

**PACIFIC
NORTHWEST
COLLEGE OF
ART**

2020 ANNUAL SECURITY REPORT & FIRE REPORT

Assembled by
Campus Safety + Student Services

A paper copy may be requested by emailing CampusSafety@pnca.edu or by mailing:
Campus Safety, 511 NW Broadway Portland, OR 97209

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Clery Act Reporting Requirements

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

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

This annual report, is available to all current and prospective students and employees, is distributed in accordance with the Clery Act, and includes data for the calendar years 2017, 2018, and 2019. This report can be viewed at:

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

Campus Safety Overview

Campus and residence hall safety is currently handled by a team of PNCA employee safety officers. All safety officers at PNCA are unarmed, uniformed, non-sworn officers trained in hands-off non-violent crisis intervention. While safety officers are not law enforcement, they may make a citizen's arrest in accordance with state law. Officers are posted in the Arlene Harold Schnitzer Center for Art and Design, and the Art House lobby.

PNCA's Campus Safety Manager directs and coordinates campus security, and is overseen by the Vice President of Student Affairs. One or more representatives from Campus Safety are available from 7am to midnight seven days a week to respond to emergencies on campus. An officer is also stationed at Art House overnight. Upon

receipt of a criminal complaint or report of an emergency, a security officer will contact law enforcement or emergency services as needed, ensure the immediate safety of persons and property, contact PNCA leadership as needed, and interview any available witnesses to obtain information about the incident. An incident report is filed as soon as possible. This report should include the date, time, place, subject, victim and witnesses, if any.

All incidents are thoroughly investigated, and in instances of criminal activity, a report will be filed with the Portland Police Department. The crime statistics listed below are determined based on incidents reported to Campus Safety and statistics received from the City of Portland.

Crime and Emergency Reporting Procedures

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

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

Campus Contacts

Campus Safety Numbers

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

Other Campus Contacts

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

Interim President.....	503-821-8880
Chief Operations Officer.....	503-821-8910
VP for Student Affairs.....	503-821-8927
Academic Dean.....	503-242-8951
Title IX Coordinator.....	503-451-5018
Associate Director of Student Life.....	503-821-8920
Residence Life Hall Director.....	503-467-4909
Director of Facilities.....	503-841-2890
Director of Campus Safety.....	503-875-9176
3D Labs Manager.....	503-242-3859

Students or employees who are victims or witnesses to crimes and wish to voluntarily file a report confidentially should contact the Campus Safety Manager or the VP of Student Affairs who will respect their anonymity to the greatest extent possible.

Slothline

You can also submit any concern (anonymously, if you wish) about any member of our community or any situation using our Slothline Community Support form. Slothline is managed by Chief Diversity Officer V Maldonado. Slothline is a centralized referral system set up to capture and address concerns of students and the greater PNCA community to enable our college community to be alert and responsive. The response team is composed of the Associate Director of Student Life, Title IX Coordinator, VP for Student Affairs, a member of the Campus Safety Team, and the Associate Director of the International Office.

The Slothline form can be found here: <https://pnca.edu/lifeatpnca/safety-security>

Other helpful contacts:

PNCA (511) FRONT DESK.....	503-226-4391
OFFICE OF FACILITIES + MAINTENANCE	971-242-3882
FACILITIES + MAINTENANCE MOBILE.	503-380-1089
PORTLAND POLICE (NON-EMERGENCY).....	503-823-3333
GOOD SAMARITAN HOSPITAL.....	503-431-7711
MENTAL HEALTH CRISIS LINE	503-988-4888
SUICIDE HOTLINE.....	800-273-8255
POISON CONTROL CENTER.....	800-222-1222
CALL TO SAFETY (Support for Domestic Violence).....	503-235-5333
DOWNTOWN CLEAN + SAFE	503-224-7383

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

Emergency Notification Procedures

In the event of a campus emergency, if a situation is deemed dangerous, or seen to present an immediate threat to the health and/or safety of students or employees, an emergency notification will be sent via text over the RAVE Alert System. A message may be sent over email, over the PA system, and/or placed on the Home page of the PNCA website. This would include, but not be limited to, any of the following: Fire, gas leak, outbreak of disease, chemical spill, active violence scenario, and any Clery-reportable crime. More information regarding emergency notifications can be found in the PNCA Emergency Response Plan.

Timely Warnings

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

Campus Geography

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

- **511 NW Broadway** - Arlene and Harold Schnitzer Center for Art and Design, Center of PNCA Operations and administrative offices, primarily known as the “511 Building” or the “Main Building”
- **2139 N Kerby Ave** - 3D fabrication labs and MFA studios, known as the “Glass Building”
- **33 NW Park** - Art House student housing

Building Access

The Arlene Harold Schnitzer Center for Art and Design (511 Building) has a single keyless point of entry overseen by Campus Safety. Additional entrances require a key to access. The first floor, second floor and Mezzanine floors of the 511 Building are open to visitors for select events and gallery access. Visitors must check-in and out at the Front Desk with Campus Safety. (Note: Due to the COVID-19 pandemic, the 511 Building is closed to the public except by explicit permission of PNCA leadership. **The Glass Building** requires card swipe to gain access, except during select events or exhibitions. **Art House** requires a key fob to enter the Lobby, and to operate the elevator. The front desk is staffed in shifts by an RA during the day and a Campus Safety Officer at night. Generally, Art House residents are allowed to have guests for no longer than 72 hours. No visitors are allowed in Art House during the COVID-19 pandemic. Exceptions can be made subject to approval by Resident Life Director Grace Murphy.

Non-Campus Buildings & Off-Campus Student Organizations

PNCA does not own or control any non-campus buildings, housing or facilities. The properties at 33 NW Park and 2139 N Kerby are not owned by PNCA, but are considered as "under the control" of PNCA for the purposes of this report. While student clubs may choose to meet or gather off campus, PNCA does not have any recognized Off-Campus Student Organizations.

Public Property

Public property: is defined as the sidewalks and streets immediately surrounding each campus building.

Clery Crimes and Definitions

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

- **Criminal Offenses, or Primary Crimes:** criminal homicide, including murder and non-negligent manslaughter, and manslaughter by negligence; sexual assault, including rape, fondling, incest and statutory rape; Robbery; aggravated assault; burglary; motor vehicle theft; and arson.
- **Hate Crimes:** Any of the above-mentioned offenses, and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias.
- **VAWA Offenses:** Any incidents of domestic violence, dating violence and stalking (with the exception of sexual assault, which falls under primary crimes).
- **Arrests and Referrals for Disciplinary Action:** For weapons (carrying, possessing, etc.), law violations, drug abuse violations and liquor law violations.

The Clery Act requires institutions to use FBI UCR(Universal Crime Reporting) Definitions when disclosing crime Statistics, those definitions are as listed below

Criminal Offenses

Murder & Non-negligent Manslaughter: The willful killing of one human being by another

Manslaughter by Negligence: The killing of another person through gross negligence

Sexual Assault (Sex Offense): Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent

Robbery: Taking or attempting to take anything of value from the care, custody, or control of a person(s) by force or threat of force or violence and/or by putting the victim in fear

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury; this type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm

Burglary: The unlawful entry of a structure to commit a felony or a theft
Motor Vehicle Theft: The theft or attempted theft of a motor vehicle

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft or personal property of another

Hate Crimes

Hate Crime: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Include any of the above crimes and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that manifest evidence that the victim was intentionally selected because of the perpetrator's bias

Larceny-theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another

Simple Assault: An unlawful physical attack by one person on 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

Intimidation: 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

Destruction/damage/vandalism of property: To willfully and 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

Bias Categories

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.

