# PENNSYLVANIA COLLEGE of ART & DESIGN Annual Security Report

This document is intended to inform all constituencies at Pennsylvania College of Art & Design (students, faculty and staff) of the College's policies and procedures governing drugs and alcohol, harassment (including sexual abuse) and crime on school property.

## **Drug and Alcohol Policy**

PCA&D's policy concerning drug and alcohol use on conforms to the requirements of the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226. This federal law requires all institutions of higher education to adopt and implement a policy that prohibits use or manufacture of and educates all college constituencies about the effects and consequences of the distribution or use of illicit drugs and / or alcohol.

Students, staff and faculty are prohibited from the unlawful manufacture, distribution, possession or use of illicit drugs and/or alcohol while on the property of Pennsylvania College of Art & Design or when participating in any College sponsored activity or event. Students or employees who violate this policy will be subject to disciplinary action up to and including expulsion from all educational programs of the College or termination of employment. PCA&D has always enforced and will continue to vigorously enforce this policy regarding alcohol and drugs.

#### Alcohol

The consumption or distribution of alcohol on PCA&D property is strictly prohibited. Students, staff and faculty are prohibited from being on College property while under the influence of alcohol. No alcoholic beverages of any kind shall be advertised or otherwise promoted on College property. Outdoor public drinking on premises owned, leased or controlled by the College (including sidewalks, steps, porches, lawns, etc.) is strictly forbidden.

#### **Drugs**

Students, faculty and staff are prohibited from possessing and/or using narcotics or drugs (other than those medically prescribed, properly used and in the original container) on College property; while on College business or participating in any college-sponsored activity or event. Any and all types of drug paraphernalia that can be used to consume drugs are not permitted on College property.

PCA&D expects that all students, whether on- or off-campus, will abide by the College's policy concerning alcohol and drug use. When a student engages in conduct off-campus that violates the nature of the College's drugs and alcohol policy and that behavior, in the College's sole judgment, is destructive, abusive or detrimental to PCA&D's interests, the College's Student Code of Conduct policy will apply and all relevant processes employed.

Pennsylvania College of Art & Design supports and will cooperate with authorities of the federal government, the Commonwealth of Pennsylvania and the City of Lancaster in the enforcement of public laws and regulations regarding alcohol and drugs.

The unlawful possession, use or distribution of illicit drugs and alcohol is punished by harsh sanctions under the laws of the federal government and the Commonwealth of Pennsylvania.

#### Commonwealth of Pennsylvania: Laws Governing the Use of Alcohol

The Pennsylvania Crime Code and the Pennsylvania Liquor Code govern the consumption, distribution and sale of alcohol.

- 1. It is a summary offense for a person under 21 years of age to purchase, consume, possess or knowingly and intentionally transport any alcoholic beverages. Penalty for a first offense is suspension of driving privileges for 90 days, a fine of up to \$300.00 and imprisonment for up to 90 days; for a second offense, suspension of driving privileges for up to one year, a fine of up to \$500.00, and imprisonment for up to one year. Multiple sentences involving suspension of driving privileges must be served consecutively.
- 2. It is a crime to intentionally and knowingly sell or intentionally and knowingly furnish any alcoholic beverage to a minor (under 21). "Furnish" means to supply, give or provide to, or to allow a minor to possess on premises or property owned or controlled by the person.
- 3. It is a crime for any person under 21 years of age to possess an identification card falsely identifying that person as being 21 years of age or older, or to obtain or attempt to obtain alcoholic beverages by using a false identification card or otherwise misrepresent one's age in an attempt to obtain alcoholic beverages. Penalties are as stated in (1) above.
- 4. It is a crime to intentionally, knowingly or recklessly manufacture, make, alter, sell or attempt to sell an identification card falsely representing the identity, birth date or age of another. The minimum fine is \$1000.00 for first violation; \$2500.00 for subsequent violations; imprisonment for up to two years for any violation.
- 5. It is a crime to hire, request or induce any minor to purchase alcoholic beverages or to misrepresent that another is of legal age in order to obtain alcoholic beverages. The penalty is a minimum fine of \$300.00 and imprisonment for up to one year.
- 6. It is a crime to drive or operate any vehicle under the influence of alcohol or any controlled substance or drug. It is also a crime to drive or operate a vehicle where the amount of alcohol by weight in the blood of the person equals or exceeds 0.08%. Penalties for violation include a minimum fine of \$300.00; loss or suspension of driver's license; participation in and completion of a counseling or treatment program; and imprisonment from 48 hours to not less than one year, depending on the nature and number of prior violations.
- 7. It is a crime to sell, furnish or serve alcohol to any person who is visibly intoxicated.
- 8. The Commonwealth of Pennsylvania and the City of Lancaster prohibit the consumption or distribution of alcohol in any public place without a proper license or permit and prohibit public drunkenness.
- 9. Sales without a license or purchases of alcoholic beverages from an unlicensed source are prohibited. It is unlawful to possess or transport liquor or alcohol within the

Commonwealth unless it has been purchased from a State Store or in accordance with Liquor Control Board regulations.

#### **United States Government: Laws Governing the Use of Drugs**

The Federal Government prohibits the manufacture, distribution, dispensation and possession of controlled substances unless specifically permitted by statute. The government categorizes controlled substances according to Schedules I through V.

*Schedule I drugs* have a high potential for abuse, with no accepted medical use. Schedule I drugs include, but are not limited to, heroin, marijuana, hashish, LSD and other hallucinogens.

