



ANNUAL SECURITY REPORT

2020-2021

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This report is distributed in compliance with the "Crime Awareness and Campus Security Act of 1990." It will be updated and redistributed by October 1st of each year.

The Annual Security Report provides crime and safety information, policies, and procedures to Penn Commercial students, faculty, and staff. This information is provided in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or "the Clery Act." The history of campus crime statistics and security information reporting started with the Crime Awareness and Campus Security Act of 1990, which amended the Higher Education Act of 1965. The Crime Awareness and Campus Security Act of 1990 was renamed to "The Clery Act" by the 1998 amendment.

This report includes statistics for the previous three years concerning reported crimes that occurred on-campus; and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security, such as policies concerning sexual assault, and other matters.

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INTRODUCTION

Penn Commercial Business/Technical School (PC) believes that all students deserve a safe and secure facility in which to study. PC strives to provide such an environment for its students, faculty and staff. PC takes active steps to secure and safeguard its facilities. However, students, faculty and staff must be aware of the established safety and security measures. Equipped with this information, PC students, faculty and staff can become active partners in providing the safest and securest possible environment in which to study, teach and work.

Penn Commercial annually prepares and publishes a Campus Security Report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with local law enforcement surrounding our campuses. Campus crime, arrest and referral statistics include those reported to PC campus authorities and local law enforcement agencies. Each year, students and staff are sent a notification that provides information on how the report may be accessed. Copies of the report may also be obtained from Campus Director and/or Title IX Coordinator.

HOW THIS PUBLICATION IS DISTRIBUTED

Penn Commercial Business/Technical School can distribute this to all prospective and current students, staff, and faculty in one of the following ways:

- United States Postal Service
- Campus Email and/or Printed Distribution
- Electronically via Flash Drives
- Penn Commercial Website <https://penncommercial.edu/consumer-disclosures/>

This publication is provided to all enrolled students and new employees. The school also distributes this publication to all students and employees by October 1 of each year with the annual distribution of the all other disclosure information.

LAWS GOVERNING THIS REPORT

Federal Legal Requirements – The Clery Act

Enacted in 1990, The Student Right to Know and Campus Security Act (pub. L. 101-542) was designed to “assist students in making decisions which affect their personal safety...” and “to make sure institutions of higher education provide students, prospective students, and faculty the information they need to avoid becoming the complainants of campus crime.” The Higher Education Act of 1998 and the subsequent amendment of the implementing regulations (34 C.F.R. 668.46) significantly expanded institutions’ obligations under the Act and renamed it the “Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act” (hereafter the “Clery Act”).

The Clery Act requires colleges and universities to:

- Publish an annual report every year by October 1 that contains three years of campus crime statistics and certain campus security policy statements;
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities. The statistics must be gathered from campus police or security, local law enforcement, and other School officials who have “significant responsibility for student and campus activities;”
- Provide “emergency warning” notices of those crimes that have occurred and pose an ongoing “threat to students and employees;” and
- Disclose in a public crime log “any crime that occurred on campus or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department.”

State Legal Requirements - The Pennsylvania Uniform Crime Reporting Act

The Pennsylvania Uniform Crime Reporting Act (18 P.S. §20.101 et seq.), as implemented by Chapter 33 of the Regulations of the State Board of Education, requires colleges and universities to:

- Report to the Pennsylvania State Police on an annual basis crime statistics for publication in the FBI’s Uniform Crime Report, which collects data on additional categories of felony and misdemeanor crime;
- Report crime rates for all reportable offenses;
- Provide the numbers of enrolled students and employees; and
- Disclose information and security policies on the types of available student housing, admission of visitors to housing facilities, measures to secure entrances, and standard features to secure room doors.

PROGRAM PARTICIPATION AGREEMENT

Penn Commercial will, upon written request, disclose to the alleged complainant of any crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the School against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged complainant is deceased

as a result of the crime or offense, Penn Commercial will provide the results of the disciplinary hearing to the complainant's next of kin, if so requested.

THE CLERY ACT

The safety of our students, faculty and staff is of primary importance to Penn Commercial. As required by law, PC maintains statistics regarding incidents that occur on campus in the Statistical Report for Campus Crime. This report includes statistics concerning reported crimes that occurred on-campus, in certain off-campus buildings or property owned or controlled by PC and on public property within, or immediately adjacent to and accessible from, the campus. The report includes statistics on crimes such as: murder and non-negligent manslaughter; negligent manslaughter; forcible sex offenses; non-forcible sex offenses; robbery; aggravated assault; burglary; motor vehicle theft; arson; hate crimes; arrests; weapons possession; drug and liquor law violations.

The statistics have been compiled with cooperation from local law enforcement agencies for the campus. Exhibit D provides definitions for the reporting offenses. The current report is available to all students, faculty and staff in the office of the Campus Director and/or Title IX Coordinator. Copies of the report are available upon request. The Title IX Coordinator is responsible for contacting and making a "good faith" effort in collecting statistics from all local law enforcement agencies. Documentation is maintained when making a "good faith" effort.

The Jeanne Clery Act requires Penn Commercial (the School) to gather statistical data on specific offenses that occur in specific geographical areas. Attempts are classified as offenses. These offenses are:

1. Criminal Homicide
 - a. Murder and Non-negligent manslaughter
 - b. Negligent manslaughter
2. Sexual Assault
 - a. Rape
 - b. Fondling
 - c. Incest
 - d. Statutory Rape
3. Robbery
4. Aggravated Assault
5. Burglary
6. Motor Vehicle Theft
7. Arson
8. Domestic Violence
9. Dating Violence
10. Stalking

The School must also report statistics for the following categories of arrests or referrals for disciplinary action (if an arrest was not made):

1. Liquor Law Violations
2. Drug Law Violations
3. Illegal Weapons Possession

Hate crimes must be reported by category of prejudice, including race, gender, religion, sexual orientation, ethnicity, national origin, gender identity, and disability. Statistics are also required for four additional crime categories if the crime committed is classified as a hate crime:

1. Larceny/Theft
2. Simple Assault
3. Intimidation
4. Destruction/Damage/Vandalism of Property

In addition, the School must report the location of each of the offenses listed above. The Clery Act geographical reporting definitions are:

1. Campus:
 - a. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
 - b. Any building or property that is within or reasonably contiguous to the area identified in paragraph (a) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
2. Non-Campus Building or Property

- a. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
 - b. Any building or property owned or controlled by an institution that is used in direct support of, or in relation, to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
3. Public Property
- a. All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

CAMPUS LAW ENFORCEMENT POLICY

Penn Commercial does not employ or contract any law enforcement or security personnel. PC values the safety and well-being of our students, faculty, and visitors and will provide a consistent approach to work effectively and efficiently to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.

EMERGENCY AGENCIES

Ambulance, Fire Department, Law Enforcement: 911
 Statewide Cellular State Police: 911
 South Strabane Police Department: Chief Drew Hilk 724-225-8111
 Pennsylvania State Police: 724-223-5200
 South Strabane Fire Department: Fire Chief Scott Reese 724-222-3885
 Washington County Sheriff: Samuel Romano 724-228-6840
 National Suicide Hotline: 1-800-784-2433
 National Suicide Prevention Lifeline: 1-800-273-8255
 Pittsburgh Poison Control Center: 1-800-222-1222
 U.S. Department of Homeland Security: 1-800-BE-READY
 The Washington Hospital Emergency Department: 724-225-7000

EMERGENCY RESPONSE AND EVACUATION PLAN (EREP)

The full EREP coincides with this document and is located at <https://penncommercial.edu/consumer-disclosures/>.

