees.

Discrimination and harassment on the basis of gender identity or expression are not tolerated by Pennsylvania Highlands Community College. If a member of the Pennsylvania Highlands Community College community believes they have been subjected to discrimination under this Policy, they should follow the appropriate reporting process described herein.

Prohibited Conduct

Students, employees, Title IX Coordinators, and faculty are entitled to an employment and educational environment that is free of discrimination, harassment, and retaliation. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited discrimination, harassment, and retaliation that are also prohibited under Pennsylvania Highlands Community College
Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Pennsylvania Highlands Community College Policy, though supportive measures will be offered to those impacted.

All offense definitions below encompass actual and/or attempted offenses.

Discrimination

Discrimination is different treatment with respect to an individual's employment or participation in an education program or activity based, in whole or in part, upon the individual's actual or perceived protected characteristic. Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, or religion.

Discrimination can take two primary forms:

1) **Disparate Treatment Discrimination:**
    a. **Any intentional differential treatment of a person or persons that is based on an individual's actual or perceived protected characteristic and that:**
        - **Excludes an individual from participation in; o Denies the individual benefits of; or**
        - **Otherwise adversely affects a term or condition of an individual's participation in a Pennsylvania Highlands Community College program or activity.**

2) **Disparate Impact Discrimination:**
    a. **Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:**
        - **Excludes an individual from participation in; o Denies the individual benefits of; or**
        - **Otherwise adversely affects a term or condition of an individual's participation in a Pennsylvania Highlands Community College program or activity.**

Discriminatory Harassment

- **unwelcome conduct on the basis of actual or perceived protected characteristic(s), that based on the totality of the circumstances,**
- **is subjectively and objectively offensive, and**
- **is so severe or pervasive,**
- **that it limits or denies a person's ability to participate in or benefit from Pennsylvania Highlands Community College's education program or activity**

Sex-based Harassment (Applicable under Title IX, Title VII)

Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.

1) **Quid pro quo:**
    - **an employee agent, or other person authorized by Pennsylvania Highlands Community College,**
    - **to provide an aid, benefit, or service under Pennsylvania Highlands Community College's education program or activity,**

- **explicitly or impliedly conditioning the provision of such aid, benefit, or service,**
- **on a person's participation in unwelcome sexual conduct.**

2) **Hostile Environment Harassment:**
   - **unwelcome sex-based conduct, that**
   - **based on the totality of the circumstances,**
   - **is subjectively and objectively offensive, and**
   - **is so severe or pervasive,**
   - **that it limits or denies a person's ability to participate in or benefit from Pennsylvania Highlands Community College's education program or activity**

3) **Sexual Assault:**
   Any sexual act, including Rape, Sodomy, Sexual Assault with an Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, also unlawful sexual intercourse.
   a. **Rape:**
      - **Penetration,**
      - **without the consent of the Complainant,**
      - **including instances where the Complainant is incapable of giving consent**
        - **because of their age or**
        - **because of their temporary or permanent mental or physical incapacity**

   b. **Fondling:**
      - **The touching of the private body parts (breasts, buttocks, groin) of the Complainant by the Respondent**
      - **or causing the Complainant to touch the Respondent's private body parts**
      - **intentionally for a sexual purpose**
      - **without the consent of the Complainant, including instances where the Complainant is incapable of giving consent**
        - **because of their age or**
        - **because of their temporary or permanent mental incapacity or physical incapacity.**

   c. **Incest**:
      - **Nonforcible sexual intercourse between persons who are related to each other.**

- **within the degrees wherein marriage is prohibited by Pennsylvania law.**

d. **Statutory Rape**:

- **Nonforcible sexual intercourse with a person o who is under the statutory age of consent of the state of Pennsylvania**

4) **Dating Violence:**

- **Violence[1] committed by a Respondent,**
- **who is in or has been in a social relationship of a romantic or intimate nature with the Complainant; and**
- **where the existence of such a relationship shall be determined based on a consideration of the following factors:**
  - **length of the relationship**
  - **type of relationship o frequency of the interaction between the Parties involved in the relationship.**

5) **Domestic Violence:**

- **Felony or misdemeanor crimes committed by a person who:**
  - **is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of Pennsylvania or a person similarly situated to a spouse of the Complainant.**
  - **is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner.**
  - **shares a child in common with the Complainant; or**
  - **commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of Pennsylvania.**

