



TITLE IX HANDBOOK

Sexual Misconduct Policies and Procedures

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SECTION 1: TITLE IX HANDBOOK OVERVIEW

TITLE IX PROTECTIONS

Penn Commercial Business/Technical School (Penn Commercial) is committed to creating and maintaining a community where all individuals who participate in education programs and activities may work and learn together in an atmosphere free of harassment, exploitation, or intimidation. Every member of the Penn Commercial community should understand that Penn Commercial prohibits sexual misconduct of any kind. The Title IX Coordinator will respond promptly and effectively to reports of sexual misconduct. The School will take appropriate action to prevent or discipline behavior that violates the Sexual Misconduct Policy.

The Office for Civil Rights (OCR), under the United States Department of Education, enforces the federal civil rights law known as Title IX. Title IX of the Education Amendments 1972 (20 U.S.C. 1681 et seq.) and its implementing regulations, 34 C.F.R. Part 106, states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance."

COORDINATION WITH OTHER POLICIES

Penn Commercial complies with the Title IX of the Education Amendments 1972, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, as amended by the Violence Against Women Act (VAWA), Act 104 of November 17, 2010, and Article XX-J of the Pennsylvania Public School Code; All of which prohibit Sexual harassment offenses, acts of sexual violence, and other forms of sexual misconduct, including but not limited to sexual assault, domestic violence, dating violence and stalking and provide awareness, resources, and educational programs.

The conduct of students, employees, and faculty are governed or impacted by the following:

- Student Code of Conduct Policy
- Students Privacy Rights Policy (FERPA)
- Clery Act Disclosure
- Violence Against Women Act (VAWA)
- Employee Handbook
- Faculty Handbook
- Pennsylvania Act 16 of 2019

STATEMENT OF NONDISCRIMINATION

Penn Commercial Business/Technical School is committed to a policy of non-discrimination in compliance with federal and state regulations. This policy is enforced in our educational programs and in our school activities, which are available to all people, without regard to race, color, national or ethnic origin, sex, pregnancy, sexual orientation, gender identity and expression, religion, disability, age, veteran status, and marital status in its programs, activities, or employment.

TITLE IX COORDINATOR

The Title IX Coordinator collaborates with all campus departments to promote a safe, welcoming, and respectful environment for all employees and students of Penn Commercial. The Title IX Coordinator's primary responsibility is to comply with, and carry out institutional obligations related to Title IX regulations; This also includes the prevention of retaliation for the purposes of interfering with any Title IX reports.

Penn Commercial's Title IX Coordinator

Kristine Gorby
Director of Student Services and Title IX Coordinator
724-222-5330 ext. 353
kgorby@penncommercial.edu
Office: Room 205

YOUR REPORTING OPTIONS

There are options available to file a Title IX grievance. Penn Commercial urges individuals to use the option most comfortable for them.

1. Report directly to Penn Commercial's Title IX Coordinator:
Kristine Gorby
Director of Student Services and Title IX Coordinator
724-222-5330 ext. 353
kgorby@penncommercial.edu
Office: Room 205
2. Penn Commercial's online reporting form located at: <https://penncommercial.edu/pa-act-16-forms/>

If you decide not to file a grievance with Penn Commercial, some organizations will assist victim/survivors of sexual misconduct while maintaining strict confidentiality. A list of Community Resources is located at: <https://penncommercial.edu/wp-content/uploads/2024/07/Community-Resource-Guide-2024.pdf>

REDUCE THE RISK OF COMMITTING SEXUAL ASSAULT

- Listen carefully. A student should take the time to hear what the other person has to say. If a student feels they are receiving "mixed messages," they should ask the person for clarification.
- A student should not fall for the cliché that, "if they say no, they really mean yes." If a person says "no" to sexual contact, they mean no. The student should believe them and stop.
- Sexual assault is a crime. It is never acceptable for a student to force sexual activity on another person, no matter what the circumstance.
- A student should never make assumptions about a person's behavior. Do not assume that a person wants to have sex because of the way that they dress, or because they drink too much or because they agreed to be alone with the student.
- Consent for kissing, or another sexual activity, does not equal consent for any other type of sexual activity.
- If a person has previously had sex with a student, it does not mean that person is willing to have sex with that student again.
- If a person is mentally or physically incapable of consenting to sexual activity, by law, it is rape if sexual relations occur with that person.
- Students participating in a group situation should be careful and resist pressure from friends to participate in violent acts.
- If a student witnesses someone at risk of sexual assault, he/she should get involved. The student should not be afraid to intervene if it is safe. If it does not seem safe, the student should alert authorities.