The Emergency Response and Evacuation Plan (EREP) is part of a systematic planning effort on the part of Penn Commercial to provide for the care and well-being of the students, faculty, and staff. This plan is meant to address extraordinary circumstances wherein the lives and property of individuals are in imminent danger. The procedures outlined in the plan constitute those temporary measures that will be taken to maximize the protection available for threatened individuals as well as preparatory measures that should be accomplished during non-emergency time. This plan does not create elaborate new structures, but relies on the organization, policies, and procedures that are followed on a day-to-day basis.

This plan is required by the Pennsylvania Emergency Management Services Code, which states that "every school, public and non-public, profit and not-for-profit, in cooperation with the local Emergency Management Agency shall develop and implement emergency preparedness plans." The plan is applicable to all staff, students, as well as outside contractors and other guests in the school at the time of an emergency.

The purpose of the EREP is to:

- 1. To provide for the protection of persons and property in the event of a natural, technological, or human imposed emergency or disaster.
- 2. To establish procedures for alerting the administrators and staff.
- 3. To define the roles and responsibilities of Penn Commercial officials and staff.
- 4. To assure coordination and cooperation with municipal and county government and emergency services.

Penn Commercial maintains an Emergency Response and Evacuation Plan (EREP) with local municipal and county government and emergency services within the jurisdiction of the campus.

CAMPUS SECURITY AUTHORITIES

Federal law defines four categories of Campus Security Authorities or CSAs: college or university police; non-police security staff responsible for monitoring university property; individuals/offices designated by the university as those to whom crimes should be reported; and officials with significant responsibility for student and campus activities. If a School staff member has "significant responsibility" for students and campus activities outside of the classroom, and students potentially could

report a crime / incident to that staff member, then they are a CSA. CSAs are defined by function, not title. For Penn Commercial, CSAs include:

- Campus Director
- Director of Education
- Director of Student Services/Title IX Coordinator
- Vice President of Operations
- Any Director or other staff assigned in EREP

Who is not a CSA?

Administrative, clerical, and service staff who do not have “significant responsibility” for students and campus activities. The CSA is obligated to report crimes reported to them which occur on campus and the specific geographical areas as defined in the Clery Act to the Campus Director and/or Title IX Coordinator of Penn Commercial. CSAs are not responsible for determining authoritatively whether a crime occurred and they have no arresting authority. When a crime is believed to have occurred, the individual must complete a Crime Incident Report (Exhibit A). This form is filed with the Campus Director and/or Title IX Coordinator and is used for any investigation that may be conducted. When a student, faculty, or staff member tells a CSA about a Clery Act qualifying crime or any incident that may be a crime, the student involved is entitled to file a report with the school without filing a Police report.

TIMELY WARNINGS AND IMMEDIATE NOTIFICATIONS

In the event a situation arises, either on or off campus, that, in the judgment of the Campus Director constitutes an ongoing or continuing threat, a campus wide timely warning will be issued. The School will alert the campus community with timely warnings to inform and aid in the prevention of similar crimes. Timely warnings can be issued for threats to property as well as threats to persons. It is irrelevant whether the complainants or perpetrators are members of the campus community. All crimes that fall under the Clery Act and the Violence Against Women Reauthorization Act of 2013 (VAWA) as amended will be reported to campus security authorities or local law enforcement agencies and are considered by the School to represent a serious or continuing threat to students and employees.

A timely warning will be issued as soon as pertinent information is available. The issuing of a timely warning will be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. Timely warnings will be issued by the Campus Director or the senior management team. The following are methods the School may alert the campus community of a timely warning:

- Instructor announcement in class
- Letters to all students and employees
- E-Mail, text message and social media

A timely warning will contain information for the campus community on how to better protect themselves. Prompt reporting to a Campus Security Authority (CSA) or any faculty member and to local law enforcement will assure timely warning notices on campus and timely disclosure of crime statistics.

EMERGENCY ALERT TESTING

Penn Commercial schedules system alert tests through the Remind system on a monthly basis. Due to the nature of the academic calendar, it is appropriate to periodically test the system in order to verify operational ability of the system in the event of emergencies. This service is part of our strategy to enhance campus-wide communications during an emergency. An emergency broadcast will only be activated when there is an imminent threat to any of the campus's community. In the unlikely event that a situation such as an act of violence or major weather emergency that is occurring on any campus, the Remind System will be utilized in addition to other resources to alert the campus to the emergency and provide basic instructions on what to do. The Remind System will not be used where a situation has occurred that poses no further threat to the campus communities. Penn Commercial will use other methods of communication to inform each campus of these occurrences.

Penn Commercial prescribes in multiple formats to perform the test, which will include voice calls and text messages to all home, cell, and office numbers listed on all students, faculty, and staff files for all active members of the Penn Commercial system. A system wide alert notice will also be generated by email to all listed email addresses on file with the Remind System. All Penn Commercial students and employees can subscribe into Remind System with all contact information contained in the School's information management system. The emergency notification messages will also be delivered to Penn Commercial's social media pages. During a time-sensitive situation, multi-modal communication is critical as it is a more comprehensive way to reach people in the environment they may be in at the moment an issue arises. Communication is sent simultaneously to all available contact points for each person. The Remind System test will include an automated phone text message which when delivered includes the following:

“This is a test of the Penn Commercial emergency notification system. This is NOT an emergency. Again, this is only a TEST.”

CRIME PREVENTION

A key element of campus crime prevention is student, faculty and staff member awareness and participation to actively help ensure the campus remains safe for all. Throughout their enrollment with Penn Commercial, students are informed about safety and security procedures and practices while on campus. During orientation, students are told where they can find information on crimes on campus and in those neighborhoods surrounding the campus. Other resources include various safety tips students can employ to prevent becoming a complainant of a crime. They are encouraged to look out for themselves and one another. Student and employees have access to information on crime prevention and complainant resources through the Campus Director and the Title IX Coordinator.

Included is information about existing counseling, health, mental health, complainant advocacy, legal assistance, visa and immigration assistance and other services, as well as options and available assistance for changing academic, living, transportation, and working situations, if requested, if reasonably available and regardless of whether a report is filed with local law enforcement. Penn Commercial is committed to offering educational programs to promote awareness and prevention of crimes that constitute prohibited sexual misconduct. Students and staff should also employ the following general safety tips:

Campus Safety and Security Awareness Programs

During orientation new students are informed about safety and security procedures and practices while on campus and are told of the process to obtain information about crimes on campus and in those neighborhoods surrounding the campus. Information includes various safety tips students can employ to prevent becoming a complainant of a crime. They are encouraged to look out for themselves and one another. Students and employees have access to information on crime prevention and complainant resources through the Annual Security Report (this document) and materials maintained in the office of the Campus Director/Title IX Coordinator. Materials provide information about existing counseling, health, mental health, complainant advocacy, legal assistance, visa and immigration assistance and other services, as well as options and available assistance for changing academic, living, transportation, and working situations, if requested, if reasonably available and regardless of whether a report is filed with local law enforcement. The School offers various prevention education programs throughout the year as a student assembly.

Identification Badges

Student

For your safety and security, it is required that all students have their PC Student ID displayed (lanyard or clip) on their person at all times while on campus or at any PC sponsored field trip, activity or event. The only exception made will be when wearing the badge poses a safety risk. The instructor supervising the activity will be the only individual allowed to make the decision if the badge can be removed. Upon completion of the activity, the badge must once again be displayed. The Student Identification Badge serves as a visible indicator that you are allowed on campus.