Schedule II drugs have a high potential for abuse (but also some medical use) and include opium, morphine, codeine, barbiturates, cocaine and its derivatives, amphetamines, phencyclidine (PCP) and other narcotics. Schedule III, Schedule IV and Schedule V drugs have some potential for abuse, but less than Schedule I and II drugs, with Schedule III drugs having the most potential for abuse and Schedule V the least. Schedule III, IV and V drugs include chloral hydrate (IV), certain barbiturates (III and IV), benzodiazines (IV), glutethimide (III), other depressants and narcotics (III and IV), amphetamines (III) and other stimulants (III and IV). A complete listing of controlled substances and their classifications is contained in Title 21 of the United States Code at Section 812.

Penalties for the unauthorized possession, manufacture, sale, distribution or delivery of drugs varies according to the type and quality of drug, the existence of prior offenses and whether death or serious injury results from the drug involved.

- 1. The federal penalty for the manufacture, sale or distribution of small amounts of Schedule I and II drugs, for the first offense, is from five to 40 years imprisonment and/or not more than a two million dollar fine for an individual (where death or serious injury occurs, not less than 20 years imprisonment and not more than life imprisonment); for a second offense, not less than 10 years imprisonment and not more than life and/or a fine of not less than four million dollars for an individual (where death or serious injury occurs, not less than life imprisonment). Penalties are doubled in many cases for the manufacture, sale or distribution of larger amounts of Schedule I and II drugs.
- 2. The federal penalty for the manufacture, distribution or sale of Schedule III, IV and V drugs of any quantity is:

#### Schedule III Drug:

not more than five years imprisonment and/or a \$250,000 fine for a first offense; penalty is doubled for a second offense.

#### Schedule IV Drug:

not more than three years imprisonment and/or a \$250,000.00 fine for a first offense; penalty is doubled for a second offense.

#### Schedule V Drug:

not more than one year imprisonment and/or a \$100,000.00 fine; penalty is doubled for a second offense.

- 3. Federal law provides separate penalties for the manufacture, sale or distribution of marijuana, hashish, or their derivatives. Penalties vary according to the quantity involved, the existence of a prior offense, and whether death or serious injury results. For a first offense involving small amounts (less than 50 kilograms of marijuana; less than 10 kilograms of hashish), the penalty includes not more than five years imprisonment and/or a \$250,000.00 fine for an individual. Penalties are doubled for second offenses. For larger quantities (between 50-100 kilograms marijuana; between 10-100 kilograms hashish), the penalty includes not more than 20 years imprisonment and/or a fine of one million dollars. Penalties are increased for second offenses. Where death or serious injury results, penalties are increased to include not less than 20 years imprisonment and not more than life for a first-time offender; not less than life for a second-time offender.
- 4. In addition to the manufacture, distribution or sale of controlled substances, federal law prohibits unauthorized possession of controlled substances. Penalties for simple possession include up to one year imprisonment and/or at least a \$1,000.00 fine (but less than \$10,000.00) for a first offense; up to two years imprisonment and/or at least a \$2,500.00 fine (but less than \$250,000.00) for a second offense; up to three years imprisonment and/or at least a \$5,000.00 fine (but less than \$250,000.00) for subsequent offenses. Special sentencing provisions apply to the possession of crack cocaine.
- 5. Special federal penalties apply to the sale or distribution of controlled substances to persons under age 21 or within 1,000 feet of school, college or university property.

#### Commonwealth of Pennsylvania: Laws Governing the Use of Drugs

The Commonwealth of Pennsylvania also imposes penalties for the possession, sale or delivery of a controlled substance. Pennsylvania classifies controlled substances according to Schedules I through V consistent with federal law. As with federal law, penalties vary according to the type of controlled substance involved.

- 1. The penalty for the sale or delivery, or possession with the intent to deliver, of a Schedule I or II drug, which is a narcotic, includes up to 15 years imprisonment and/or a \$250,000.00 fine.
- 2. The penalty for the sale, delivery or distribution of phencyclidines (PCP), methamphetamines, cocoa and its derivatives, and marijuana in excess of 1,000 pounds includes up to 10 years imprisonment and/or a \$100,000.00 fine.
- 3. The penalty for the sale, delivery or distribution of any other Schedule I, II or III drug not listed in (2) or (3) above, is up to five years imprisonment and/or a \$15,000.00 fine.
- 4. The penalty for the sale, delivery or distribution of any Schedule IV drug includes up to three years imprisonment and/or a \$10,000.00 fine.
- 5. The penalty for the sale, delivery or distribution of any Schedule V drug includes up to one year imprisonment and/or a \$1,000.00 fine.
- 6. Penalties for unauthorized possession of a controlled substance include up to one year imprisonment and/or a \$5,000.00 fine for the first offense.
- 7. Penalties for possession of a small amount of marijuana for personal use or with the intent to distribute but not to sell or the distribution of a small amount of marijuana but not sale include up to 30 days in prison and/or a fine not to exceed \$500.00.

8. Penalties for the intentional purchase or knowing receipt in commerce by any person of any controlled substance, other drug or device from any person not authorized by law to sell, distribute, dispense or otherwise deal in such controlled substance, other drug or device include up to three years imprisonment and/or a fine not to exceed \$5,000.00.