Gender: A performed 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.

Religion: A performed 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 performed 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.

Ethnicity: A performed 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 performed 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 performed 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.

VAWA Offenses(Violence Against Women Act)

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of:

- The length of the relationship
- The type of relationship
- 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: A felony or misdemeanor crime of violence committed –

- By a current or former spouse or intimate partner of the victim • By a person with whom the victim shares a child in common
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- By a person similarly situated to a spouse of a victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others or
- Suffer substantial emotional distress

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Arrests and Referrals for Disciplinary Action

Statistics for arrests and referrals for disciplinary action are only in reference to those that break state and local laws and not violation of building or PNCA Policy, lease agreement, or other institutional policy.

Weapons: Carrying, Possessing, etc: 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.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation 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.

Liquor Law Violations: 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.

Arrest: Persons processed by arrest, citation or summons

Referred for Disciplinary Action: The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction

Excluded Crimes

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

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

Daily Crime Log

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

Crime Statistics

Crime Statistics were collected from incident reports made by Campus Safety, Student Services, Residence Assistants as well as the Daily Crime Log. Some Statistics were collected from the Portland Clery Team with the Portland Police Bureau.

Clery Reportable Crime Stats by Year

2019	On Campus 511 Building	On Campus Student Housing	On Campus Glass	Non Campus	Public
Person crimes					
Murder total	0	0	0	0	0
Non Negligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Hate Crimes	0	0	0	0	0
Person crimes Total	0	0	0	0	0
Property Crimes					
Robbery	0	0	0	0	0
Burglary	3	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	2	0	0	0	0
Weapon Possession	0	0	0	0	0
Property Crimes Total	5	0	0	0	0
Society Crimes					
Liquor Law Violations	0	0	0	0	0
Drug Law Violations	1	0	0	0	1
Society Crimes Total	1	0	0	0	1

2018	On Campus 511 Building	On Campus Student Housing	On Campus Glass	Non Campus	Public
Person crimes					
Murder	0	0	0	0	0
Non Negligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
Aggravated Assault	0	0	0	0	6
Hate Crimes	0	0	0	0	0
Person crimes Total	0	0	0	0	7
Property Crimes					

Robbery	0	0	0	0	0
Burglary	2	0	0	1	0
Motor Vehicle Theft	0	0	0	0	1
Arson	0	0	0	0	0
Weapon Possession	0	0	0	0	0
Property Crimes Total	2	0	0	1	1
Society Crimes					
Liquor Law Violations	0	0	0	0	0
Drug Law Violations	0	0	0	0	0
Society Crimes Total	0	0	0	0	0

2017	On Campus 511	On Campus Student Housing	Non Campus	Public
Person crimes				
Murder	0	0	0	0
Non Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Aggravated Assault	0	0	0	2
Hate Crimes	0	0	0	0
Person crimes Total	0	0	0	2
Property Crimes				
Robbery	1	0	0	0
Burglary	2	0	2	2
Motor Vehicle Theft	0	0	0	5
Arson	0	0	0	0
Weapon Possession	0	0	0	0
Property Crimes Total	3	0	2	7
Society Crimes				
Liquor Law Violations	0	0	0	0
Drug Law Violations	0	0	0	0
Society Crimes Total	0	0	2	0

Vawa Offenses Stats by Year

Vawa Offences 2019	On campus 511	On Campus Student Housing	On campus Glass	Non Campus	Public
Rape(Forcible)	0	0	0	0	0
Statutory Rape(Non Forcible)	0	0	0	0	0
Stalking	0	0	0	0	0
Intimidation	1	0	0	0	0
Dating violence	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Sexual Assault	0	0	0	0	0
Fondling	0	0	0	0	0
Vawa Offences Total	1	0	0	0	0

Vawa Offences 2018	On Campus 511	On Campus Student Housing	On Campus Glass	Non Campus	Public
Forcible	0	0	0	0	0
Non Forcible	0	0	0	0	0
Stalking	0	0	0	0	0
Intimidation	0	0	0	0	0
Dating violence	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Sexual Assault	0	0	0	0	0
Fondling	0	0	0	0	1
Vawa Offences Total	0	0	0	0	1

Vawa Offences 2017	On Campus 511	On Campus Student Housing	Non Campus	Public
Forcible	0	0	0	0
Non Forcible	0	0	0	0
Stalking	0	0	0	0
Intimidation	0	0	0	0
Dating violence	0	0	0	0
Domestic Violence	0	0	0	0
Sexual Assault	0	0	0	0

Fondling	0	0	0	0
Vawa Offences Total	0	0	0	0

Arrest Statistics by Year

Arrests 2019	On campus 511	On Campus Student Housing	On campus Glass	Non Campus	Public
Weapons law Arrests	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0
Drug Law Arrests	0	0	0	0	1
Arrests Total	0	0	0	0	1

Arrest 2018	On Campus 511	On Campus Student Housing	On Campus Glass	Non Campus	Public
Weapons law Arrests	0	0	0	0	1
Liquor Law Arrests	0	0	0	0	3
Drug Law Arrests	0	0	0	0	20
Arrests Total	0	0	0	0	24

Arrest 2017	On Campus 511	On Campus Student Housing	Non Campus	Public
Weapons law Arrests	0	0	0	0
Liquor Law Arrests	0	0	0	27
Drug Law Arrests	0	0	0	26
Arrests Total	0	0	0	47

Hate Crime Statistics by Year

2019	On campus 511	On campus Glass	On Campus Student Housing	Non Campus	Public
Hate Crimes					
Non Negligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
Rape	0	0	0	0	0

Fondling	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Robbery	0	0	0	0	0
Burglary	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Simple Assault	0	0	0	0	0
Larceny Theft	0	0	0	0	0
Intimidation	0	0	0	0	0
Destruction/Damage/Vandalism	0	0	0	0	0

2018	On Campus 511	On Campus Student Housing	On Campus Glass	Non Campus	Public
Hate Crimes					
Non Negligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
Rape	0	0	0	0	0
Fondling	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Robbery	0	0	0	0	0
Burglary	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Simple Assault	0	0	0	0	0
Larceny Theft	0	0	0	0	0
Intimidation	0	0	0	0	0

Destruction/Damage/Vandalism	0	0	0	0	0
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2017	On Campus 511	On Campus Student Housing	Non Campus	Public
Hate Crimes				
Non Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Aggravated Assault	0	0	0	0
Robbery	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Simple Assault	0	0	0	0
Larceny Theft	0	0	0	0
Intimidation	0	0	0	0
Destruction/Damage/Vandalism	0	0	0	0