Visitor

Visitors to the campus are required to sign-in at Reception. Each visitor will be issued a visitor badge which is to be worn throughout their stay on campus. The visitor badge should be returned at the end of the visit and the guest will be asked to sign-out with Reception.

Employee

It is required that all employees have their PC ID displayed (lanyard or clip) on their person at all times while on campus or at any PC-sponsored field trip, activity or event. The only exception made will be when wearing the badge poses a safety risk.

Key Fobs

All doors entering Penn Commercial are locked and monitored by a security system. To ensure the security and safety of everyone in the building, all students and staff are given a personalized/programmed key fob that they must use to enter and exit the building doors. Students without a key fob will be denied entrance into the building and must purchase a replacement key fob immediately for a \$10 fee.

Personal Safety

- Always be aware of your surroundings.
- Try to stay in well-lit areas.
- Walk confidently at a steady pace on the side of the street facing traffic.

- Walk close to the curb. Avoid doorways, bushes and alleys.
- Wear clothes and shoes that give you freedom to move.
- Don't walk alone at night and always avoid areas where there are few people.
- Be careful when people stop and ask you for directions; always reply from a distance.
- If you are in trouble, attract help in any way that you can. Scream, yell for help.
- Remain calm. Don't panic. Think rationally and evaluate your resources and options.
- If ever attacked, go to a safe place and call the police. The sooner you make the report, the greater the chances the attacker will be caught.

Home Safety

- Check the identification of any sales or service people before letting them in.
- Don't let any stranger in your home when you are alone.
- Never give the impression that you are alone if strangers telephone or come to the door.
- If you come home and find a door open or signs of a forced entry, don't go in. Call the police from the nearest phone.
- Keep written records of all furniture, jewelry, and electronic products. If possible, keep these records in a safe deposit box or fireproof safe.
- Secure sliding glass door locks.
- Don't hide spare keys in mailboxes, planters, or under doormats.

Vehicle Safety

- Close all windows, lock all doors and take the keys with you.
- Never hide a second set of keys anywhere on your car.
- Never leave your car's engine running even if you will only be gone for a minute.
- Park in well-lit areas.
- Activate any anti-theft devices you have.
- Push or recline your passenger seat forward; if you return to your car and the passenger seat has been returned to its normal position, chance are someone has entered your vehicle.
- When approaching your vehicle, have your keys in hand.
- Before you invest in any alarms, check with several established companies and decide what level of security fits your needs.

Travel Safety

- If you do travel alone, leave your route and destination times with family or friends.
- Keep your car locked at all times. Keep the windows rolled up so that a person cannot reach inside. If confronted by someone on foot, drive away immediately if safe to do so.
- Make sure your car is in good working order and has plenty of gas before you drive.
- Don't leave packages or valuables in plain sight in your car, keep them in your trunk.
- If you are being followed by another car, honk your horn and drive to the closest public place such as a police or fire station, restaurant or gas station. Never go home if you think you are being followed.
- If you are involved in a minor accident, do not get out of the car until fire, police or medical assistance arrives.

Identity Theft

Don't be a complainant. Protect your good name. If your wallet or purse is ever stolen, call the police and then notify a Penn Commercial CSA.

Call to cancel your credit cards

- MasterCard 800-307-7309
- Visa 800-336-8472
- American Express 800-528-4800
- Discover 800-347-2683

Other important contacts

- Federal Trade Commission 877-ID-THEFT and/or 877-FTC-HELP (to report ID theft)
- Social Security Administration (to replace your card) 800-772-1213

A Security Fraud Alert may be added to alert potential creditors to confirm your identification before granting credit in your name. Security alerts are generally added when you suspect that your identification information is being, or could be, used in a fraudulent manner. Send a written statement to all three credit organizations detailing the fraud.

National Credit-Reporting Organizations

- Experian Information Solutions, Inc.

www.experian.com
P.O. Box 2002, Allen, TX 75013
888-397-3742
Security Fraud Alert 800-311-4769

- TransUnion (formerly TRW)
www.transunion.com
P.O. Box 2000, Chester, PA 19022
800-888-4213
Security Fraud Alert 800-680-7289
- Equifax Credit Information Services, Inc.
www.equifax.com
P.O. Box 740241, Atlanta, GA 30374
800-685-1111
Security Fraud Alert 800-525-6285

You may request a FREE credit report once a year by contacting: www.annualcreditreport.com or by calling 877-322-8228.

In support of awareness and crime prevention, Penn Commercial encourages its students and employees to take responsibility for their own security and the security of others.

- College Drinking Prevention <http://www.collegedrinkingprevention.gov/>
- Alcoholics Anonymous Pittsburgh <http://www.pghaa.org/>
- Narcotics Anonymous <http://www.na.org/>
- Higher Education Center for Alcohol, Drug Abuse and Violence Prevention
www.edc.org/projects/higher_education_center_alcohol_drug_abuse_and_violence_prevention
- Mothers Against Drunk Driving (MADD) www.madd.org
- Gateway Rehab www.gatewayrehab.org
- Greenbriar Treatment Center www.gatewayrehab.org

Firearms and other Weapons on Campus

Weapons, explosives and similar devices or items are strictly prohibited on campus. No person shall possess, carry, transport or convey any weapon including firearms, ammunition, paintball guns, explosives or explosive devices or other similar items onto any School premises or facilities. Any knife other than one comparable to a foldable pocket knife with a blade no longer than 2½ inches is considered a weapon. Violation of the policy could result in probation, suspension or dismissal. The school will cooperate with local, state and federal officials.

Sexual Offender Registration

Pennsylvania's General Assembly has determined that making information about registered sex offenders available to the public through the Internet will enhance public safety. Knowing whether a person is a registered sex offender could be a significant factor in protecting yourself, your family members, or persons in your care from recidivist acts by registered sex offenders. Public access to information about registered sex offenders is intended solely as a means of public protection.

Pursuant to the provisions of Pennsylvania's Megan's Law, 42 Pa.C.S. § 9791 et seq. the State Police has established a web page to provide timely information to the public on registered sex offenders residing in the Commonwealth. Megan's Law requires the State Police to create and maintain a registry of persons who have been convicted of, either entered a plea of guilty to, or adjudicated delinquent of certain sex offenses listed in 42 Pa.C.S. §§ 9795.1 and 9795.2. Additionally, the Pennsylvania State Police is required to make certain information on registered sex offenders available to the public through an Internet website. The Pennsylvania State Police has established this website according to the requirements of 42 Pa.C.S. § 9798.1. You can view the web site at the following address: www.pameganslaw.state.pa.us.

STUDENT CODE OF CONDUCT

Penn Commercial recognizes its students as responsible and dedicated men and women who are preparing for career employment. An integral part of their career and professional development is the expectation that they conduct themselves during the education process in the same manner as will be expected in all employment situations. As members of Penn Commercial, students have responsibilities and duties commensurate with their rights and privileges. In this policy, Penn Commercial provides guidance to students regarding those standards of student conduct and behavior that it considers essential to its educational mission. This policy also provides guidance regarding the types of conduct that infringe upon the fulfillment of Penn Commercial's mission. Any student who is found to have violated the Student Code of Conduct policy is subject to sanctions, as listed below.

Computer-Related Violations - Use of computer equipment and/or time for unethical, illegal, unsafe, or inappropriate activities. Any violation of the Internet Usage Policy constitutes a violation of the Student Code of Conduct policy.