#### Health Risks Associated with the Abuse of Alcohol and the Use of Illicit Drugs

The following are summaries of the major health risks of and common symptoms associated with alcohol and other drug use and abuse. This is not a complete listing but an overview. Each individual will experience the effects of alcohol and other drugs in a slightly different way given his or her tolerance, body size, family history, gender, and other physical and psychological factors. Abuse of alcohol and other drugs can lead to chemical dependency and can be harmful during pregnancy.

#### Alcohol

Health Risks: Alcohol in moderate amounts causes dizziness, dulling of the senses, and impairment of coordination, reflexes, memory and judgment. Increased amounts of alcohol produce staggering, slurred speech, double vision, mood changes and, possibly, unconsciousness. Larger amounts result in death. Alcohol causes damage to the liver, heart and pancreas. It also may lead to malnutrition, stomach irritation, lowered resistance to disease and irreversible brain or nervous system damage.

Repeated use of alcohol can lead to dependency. Sudden cessation of alcohol intake when dependency exists can lead to withdrawal symptoms like severe anxiety, tremors, hallucinations and convulsions. Withdrawal from addictive levels of alcohol consumption can be life-threatening. Long-term consumption of large quantities of alcohol, particularly combined with poor nutrition, can lead to permanent brain damage.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities, mental retardation and are at greater risk than other children of becoming alcoholics in adulthood.

*Symptoms:* Glazed eyes, obvious odor, pale and dry skin, broken blood vessels in facial area, slowed motor coordination and enlarged stomach.

#### Marijuana

Health Risks: Marijuana use leads to a substantial increase in heart rate. It impairs or reduces short-term memory and comprehension, and motivation and cognition are altered. With extended use it can produce paranoia and psychosis. Smoking marijuana damages the lungs and pulmonary system. Marijuana contains more cancer causing agents than tobacco. It also lowers male sex hormones, suppresses ovulation, and causes changes in the menstrual cycle and possibly causes birth defects.

*Symptoms:* Someone who uses marijuana may laugh inappropriately and have bloodshot eyes, dry mouth and throat, and a tell-tale odor of the drug, a poor sense of timing and increased appetite.

#### **Cocaine and Crack**

*Health Risks:* Cocaine and its derivative crack produce dilated pupils and elevated blood pressure, heart rate, respiratory rate and body temperature. They may also cause insomnia, loss of appetite, tactile hallucinations, paranoia, seizure and death.

*Symptoms:* Someone using cocaine may experience muscle twitching, panic reactions, anxiety, numbness in hands and feet, loss of weight, a period of hyperactivity followed by a depression, a running or bleeding nose and sustained depression.

#### **Barbiturates**

Health Risks: In small doses, barbiturates produce calmness, relaxed muscles and lowered anxiety. Larger doses cause slurred speech, staggering gait and altered perception. Very large doses taken in combination with other central nervous system depressants (e.g., alcohol) cause respiratory depression, coma and sometimes death.

*Symptoms:* A person who uses barbiturates may have poor muscle control, appear drowsy or drunk, become confused, irritable, inattentive or have slowed reactions.

#### **Amphetamines**

Health Risks: Amphetamine use causes increased heart and respiratory rates, elevated blood pressure, and dilated pupils. Larger doses cause rapid or irregular heartbeat, tremors and physical collapse. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, high fever and heart failure.

*Symptoms:* An individual using amphetamines might begin to lose weight, have periods of excessive sweating, and appear restless, anxious, moody and unable to focus. Extended use may produce psychosis, including hallucinations, delusions and paranoia.

#### Hallucinogens (including PCP, LSD, Mescaline, Peyote, Psilocybin)

Health Risks: PCP, or angel dust, interrupts the part of the brain that controls the intellect and impulsive behavior. PCP blocks pain receptors. Violent episodes, including self-inflected injuries, are not uncommon. Chronic users report memory loss and speech difficulty. Very large doses produce convulsions, coma, heart and lung failure, or ruptured blood vessels in the brain. LSD, mescaline, peyote, etc. cause dilated pupils, elevated body temperature, increased heart rate and blood pressure, and tremors.

*Symptoms:* Someone using PCP might appear moody, aggressive or violent. Such an individual may become paranoid and experience hallucinations and have time and body movements slowed. LSD users may experience loss of appetite, sleeplessness, confusion, anxiety and panic. Flashbacks may also occur.

#### Narcotics (including Heroin, Codeine, Morphine, Opium, Percodan)

*Health Risks:* Because these narcotics are generally injected, the use of contaminated needles may result in AIDS and hepatitis. Symptoms of overdose include shallow breathing, clammy skin and convulsions. An overdose may result in a coma or even death.

*Symptoms:* Some signs of narcotic use are euphoria, drowsiness, constricted pupils and nausea. Other symptoms include itchy skin, needle or "track" marks on the arms and legs, nodding, loss of sex drive and appetite. When withdrawing from the drug, sweating, cramps and nausea occur.

#### Drug and Alcohol Treatment Assistance for PCA&D Students and Employees

Students concerned about their own or another's drug or alcohol use are encouraged to contact the dean of students either directly or through anyone teaching or working at the College with whom a student has a relationship of trust and confidence. The dean of students will make an immediate referral to the College advisor who, after a maximum of three counseling / evaluation sessions, may direct a student to community professionals or agencies.

Faculty and staff concerned about their own or another's drug or alcohol use are encouraged to contact the Chief Financial Officer / Human Resources.

(See: Resource Directory, below, pp. 14-15.)

#### **Harassment Policies and Procedures**

#### **Title IX Compliance**

Title IX of the Education Amendments of 1972, and its implementing regulations, prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination.