Disciplinary Actions by Year

2019	On Campus 511	On Campus Glass	On Campus Student Housing	Non Campus	Public
Drug Law Violations and referrals	2	0	2	0	0
Alcohol Law Violations and Referrals	0	0	0	0	0

Weapons Law Violations and Referrals	0	0	0	0	0
Total	2	0	2	0	0

2018	On Campus 511	On Campus Glass	On Campus Student Housing	Non Campus	Public
Drug Law Violations and referrals	0	0	0	0	0
Alcohol Law Violations and Referrals	0	0	0	0	0
Weapons Law Violations and Referrals	0	0	0	0	0
Total	0	0	0	0	0

2017	On Campus 511	On Campus Student Housing	Non Campus	Public
Drug Law Violations and referrals	0	0	0	0
Alcohol Law Violations and Referrals	0	0	0	0
Weapons Law Violations and Referrals	0	0	0	0
Total	0	0	0	0

City of Portland Related Crime Statistics

These Statistics are taken from <https://www.portlandoregon.gov/police/>

These statistics **cover more than the PNCA Campus Geography**. The crime definitions used by the City of Portland may not be the FBI UCR definitions. These statistics were chosen because they represent the areas where PNCA students are likely to travel, socialize, and shop for necessities and school supplies.

2019	Pearl District	Old town	2018	Pearl District	Old Town	2017	Pearl District	Old Town
Person Crimes Total	192	563	Person Crimes Total	212	585	Person Crimes Total	159	543
Homicide	1	1	Homicide	1	2	Homicide	0	2
Sex Offenses	16	20	Sex Offenses	15	30	Sex Offences	10	29
Sex Offences, Non forcible	0	0	Sex Offences, Non forcible	0	0	Sex Offences, Non forcible	1	0
Assault Offenses	172	539	Assault Offenses	196	547	Assault Offences	146	502
Property Crimes Total	1,442	734	Property Crimes Total	1692	975	Property Crimes Total	1406	1089
Robbery	39	50	Robbery	37	52	Robbery	31	52
Burglary	84	39	Burglary	105	42	Burglary	98	29
Motor Vehicle Theft	46	52	Motor Vehicle Theft	60	54	Motor Vehicle Theft	53	64
Arson	7	19	Arson	5	20	Arson	5	19
Society Crimes Total	94	330	Society Crimes Total	98	422	Society Crimes Total	76	430
Drug/Narcotic Offenses	78	273	Drug/Narcotic Offenses	95	368	Drug/Narcotic Offenses	69	391

Fire Safety and Emergency Response

PNCA students living in Art House, located at 33 NW Park Avenue, are considered to be on campus. PNCA staff mitigate risks associated with fire through education and training. Building ownership, PTLA Inc., is responsible for the annual fire suppression system and fire alarm inspections. All units in Art House are inspected annually, prior to student move-in to ensure fire alarms, smoke detectors and carbon monoxide detectors are functioning properly. Students are trained on fire evacuation procedures during their floor meetings, which are conducted by Resident Advisors (RA's). In the event of a fire, students are trained to exit the building via the east/west stairwell and gather at the Da Tung and Xi'an Bao Bao (Elephant) statue located in the North Park Blocks directly across Park Avenue.

Residence Life staff conducts health and safety inspections of living units each semester. The purpose of these inspections is to identify and resolve hazardous conditions such as unsafe or prohibited items, obstructed egress routes, or tapestries on the ceilings. RA's also conduct spot inspections when there is suspicion or evidence of smoking in the building. Students found in violation of the smoking ban are referred to the Student Life conduct process. Fire drills are conducted once per semester by Residence Life Staff. All Residence Life Staff are trained and certified in: First Aid, Automated External Defibrillator (AED) use, Cardiopulmonary Resuscitation (CPR) and Blood Borne Pathogens

Arthouse Fire Emergency Procedures

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

1. If you have a fire in your apartment: exit if you can, shut the door, and activate a hand pull alarm in the hallway. Then, move with others down the stairwell to the designated evacuation location in the park across from the building (near the elephant statue). Report the fire's location to Residence Life staff and also let them know if you are aware of the location of any other residents who are unaccounted for at the evacuation location.
2. If the smoke detector goes off and you smell smoke, exit your apartment, stay near the floor, shut the apartment door, and activate the hand-pull alarm in the stairwell. Then move with others down the stairwell and to the designated evacuation area. Report the fire's location to your RA or other Residence Life staff and also let them know if you are aware of the location of any residents who are unaccounted for at the evacuation location.
3. If the smoke detector goes off and you know that the source of the smoke is not dangerous (for example, burned toast), air the apartment out by opening the window. DO NOT open the door because the hallway alarm will sound, triggering evacuation and a visit from the Fire Department. The smoke detector in your apartment will end on its own once enough smoke has cleared. DO NOT dismantle the detector. Notify the RA about what happened, as concerned neighbors may call 911 if they hear a smoke detector sounding.

4. If you think that your smoke detector is defective, submit a maintenance request immediately. If it is beeping periodically, staff may simply need to replace the battery. Do not turn off or cover your smoke detector. Tampering with or disconnecting a smoke detector or other fire equipment is prohibited because it endangers you and others. Tampering with any safety equipment will result in disciplinary action.
5. All fires should be reported by contacting the Portland Fire Department by activating the 911 emergency system.

Other Fire Safety Rules

For the safety of our community and proper care of ArtHouse, residents may NOT:

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

Weapons and Explosives

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

Flame-Free/ No-Smoking Environment

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

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

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

PNCA Residence Hall Fire Statistics

Arthouse - 33 NW Park Ave

	Number of Fires	Cause of Fire	Injuries	Deaths	Damages
2019	0	0	0	0	0
2018	0	0	0	0	0

Missing Student Notification Policy

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

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

Investigation & Notification

Any missing student report must be referred to PNCA's Campus Safety Department. All efforts will be made immediately (no waiting period) to locate the student to determine his or her state of health and well-being. If a member of PNCA community has reason to believe that a student is missing, that person should immediately notify one or all of the following individuals:

- Everette Rice, Interim Director of Campus Safety: 503.875.9176 erice@pnca.edu
- Darby Knox, VP for Student Affairs: 503.875.8927 dknox@pnca.edu
- Kate Copeland, Academic Dean: 503.821.8900 kcopeland@pnca.edu

- Jackson Seemayer, Director of Student Life: 503.821.8920 jseemayer@pnca.edu
- V Maldonado, Asst. Dean of Inclusion: 503.360.8562 vmaldonado@pnca.edu

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

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

If after investigation a student is determined missing for at least 24 hours, the appropriate law enforcement agencies and will be notified. If a student is under age 18 and not an emancipated individual, or has failed to designate an emergency contact, PNCA is required to notify a parent or guardian. If a student is over age 18, PNCA is required to notify the emergency contact of the student identified to PNCA.

Designating Emergency Contacts

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

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

For students who live off campus, ALL PNCA students are strongly encouraged to complete the emergency contacts form to designate the name and contact number of the individual(s) to be contacted in case of an emergency, including in the event of the student being determined missing for at least 24 hours. The contact information of person(s) reporting will be registered confidentially and will only be accessible to authorized campus officials. This information may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

Alcohol and Drug Policies

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

Alcohol Policy

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

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

Students are never permitted to attend classes intoxicated. Students found intoxicated in classes or on campus may be subject to disciplinary action. Students found distributing or supplying underage students with alcohol or marijuana will be subject to sanctions including but not limited to probation and/or suspension.

