PENNSYLVANIA COLLEGE of ART & DESIGN

Annual Security Report / 2014
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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 Policies**

PCA&D’s policy concerning drug and alcohol use 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.

**Drug Convictions and Federal Financial Aid**

In addition to the deleterious effects drug abuse may have on your body, convictions for possession or sale of illegal drugs may have an impact on your ability to receive federal financial aid.

For **possession** of illegal drugs, a student will become ineligible for Federal student aid from the date of **conviction** for one year on the first offense; two years for a second offense and indefinitely for a third offence.

For **sale** of illegal drugs, a student becomes ineligible for Federal student aid from the date of **conviction** for two years after a first offense and indefinitely after a second offense.

More information about drug convictions and their impact on financial aid, refer to the following web site: [www.whitehouse.gov/sites/default/files/ondcp/.../fafsa.pdf](http://www.whitehouse.gov/sites/default/files/ondcp/.../fafsa.pdf)

**PA Laws Governing the Use of Alcohol**

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

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. 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.

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. 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.

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.

It is a crime to sell, furnish or serve alcohol to any person who is visibly intoxicated. The City of Philadelphia and the Commonwealth of Pennsylvania prohibit the consumption or distribution of alcohol in any public place without a proper license or permit and prohibit public drunkenness. 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.

**Laws Governing Drug Use**

**A. Federal Law**

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 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.
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. 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 $250,000.00 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.

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.

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. 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.

B. Pennsylvania Law
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. 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. 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. 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. 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. 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.

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.

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.

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 Abuse of Alcohol and Use of Illicit Drugs

The National Institute on Drug Abuse (NIDA) and the National Institute on Alcohol Abuse and Alcoholism (NIAA) offer extensive information on the abuse of alcohol and drugs, health risks associated with drug and alcohol abuse and treatment options. Important, related information on a wide range of related topics is also available on both sites home pages: www.drugabuse.gov and www.niaa.nih.gov Paste the links, below, into your browser to access compelling and accurate drug and alcohol health information in easy-to-reference chart and handout formats:

NIDA: Commonly Abused Drugs Chart
http://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts/commonly-abused-drugs-chart

NIDA: Commonly Abused Prescription Drugs Chart
http://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts/commonly-abused-prescription-drugs-chart

NIAA: Alcohol’s Effects on the Body

NIAA: Overview of Alcohol Consumption
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 to four 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. 16-17)

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. Sex discrimination includes all forms of sexual and gender-based harassment, sexual misconduct, sexual violence, sexual assault, domestic violence, dating violence and stalking.

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.

For the purposes of this policy, Pennsylvania College of Art & Design 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 who is Title IX coordinator for student complaints (see: Resource Directory, pp 16-17 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. 16-17 of this document for contact information.)
Sexual Harassment Policy

In accordance with the Federal 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.

The College’s Sexual 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 sexual harassment, sexual assault, sexual misconduct, sexual exploitation, stalking, dating violence and domestic violence.), (c) verbal, written, graphic, or physical conduct of a sexual nature, or (d) other gender-motivated 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. 14-15 of 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 licensed professional counselors in Pennsylvania and are 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 year-long subscriptions (renewed annually) to the Sexual Assault and Alcohol Abuse Prevention and Bystander Intervention Programs of Student Success (https://www.studentsuccess.org), an online provider of information promoting campus
safety. This program presents segments of information in online videos that cover topics from alcohol abuse to sexual assault, harassment and bystander intervention techniques.

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 Student Life and 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 Student Life and Housing or the Dean of Students will assist him or her in contacting the Human Relations Commission in Harrisburg, Pa.

Definitions

**Bystander Intervention:** Techniques by which an individual can safely and actively intervene if it appears someone is at risk for sexual assault. Techniques include: distraction in a friendly manner (e.g., if you can’t change the tone, change the conversation); never be aggressive or use violence; get help from other bystanders if necessary; never hesitate to call the police if a situation becomes too serious.