Pennsylvania College of Art & Design's goal is full compliance with provisions of Federal Title IX; Federal Title II (the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 2009), and the Federal Higher Education Opportunity Act (2008).

#### Harassment Policy.

In accordance with Title IX stipulations, sexual harassment is defined as any unwelcome conduct of a sexual nature. Sexual violence is a form of sexual harassment prohibited by Title IX. For the purposes of this policy, Pennsylvania College of Art & Design also states that harassment shall consist of verbal, written, graphic, physical or sexual conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation, religion or any other legally protected characteristic which results in any form of harassment of students, faculty or staff. Including but not limited to conditions of harassment cited in this paragraph, harassment in any form is strictly prohibited at Pennsylvania College of Art & Design.

The College encourages any student who has been harassed in connection with College programs or activities to promptly report such incidents to dean of students Pamela Richardson who is Title IX coordinator for student complaints (see: Resource Directory, pp.14-15 of this document for contact information).

Employees who have been harassed in connection with performance of professional duties or any College program or activity are encouraged to report such incidents to vice president for finance and operations Patricia Ernst who is the Title IX coordinator for employee complaints (see: Resource Directory, pp. 14-15 of this document for contact information.)

#### **Sexual Harassment Policy**

Pennsylvania College of Art & Design's sexual harassment policy complies with the Federal Title IX definition of sexual harassment as unwelcome conduct of a sexual nature—including sexual violence. Specifically, the College's harassment policy includes but is not limited to prohibitions of the following: (a) unwelcome sexual advances or requests for sexual favors, (b) any forcible or non-forcible sex offense (including rape and acquaintance rape), (c) verbal, written, graphic, or physical conduct of a sexual nature, or (d) other gendermotivated offensive conduct when submission to or rejection of such conduct is made a basis for decisions affecting any student or employee, e.g.: favorable critique or review of work, attainment of a grade, employment advantage, or access to college-based services or programs.

Sexual harassment shall also consist of either isolated or repeated incidents of conduct severe or pervasive enough that the purpose or effect of such conduct is to create an intimidating, hostile, or offensive learning or working environment—directly or indirectly—for students, faculty or staff.

Instances of harassment of students that involve physical contact with injury (e.g., rape, acquaintance rape, abuse involving manual blows or weapons, etc.) should immediately be reported to any available member of the faculty, administration or staff. PCA&D personnel approached with this kind of information should escort students to (or contact) the dean of students, academic dean or president. Faculty and staff should seek out or be escorted to their supervisor or to the vice president for finance and operations. (See: Resource Directory, pp. 14-15of this document for contact information.)

Victims of violence or sexual abuse or persons coming to their aid should not alter any physical or environmental evidence of an incident—preserving evidence for proof of a criminal offense is critical. If requested, students or employees will be assisted in notifying the Lancaster Police Department or other local resources providing intervention and help. Students will be offered an immediate counseling session with a PCA&D's College Advisor. The College Advisors are qualified and contracted to advise students for three to four individual sessions and then to make appropriate external referrals for counseling if necessary or desirable.

At the beginning of each academic year, PCA&D provides educational programs promoting the prevention and awareness of rape, acquaintance rape and other forcible and non-forcible sex offenses to entering 1st year students. These programs are conducted by professionals in the Lancaster area who specialize in rape and assault prevention education. Annual participation in these programs is required of all entering students during Orientation periods.

All students, faculty and staff are provided subscriptions to the Sexual Assault and Alcohol Abuse Prevention Programs of Student Success (<a href="https://www.studentsuccess.org">https://www.studentsuccess.org</a>), an online provider of information promoting campus safety. This program presents segments of information in online videos that cover topics from alcohol abuse, sexual assault and harassment to issues of sexual orientation.

PCA&D is a commuting College with no dormitory facilities. However, students living on their own in Lancaster who have concerns about their apartment or rental housing circumstances after an incidence of violence and/or harassment are encouraged to contact the director of housing or the dean of students. Advice will be provided concerning a student's options as a resident of the Lancaster community. In-house counseling will be provided to help a student handle any emotional response to the situation. If there is an instance in which discrimination is suspected by a student, the director of housing or the dean of students will assist him or her in contacting the Human Relations Commission in Harrisburg, Pa.

#### Harassment / Sexual Offenses: General Reporting and Investigative Procedures

Students who believe they have been victims of harassment or sexual assault should promptly report the facts of the incident to any available College employee: staff member, instructor; department chair; the dean of students, the academic dean, the vp for finance and operations or the president. Employees who believe they have been victims of harassment or sexual assault should promptly report the facts of the incident to their supervisor or the vice president for finance and operations. Although the expediency of reporting to any available faculty or staff member is important for the victim's sake, in every instance the Title IX coordinators for students (dean of students) and faculty or staff (vice president for finance and operations) must be informed of an incident as soon as possible.

The College will immediately conduct an investigation. The investigation will remain confidential to the extent that is possible while remaining consistent with the College's legal and investigative obligations. The College understands its obligation to investigate reported conduct even if a law enforcement investigation is in play at the same time. In all cases, PCA&D's inquiry will be prompt, thorough and impartial. A "prompt" inquiry will meet the Title IX definition of no less than 14 and no longer than 60 days, depending on the complexity of the circumstance.

After appropriate investigation, any person studying or working at PCA&D who is found to have engaged in harassment of or committed a sexual offense against another person studying or working at the College will be subject to sanctions appropriate to the circumstances—up to and including immediate and permanent expulsion from all educational programs or discharge from employment.