Smoking/Vaping Policy

Smoking and vaping are not permitted in any of PNCA's buildings, within 50 feet of a posted no smoking sign, or within 50 feet of any college entrance or window.

The Oregon's Indoor Clean Air Act (ICAA) prohibits smoking in the workplace and within 10 feet of all entrances, exits and windows or air vents. The ICAA includes the use of "inhalant delivery systems" including vape pens and e-cigarettes that can be used to deliver cannabinoids, nicotine and other substances.

Drug Policy

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

In the state of Oregon adults age 21 and older can possess and use cannabis within specified limits on private property. It is illegal to smoke marijuana in public, or to consume underage. Marijuana use is never permitted on PNCA property even if the user is over 21.

Alcohol & Drug Abuse

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

Staff and faculty may be eligible for protected leave under FMLA/OFLA for treatment. As with any other sick leave, the leave may include a combination of paid time off and Unpaid Personal Leave of Absence. Treatment resources are available through the employer paid medical program and/or through the Employee Assistance Program which provides free and/or discounted services. All information collected pursuant to this policy will be kept in confidence to the extent possible, revealed only when necessary or consistent with applicable law.

Sexual Harassment Policy & Procedures

Preamble

The health, safety, and well-being of all members of our community are PNCA's primary concern. If you or someone you know may be the victim of any form of sexual misconduct, *you are strongly urged to seek immediate assistance.*

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

PNCA's One Policy Two Procedures Discrimination and Grievance Process prohibits sex and gender-based discrimination, harassment, and violence, including acts of sexual assault, dating and domestic violence, and stalking, which may also constitute crimes. While the PNCA policy may use different standards and definitions than Oregon law, sex and gender-based incidents often overlap with the crimes of rape, sexual assault, stalking, dating violence, and domestic violence.

Acts of violence and harassment based on sex or gender, including sexual orientation, gender identity, and gender expression, may also constitute crimes. Individuals who have experienced incidents involving one or more of these behaviors are protected by federal laws, specifically Title IX <https://pnca.edu/lifeatpnca/safety-security/title-ix>, and the Clery Act, which mandates the contents of this report.

Support and Advocacy for Victims & Survivors of Sexual Misconduct

If you or someone you know may be the victim of any form of sexual misconduct, you are strongly urged to seek immediate assistance. During PNCA operating hours you should call **Campus Safety at 503.621.2061** or by calling the **Campus Safety Manager, at 503.821.8897**. Assistance can be obtained 24 hours a day, seven days a week, from the **Portland Police by calling 911**.

Students, faculty, and staff are strongly urged to report any sexual misconduct you believe may have occurred to the Title IX Coordinator as soon as reasonably possible. Reports can be made to any of the following school officials to begin the Title IX process.

Kathryn McAnalley, Title IX Coordinator: 503.451.5018 KMcAanlley@pnca.edu
Everette Rice, Interim Director of Campus Safety: 503.821.8897 erice@pnca.edu
Mark Taylor, Director of Human Resources: 503.821.8943 metaylor@pnca.edu

How to Report

PNCA's **Title IX Coordinator is Kathryn McAnalley**, Coordinator of Student Life and Events. Any misconduct can be reported at any time of day to any of the following points of contact. Reports can be made by phone to 503.451.5018, if Kathryn can not get to the phone you may leave a voicemail. Reports can be sent via email to KMcAnalley@pnca.edu. Hand written reports can be mailed to Kathryn McAnalley, 511 NW Broadway, Portland OR 97218. In person reports can be made to Kathryn's office, which is located within the Office of Student Life in Room 136. An anonymous digital report can be submitted via the Discrimination and Harassment Reporting Form. This Form can be found on homeroom or at this link: <https://forms.gle/U9j6aYvB5PJMKBnk8>

Note: Due to the Covid-19 Pandemic the Title IX team is temporarily working from home. If you would like to make an appointment with Kathryn to discuss a possible report, you may email her to make an appointment.

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

Title IX requires that PNCA have a statement of policy and procedure for handling complaints of Sexual Misconduct. Our full policy and procedures model can be found on the PNCA website at <https://pnca.edu/lifeatpnca/safety-security/title-ix>

Immediate Care and Preservation of Evidence

If you experience sex- or gender-based discrimination, harassment, or violence; or incidents of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence some or all of these safety suggestions may guide you after an incident has occurred.

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact Campus Safety, 503-821-8897 if you are on campus and the building is open, or call 911 if you are off campus.
2. Consider securing immediate support from a professional (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis. PNCA recommends the Multnomah County Crisis Line for 24/7 support at 503-988-4888. Further resources for counseling and support can be requested from StudentLife@pnca.edu or from KMcAnalley@pnca.edu.
3. You may reach out to Title IX Coordinator Kathryn McAnalley, as well as Jessie Speiss Warner JSpeiss@pnca.edu for support and guidance. These are both confidential resources. After regular business hours, or in any situation where an individual wishes, local resources are also

available and may be able to provide confidential assistance, for 24-hour free anonymous support, call the Oregon Sexual Assault Resource Center 503-640-5311 or 1-888-640-5311

4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. OHSU hosts a Sexual Assault Nurse Examiners (SANE) program, and advocates from [Call to Safety](#) and the Multnomah County District Attorney's Office [Victim Assistance Program](#) are available to support you through the medical process. You do not have to make a police report to receive SANE services. For more information, contact the 24-hour hotline at Call to Safety (503-235-5333).
 - To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate, or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
 - Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent items that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean bed sheet to avoid contamination.
 - If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
 - Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.
 - Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.
 - If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify Campus Safety or the campus Title IX Coordinator so that those orders can be observed on campus.
5. Even after the immediate crisis has passed, consider seeking support from our counseling Center by contacting StudentLife@pnca.edu, the Title IX Coordinator.
6. Contact the Title IX Coordinator, Kathryn McAnalley, KMcAnalley@pnca.edu if you need assistance with PNCA related concerns, such as no-contact orders or other supportive measures. The Title IX Coordinator, Kathryn McAnalley, will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. PNCA is

able to offer reasonable academic support, changes to living arrangements, transportation resources or modifications, safety escorts, no contact orders, counseling services access, and other supports and resources as needed by a victim. PNCA is able to offer information about legal assistance, visa/immigration assistance, and student financial aid considerations for victims.

Reporting to Law Enforcement

It is the policy of PNCA to only notify local law enforcement if it is the wishes of the Complainant when sex or gender-based discrimination, harassment, or violence occurs. We reserve the right to report to local law enforcement in the event that is a clear and present danger to the health or safety of the PNCA community, if the complainant is unknown or if the victim is a minor. Complainants have the option to notify law enforcement directly, or to be assisted in doing so by campus authorities. If requested, campus officials can facilitate reporting to campus or local law enforcement but may also respect a Complainant's request not to do so.