6) **Stalking:**

- **engaging in a course of conduct on the basis of sex, that is,**
- **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.**

Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

Sexual Misconduct

1) **Sexual Exploitation:**
   - **an individual taking non-consensual or abusive sexual advantage of another, that does not constitute Sex-based Harassment as defined above.**
   - **for their own benefit or for the benefit of anyone other than the person being exploited.**

   Examples of Sexual Exploitation include, but are not limited to:
   - **Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed).**
   - **Invasion of sexual privacy (e.g., doxxing).**
   - **Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression.**
   - **Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography.**
   - **Prostituting another person.**
   - **Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection.**
   - **Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity.**
   - **Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing).**

- **Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity.**
- **Knowingly soliciting a minor for sexual activity.**
- **Engaging in sex trafficking.**
- **Knowingly creating, possessing, or disseminating child sexual abuse images or recordings.**
- **Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes).**
- **Creating or disseminating images or videos of child sexual abuse material.**
- **The actions of alumni, active, new, and/or prospective members of a Student Group or Student Organization may be considered hazing. Hazing is not confined to the Student Group or Student Organization with which the individual subjected to the hazing is associated.**

Other Prohibited Conduct

1) **Retaliation:**
   - **Adverse action, including intimidation, threats, coercion, or discrimination, against any person,**
   - **by Pennsylvania Highlands Community College, a student, employee, or a person authorized by Pennsylvania Highlands Community College to provide aid, benefit, or service under the Pennsylvania Highlands Community College's education program or activity,**
   - **for the purpose of interfering with any right or privilege secured by law or Policy, or**
   - **because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or Resolution Process under the Equal Opportunity, Harassment, and Nondiscrimination Procedures, including an Informal Resolution process, or in any other appropriate steps taken by Pennsylvania Highlands Community College to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects.**

   The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for Pennsylvania Highlands Community College to pursue Policy violations against those who make

materially false statements in bad faith in the course of a resolution under the Equal Opportunity, Harassment, and Nondiscrimination Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

2) **Unauthorized Disclosure:**
   - **Distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by Pennsylvania Highlands Community College; or**
   - **publicly disclosing a party's personally identifiable information without authorization or consent.**

3) **Failure to Comply/Process Interference**
   - **Intentional failure to comply with the reasonable directives of Title IX Coordinator in the performance of their official duties, including with the terms of a no contact order.**
   - **Intentional failure to comply with emergency removal or interim suspension terms.**
   - **Intentional failure to comply with sanctions.**
   - **Intentional failure to adhere to the terms of an agreement achieved through informal resolution.**
   - **Intentional failure to comply with mandated reporting duties as defined in this Policy.**
   - **Intentional interference with the Title IX resolution process, including but not limited to:**
     - **Destruction of or concealing of evidence.**
     - **Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence.**
     - **Intimidating or bribing a witness or party.**

Sanction Ranges

1. **Student Sanctions include:**

   - **Warning**
   - **Required Counseling**
   - **Probation**
   - **Suspension**
   - **Expulsion**
   - **Organizational Sanctions**
   - **Other Actions**

2. **Employee Sanctions include:**

- **Warning – Verbal or Written**
- **Performance Improvement/Management Process**
- **Required Counseling**
- **Required Training or Education**
- **Probation**
- **Demotion**
- **Suspension with pay**
- **Suspension without pay**
- **Termination**

Consent, Force, and Incapacitation

As used in this Policy, the following definitions and understandings apply:

1) Consent

In Pennsylvania, consent is defined as a "voluntary, informed, and unambiguous agreement to engage in a specific sexual activity during a specific time frame." This means that for a sexual act to be consensual, all parties involved must freely and willingly agree to participate, fully understanding the nature of the act and any potential risks involved. It is important to note that consent can be withdrawn at any time, and if a person communicates their desire to stop the sexual activity, continuing without consent may result in a policy violation.

2) Force

Force is the use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but nonconsensual sexual activity is not necessarily forced. Force is conduct that, if sufficiently severe, can negate consent.

Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," which elicits the response, "Okay, don't hit me. I'll do what you want.").

Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person's consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a

certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

3) Incapacitation

Incapacitation is a state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

If the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated, the Respondent is not in violation of this Policy. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Consensual Relationships

There are inherent risks in any romantic or sexual relationship between persons in unequal positions, such as faculty member-student or supervisor-employee. In reality, these relationships may be less consensual than perceived by the person whose position confers power or authority. Similarly, each of the Parties may view the relationship differently, particularly in retrospect. Circumstances may change, and once welcomed conduct may become unwelcome at some point in the relationship.

Even when the Parties have initially consented to romantic or sexual involvement, the possibility of a later allegation of a relevant Policy violation still exists. Pennsylvania Highlands Community College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the College's goals and policies. However, for the personal protection of members of this community, relationships in which

power differentials are inherent (e.g., faculty-student, staff-student) are generally discouraged. They may also violate standards of professionalism and/or professional ethics.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or otherwise evaluative role over the other party are inherently problematic. Therefore, persons with direct supervisory or otherwise evaluative responsibilities who are involved in such relationships must promptly inform their supervisor and/or the Title IX Coordinator. The existence of this type of relationship will likely result in removing the supervisory or evaluative responsibilities from the employee or shifting a party from being supervised or evaluated by someone with whom they have established a consensual relationship. When an applicable relationship existed prior to adoption of this Policy or prior to employment, the duty to notify the appropriate supervisor still pertains.

While no relationships are specifically prohibited by this Policy, failure to timely self-report such relationships to a supervisor as required can result in disciplinary action for an employee. The Title IX Coordinator will determine whether to refer violations of this provision to Human Resources for resolution, or to pursue resolution under this Policy, based on the circumstances of the allegation.

Standard of Proof

Pennsylvania Highlands Community College uses the preponderance of the standard of proof when determining whether a Policy violation occurred. This means that Pennsylvania Highlands Community College will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent is in violation of the alleged Policy violation(s).

Reports/Complaints of Discrimination, Harassment, and/or Retaliation

A Report provides notice to Pennsylvania Highlands Community College of an allegation or concern about discrimination, harassment, or retaliation and provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures. A Complaint provides notice to Pennsylvania Highlands Community College that the Complainant would like to initiate an investigation or other appropriate resolution procedures. A Complainant or individual may initially make a report and may decide at a later time to make a Complaint. Reports or Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1) **File a Complaint with, or give verbal Notice directly to, the Title IX Coordinator. Such a Complaint may be made at any time (including during non-business hours) by using the telephone number, email address, or by mail to the office of the Title IX Coordinator.**

2) **Submit online Notice on our Report a Concern page. This option provides an opportunity to leave personal contact information so that the Title IX Coordinator can follow-up to determine additional investigative details. Anonymous Notice is accepted, but the Notice may give rise to a need to try to determine the Parties' identities. Anonymous Notice typically limits Pennsylvania Highlands Community College's ability to investigate, respond, and provide remedies, depending on what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted. It also may not be possible to provide supportive measures to Complainants who are the subject of anonymous Notice.**

Reporting carries no obligation to initiate a Complaint, and in most situations, Pennsylvania Highlands Community College is able to respect a Complainant's request to not initiate a resolution process. However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where Pennsylvania Highlands Community College may need to initiate a resolution process. If a Complainant does not wish to file a Complaint, Pennsylvania Highlands Community College will maintain the privacy of information to the extent possible. The Complainant should not fear a loss of confidentiality by giving Notice that allows Pennsylvania Highlands Community College to discuss and/or provide supportive measures, in most circumstances.

3) **Report using the discrimination/harassment hotline 1-800-401-8004**.

4) Report using our website.

Time Limits on Reporting

There is no time limitation on providing Notice/Complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the Pennsylvania Highlands Community College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on Notice/Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Title IX Coordinator's discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate Pennsylvania Highlands Community College policies.

Confidentiality/Privacy

Pennsylvania Highlands Community College makes every effort to preserve the Parties' privacy. Pennsylvania Highlands Community College will not share the identity of any individual who has made a Complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of discrimination, harassment, or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.

Emergency Removal/Interim Actions/Leaves

Pennsylvania Highlands Community College can act to remove a student Respondent accused of Sex Discrimination or Sex-based Harassment from its education program or activities, partially or entirely, on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator and may be done in conjunction with the Behavioral Intervention Team using its standard objective violence risk assessment procedures. Employees are subject to existing procedures for interim actions and leaves.