Damage to Property - Purposefully and/or intentionally causing damage or destruction to school property, staff personal property or vehicles, vendor/guest property or vehicles, or student personal property or vehicles.

Academic Dishonesty and Deception - Examples of conduct that is prohibited includes but is not limited to:

- Plagiarizing or submitting the work of another as one's own.
- Cheating on any exam, quiz, or assignment, or collaborating with others on graded work without the clear, expressed consent of the relevant faculty member(s).
- Furnishing false information to any staff member at any time. This includes information provided during the application and enrollment process, throughout active enrollment, and at any time prior to completion of the intended degree.
- Furnishing false information on a resume, application (e.g., employment or externship application) or contract.
- Forging, altering or misusing any document, record or instrument of identification.

Disorderly, Lewd, Indecent, or Obscene Conduct - Conduct which causes a public alarm, annoyance, disruption or hazard on school premises or at a school-sponsored or school-supervised function, or externship/clinical site. Such activities also include, but are not limited to, inappropriate/obscene language and/or clothing, conduct which is intended to or results in the disruption or obstruction of teaching, daily school operations, disciplinary proceedings, or other school activities, on or off campus, or which prevents or obstructs school personnel from performing their duties.

Firearms, Explosives and Weapons - Possession or use of explosives, firearms or other weapons (including, but not limited to, knives, air pistols and air rifles), dangerous chemicals, or objects intended to be perceived as explosives, firearms, weapons or chemicals, or objects or devices designed to cause bodily harm in or upon school-owned or school-supervised property or

Externship/clinical sites. Violations under this section also include the irresponsible possession or careless and dangerous use of any other object in such a way as to threaten or endanger any person or property.

Harassment, Physical Harm, Violence or Threats of - Causing physical harm to another person is assault, which is a crime. Threats, intimidation, harassment or engaging in any other conduct that threatens or endangers the physical, emotional and/or psychological health or safety of any person (staff, student, vendor/guest), or interferes with the education process, or which is intended to provoke violence by another, is prohibited. This includes but is not limited to threats of fighting/physical harm, verbal abuse or threat, sexual harassment, sexual assault, or sexual violence. Violation of the Campus Crime and Safety Report and harassment policies within are included.

Safety Violations - Conduct that violates any campus safety policy to include but limited to the Drug and Alcohol Abuse Prevention Program, possession or consumption of alcohol or illegal substances on or near school premises, setting fires or tampering with fire safety equipment, failure to exit during an emergency evacuation, bomb threats, or recurring dress code violations that are considered a safety hazard in the lab or at a externship/clinical site.

Equal Opportunity - Any violation of any section of the Student Code of Conduct policy that is motivated by the sex, race, color, religion, sexual orientation, ethnicity or national origin of another person is a violation of federal law. Acts of intimidation may be considered a hate crime under the Uniform Crime Code and subject to prosecution by federal authorities.

Theft, Possession of Stolen Property and Extortion- Theft is the unlawful taking of tangible school property or finances, or the property of staff, students, vendors/guests, externship/clinical property (facility or staff) with the intent to deprive the school or person of the property. Possession of stolen property includes taking possession of or receiving such property, knowing it to have been stolen.

Trespassing - Trespass is the entry or the attempt to enter any school facility, area, or room without permission or lawful authority or, except with such authority, against the will of the occupant or the individual in charge of the facility. Trespass also includes, but is not limited to, the unauthorized possession, duplication, or use of keys or key fobs to gain access to any school property.

Failure to Comply - Failure to comply with published School policies, disciplinary sanctions or directions of school officials authorized and acting pursuant to their prescribed duties.

Violations of Law - Violation of any federal, state, or local law is also a violation of the Student Code of Conduct policy.

Sanctions - The appropriate sanctions will be determined by school administration based on a number of factors including but not limited to severity of violation and recurrence and can include:

- Written warning
- Search of student property
- Suspension
- Termination

Restitution - Compensation for loss or damage to property leased, owned, or controlled by the school. This may take the form of monetary or material replacement.

DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM (DAAPP)

The full DAAPP coincides with this document and is located at <https://penncommercial.edu/consumer-disclosures/>.

Alcohol and Other Drugs Policy

Penn Commercial Business/Technical School is committed to freedom from illegal drugs, abuse of legal drugs, alcohol use on School property, as well as alcohol and drug use outside the School which adversely affects learning and student performance. In its effort efforts to safeguard the workplace, school property, and students from the effects of drug abuse, Penn Commercial strives to respect the privacy of students and employees while offering assistance towards helping those who have problems. Studies have shown that use of illegal drugs and abuse of alcohol increases the potential for accidents, absenteeism, tardiness, unsatisfactory performance, poor moral and neurological damage.

Penn Commercial has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational presentations, counseling services, referrals, and school disciplinary actions.

Available Assistance for Abuse Problems

The Campus Director and the Director of Student Services provides an overall coordination of the Drug and Alcohol Abuse and Prevention Program. Penn Commercial is here to assist students and staff by providing referrals to community agencies and health care facilities and to assist faculty and students in their learning about the many aspects of alcohol and other drug consumption and their effects in the classroom and educational outcome. The Director of Student Services is responsible for the enforcement of Disciplinary procedures on campus. Referral to appropriate community agencies and drug and alcohol treatment facilities are provided. See the Resources Section of this document.

Drug Free School and Workplace

Penn Commercial is committed to protecting the safety, health and well-being of all students to ensure a drug and alcohol free learning environment. Penn Commercial prohibits the unlawful manufacture, distribution, dispensation, sale, possession or use of any drug by any of its students, employees in its workplace, on its premises or as part of any of its activities off campus. Penn Commercial recognizes that alcohol and drug use possesses a significant threat to student goals. In compliance with the Drug Free Schools and Communities Act of 1989, we have established a drug-free school program that balances our respect for individuals with the need to maintain an alcohol and drug free environment. One of the goals of Penn Commercial's Drug and Alcohol Abuse Prevention Program (DAAPP) is to encourage students to voluntarily seek help with alcohol and or drug problems. The Director of Student Services will work with student during this process, and a mandatory referral for treatment will be provided to the student as a requirement to return to class. Financial responsibility for recommended treatment belongs to the student. However, the ultimate decision to seek the recommended treatment belongs to the student. In addition, students found responsible for violating this policy are subject to suspension, termination, and/or the jurisdiction of the State of Pennsylvania as well as Federal Law. Penn Commercial reserves the right to require mandatory drug testing of any student who exhibits signs of being under the influence of alcohol or a controlled substance while attending classes or on Penn Commercial property. Students will be responsible for any costs associated with drug testing.

The Drug-Free Schools and Communities Act

In 1989, the federal government adopted the Drug-Free Schools and Communities Act. As a condition of receiving federal grants, the School must certify that it is in compliance with this law. This means that underage drinking is not only a violation of state law, but also a violation of School policy and will be sanctioned under the School's Student Code of Conduct policy.

Policy on Alcoholic Beverages

Pennsylvania Act 31 governs all matters relating to alcohol. As a member of the School community, students, faculty, and staff are required to observe Pennsylvania law. No person under the age of 21 is permitted to purchase, consume, transport, or possess alcoholic beverages. Alcoholic beverages will be confiscated from students who are under 21 years of age. Failure to comply will result in further disciplinary action. Students, faculty and staff must abide by the terms of the

policy. Furthermore, the Drug-Free Workplace Act of 1998 requires any employee to notify the Campus Director of any conviction under a criminal drug statute for violations occurring on or off campus premises while conducting School business. A report of the conviction must be made within five days following the conviction. Persons age 21 and over violate Pennsylvania law when they furnish alcohol to a minor. A fine of up to \$2,500.00, or imprisonment up to three months for failure to pay any fine, will be imposed. Repeat offenders will be fined at least \$300.00 and may be imprisoned for up to one year.