Reporting in PNCA

In the event that sex or gender-based discrimination, harassment, or violence or the crimes of sexual assault, stalking, dating violence, or domestic violence do occur, PNCA takes the matter very seriously. PNCA employs supportive and protective measures such as no contact orders or emergency removal in cases in which a violence risk assessment indicates such action is warranted.

If a student is respondent of sex or gender-based discrimination, harassment, or violence, they are subject to action in accordance with the Sexual Misconduct Policy in the Student Handbook. A student wishing to officially report such an incident may do so by contacting Title IX Coordinator.

Anyone with knowledge about sex- or gender-based discrimination, harassment, or violence, or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence is encouraged to report it immediately to Title IX Coordinator.

Supportive and protective measures for individuals who have experienced these incidents are available from the campus whether the individual chooses to report to local and/or campus law enforcement, and irrespective of whether the individual pursues a formal complaint through the PNCA resolution process.

Confidential Resources

An individual who seeks completely confidential assistance may do so by speaking with professionals who have legally protected confidentiality. On campus, confidential reports may be made to Jessie Spiess Warner Jspeiss@pnca.edu. Information shared with these resources will remain confidential and will not be shared with PNCA or anyone else without express, written permission of the individual seeking services unless required by law or court order.

Prevention and Education

PNCA offers a range of campaigns, strategies, and initiatives to promote awareness, education, risk reduction, and prevention in an effort to reduce the frequency of sex or gender-based discrimination, harassment, and violence amongst members of the campus community.

It is the policy of PNCA to offer programming to identify and prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults), and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees and are often conducted during new student and new employee orientation and throughout an incoming student's first semester.

Programs and other campaigns offered throughout the year to all students and employees include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management, and bystander intervention), and discuss institutional policies on sex or gender-based discrimination, harassment, and violence as well as the Oregon definitions of domestic violence, dating violence, sexual assault, stalking, and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies, and/or creating distractions.

Campus and Community Resources

PNCA shall 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 Complainants, both within PNCA and outside in the community.

On-campus counseling, health, mental health, and intervention resources are available in Student Life. You may schedule an appointment during business hours with one of our Campus Psychologists by emailing StudentLife@pnca.edu or calling 503-821-8920.

Off-campus resources that offer advocacy services and counseling can be obtained 24/7 by calling Sexual Assault Resource Center 503-640-5311 or 1-888-640-5311 the Multnomah County Crisis Line can connect you to a licensed therapist 24/7 by calling 503-988-4888.

Legal Definitions for Title IX

Rape is generally defined by states as forced sexual intercourse. It may also include situations in which the Complainant is incapable of giving consent due to incapacitation by means of disability, alcohol, or other drugs. Many rapes are committed by someone the Complainant knows, such as an acquaintance or friend.

Under Oregon law ORS 163.375 a person who has sexual intercourse with another person commits the crime of rape in the first degree if:

- (a) The victim is subjected to forcible compulsion by the person;
- (b) The victim is under 12 years of age;
- (c) The victim is under 16 years of age and is the person's sibling, of the whole or half blood, the person's child or the person's spouse's child; or
- (d) The victim is incapable of consent by reason of mental defect, mental incapacitation or physical helplessness.

A person who has sexual intercourse with another person commits the crime of rape in the second degree if the other person is under 14 years of age.

A person commits the crime of rape in the third degree if the person has sexual intercourse with another person under 16 years of age.

Sexual assault is defined as any type of sexual contact or behavior that occurs by force or without consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity including forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.

Other Sexual Offenses

Other sexual offenses include the following: sodomy (forced anal intercourse); oral copulation (forced oral-genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger); and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal). The full campus policy of Sexual Assault can be found here:

<https://pnca.edu/pdf/PNCA-1P2P-Discrimination-Grievance-Process-2020-2021.pdf>

Sexual Harassment

Sexual harassment is a form of misconduct that undermines the integrity of the academic environment. It is the policy of PNCA that sexual harassment is prohibited. All members of PNCA community, especially administrators, faculty, and other individuals who exercise supervisory authority, have an obligation to promote an environment that is free of sexual harassment.

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Oregon regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice. Pacific Northwest College of Art has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community. 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. A full definition can be found in the PNCA 1P2P Discrimination Grievance Process 2020-2021 here:

<https://pnca.edu/pdf/PNCA-1P2P-Discrimination-Grievance-Process-2020-2021.pdf>

Any complaints or inquiries regarding sexual harassment of a student by a student, administrator, faculty member, or staff member should be brought to the immediate attention of the Title IX Coordinator. PNCA will promptly respond to such information to determine appropriate steps for resolving the issue. If, for any reason, a student wishes to report or inquire regarding sexual harassment but feels it would not be appropriate to raise such issues with the Title IX Coordinator, the student may inquire or complain to a member of Student Services or Jessie Spiess.

If harassment is established, PNCA will discipline the offender. Disciplinary action for violations of this policy can range from verbal or written warnings, up to and including immediate termination from employment or dismissal from PNCA for serious or repeated violations.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking
The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- **Domestic Violence:**

- I. A Felony or misdemeanor crime of violence committed—
 - A. By a current or former spouse or intimate partner of the victim;
 - B. By a person with whom the victim shares a child in common;
 - C. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - D. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - E. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- II. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- I. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- II. For the purposes of this definition—
 - A. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - B. Dating violence does not include acts covered under the definition of domestic violence.
- III. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

● **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- **Rape** is defined as 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.
- **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

● **Stalking:**

- I. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - A. Fear for the person's safety or the safety of others; or
 - B. Suffer substantial emotional distress.
- II. For the purposes of this definition—
 - A. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

- B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- III. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974, PNCA is providing a link to the Oregon State Sex Offender Registry.

All sex offenders are required to register in the state of Oregon and to provide notice of each institution of higher education in Oregon at which the person is employed, carries out a vocation, or is a student. It can be accessed at <http://sexoffenders.oregon.gov>. For information about sex offenders, please call 503.378.3725, Ext. 4429 or email sexoffender.questions@state.or.us

In addition to the above notice to the State of Oregon, all sex offenders are required to deliver written notice of their status as a sex offender to the PNCA's VP of Student Affairs Darby Knox no later than three (3) business days prior to their enrollment in, employment with, volunteering at, or residence in PNCA. Such notification may be disseminated by PNCA to, and for the safety and well-being of, PNCA community, and may be considered by PNCA for enrollment and discipline purposes.

Sex or Gender Based Discrimination Procedure

Supportive Measures

Procedurally, when PNCA receives a report of sex or gender-based discrimination, harassment, or violence, the campus Title IX Coordinator is notified. If the Complainant wishes to access local community agencies and/or law enforcement for support, PNCA can assist the Complainant in making these contacts.

The Title IX Coordinator will offer assistance to Complainants in the form of supportive measures such as opportunities for academic adjustments; changes in on-campus housing assignment; visa and immigration assistance; changes in working situations; and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, campus safety escorts, transportation assistance, targeted interventions, etc.).

The Title IX Coordinator can connect the Complainant with a counselor on- or off-campus as well as an on-or off-campus victim advocate. No Complaint is required to take advantage of these services and resources, but PNCA provides them in the hopes of offering help and support. Similar supports can be made available to respondents, upon request.