## **Disciplinary Policies and Procedures**

#### **Student Affairs and Academic Standing Committee**

All violations of student conduct will be reported to the dean of students and the person bringing the complaint will complete an incident report. A student accused of unacceptable behavior of any degree is entitled to a hearing before the Student Affairs and Academic Standing Committee. The committee consists of a faculty member (who acts as chair), an administrator designated by the president and three PCA&D students appointed by the dean of students.

During the investigation of any sexual offense or harassment incident, the College will ensure that both the accused and accuser are afforded the opportunity to have others present during institutional disciplinary proceedings. The right to have others present during institutional disciplinary proceedings applies regardless of where the incident occurs. The College will periodically provide written summaries of the progress of the inquiry to all persons involved in a harassment or sex offense complaint. Similarly, all persons involved will receive written notice of the conclusions of the investigation and of any sanctions that will be imposed against

the accused. Depending on the severity and complexity of a complaint, a full evaluation may take up to 60 days with written progress summaries provided at appropriate intervals.

PCA&D's grievance procedures in situations of harassment or sex offenses will apply the Title IX "preponderance of the evidence" standard to evaluate complaints and ensure an equitable outcome. "Preponderance of the evidence" means establishing that it is" more likely than not that sexual harassment or violence occurred". In these instances, stringent but appropriate disciplinary steps will be taken. It should be noted that although mediation may be employed to help resolve some harassment situations, following the recommendation of the Office of Civil Rights, mediation will never be used to resolve sexual assault complaints.

During any Title IX investigation, including at any Student Affairs and Academic Standing Committee hearing, both parties will have an equal opportunity to present relevant witnesses or other evidence. Complainants will be notified of their right to file a criminal complaint at any point before, during or after the College's harassment evaluation procedures. By the same token, the College understands that police investigations or reports do not trump the outcome of PCA&D's evaluation of whether or not an incident violates Title IX. Conduct may constitute unlawful sexual harassment under Title IX even if police cannot establish it as a criminal act.

Barring extenuating circumstances, a hearing will be held within 7 but no longer than 14 days after the report of an alleged violation of student conduct. The accused will not be suspended before the hearing of the Student Affairs and Academic Standing Committee unless the student is already on disciplinary probation and has violated it—or the nature of the violation is such that the dean of students, the academic dean or the president deems suspension to be in the best interests of the College and/or its students, faculty or staff.

The results of the hearing by the Student Affairs and Academic Standing Committee will be presented in writing to the dean of students and will recommend acquittal, disciplinary probation, suspension or dismissal. Additional recommendations for disciplinary or remedial actions from the Committee will be reviewed by the dean of students, academic dean, vp for finance and operations and the president for usefulness and appropriateness.

#### **Investigative Process**

Institutional investigation of grievances filed by students, faculty or staff may include (but is not limited to) preparation, review and retention of the following documents:

- Investigator's notes from witness interviews
- Notes or reports from hearings conducted to review evidence submitted by the parties
- Final investigative reports and summaries
- Final disposition letters and disciplinary records
- Documents regarding any appeals and their outcome

#### **Institutional Grievance Procedures Criteria**

- All parties will have an equal opportunity to present relevant information.
- Parties will have similar and timely access to information that will be used at a hearing.
- If lawyers participate, opportunities will be the same for all parties.
- Parties will not be allowed to question or cross-examine each other directly.
- Real or perceived conflicts of interest between the fact-finders and all parties will be disclosed and addressed..
- Mediation will never be employed in cases of sexual violence.
- Fact-finders must use a "preponderance of the evidence" standard.
- Appeals processes will be made equally available to all parties.

#### **Disciplinary Probation**

Students placed on disciplinary probation are restricted to class attendance and use of College facilities during normal class hours. Disciplinary probation students found on College property for any other reason will be reported to the dean of students. Violation of disciplinary probation will result in suspension. Students may be placed on disciplinary probation for up to two semesters. Students who display additional unacceptable behavior are subject to further disciplinary action. An entry of disciplinary probation will be noted on the Student Affairs and Academic Standing Committee's records and in the student's file in the registrar's office during the full term of the student's enrollment at PCA&D.

#### **Suspension**

Suspension for a maximum period of one semester may be imposed on a student as a result of a hearing before the Student Affairs and Academic Standing Committee if the student is found to have committed a sufficiently serious offense or if disciplinary probation was violated.

#### **Dismissal**

Dismissal is permanent expulsion from PCA&D as a result of very serious offenses. These offenses can include, but are not limited to: physical or sexual assault on someone within the college community; reckless endangerment of the safety of others; repeated acts of unacceptable behavior; possession, sale, use (including being under the influence) or distribution of alcohol or drugs on college grounds and possession of deadly weapons on college property.

The College has a "right-to-dismiss" policy and can dismiss a student without due process in all circumstances.

#### **Appeals**

The decision of the Student Affairs and Academic Standing Committee may be appealed by submitting a letter of appeal to the president of the college within 14 days of any determination by the committee. The letter of appeal must contain compelling reasons or additional evidence that explain why the committee's decision should be changed. In instances of written appeal, the decision of the president is final and not subject to further review. All parties involved in the appeal will receive written notice of its outcome.