**Consent:** Informed, freely and actively given communication of permission between or among all persons involved in a sexual encounter. Verbal communication of consent that is ongoing is best and must be mutually understood by all parties. Silence cannot be interpreted as consent. Whoever initiates sexual contact must be sure of what their partner wants and does not want sexually. Previous relationships and consent to an earlier sexual encounter do not stand as consent to subsequent sexual activity. Consent can be withdrawn at any time. Consent cannot be gained by force and it cannot be given by minors, mentally disabled persons or persons whose judgment is impaired at the time by drugs or alcohol. The initiator of sexual contact cannot use intoxication or impaired judgment caused by alcohol or drugs as an excuse for not being responsible for obtaining consent as defined here.

**Dating Violence:** Violence that is committed by someone who is or has been in a social or intimate relationship with the victim. The existence of this sort of relationship will be determined based on the following factors: the length of the relationship; the type of relationship and the frequency of interaction between persons involved in the relationship. Dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse.

**Domestic Violence:** A felony or misdemeanor crime of violence against a victim by a current or former spouse or a person with whom the victim has a child in common or who is living with the victim as a spouse and fits the definition of a spouse according to the domestic or family violence laws of the Commonwealth of Pennsylvania. Domestic violence may also be committed against an adult or youth victim who is protected from such acts under the domestic or family violence laws of the Commonwealth of Pennsylvania.
**Intimidation:** Attempting to keep someone from making a report of sexual harassment or misconduct through fear tactics or threats of physical or emotional harm to that person or anyone associated with him/her.

**Sexual Assault:** The term ‘sexual assault’ means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual assault offenses can include but are not limited to:

- **Non-consensual contact.** Any sexual touching of another person by a male or female without that person’s consent or making another person touch another male or female in a sexual manner without their consent.

- **Non-consensual intercourse.** Any sexual intercourse by a man or woman with another person without that person’s consent.

- **Sexual exploitation.** Taking non-consensual or abusive sexual advantage of another person for one’s own advantage or benefit or the advantage or benefit or anyone else. Examples include but are not limited to: watching or making a video of someone undressing or engaging in sexual acts; prostituting another person and knowingly transmitting an STD or HIC to someone else.

**Retaliation:** Any attempt at retribution against someone who has reported activities prohibited by this policy or against anyone who has participated in a policy-related investigation or proceeding.

**Stalking:** Engaging in a course of conduct directed at a specific person and of a nature that a reasonable person would have cause to fear for his or her own safety or the safety of others and to experience substantial emotional distress.

**Related Policies**

**Weapons on Campus**

Pennsylvania College of Art & Design strictly prohibits possession or use of weapons or dangerous items or substances on College premises or while any member of the College community is engaged in a school-sponsored event or activity. Any weapons or substances found in the possession of students, faculty or staff will be impounded by the College and will not be returned.

**Missing Students**

A student will be considered missing if apartment mates, friends, staff or faculty become concerned about an unexplained absence of a significant length to which the instinctive response is that the behavior is unusual for the person in question. Because PCA&D does not have a residential campus, the College must rely on students, faculty or staff who may think a student is
missing to report any unusual or extended absence or lack of contact as soon as they become aware of it. Concerned persons should speak to any of the following: Dean of Students, Director of Student Life and Housing, Facilities Director, Academic Dean, Vice President for Finance and Operations or the President.

Students file Emergency Contact information with the College on admission. This information is held in the student’s permanent folder in the registrar’s office. The College reserves the right to notify a student’s emergency contact person or persons no later than 24-hours after a reasonable determination by administration that the student is missing. The College will also notify the Lancaster Bureau of Police no later than 24-hours after reasonably determining that a student is missing.

**Reporting / Disciplinary Policies / Procedures**

**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 responsible College employee whom they trust or feel comfortable with: a staff member, instructor; department chair; the Dean of Students, the Academic Dean, the Vice President 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.

The College will immediately begin to 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.

This policy applies to all students, employees or third parties alike—without exceptions or exclusions.

However, the College also acknowledges that a student, employee or third party reporting an incident of sexual assault may prefer that all information remain confidential. In those situations, a victim can ask for assistance and support from any of the individuals listed above without
starting a College investigation that might reveal a victim’s identity or the fact that he or she has talked to any school personnel about an incident.