Protection Orders

PNCA does not issue orders of protection. Orders of protection, restraining orders, injunctions, or similar lawful orders may be obtained through the court system and can be enforced by Campus Safety. Individuals who have obtained a protection order are encouraged to provide a copy to the Campus Safety as soon as possible following the issuance to ensure full enforcement.

Although PNCA does not issue orders of protection, individuals may request that PNCA issue an administrative directive for no contact and/or a no trespass notice/persona non grata notice. Upon request, a determination will be made by PNCA whether to issue an administrative directive for no contact and/or a no trespass notice/persona non grata. For information regarding how to obtain a protection order, contact CampusSafety@Pnca.edu or the **Title IX Coordinator at KMcAnalley@pnca.edu**

Process Rights

A summary of rights, options, supports, and procedures, in the form of this document, is provided to all Complainants, whether they are students, employees, guests, or visitors.

When appropriate upon receipt of notice of a formal complaint, the Title IX Coordinator will initiate a prompt, fair, and impartial process, commencing with an investigation, which may lead to the imposition of sanctions for a respondent based upon a preponderance of evidence (what is more likely than not).

Procedures detailing the investigation and resolution processes of PNCA can be found online [here:https://pnca.edu/pdf/PNCA-1P2P-Discrimination-Grievance-Process-2020-2021.pdf](https://pnca.edu/pdf/PNCA-1P2P-Discrimination-Grievance-Process-2020-2021.pdf). While the Title IX Coordinator is ultimately responsible for ensuring in all cases that the behavior is brought to an end, PNCA acts to reasonably prevent its recurrence, and the effects on the Complainant and the community are remedied.

All parties are entitled to a process which:

- Is prompt, fair, and impartial from initial investigation to final result, including being:

- Completed within reasonably prompt timeframes, including allowing for the extension of timeframes for good cause with written notice to the parties of the delay and the reason for the delay;
- Conducted in a manner that is consistent with the institution's policies and transparent to the parties;
- Given timely notice of meetings at which the parties (one or all) may be present;
- Given timely provision to the parties and any appropriate officials of equal access to any information that will be used during informal and formal disciplinary meetings and hearings; and is
- Conducted by officials who do not have a conflict of interest or bias for or against the any of the parties
- Is conducted by administrators who, at minimum, receive annual training on:
 - Issues related to dating violence, domestic violence, sexual assault, and stalking; and
 - How to conduct an investigation and hearing process the protects the safety of the parties and promotes accountability
- Allows all parties 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 the advisor of their choice
- Does not limit the choice of advisor or presence for any party in any meeting or institutional disciplinary proceeding; however, the institution may establish regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to all parties
- Provides for simultaneous written notification to all parties 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 parties 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
- Prohibits retaliation

Process Outcomes

For offenses including sex or gender-based discrimination, harassment, and violence, which typically include the crimes of domestic violence, dating violence, sexual assault, and stalking, sanctions range from warning to expulsion, or any other sanctions deemed appropriate by PNCA.

Serious and violent incidents and acts of sexual assault usually result in suspension, expulsion, revocation of diploma, termination of employment, or any other sanctions deemed appropriate by PNCA. Knowingly providing false or misleading information to investigators can result in additional consequences under the Student Code of Conduct.

<https://pnca.edu/pdf/2020-2021-Student-Handbook.pdf>

One Policy Two Procedures

If the sexual misconduct or gender discrimination is determined to be outside of the Jurisdiction of the Title IX process, PNCA may investigate it as a violation of the Student Code of Conduct or Employee Handbook. Sanctions for these violations are made under a restorative justice model, and may range from a written apology to expulsion.

Training

The Title IX Coordinator is responsible for ensuring that training is conducted annually for all institution-provided advisors, investigators, decision-makers, and appeal decision-makers involved in the resolution of formal complaints through a process which ensures the safety of all parties and promotes accountability. Training will focus on sexual assault, domestic violence, dating violence, stalking, sexual harassment, retaliation, and other behaviors that can be forms of sex or gender-based discrimination, harassment, or violence covered by Title IX and Clery Act.

Recordkeeping and Privacy

PNCA records of investigations and resolutions are maintained in privacy in accordance with the institution's record retention policy for a minimum of seven years. Information is shared internally between administrators who need to know in order to complete their job duties.

When information must be shared to permit the investigation to move forward, the parties will be informed. Privacy of the records specific to the investigation is maintained in accordance with Oregon law and the federal FERPA statute. Any public release of information needed to comply with the open crime logs or timely warning provisions of the Clery Act will not include the names of Complainant or information that could easily lead to a Complainant's identification.

Additionally, PNCA maintains privacy in relation to any supportive measures afforded to a Complainant, except to the extent necessary to provide the supportive measures. Typically, if faculty members or administrators are asked to provide supportive measures for a specific student, they are told that such

measures are necessary under Title IX or the Clery Act, but they are not given any details of the incident, or its nature. Irrespective of state law or public records access provisions, information about Complainants is maintained privately in accordance with Title IX and FERPA.

In any complaint of sex or gender-based discrimination, harassment, or violence covered under Title IX and/or the Clery Act, the Complainant and Respondent are entitled to the same opportunities for a support person of their choice throughout and to fully participate in the process, including any meeting, conference, hearing, appeal, or other procedural action.

The parties will receive written notification of the allegations as well as any hearing outcome; they will also be afforded opportunities to review and respond to the investigation report before it is finalized and again before a hearing. The role of Advisors is described in detail here <https://pnca.edu/pdf/PNCA-1P2P-Discrimination-Grievance-Process-2020-2021.pdf>.

Delivery of written notifications to the parties will occur simultaneously (without undue delay between notifications). All parties will be informed of the PNCA's appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

Retaliation

PNCA has a policy of zero tolerance of retaliation for any misconduct or discrimination to any department. Both Title IX and the Clery Act provide protections for whistleblowers who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators.

PNCA does not retaliate against those who raise concerns of non-compliance. Any concerns should be brought to the immediate attention of the campus Title IX Coordinator Kathryn McAnalley and/or to officials of the U.S. Department of Education.

Statistical Reporting Definitions for The Clery Act

Reporting of statistics under the Clery Act uses federal offense definitions that allow comparability across campuses/locations, regardless of the state/location in which the campus is located. These definitions are as follows:

Sexual Assault is defined as:

Sex Offenses, Forcible – Any sexual act directed against another person, without the consent of the Complainant including instances where the Complainant is incapable of giving consent.

- **Forcible Rape** – 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 Complainant.
- **Forcible Sodomy** – Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against the person’s will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Sexual Assault With An Object** – To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will or not forcibly or against the person’s will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Forcible Fondling** – The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person’s will (non-consensually) or not forcibly or against the person’s will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Sex Offenses, Nonforcible – Nonforcible sexual intercourse.

- **Incest** – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Oregon law ORS 162.525.
- **Satutory Rape** – Nonforcible sexual intercourse with a person who is under the statutory age of consent of eighteen years old.

Dating Violence, defined as: violence committed by a person who is 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 felony or misdemeanor crime of violence committed –

By a current or former spouse or intimate partner of the Complainant;

By a person with whom the Complainant shares a child in common;

- By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;

- By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Oregon;
- By 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 Oregon.