#### **Determination of Outcomes for Incidents Involving Employees of the College**

The PCA&D Employee Handbook (2011-1Revision) clearly indicates that the violation of any policy included in it can result in disciplinary action. In addition, the Employee Handbook includes a list of violations of PCA&D work and safety rules that could—even on a first occurrence and at the College's discretion—result in termination of any employee. The list includes: 1.) fighting, threatening, intimidating or using obscene or insulting gestures, abusive language or otherwise abusive behavior toward other staff and faculty or toward any student or visitor and, 2) use, sale or distribution of alcohol or illegal drugs on College property or during work hours (including being under the influence of alcohol or drugs during work hours or on College property).

During any institutional investigative proceedings related to an alleged sexual offense or harassment incident involving faculty or staff, the College will adhere to the investigative process and grievance procedures described above (see p. 10 of this document).

All PCA&D staff have access to a pdf of the *PCA&D Employee Handbook (2011-1 Revision)* through the Departments (H) drive (Business Office folder; 2011-1 Handbook) located on the College's administrative server.

All PCA&D faculty receive a pdf of the *Handbook* through the business office once a year or at hire, whichever comes first. Updates are sent to faculty when or as they occur.

Hard copies of the *Handbook* may be printed by staff or faculty from the pdf document to which they have access or they may be requested from the business office.

For a full description of potential causes of termination and the involuntary and voluntary termination process, employees should refer to this *Handbook*.

## **Disciplinary Policies and Procedures**

#### **Student Affairs and Academic Standing Committee**

Violations of student conduct will be reported to the dean of students and the person bringing the complaint will complete an incident report. A student accused of unacceptable behavior of any degree is entitled to a hearing before the Student Affairs and Academic Standing Committee. The committee consists of a faculty member (who acts as chair), an administrator designated by the president and three PCA&D students appointed by the dean of students.

However, during the investigation of any sexual offense or harassment incident, the College will ensure that both the accused and accuser are afforded the opportunity to have others present during institutional disciplinary proceedings. The right to have others present during institutional disciplinary proceedings applies regardless of where the incident occurs. The College will advise all persons involved in a harassment or sex offense complaint of the conclusions of the investigation and of any sanctions that will be imposed against the accused.

Barring extenuating circumstances, a hearing will be held within one week of the report of an alleged violation of student conduct. The accused will not be suspended before the hearing of the Student Affairs and Academic Standing Committee unless the student is already on disciplinary probation and has violated it or the nature of the violation is such that the dean of students, the academic dean or the president deems suspension to be in the best interests of the College and/or its students, faculty or staff.

The results of the hearing by the Student Affairs and Academic Standing Committee will be presented in writing to the dean of students and will recommend acquittal, disciplinary probation, suspension or dismissal.

#### **Disciplinary Probation**

Students placed on disciplinary probation are restricted to class attendance and use of College facilities during normal class hours. If found on College property for any other reason, they will be reported to the dean of students. Violation of disciplinary probation will result in suspension. Students may be placed on disciplinary probation for up to two semesters. Students who display additional unacceptable behavior are subject to further disciplinary action. An entry of disciplinary probation will be noted on the Student Affairs and Academic Standing Committee's records and in the student's file in the registrar's office during the full term of the student's attendance at PCA&D.

#### Suspension

Suspension for a maximum period of one semester may be imposed on a student as a result of a hearing before the Student Affairs and Academic Standing Committee if the student is found to have committed a sufficiently serious offense or if disciplinary probation was violated.

#### Dismissal

Dismissal is permanent expulsion from PCA&D as a result of very serious offenses. These offenses can include, but are not limited to: physical or sexual assault on someone within the college community; reckless endangerment of the safety of others; repeated acts of unacceptable behavior; possession, sale, use (including being under the influence) or distribution of alcohol or drugs on college grounds and possession of deadly weapons on college property.

The College has a right-to-dismiss policy and can dismiss a student without due process in all circumstances.

#### **Appeals**

The decision of the Student Affairs and Academic Standing Committee may be appealed by submitting a letter of appeal to the president of the college within two weeks of any determination by the committee. The letter of appeal must contain compelling reasons or evidence that explains why the committee's decision should be changed. In instances of written appeal, the decision of the President is final and not subject to further review.

#### RESOURCE DIRECTORY

#### **College Assistance**

Title IX Coordinator (students) and Dean of Students, Pam Richardson. Office: Room 211, 2<sup>nd</sup> Floor, South Building: 717-396-7833, ext. 1012 E-mail: <u>prichardson@pcad.edu</u>.

College Advisor: Direct referral through Dean of Students, Pam Richardson Office: Room 211, 2<sup>nd</sup> Floor, South Building: 717-396-7833, ext. 1012. E-mail: <u>prichardson@pcad.edu</u>.

Academic Dean, Marc Torick. Office: Room 113, Mezzanine Level, North Building: 717-396-7833, ext. 1049. E-mail: mtorick@pcad.edu.

President, Mary Colleen Heil. Office:Room 115, Mezzanine Level, North Building: 717-396-7833, ext. 1011. E-mail: <a href="mailto:mcheil@pcad.edu">mcheil@pcad.edu</a>.

Title IX Coordinator (staff and faculty) and Vice President for Finance and Operations, Pat Ernst. Office: Room 111, Mezzanine Level, North Building: 717-396-7833, ext. 1015. E-mail: pernst@pcad.edu.

Director of Housing & Student Activities, Jane Higinbotham. Office: Room 209, 2<sup>nd</sup> Floor, South Building: 717-396-7833, ext. 1018. E-mail: jhiginbotham@pcad.edu.