Pennsylvania and Federal Laws

All members of the Penn Commercial community must adhere to all applicable local, state, and federal laws related to the sale and use of alcoholic beverages and other drugs and controlled substances.

Policy on Illegal Drugs

Penn Commercial strictly adheres to the federal and state laws that prohibit the distribution, sale, or use of controlled substances. Students illegally possessing, distributing, or using any controlled substance or paraphernalia will be subject to immediate disciplinary action. Please note: the odor of marijuana is also grounds for disciplinary action.

Smoking Policy

Smoking is prohibited on School premises. This prohibition applies to all employees and students, to guests and other visitors. Employees and students are encouraged to report violations of this policy to the Campus Director. A prompt investigation will be made and appropriate corrective action will be taken. Violators of this policy will be subject to disciplinary action, up to and including discharge/termination. There will be no retaliation against any employee or student who makes a good faith report of a violation of this policy to the appropriate person.

CAMPUS CRIME STATISTICS

Definitions

Criminal Homicide – murder and non-negligent manslaughter: the willful (non-negligent) killing of one human being by another.

Criminal Homicide - manslaughter by negligence: The killing of another person through gross negligence.

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

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

Sexual Assault: Is generally defined in Pennsylvania as sexual intercourse without consent. To give consent, a person must make some type of affirmative statement or action that shows agreement to a sexual act and be in a state whereby he/she can make a reasonable judgement. A person who is in agreement regarding a sexual act but is unable to determine the potential harmfulness of an activity because of intoxication, unconsciousness, or mental incapacity, or has agreed because of threat of coercion, has not consented to the act. Sexual assault or any other acts of sexual violence that occur through lack of consent are not the complainant's fault.

Dating Violence: Is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; where the existence of such a relationship is determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship.

Domestic Violence: Is a felony or misdemeanor crime of violence committed by one or more of the following:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim under the domestic violence laws of Pennsylvania
- Any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

Stalking: For the purposes of reporting Clery Act crimes, Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Per Pennsylvania law, (18 pa.C.S. § 2709.1), stalking is committed when a person engages in a course of conduct by repeatedly committing acts toward or communicating with another person. This includes following the

person without proper authority under circumstances that demonstrate intent either to place such other person in reasonable fear of bodily injury, or to cause substantial emotional distress to such other person.

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

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

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

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the complainant in fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.

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

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

Weapons: Carrying, Possessing, Etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

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

Hate Crime: A crime reported to local police agencies or to a campus security authority that manifests evidence that the complainant was intentionally selected because of the perpetrator's bias against the complainant. The categories of bias include the complainant's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. The crime statistics reported under the Clery Act include the following crimes:

Larceny-Theft (Except Motor Vehicle Theft): The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the complainant suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

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

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

Geographic Areas Related to Reportable Crime

On campus: any building or property owned or controlled by the School within the same reasonably contiguous geographic area of the School and used by the School in direct support or related to the School’s educational purposes; and property within the same reasonably contiguous geographic area of the School that is owned by the School but controlled by another person, and is used by students and supports institutional purposes.

NOTE: Penn Commercial Business/Technical School designates the campus to include: 242 and 230 Oak Spring Road Washington, PA 15301, the adjacent parking spaces, and the portion of Oak Spring Road adjacent to the grassy area connecting Penn Commercial to the road extending to the opposite edge of the road. **NOTE:** Penn Commercial Business/Technical School leases (controls) a parking lot located at 301 Oak Spring Road, Washington, PA 15301. This parking lot is included as part of our on campus geography.

Non-campus building or property: means any building or property owned or controlled by a student organization that is officially recognized by the School; and any building or property owned or controlled by the School that is used in direct support of, or in relation to the School’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous area of the School.

NOTE: “Non Campus” Penn Commercial does not have officially recognized student organizations by the school, therefore, does not have any buildings or properties owned or controlled by a student organization such as sororities or fraternities.

Reasonably contiguous geographic area: includes the area immediately in front of a structure, the sidewalk, the roadway, and the entire sidewalk directly across the street from the location. *Residential facilities:* means all residence halls, fraternity and sorority houses, and other residential facilities for students on campus.

NOTE: Penn Commercial Business/Technical School leases a parking lot located at 301 Oak Spring Road, Washington, PA 15301. This parking lot is reasonably contiguous to our campus.

NOTE: Penn Commercial does not have any residential housing facilities.

Public property: all public property, including thoroughfares, streets, sidewalks, and parking facilities, within the campus or immediately adjacent to and accessible from the campus.

Three-Year Crime Statistics

	On-Campus			Non-Campus building/property			Public Property adjacent to school		
	2016	2017	2018	2016	2017	2018	2016	2017	2018
Criminal Offenses									
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hate Crimes									
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0

Arson	0	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0	0
VAWA Offenses										
Domestic violence	0	0	0	0	0	0	0	0	0	0
Dating violence	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0
Arrests										
Weapons: carrying, possessing, etc.	0	0	0	0	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0	0
Disciplinary Actions										
Weapons: carrying, possessing, etc.	0	0	0	0	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0	0
Unfounded Crimes										
Total unfounded crimes	0	0	0	0	0	0	0	0	0	0

SEXUAL MISCONDUCT POLICIES

Penn Commercial Business/Technical Institute is committed to having an environment that is free from any form of sexual misconduct, harassment and sexual assault. The school complies with Title IX of the Higher Education Amendment of 1972 which prohibits discrimination on the basis of sex in education programs and/or activities. On May 19, 2020 The US Department of Education published new regulations for Title IX. Penn Commercial Business/Technical Institute complies with the new regulations as set forth in all outlined policies in the pages that follow.

This Policy governs sexual misconduct involving students that occurs on any Penn Commercial property or in connection with any school-sponsored program or event. This Policy applies to all students, employees, and third parties conducting business with Penn Commercial, regardless of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. Penn Commercial encourages complainant of sexual violence to talk to somebody about what happened – so complainants can get the support they need, and so the school can respond appropriately. As further described in this Policy, Penn Commercial will seek to respect a complainant's request for confidentiality to the extent possible, while remaining ever mindful of the complainant's well-being.

Prohibited Conduct

Sexual misconduct comprises a broad range of behaviors focused on sex that may or may not be sexual in nature. Any intercourse or other intentional sexual touching or activity without the other person's consent is sexual assault, which is a form of sexual misconduct under this policy. Sexual harassment and sexual exploitation, stalking, domestic violence, and dating violence are also forms of sexual misconduct. Intimidation for one of these purposes is sexual misconduct, as is retaliation following an incident of alleged sexual misconduct or attempted sexual misconduct. The definitions for specific acts of sexual misconduct can be found in the Definitions of Key Terms at the end of this Policy statement.

Misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender. This policy prohibits all forms of sexual misconduct.

Students, staff, and faculty at Penn Commercial have the right to learn and work in an environment that is free from all forms of sexual harassment and assault. Sexual assault is a serious violation of School policy and Pennsylvania Law. If an offense should occur, it should be reported to the Campus Director and local law officials. As with any crime, the preservation of evidence is of utmost importance. Penn Commercial will immediately notify 911 for transport of the complainant to the local emergency room for examination and evidence collection. It is extremely important that under no circumstance should the complainant bathe, shower or change their clothing prior to seeking medical attention. Counseling is available for complainants at various local agencies such as CARE, Washington Women's Shelter, etc. Anyone involved in a crime of this nature is subject to prosecution under the Crimes Code of Pennsylvania.