*To categorize an incident as Domestic Violence, the relationship between the respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

Stalking, defined as: engaging in a course of conduct directed at a specific person that would cause a reasonable person to –

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition –

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

(ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

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

Outline of Sexual Misconduct and Gender Discrimination Procedures

Sexual Misconduct, as defined by PNCA's Policy and Procedures, comprises a broad range of behavior that will not be tolerated in PNCA's community. For purposes of this policy, "Sexual Misconduct" includes the following:

- Sexual Exploitation
- Sexual Harassment
- Non-Consensual Sexual Contact
- Non-Consensual Sexual Intercourse

Full definitions of each of these terms can be found on pages 46 & 47.

Sexual Misconduct violates PNCA policy and federal civil rights law and may also be subject to criminal prosecution. PNCA is committed to fostering a community that promotes prompt reporting of all types of Sexual Misconduct, and timely and fair resolution of Sexual Misconduct complaints. Creating a safe environment is the responsibility of all members of the PNCA community. As a recipient of federal funds, PNCA is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in education programs or activities.

Sexual Misconduct, as defined in this policy, is a form of sex discrimination prohibited by Title IX. PNCA is committed to providing programs, activities, and an educational environment free from sex discrimination. PNCA is also required to provide due process to students accused of Sexual Misconduct. This policy is designed to provide a fair process for both/all parties while also ensuring the complainant's protections under Title IX. Consistent with due process, the accused party, is presumed innocent until proven otherwise under this policy.

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

Title IX Procedural Definitions

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

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

“Complainant” a person subjected to alleged Sexual Misconduct, Sex Discrimination or Gender Discrimination by an offending party, known as the “Respondent”.

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

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

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

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

“Initiating Party” means the person filing a report of Sexual Misconduct or Discrimination. This may be the complainant, a witness, or other third party.

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

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

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

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

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

“Respondent” is someone alleged to have performed prohibited conduct under Title IX.

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

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

“Sexual Harassment” means unwelcome conduct, based on sex or on gender stereotypes, which is so severe or pervasive that it unreasonably interferes with a person’s PNCA employment, academic performance, or participation in PNCA programs or activities, and creates a working, learning, program,

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

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

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

“Title IX Coordinator” means the party designated by PNCA to oversee the Title IX process.

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

Title IX Jurisdiction

Personal Jurisdiction: Any person may file a complaint of Sexual Misconduct against any community member within PNCA. For the purposes of Title IX Personal Jurisdiction is limited to students, faculty, or staff who are actively enrolled or employed at PNCA.

Geographic Jurisdiction: There is no geographical limitation for reporting Sexual Misconduct at PNCA. Title IX procedure is limited to locations and persons under the influence of PNCA. PNCA reserves the right to determine, in its sole discretion, whether the conduct described in the complaint constitutes a sufficient risk to the PNCA community.

Timing of Complaints

So, long as there is personal jurisdiction over the respondent, there is no time limit to report complaints of alleged Sexual Misconduct. Nevertheless, students are encouraged to report alleged Sexual Misconduct immediately in order to maximize PNCA's ability to obtain evidence and conduct a thorough, impartial, and reliable investigation. Failure to promptly report alleged Sexual Misconduct may result in

the loss of relevant evidence and witness testimony, and may impair PNCA's ability to enforce this policy.

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

Related Misconduct

In accordance with this policy, the Title IX Team is empowered to hear allegations of, and to impose sanctions for, Sexual Misconduct and any violations of the Student Conduct Code directly related to the alleged Sexual Misconduct, or any alleged violations of the Student Conduct Code itself. Such related misconduct may include, without limitation, violations of the rules of privacy as articulated herein.

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

Criminal Proceedings

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

PNCA will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation into a complaint of Sexual Misconduct (except that PNCA's investigation may be delayed temporarily while the criminal investigators are gathering evidence) and may take interim measures to protect the complainant and PNCA community, if necessary. In the event that an allegation includes behavior or actions that are under review by law-enforcement authorities, the Investigative Team will, in

light of status updates from law-enforcement authorities and the Title IX Officer, assess and reassess the timing of the investigation under the Policy, so that it does not compromise the criminal investigation.

Interim Measures

In all complaints of alleged Sexual Misconduct, regardless of whether the complainant wishes to pursue Formal Resolution, Informal Resolution, or no resolution of any kind, PNCA will undertake an appropriate inquiry and take such prompt and effective action as is reasonably practicable under the circumstances to support and protect the complainant, including taking appropriate interim steps before the final outcome of the investigation and hearing, if any.

At or after the intake meeting, the Title IX Coordinator may impose a “no contact” order, which typically will include a directive that the parties refrain from having contact with one another, directly or through proxies, in person or via electronic means, pending the investigation and, if applicable, the hearing. The Title IX Coordinator may also take any further protective action that they deem appropriate concerning the interaction of the parties pending the hearing, if any.

Interim Measures include, without limitation, directing appropriate PNCA officials to alter the complainant's academic schedule, PNCA housing, and/or PNCA employment arrangements. When taking steps to separate the complainant and the respondent, the Coordinator will seek to minimize unnecessary or unreasonable burdens on either party, provided, however, that every reasonable effort is made to allow the complainant to continue in their academic, PNCA housing, and/or PNCA employment arrangements. Violation(s) of the Title IX Coordinator's directive and/or protective actions will constitute related offenses that may lead to additional disciplinary action.

TITLE IX Informal Resolution Procedure

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

Requesting an Informal Resolution

Initiating parties may make a request for informal resolution to Title IX Coordinator. The request should identify the alleged harasser (if known) and describe the allegations with specificity. The Title IX Coordinator, in consultation with the Title IX Team, will assess the severity of the alleged harassment and the potential risk of a hostile environment for others in the community to determine whether informal resolution may be appropriate.

Upon determination that informal resolution is appropriate, the Title IX Coordinator will consult further with the person initiating the request, inform the complainant and respondent, and gather additional relevant information as necessary from the parties and any witnesses. The Title IX Coordinator will

assign a member of the Title IX Team to facilitate the conversation between the parties and attempt to aid the parties in finding a mutually acceptable resolution. Title IX Coordinator also may put in place any appropriate interim measures to protect the educational and work environment.

Informal Resolution Advisors

The complainant and the respondent each may bring an advisor to an informal resolution. The college has a pool of trained advisors, but an advisor may be a friend, a family member, an attorney, a neighbor, or other individual of the party's choosing.

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

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

Informal Resolution

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

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

Ordinarily, the informal resolution process will be concluded within two to three weeks of the date of the request. PNCA or the complainant may, at any time prior to the conclusion of the Informal Resolution, elect to end such proceedings and initiate Formal Resolution instead as long as personal jurisdiction is maintained. In such cases, statements or disclosures made by the parties in the course of the Informal Resolution may be considered in the subsequent Formal Resolution.

Privacy of Informal Resolution

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

TITLE IX Formal Resolution Procedure

Initiating a Formal Resolution

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

A formal complaint must be in writing and signed and dated by a Complainant or a third party filing on behalf of a potential Complainant.

It should include the name of the alleged harasser (if known), and a description with reasonable specificity of the incident(s) of alleged harassment including date and place of such incident(s).