#### Resources for Intervention, Evaluation and Treatment / Lancaster

#### MEDICAL & POLICE EMERGENCIES: 911

Lancaster City Bureau of Police, 39 W. Chestnut Street, Lancaster, 17603. Non-emergency police assistance or to report information about criminal activity (current or previous): 717-664-1180. Web: <a href="mailto:lancasterpolice.com">lancasterpolice.com</a> (information and crime reporting).

Crisis Intervention Unit of Lancaster County (suicide and acute emotional, drug and alcohol problems): 717-394-2631

Council on Alcoholism & Drug Abuse: 1.) Information, referral, prevention, education and assessment: 717-299-2831 or 2.) Hopeline (Monday through Friday, 9 a.m. to 5 p.m.): 717-393-4673

Narcotics Anonymous Helpline: 717-393-4546

YWCA Sexual Assault Prevention & Counseling Center: 717-392-7273

#### **Other Resources**

The Alcoholism and Drug Abuse Hotline (24 hours a day / 7 days a week): 1-800-252-6465

The Cocaine Hotline (24 hours a day / 7 days a week): 1-800-444-9999

National Institute on Drug Abuse Hotline (Monday through Friday, 8 a.m. to 2 a.m. / Saturday and Sunday, 11 a.m. to 2 a.m.): 1-800-662-4357

Alcohol & Drug Recovery First, Inc. 1-800-734-5192

Alcohol-Drug Treatment Referral 1-800-454-8966

#### **NOTICE** to the PCA&D Community: Resources for Information About Sex Offenders

Any member of the PCA&D college community who is in need of information about registered sex offenders living or working in this area may refer to one of the following resources:

Lancaster City Bureau of Police / Special Investigations Unit Direct dial: 717-735-3317

Megan's Law Website / State of Pennsylvania: www.pameganslaw.state.pa.us/

Dru Sjodin National Sex Offender Public Website: www.NSOPR.gov

Under the aegis of the US Department of Justice, the NSOPR.gov address takes you to the Dru Sjodin National Sex Offender Public Website. Members of the public can use this site to educate themselves about the possible presence of sex offenders in local communities nationwide.

## **Institutional Security Policies and Crime Statistics**

## Effective August 1, 2008

#### Introduction

This security report has been prepared for Pennsylvania College of Art & Design students, parents, faculty, staff, friends, and guests. It outlines current Pennsylvania College of Art & Design policies regarding security and crime.

At PCA&D, the registrar and director of facilities are responsible for preparing the annual disclosure of crime statistics contained in this report. Crime statistics for the College are gleaned from incident reports submitted to and maintained by the director of facilities after any reported on-campus occurrence. Statistics are also gathered from the Lancaster City Bureau of Police concerning the 202-204 N. Prince Street facility occupied by the College.

The report complies with the requirements of the Federal Student Right-to-Know and Campus Security Act [P.L. 101-542] and Pennsylvania College and University Security and Information Act 73. A list of the federal and state crime statistics of Pennsylvania College of Art & Design is included in this report.

#### **Reporting Criminal Actions**

Daytime, non-emergency incidents should be reported to the director of physical plant (ext. 1023). If the director of physical plant is unavailable, reports should then be directed to the dean of students (ext. 1012) or the academic dean (ext. 1049).

Emergencies should be responded to immediately by dialing 911.

In addition to the guard and receptionists' desks in the Main Gallery entrance, all PCA&D classrooms and offices have telephones that may be used for reporting emergencies. Once an emergency incident is reported via 911, follow-up calls should be made to the director of physical plant, dean of students or academic dean's offices as described above. Monday through Thursday evenings, reports of non-emergency incidents should be directed to front-desk security personnel who are on duty from 4:30 p.m. to 12:00 a.m. (depending on the academic and fiscal year calendars.) Security personnel are also present whenever there is a gallery reception or a special evening/weekend function at the College.

When an incident occurs, an emergency report form is completed by the director of physical plant and a follow-up investigation is initiated. Depending on the nature of the incident, the Lancaster City Bureau of Police (whose facilities are across the street from the College) will be summoned by the College. When warranted, persons involved are directed to the police station to file a report of the crime or incident they have been involved in or witnessed.

#### **Security Policies**

Pennsylvania College of Art & Design has a security guard on duty at the main entrance to the College from 7:45 am until the buildings close (which varies from 4:30 p.m. to 12:00 a.m., depending on the academic and fiscal year calendars). At all other times the building is locked. Building hours are available to all members of the college community on the PCA&D Web site (pcad.edu ->Degree Programs->Facilities/Studios->Facilities Resource Site->Facilities->Building Hours tab). Hours are revised and published annually. Guests entering the building are required to register at the security desk. The College has only one main entrance.

There is also a handicapped entrance adjacent to the College's main entrance. Signage near this entrance indicates that the College facility is private property and that visitors must register with the security guard when coming into the building.

The main building's side access stairway is for emergency and fire exit only and is locked at all times to prevent entry from street level. Because the rear, internal stairway of the main building provides direct access to publicly-occupied floors in the College's contiguously joined second building, these stair doors are equipped with response alarms.

The business office issues photo-identification cards to students, faculty and staff who must all be prepared to show their ID cards to the guard on request.

Adequate lighting is provided at all times when the building is open.

Building security is provided during hours stated above.

#### **College Law Enforcement**

PCA&D is a two-building institution (contiguously joined) with a single main entrance. College law enforcement consists of the director of physical plant and contracted security personnel on duty in the reception area of the main entrance to the College. Students, faculty and staff are expected to report any incident to one of these persons immediately.