Title IX Coordinator

The School's Title IX Coordinator is responsible for monitoring and overseeing Penn Commercial's compliance with Title IX and the prevention of sexual harassment, sexual misconduct and discrimination. The Title IX Coordinator is:

- Knowledgeable and trained in Penn Commercial's policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant, respondent, or a third party, about Penn Commercial's and community resources and reporting options;
- Available to provide assistance to any Penn Commercial employee regarding how to respond appropriately to a report of Title IX-related prohibited conduct and related retaliation;
- Participates in ensuring the effective implementation of this policy, including monitoring compliance with all procedural requirements, record keeping, and timeframes; and responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

Inquiries or concerns about Title IX may be referred to the school Title IX Coordinator:

Kristine Gorby
242 Oak Spring Road
Washington, PA 15301
724-222-5330; extension 353
kgorby@penncommercial.edu

Violence Against Women Act (VAWA) Definitions

Consent - is a voluntary agreement to engage in sexual activity

- Past consent does not imply future consent.
- Silence or an absence of resistance does not imply consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent can be withdrawn at any time.
- Coercion, force, or threat of either invalidates consent.

Someone who is incapacitated cannot consent. Incapacitation refers to a situation in which a person is not capable of providing consent because the person lacks the ability to understand her or his decision. This situation may occur due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the student from having the capacity to give consent.

Complainant - means the person making the allegation(s) of sexual misconduct.

Respondent - means the person alleged to have committed sexual misconduct.

Sexual Harassment - Sexual misconduct or harassment is defined as any conduct on the basis of sex that meets one or more of the following:

- "Quid Pro Quo harassment" is harassment where an employee of the school offers a benefit, aid, or service in return for the individual's participation in a form of unwelcomed sexual conduct.
- Unwelcomed conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity.
- "Sexual Assault", "dating violence", "domestic violence", or "stalking" as those terms are defined under the Clery Act and the Violence Against Women Act (VAWA). These terms are defined on page 16 of this policy.

Hostile Environment Caused By Sexual Harassment - refers to a situation where students and/or employees are subject to a pattern of exposure to unwanted sexual behavior that is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a school program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not amount to a hostile environment caused by sexual harassment.

Sexual Assault - is any unwanted physical contact of a sexual nature that occurs either without the consent of each participant or when a participant is unable to give consent freely. Sexual assault can occur either forcibly and/or against a person's will, or when a person is unable to give consent freely. Non-consensual sexual intercourse is any form of sexual intercourse (vaginal, anal or oral) with any object without consent. Non-consensual sexual contact is any intentional sexual touching, however slight, with any object without a person's consent.

Domestic Violence - A felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating

with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Prohibited Conduct – Penn Commercial prohibits the crimes of Sexual Assault, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking as defined in these Definitions of Key Terms.

Sexual Exploitation - Sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for his or her own advantage or benefit or for the benefit or advantage of anyone other than the exploited party; and that behavior does not otherwise constitute sexual assault. Examples of sexual exploitation include, but are not limited to, videotaping or photographing of any type (web-cam, camera, Internet exposure, etc.) without knowledge and consent of all persons; prostituting another person; knowingly transmitting HIV or a sexually transmitted disease to an unknowing person or to a person who has not consented to the risk; or inducing incapacitation with the intent to commit sexual assault, without regard to whether sexual activity actually takes place.

Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Substantial Emotional Distress - significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Retaliation - means any adverse action, or attempted adverse action, against an individual or group of individuals because of their participation in any manner in an investigation, proceeding, or hearing under this Policy.

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

Pennsylvania Statutes Concerning Sexual Misconduct

The Pennsylvania Statutes, including statutes concerning sexual assault, consent, domestic violence, and dating violence can be found online at <https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/18/00.031..HTM>.

Reporting Incidents of Sexual Misconduct

Complainants of sexual misconduct may file a report in the following three ways:

- Formal report with the local police department
- Informal complaint filed with the Title IX Coordinator
- Formal grievance filed with the Title IX Coordinator

Any individual who wishes to file a complaint online may do so following Penn Commercial's PA Act 16 Sexual Misconduct Reporting located at <https://penncommercial.edu/pa-act-16-forms/>. This can be done 24/7.

The complainant of the sexual assault may choose for the investigation to be pursued through the criminal justice system and Penn Commercial's enclosed procedures. It is important to note that the school and the criminal justice system work independently from each other. Law enforcement officers do not determine whether a violation of this policy has occurred. The school's Title IX Coordinator will guide the complainant through the available options and support the complainant in his or her decision.

Sexual misconduct crisis and counseling options are available locally and nationally through a number of agencies, including:

Domestic Violence Services of Southwestern Pennsylvania
724-222-9190 or 1-800-791-4000
www.womens-shelter.com

Washington Health System Hospital
155 Wilson Avenue
Washington, PA 15301
(724) 225-7000

Southwestern Pennsylvania Human Resources (SPHS) Sexual Assault Hotline
351 West Beau Street, Suite 201
Washington, PA 15301
724-229-5007 or 1-888-480-7283
www.sphs.org

National Sexual Assault Hotline
1-800-656-4673

National Domestic Violence Hotline
1-800-799-7233

Options for Assistance Following an Incident of Sexual Misconduct

Penn Commercial strongly encourages any complainant of sexual misconduct to seek immediate assistance. Seeking prompt assistance may be important to ensure a complainant's physical safety or to obtain medical care. Penn Commercial strongly advocates that a complainant of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation.

Evidence Preservation

Complainants of sexual assault, domestic violence or dating violence should consider seeking medical attention as soon as possible. It is important that a complainant of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen where they were assaulted so that evidence necessary to prove criminal activity may be preserved. In circumstances where the complainants do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address health concerns. Complainants of sexual misconduct are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful in connection with a school or police investigation.

Student Bill of Rights

You have rights according to the Pennsylvania Sexual Violence Education at Institutions of Higher Education Act, should you become a complainant of sexual violence. The school understands the trauma connected with being a complainant of sexual violence and promises complete confidentiality with regards to any information you provide to a school administrator. We also promise that we will assist you in notifying any outside individuals or agencies if you so choose. You have the right to notify the following individuals or agencies if you are a complainant of sexual violence:

- 1 – Title IX Coordinator
- 2 – Police Department
- 3 – Local Law Enforcement Agencies

- You have the right to request assistance from the school to make these notifications.
- You have the right to obtain an order of protection, no contact order, restraining order, or similar lawful orders issued by a criminal or civil court, or enforce an order already in existence.
- You have the right to request that prompt disciplinary proceeding be initiated against the accused.
- You have the right to be notified of the outcome of any disciplinary actions against the accused.
- You have the right to be notified of any options in changing your academic or campus living situation.
- You have the right to have others present during disciplinary proceedings or other related meetings.

Confidentiality

Penn Commercial will maintain the confidentiality of a person who reports a VAWA Crime to the extent permissible by law. Measures protecting your confidentiality include the following:

- The Family Educational Rights and Privacy Act (FERPA). Information protected by FERPA will not be released without a student's permission via written consent.