The complaint must be in the complainants or reporter's own words. Attached to the complaint should any sources of information (for example, witnesses, correspondence, records, photos, etc.) that the complainant or reporter believes may be relevant to the investigation. However, a complaint should not be delayed if such sources of information are unknown or unavailable.

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

Initial Review

Once a complaint is received by the Title IX Coordinator, the complainant and respondent will both be provided with formal notice of an investigation. The Title IX Coordinator will offer supportive measures to both the complainant and the respondent. Title IX Coordinator will assign the case to an Investigator or Team of Investigators for initial review. Investigators have appropriate training, so that they have the specialized skill and understanding to conduct prompt and effective sexual and gender-based harassment investigations. The Investigative Team will contact the Complainant or Reporter in an attempt to gather a more complete understanding of the allegations, as well as any related conduct that may implicate the Policy.

When a complaint is brought by a Reporter, the Investigative Team will endeavor to meet with the person identified as the potential Complainant to both gather information and discuss their interest in participating in an investigation. Based on the information gathered, the Investigative Team will determine whether the information, if true, would constitute a violation of the Policy such that an investigation is warranted or whether the information warrants an administrative closure. The Investigative Team will convey this determination to the Complainant (and the Reporter, if there is one) and the Title IX Coordinator.

The Investigative Team will work with the Title IX Coordinator to implement any appropriate interim measures to be put in place by PNCA pending the completion of the case (or to revise as necessary any measures already in place). Ordinarily, the initial review will be concluded within two weeks of the date the complaint was received.

Formal Investigation

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

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

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

When a complaint involves allegations that, if true, also might constitute criminal conduct, respondents are hereby advised to seek legal counsel before making any written or oral statements.

The investigation process is not a legal proceeding, but respondents might wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved.

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

Formal Resolution Advisors

Both the Complainant and the respondent may bring an advisor to any interviews with the Investigative Team. The school has a pool of trained advisors, but an advisor may be a friend, a family member, an attorney, a neighbor, or other individual of the party's choosing.

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

When the allegations, if true, might constitute criminal conduct, the party against whom they are brought is hereby advised to seek legal counsel before making any written or oral statements. Those facing allegations may wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved.

Such counsel may privately consult with and advise the parties during the process but may not examine witnesses or otherwise directly participate on behalf of either party.

Conclusion and Final Report

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

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

The investigation will be completed and the final report provided to the Complainant, the respondent, and the Title IX Coordinator concurrently within 14 calendar days following the submission of the Complainant and respondents written responses unless the Adjudicators determine there is good cause for a delay. The Title IX Coordinator will notify the parties of any disciplinary action as appropriate. For cases involving faculty, staff, or third parties, the imposition of sanctions will be considered separately by the appropriate officials at PNCA through their relevant policies.

Formal Sanctions

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

If the Adjudicators imposes a sanction of suspension or expulsion, then, following exhaustion of any appeal, the Adjudicators or Title IX Coordinator will notify PNCA Registrar to place a notation on the student's transcript reading "Disciplinary Suspension" or "Disciplinary Expulsion," as the case may be.

Privacy in the Formal Process

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

Under the Clery Act, both the complainant and the respondent must be informed of the hearing outcome, and PNCA may not impose any limitations on the re-disclosure of this information. Accordingly, following the hearing, the Panel will issue a written decision letter (the "Final Report"), concurrently to the respondent and the complainant.. Any public release of information needed to comply with the open crime logs or timely warning provisions of the Clery Act will not include the names of Complainant or information that could easily lead to a Complainant's identification.

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

Formal Resolution Timeframe

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

Administrative Closure

If, after conducting the initial review of a formal complaint, the Investigative Team finds that the allegation, if true, would **not constitute Title IX Prohibited Behavior**, then the Title IX Coordinator will administratively close the case and notify the complainant (and the reporter, if there is one). Where the complainant is unwilling to participate in further investigation, the Title IX Coordinator, in consultation with the Title IX Team, will assess the severity of the alleged harassment or the potential risk of a hostile environment for others in the community and will determine whether administrative closure is appropriate or whether PNCA should proceed with an investigation.

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

In cases where the Title IX Coordinator concludes that the alleged conduct, while not a violation of the Policy, might implicate other PNCA conduct policies, the Title IX Coordinator will refer the complaint to the Student Conduct Officer.

Withdrawing a Complaint

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

Once a complaint has been opened for investigation and before the final report has been provided to the parties, a party may request informal resolution as an alternative to formal resolution of the complaint, but that disposition requires agreement of the complainant and the respondent. The approval of the Title IX Coordinator is also required. If such a request is approved the timeframes will be stayed and the Title IX Coordinator will assign a Title IX Team member to oversee the informal resolution process. The Title IX Team member will take such steps as they deem appropriate to assist in reaching a resolution. If the parties cannot reach an informal resolution within two weeks from receipt of the request, then the Investigative Team will resume the investigation of the complaint in accordance with the formal complaint procedures.

Appeals

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

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

Disagreement with the Adjudicators' findings or determination is not, by itself, a ground for appeal. Appeals must contain: A clear statement of the grounds for the appeal. If appealing under a procedural error the document must contain the specific procedural error that occurred and how the appellant believes it impacted the outcome of the decision. If appealing due to new information the document

must contain the substantive and relevant new information, details as to why the information was not available at the time of the investigation, and how the new evidence might impact the outcome of the decision.

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

In the event that a Complainant does not wish to proceed

If the complainant does not wish to pursue either Formal or Informal Resolution and/or requests that their complaint remains confidential, The Title IX Coordinator may still need to investigate. The Title IX Coordinator must investigate when pursuant to state or federal law, or if the Title IX Coordinator determines a threat to the safety of the complainant or the PNCA community. The Title IX Coordinator will offer the complainant supportive measures and will inform the complainant that PNCA's ability to respond may be limited if they do not wish to cooperate. The Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual Misconduct and may weigh the complainant's request(s) against the following factors:

- the seriousness of the alleged Sexual Misconduct;
- whether there have been other complaints of Sexual Misconduct made against the same respondent;
- whether threats of violence against the complainant or others,
- whether the report involves the abuse of minors,
- whether the report involves the use of weapons, and/or violence.
- and the respondent's right to receive information about the allegations if the information is maintained by PNCA as an "education record" under FERPA.

The Title IX Coordinator will inform the complainant if PNCA cannot ensure confidentiality. Even if PNCA cannot take disciplinary action against the respondent due to the complainant insisting on confidentiality or that the complaint not be resolved, the Title IX Coordinator reserves the authority to undertake an appropriate inquiry, issue a "no contact" order, and take other reasonably necessary measures.

Confidentiality

PNCA will endeavor to maintain confidentiality to the extent permitted by law. In cases where the complainant's desire to maintain anonymity may constrain attempts to establish facts and eliminate the alleged harassment, PNCA will attempt to find the right balance between the complainant's desire for

confidentiality and PNCA's responsibility to provide an environment free of sexual harassment. However, PNCA may take formal action to ensure an environment free of sexual harassment and/or sexual misconduct.

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

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

Fraternization

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

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

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

Amendments

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