Security personnel are not law enforcement officers and are not granted any police powers regarding arrest or use of force. Should there be a situation requiring intervention by the law, PCA&D security personnel will contact the Lancaster City Bureau of Police (across the street from the PCA&D facilities) and request assistance.

#### **Timely Warnings of the Occurrence of Clery Act Crimes**

Should a situation arise at PCA&D—either in the school's buildings or in the immediately surrounding community—that College or local authorities consider to be an ongoing or continuing threat, a campus-wide "timely warning" will be issued from the president's office to all students, faculty and staff via the PCA&D e-mail system. Anyone with information about an occurrence that would justify broadcast of a "timely warning" should report the circumstances to the director of

physical plant (ext. 1023); security personnel at the front desk (in person or by dialing ext. 1060); the dean of students (ext. 1012), the academic dean (ext. 1049) or the president (ext. 1011).

#### Programs to Inform Students & Employees about College Security Procedures

College procedures are outlined in the *PCA&D Catalog & Student Handbook* in the General Policies section under the rubric Safety and Security Policy. The *Handbook* is made available to faculty and staff as well as students (each of whom sign-off on having received it) at the beginning of each academic year. Students and employees are also encouraged to be responsible for their own security and the security of others.

#### Programs to Inform Students & Employees about Crime Prevention

The College may provide programs to students and employees. These programs include guest speakers from the local police department and crisis intervention groups discussing topics related to crime prevention. A presentation of this nature is part of the annual Orientation program for new students.

## Monitoring & Recording of Criminal Activity by Pennsylvania College of Art & Design Students at off-Campus Locations of Student Organizations

Not applicable

#### Possession, Use, and Sale of Alcoholic Beverages or Illegal Drugs

A statement of Pennsylvania College of Art & Design policy appears in the *PCA&D Catalog & Student Handbook* under General Policies: Notice of Availability of Annual Security Report. Under the "Notice" rubric, faculty, staff and students are directed to the Annual Security Report available on line or in hard-copy from the dean of students office. The *PCA&D Catalog & Student Handbook* is provided to faculty and staff as well as to students (signed receipt required) at the beginning of each academic year.

#### **Drug and Alcohol Abuse Programs**

Pennsylvania College of Art & Design is in compliance with Section 1213 of the HEA [20 U.S.C. 1145g] which contains the "drug-free campuses" requirement added by section 22 of the Drug-Free Schools and Campuses Amendments of 1989 [Pub. L. 101-226]. Please refer to previous pages of this document and the *PCA&D Catalog & Student Handbook* (both published annually) for details.

### PENNSYLVANIA COLLEGE OF ART & DESIGN Pennsylvania Act 73 Statistics

	Pennsylvania Act 73 Statistics									
	2008/2009		2009/2010		2010/2011		2011/2012		2012/2013	
	Reported/ Cleared		Reported/ Cleared		Reported/ Cleared		Reported/ Cleared		Reported/ Cleared	
Crimes	Clear	ea	Cie	areu	Cie	area	Cie	areu	Cie	area
Murder	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0
Larceny	-	-	-	-	-	-	0	0	-	-
Motor	0	0	0	0	0	0	0	0	0	0
Vehicle	O	U	O	O	O	O	O	O	O	U
Theft										
Robbery	0	0	0	0	0	0	0	0	0	0
Assaults	1	0	0	0	0	0	0	0	0	0
Stolen	1	0	0	0	0	0	3	0	0	0
Property	-	Ü	Ü	Ü	Ü	Ü		Ü	Ü	
Vandalism	0	0	0	0	0	0	3	0	2	0
Weapons	0	0	0	0	0	0	0	0	0	0
Prostitution	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0
Offenses:										
Forcible										
Non-	0	0	0	0	0	0	0	0	0	0
forcible										
Drug	0	0	0	0	0	0	0	0	2	0
Abuse										
Liquor	0	0	0	0	0	0	0	0	0	0
Laws										
Disorderly	0	0	0	0	0	0	0	0	0	0
Conduct										
Other	0	0	0	0	0	0	0	0	0	0
Assaults										
	_						_			
Total	2	0	0	0	0	0	6	0	4	0
Change										
from										
Previous										
Year	0%		-20	0%	0	%	600	0%	-33	3%

## PENNSYLVANIA COLLEGE OF ART & DESIGN Federal Title II Crime Awareness and Campus Security Act Statistics

	2008/2009 Reported/ Cleared	2009/2010 Reported/ Cleared	2010/2011 Reported/ Cleared	2011/2012 Reported/ Cleared	2012/2013 Reported/ Cleared	
<u>Crimes</u> Murder	0 0	0 0	0 0	0 0	0 0	
Burglary	0 0	0 0	0 0	0 0	0 0	
Motor Vehicle Theft	0 0	0 0	0 0	0 0	0 0	
Robbery	0 0	0 0	0 0	0 0	0 0	
Weapons	0 0	0 0	0 0	0 0	0 0	
Sex Offenses: Forcible & Non- forcible	0 0	0 0	0 0	0 0	0 0	
Drug Abuse	0 0	0 0	0 0	0 0	0 0	
Liquor Laws	0 0	0 0	0 0	0 0	0 0	
Assaults	1 0	0 0	0 0	0 0	0 0	
Total	0 0	0 0	0 0	0 0	0 0	
Change from Previous Year	100%	-100%	0%	0%	0%	

2012-2013 Enrollment: 237

2012-2013 Non-student Employees: 85