Federal Timely Warning Obligations

Pennsylvania Highlands Community College must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the Pennsylvania Highlands Community College community.

Pennsylvania Highlands Community College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

Amnesty

Pennsylvania Highlands Community College community encourages the reporting of misconduct and crimes by Complainants and witnesses.

To encourage reporting and participation in the process, Pennsylvania Highlands Community College maintains a Policy of offering Parties and witnesses amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident. Granting amnesty is a discretionary decision made by Pennsylvania Highlands Community College, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

Students

Pennsylvania Highlands Community College maintains an amnesty policy for students who offer help to others in need and who report misconduct and crimes to the proper authority. Students participating in investigations of such behavior may also be given amnesty where appropriate.

Employees

Sometimes, employees are hesitant to report discrimination, harassment, or retaliation they have experienced for fear of getting in trouble themselves. Pennsylvania Highlands Community College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident.
amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

Independence and Conflicts of Interest

The Title IX Coordinator acts with independence and authority, free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures. Title IX Investigators, trained advisors, and informal resolution facilitators are vetted and trained to ensure they are not biased for or against any party in a specific Complaint, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact the Associate Vice President of Administration. Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any other Resolution Pool member should be raised with the Title IX Coordinator.

Revision of this Policy

This Policy succeeds previous policies addressing discrimination, harassment, sexual misconduct, and/or retaliation, though previous policies and procedures remain in force for incidents occurring before August 1, 2024. The Title IX Coordinator reviews and updates these policies and procedures regularly. Pennsylvania Highlands Community College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If government laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

This Policy is effective August 1, 2024.

BASED ON THE ATIXA 2024 ONE POLICY, ONE PROCEDURE (1P1P) MODEL.

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Section 9: Publishing the Annual Security Report

This section describes the steps necessary to comply with the regulations concerning the publication and distribution of the Clery Act-mandated annual security report. Specifically:

- publish the report by October first
- include the required policy statements
- include three years' worth of Clery Act statistics
- all students, employees and members of the public must have access to the report
- retain records associated with the report

Distributing the Annual Security Report

The College must distribute the report to all currently enrolled students (including those attending less than full-time and those not enrolled in Title IV programs or courses) and all employees by Oct. 1 each year. The College must also provide the report to any prospective student or prospective employee upon request. A prospective student is defined as an individual who has contacted an eligible institution requesting information about admission to that institution. A prospective employee is defined as an individual who has contacted an eligible institution requesting information concerning employment with that institution.

The College may post the annual security report on an Internet or intranet website that is reasonably accessible to enrolled or prospective students and to current or prospective employees only if it distributes an individual notice about the annual security report to each student and employee by Oct. 1. The notice should include:

- a statement of the report's availability
- a list and brief description of the information contained in the report
- the exact address (URL) of the Internet or intranet website at which the report is posted This means that you must provide a direct link to the annual security report. It is not acceptable simply to give the URL for the institution's website.
- a statement that the school will provide a paper copy of the annual security report upon request. This request does not have to be made in writing

Penn Highlands posts the Annual Security Report on the website by October first of each year and distributes a notice to each student and employee which includes:

- **a statement of the report's availability**
- **a list and brief description of the information contained in the report**
- **the exact address (URL) of the Internet or intranet website at which the report is posted. This means that you must provide a direct link to the annual security report. It is not acceptable simply to give the URL for the institution's website.**

- **a statement that the school will provide a paper copy of the annual security report upon request. This request does not have to be made in writing.**

It is also provided to all prospective students and employees upon request.

Retaining Records

Retain the annual security report and all supporting records used in compiling the report for three years from the latest publication of the report to which they apply. For example, the 2015 annual security report should contain statistics for 2012, 2013 and 2014. The 2012 statistics and supporting records must be kept until Oct. 1, 2018—in effect, seven years.

Records to be kept include, but are not limited to, the following: copies of crime reports; the daily crime logs; records for arrests and referrals for disciplinary action; timely warning and emergency notification reports; documentation, such as letters to and from local police having to do with Clery Act compliance; letters to and from campus security authorities; and copies of notices to students and employees about the availability of the annual security report. Make sure to date all documentation, and ensure it is easily retrievable.

Penn Highlands is in compliance regarding the retention of Annual Security Report records and supporting documentation. All records and documentation is stored in the Security Office.