- Privileged and confidential conversations with Penn Commercial staff members who are investigating a report sexual misconduct or providing services to the complainant are kept confidential, but information about the nature, date, time, and general location of the incident of sexual misconduct, excluding the identity of the complainant must be shared with relevant administrators. Information is shared with the Title IX coordinator, and in some cases law enforcement, so that action can be taken for reasons of safety. In planning any response, the wishes of the person reporting sexual misconduct are given full consideration.
- Confidential reports and conversations with campus security authorities and the Title IX coordinator must maintain confidentiality at the complainant's request with some exceptions. The campus security authority or Title IX coordinator must weigh the confidentiality request against other factors, including whether the complainant is a minor, the seriousness of the conduct and the increased risk that the alleged perpetrator will commit additional acts of violence against the complainant or others. Please note that if a person reporting sexual misconduct insists that her or his identity is kept confidential, a full investigation and disciplinary action by the School may not be possible.
- At the complainant's request, the School will exclude the identifying information from written reports of a VAWA Crime.
- Privileged and confidential conversations with professional, licensed counselors, pastoral counselors and health-care providers are confidential and, except in rare or extreme circumstances, no information will be shared without your explicit permission.

Penn Commercial's Obligation to Respond to Sexual Misconduct

The school will respond to sexual misconduct when any employee at the school has "actual knowledge" of the alleged sexual misconduct. Actual knowledge is defined as notice of sexual misconduct or allegations of sexual misconduct is made known to the school. Once actual knowledge of the alleged sexual misconduct occurs, the school's Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures with or without the filing of a formal complaint. The school's Title IX Coordinator will also explain the process of filing a formal complaint to the complainant.

Supportive and Interim Measures

Penn Commercial offers an array of supportive measures available the complainant and/or the respondent (alleged perpetrator), before or after the filing of a formal complaint; or when no formal complaint has been made. Supportive measures are free, individualized services designed to restore or preserve equal access to education, protect safety, or deter sexual harassment.

Supportive Measures available include but not limited to:

- Referral to medical, mental health, or EMS services
- Referral to counseling/therapy services
- Assistance with identifying community resources/referral to community resources
- Academic assistance such as tutoring, rescheduling of assignments/exams, extension of deadlines/course related adjustments and changes in class schedules
- Leave of absences
- Mutual restrictions on contact between the parties
- Any other solution that achieves the goal of this policy

An interim suspension from classes, school activities, and/or campus may also be instituted until resolution of the case.

Penn Commercial will honor and maintain the privacy of all supportive and interim measures established and provided to all parties under this policy.

Informal and Formal Complaints

In an effort to encourage persons who experienced alleged sexual misconduct, Penn Commercial provides both informal and formal complaint resolution option procedures. However, due to the power differential involved, informal resolution is not an available option to resolve allegations that a school employee sexually harassed or assaulted a student.

Informal Complaint Procedure

Filing a Crime Incident Report with the Title IX Coordinator is the first step in the informal complaint process. The Title IX Coordinator will then contact the respondent to arrange a meeting to inform the respondent of the complaint. To the extent possible, and if requested by the complainant, the identity of the complainant will be held in confidence during the informal process. The Title IX Coordinator will advise the respondent of the informal complaint and describe the behaviors alleged by the complainant. The Title IX Coordinator may serve as a "mediator" or may appoint a different individual to serve as the mediator. The mediator's role is act as the facilitator who seeks to resolve the complaint. The

mediator will share the complainant's description and perception of the respondent's alleged behavior to the respondent. The respondent will then be granted the opportunity to respond to this information.

In an attempt to resolve the informal complaint, a confidential and separate discussion will take place with the mediator and complainant; as well as the mediator and the respondent in regards to the alleged behavior that initiated the complaint. An informal meeting will be held in an attempt to resolve the informal complaint. Both parties (the complainant and the respondent) must agree to be present and participate in the meeting. Upon conclusion of the meeting, the mediator will provide both parties with a written copy of the informal resolution. Both parties are then asked to voluntarily provide written consent to the informal resolution. If the complainant or the respondent is not satisfied with the outcome of the informal resolution, he or she may then choose to file a formal complaint per the school's formal complaint procedure outlined below. Either party may also choose to file a complaint with an external agency.

It is also important to note that at any time during the informal complaint procedure, either party has the right to withdraw from the informal complaint procedure and choose to initiate the formal complaint process instead.

Formal Complaint Procedure

A formal complaint is defined as an official written document alleging sexual harassment. It is filed and signed by the complainant and then signed by the Title IX Coordinator. It serves as a *formal request* that the school review and investigate the allegation of sexual harassment. A formal complaint may be filed with the Title IX Coordinator by completing the Penn Commercial Grievance Form in person, by mail, by electronic mail. The timeframe for formal complaint resolution should attempt to be completed within 60 calendar days of receiving a formal written complaint.

Temporary delay (limited extension) for good cause will only be granted for good cause. Good cause may include: law enforcement activities, the absence of a party or witness, the absence of a party's advisor of choice, or the need to provide language assistance or accommodation of disabilities

Notice of Formal Complaint

Upon receipt of a formal complaint, the school will provide written notice of the complaint to both the complainant and the respondent. The written notice will include:

- Information regarding the formal complaint process as well as information regarding informal resolution options
- Sufficiently detailed statement(s) of allegations which may include: details of all known parties, the alleged behavior of the respondent, and the date, time, and location of the alleged incident if known.
- A statement that the respondent is presumed innocent and that a final determination of responsibility is made at the conclusion of the investigation and hearing.
- A statement that both parties have the right to an "advisor" (support person) of their choice. Both parties have the right to choose an advisor who may be, but is not limited to: another student, friend, family member, staff member, or an attorney.

Presumption of Innocence for Respondent

The respondent is presumed not responsible. Any findings of responsibility will be determined only at the conclusion of the grievance process.

Investigative Procedures and Protocols

The Title IX Coordinator and/or an appointed school "investigator" will objectively investigate and evaluate all evidence by conducting a thorough investigation. Various forms of information and evidence may be presented during an investigation. The investigation process may include but is not limited to: conducting interviews with the complainant, the respondent, and/or others who may have witnessed the alleged behavior or may have relevant information; as well as gaining access to any relevant written documents, records, text messages, written statements, reports, etc.

Determinations of credibility will not be based on a person's status as the complainant, respondent, or witness.

The school is not bound by Court of Law formal rules of evidence; however evidence should be inherently reliable. It is the decision of the appointed school adjudicator as to what information is admissible as part of the investigation and/or hearing.

Access to Evidence

The school will provide both parties an equal access and opportunity to review and inspect any evidence that was obtained as part of the investigation and is directly related to the allegations.

Investigative Evidence Report

The Title IX Coordinator will send both parties all received evidence that is subject to inspection and review. Both parties will be granted 10 business days from the date that the evidence is sent to them to submit a written response; should they choose to do so. The Title IX Coordinator and/or investigator will then send a written final investigative evidence report to both parties. Both parties will be granted 10 business days from the date of the written investigative report is sent to respond before the beginning the live hearing procedure.

Burden of Proof

The “burden of proof” refers to the entity responsible for showing a violation to this policy has occurred. Penn Commercial carries the burden of proof when adjudicating a case.

Hearing Procedures

A live hearing is required as part of the formal complaint process. As indicated above, the school will provide both parties with the written final investigate evidence report at least 10 business days before the start of a live hearing. In addition, the Title IX Coordinator will provide each individual whose participation in the live hearing is invited or expected, written notice of the date, time, location, list of participants invited, and purpose of the live hearing within 10 business days of the start of a live hearing.