A victim who wants to maintain confidentiality would need to be aware that the College will not then be able to conduct an investigation or pursue disciplinary action against an alleged perpetrator. But a victim who initially requests confidentiality and changes his or her mind would receive whatever assistance is useful or necessary to file a complaint (with the College and/or law enforcement) and initiate an investigation.

Victims who file complaints at any time will be assisted by the College to receive counseling, medical treatment and any immediate or interim measures that the College can provide to ensure a victim’s safety and well-being.

PCA&D is a non-residential college comprised of two contiguous buildings housing all classrooms, services and administration. Students live in apartments in or near Lancaster or commute from home. Class schedules are block schedules in each major and there are rarely sections of any course. Within these constraints, the College will tailor assistance to a victim—honoring restraining orders from the courts and providing individualized assistance to students needing to negotiate lease arrangements with landlords or withdraw from a course at any point in a semester without academic penalty and providing a repeat of the course without charge. College Advisors (Licensed Professional Counselors in Pennsylvania) work with victims immediately and at no charge—making referrals to community, medical and other resources as needed.

NOTES: Victims of sexual assault should know that College Advisors are not required to report information about an incident to the College’s Title IX coordinator without the victim’s permission. Victims should also understand that bringing information about a sexual assault to the Title IX coordinator—(or a responsible employee like a staff member, instructor; department chair; the Dean of Students, the Academic Dean, the Vice President for Finance and Operations or the President)—will not automatically start an investigation if the victim requests confidentiality.

However, a victim who reports an incident and wants to maintain a strong level of confidentiality (no investigation; no disciplinary action) needs to understand that the College will have to weigh that request against its obligations to provide a safe environment for all students, faculty and staff. In certain circumstances, the College may not be able to honor a victim’s request in order to continue to provide a safe, non-discriminatory environment for all members of the College community—including the victim.

Whether confidentiality is maintained or not, responsible employees—staff members, instructors; department chairs, the Academic Dean, the Vice President for Finance and Operations or the President (exclusive of the Dean of Students who is the Title IX Coordinator for students)—who are told about an incident of sexual assault would need to report the nature, date, time and general location of the incident to the Title IX Coordinator. This sort of limited report will include no information that directly or indirectly identifies the victim but it will be
used to support the Title IX Coordinator’s role in providing Clery Act statistics and in formulating appropriate responses to violence in the College environment.

**Student Code of Conduct**

All students are subject to appropriate rules of proper conduct. PCA&D reserves the right to dismiss a student whose attendance, academic performance or conduct—whether on or off College premises—is judged unsatisfactory.

**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, complainants will be informed of the right not to report a sexual assault to law enforcement. However, 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, Vice President 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.

**Outcomes Options**

**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 (2011-1 Revision) 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.

This portion of the Annual Security Report was prepared by the Dean of Students with reference to the following information sources:
Office of Civil Rights / “Dear Colleague” Letter (April 2011)
Not Alone: First Report of the White House Task Force to Protect Students from Sexual Assault, (April 2014)
Pennsylvania Liquor Control Board: http://www.lcb.state.pa.us
RESOURCE DIRECTORY

College Assistance

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

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

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: mcheil@pcad.edu.

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 Student Life and Housing, Jane Higinbotham. Office: Room 209, 2nd 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: lancasterpolice.com (information and crime reporting).

Lancaster General Hospital / Emergency Room, 555 North Duke Street, Lancaster, 17602: 717-544-5122

YWCA Sexual Assault Prevention & Counseling Center, Lancaster, 17602: 717-392-7273

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
**Additional 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/](http://www.pameganslaw.state.pa.us/)

Dru Sjodin National Sex Offender Public Website:  [www.NSOPR.gov](http://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.

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 Facilities Director (ext. 1023). If the Facilities Director 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 Facilities Director, 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 Facilities Director 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 10:00 p.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:
https://www.pcad.edu. Click on Faculty & Staff and then on the 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 Facilities Director 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 Facilities Director (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 electronically 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

See pages 1-4 in this document.


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 online address is: http://pcad.edu/student-life/college-safety/ 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
Pennsylvania Act 73 Statistics

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PENNSYLVANIA COLLEGE OF ART & DESIGN
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2012-2013 Enrollment: 237 / 2012-2013 Non-student Employees: 85