The Role of the Adjudicator

The live hearing will consist of an “adjudicator” who is defined as any school official who is authorized to assess credibility of both parties and witnesses, review evidence, evaluate sexual misconduct matters and determine whether a violation of the Sexual Assault Policy or the Student Code of Conduct occurred by the respondent. Live hearings may be conducted with both parties physically present or, at the school's discretion. Participants may participate virtually, with technology that enables them to see and hear each other. In addition, Penn Commercial complies with regulations that state that an audio or audiovisual recording or transcript of any live hearing. This recording or transcript will be made available to both parties for inspection and review.

Live Hearing Cross-Examination

The appointed school adjudicator will permit each party's advisor to “cross examine” the other party and any witnesses. An advisor is the *only party* who may ask questions of the complainant and respondent and any witnesses. Cross examination at the live hearing must be conducted directly, orally, and respectfully; and in real time by the party's advisor. If a party does not have an advisor, the school will provide an advisor of the school's choice, free of charge, to conduct cross examination. Only relevant cross-examination and other questions, including those challenging credibility, may be asked of a party or witness. Before the party or witness answers a cross examination or other question, the adjudicator must determination whether the question is relevant, and explain any decision to exclude a question as not relevant.

Standard of Proof

The standard of proof describes the level of evidence (proof) that must be met in order to find a respondent responsible for the incident and to determine if a violation of the policy occurred. Penn Commercial uses the “preponderance of evidence” as a standard of proof of whether a violation occurred. Preponderance of evidence is often referred to or known as the “more likely than not” standard. This means that the adjudicator must be convinced that based on the information it considers that the respondent was “more likely than not” to have engaged in conduct at issue in order to find the respondent responsible for violating the policy.

School live hearings are conducted to take into account all evidence available from all relevant sources. The respondent is not considered to be responsible for any allegation(s) until the completion and conclusion of each step in the formal complaint process. The respondent is not considered to be responsible until the formal complaint process determines that it is “more likely than not” that the alleged violation of this policy occurred.

Determination

Upon conclusion of a live hearing, the adjudicator will make a determination as to whether or not the respondent is considered responsible for a violation to this policy. Once a determination is made, both parties (the complainant and the responder) will then be given written notification of the determination within 10 business days from the conclusion of the live hearing. The written determination will state the following: a statement of, and rational for the determination of each allegation; a determination regarding responsibility, any disciplinary sanction(s) the school imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school's education program or activity will be provided by the school to the complainant.

Range of Sanctions and Remedies

Upon conclusion of the formal complaint process, if it is determined that the respondent has more likely than not violated the school's sexual harassment policy, the Title IX Coordinator will forward the findings to the disciplinary

panel, which consists of the school's Campus Director, Vice President of Operations, and President to initiate disciplinary action.

Penn Commercial may impose any one or more of the following sanctions on a respondent determined to have violated this policy:

- Reprimand/warning
- Changing the respondent's academic schedule
- Disciplinary probation
- Restricting access to Penn Commercial's facilities or activities
- Issuing a "no contact" order or requiring that such an order remain in place
- Dismissal or restriction from Penn Commercial employment
- Suspension (limited time or indefinite)
- Termination

In addition to any other sanction (except with the sanction is employment dismissal or student termination), Penn Commercial may require any employee or student determined to be responsible for a violation of this policy to receive appropriate and/or training related to the sexual misconduct violation or issue. The Title IX Coordinator will render a sanctioning written decision to the complainant and respondent within 5 business days following the receipt of the panel's determination (and within the same 60 calendar days (from the date of receiving the written complaint) timeframe. If the complainant finds the resolution or disciplinary action unsatisfactory, he or she may pursue the complaint with appropriate external agencies.

Options for External Complaints

At any time during the informal or formal complaint proceedings, the complainant has the option to file an external complaint through an external public agency responsible for enforcing laws regarding sexual harassment. Generally, external complaint filings should take place within 180 days beginning with the date of the last alleged incident.

U.S. Department of Education, Office of Civil Rights
www.ed.gov/about/offices/list/ocr/index.html
400 Maryland Avenue
Washington, D.C. 20202-5151
(800) 421-3481

Pennsylvania Human Relations Commission
www.phrc.state.pa.us
300 Liberty Ave.
State Office Bldg. 11th Floor
Pittsburgh, PA 15222
(412) 565-5395

Equal Employment Opportunity Commission
www.eeoc.gov
1000 Liberty Avenue
Pittsburgh, PA 15222
(412) 644-3444

Additional Supportive Measures

Penn Commercial may also determine that additional supportive measures are appropriate to respond to the effects of the incident on the school community. Additional supportive measures for the benefit of the Penn Commercial community may include:

- Increased monitoring, supervision, or security at locations or activities where the misconduct occurred
- Additional training and educational materials for students and employees
- Revision of Penn Commercial's policies relating to sexual misconduct
- Climate surveys regarding sexual misconduct

Appeal Process and Standards

Once a determination has been made, both parties have the right to submit a written appeal for or against the determination. If a party submits an appeal, the following procedures will occur:

- The other party will be notified in writing when the appeal is filed
- The school will appoint an "Appeal Officer" who is defined as the individual who is responsible for reviewing the appeal and making a final determination of the appeal. The Appeal Officer may not be the hearing adjudicator, investigator, or the Title IX Coordinator.

The Appeal Officer will make a final determination of the appeal within 10 business days from the date that the written appeal is received. A written determination of the appeal will be provided in writing to both parties simultaneously.

Retaliation

Any form of retaliation is prohibited by Penn Commercial and/or any individual against anyone for exercising their rights under Title IX. Any individual retaliated against may file a complaint/grievance with the school. The school's complaint/grievance policy will then be followed as outlined on page 51-52 of the Penn Commercial catalog.

Statement of Nondiscrimination

Penn Commercial is committed to a policy of non-discrimination in compliance with federal and state regulations. This policy is enforced in our educational programs, and our school activities, which are available to all people, without regard to sex, marital status, physical disability, race, creed, or national origin. Penn Commercial is committed to treating the complainant and the respondent equally whether the grievance process has been started or not.

Education and Prevention Programs

As set forth in this policy, Sexual Assault, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking are all forms of Prohibited Conduct. Penn Commercial is committed to offering educational programs to promote awareness and prevention of Prohibited Conduct and also includes bystander intervention, risk reduction, safety planning, etc. Educational programs can include in-house and web-based training which encompasses an overview of Penn Commercial's policies and procedures; relevant definitions, including prohibited conduct; discussion of the impact of alcohol and illegal drug use; consent; safe and positive options for bystander intervention; review of resources and reporting options available for students, faculty, and staff; and information about risk reduction. Enrolled students and new employees will receive primary prevention and awareness programming as part of their orientation. Title IX Coordinator maintains an education and prevention calendar and tailors programming to campus needs and climate. Penn Commercial educates students and employees about sexual assault crimes included in the Clery Act and the Violence Against Women Reauthorization Act of 2013 (VAWA) Students and employees receive the training annually.

The Title IX Coordinator, CSA's, and anyone else who is involved in responding to, investigating, or adjudicating sexual misconduct will receive annual training from experts in the field. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual misconduct.

Record Keeping

Penn Commercial keeps all records of sexual misconduct complaints and adjudications for at least seven (7) years. Record keeping will consist of all records of the school's investigation, any record of appeal and the materials associated with the appeal, all records of any informal resolution and the processes; all materials used to train the Title IX Coordinator, investigator(s), decision makers, and any person who facilitates an informal resolution, and supportive measures that were granted as a response to a report or a complaint.