REDUCE THE RISK OF BEING SEXUALLY ASSAULTED

Every student has the right to say "no" to any unwanted sexual contact. A student should know their sexual intentions and limits. If a student is uncertain of what they want, their partner should respect their feelings.

- A student should communicate their boundaries firmly and directly. If a student says "no," they should say it in a firm voice and with clear body language. A student should not assume the other person would automatically get the message without the student saying something. Avoid giving "mixed messages" and say "no" with conviction.
- Students should know that some people do not have their best interest at heart. They may think of a student who dresses provocatively, or who has been drinking or is willing to be alone with them as the student's willingness to have sex. The student should be very clear and upfront about their limits in these types of situations.
- If a student feels uncomfortable and believes he/she is at risk, they should leave the situation immediately and go to a safe place. A student should trust their gut feelings.
- A student should not be afraid to create a stir if they feel threatened. If he/she feels pressured or coerced into sexual activity, they should not hesitate to state their feelings and leave the situation.
- Students should only attend large parties with people they trust. Agree to look out for one another. Leave with the group, never alone.

BYSTANDER INTERVENTION

Another way to reduce the risk of sexual misconduct is for students to get involved, if possible. Bystander intervention is taking some type of action to stop the progression of an event - such as domestic violence, dating violence, sexual assault, or stalking - because it is in the best interest of the person who is at risk.

The five steps of bystander intervention are as follows:

Notice the event. Active bystander intervention encourages people to watch for those behaviors and situations that appear to be inappropriate, coercive and harassing.

Interpret the event. Is it a problem or an emergency? Consider whether the situation needs attention. Pay attention to situations that may put friends or acquaintances at risk.

Assume personal responsibility. Decide if there is a need to act. The presence of other witnesses, the uncertainty of the situation, apparent level of risk for the victim/survivor and the one who may intervene, and the setting of the incident are all factors to consider.

Know how to help. Determine the priority goal, formulate a plan and prepare what to say. Safety is a priority so identify the red flags and try to anticipate problems. Have an exit strategy and determine any barriers such as motivation, ability or the environment.

Implement assistance. Try to interrupt or delay the situation before it becomes an emergency. Maintain mutual respect with the assailant and be sensitive, understanding and non-judgmental. Contact law enforcement if it is not safe or prudent to help directly.

AFTER AN ASSAULT

A. Sexual Assault Victim's Bill of Rights

President George Bush signed the Campus Sexual Assault Victims' Bill of Rights into law in July of 1992. This law requires that all colleges and universities (both public and private) participating in federal student aid programs afford assault victim/survivors certain basic rights. Colleges found to have violated this law can be fined up to \$35,000 or lose their eligibility to participate in federal student aid programs. Complaints about colleges that have failed to comply with this law should be made to the U.S. Department of Education.

The rights provided by the Federal Campus Sexual Assault Victim's Bill of Rights include the following:

- Survivors shall be notified of their options to notify law enforcement
- Accuser and accused must have the same opportunity to have others present
- Both parties shall be informed of the outcome of any disciplinary proceeding
- Survivors shall be notified of counseling services
- Survivors shall be notified of options for changing academic and living situations
- The Campus Sexual Assault Victims' Bill of Rights exists as a part of the campus security reporting requirements, commonly known as the Jeanne Clery Act.

B. Procedures for Victims/Survivors of Sexual Assault

Immediately after an assault, the victim/survivor may be in a state of shock. Victim/survivors react in different ways, sometimes hysterically, angrily, or calmly. In this state, the victim/survivor will most likely make better decisions by talking with someone that they trust or speaking with a professional crisis intervention worker. It may help them understand their options. The victim/survivor may want to wrap up in something warm, such as a blanket or coat and then call emergency services for immediate assistance.

Things to do immediately after an assault:

1. A sexual assault victim/survivor should get to a safe place
2. The victim/survivor should call 911
3. It is important for the victim/survivor to receive medical attention. This will ensure physical well-being and permit medical staff to collect evidence. Even if there is no physical injury, the victim/survivor should be tested for STDs, pregnancy, and internal trauma
4. A sexual assault resource center or a trusted friend can offer support to the victim/survivor during this time
5. If possible, the victim/survivor should try to write down what they remember

After an assault the victim/survivor should avoid taking a shower or bath, brushing or combing their hair, douching or going to the bathroom, changing clothes or bedding, eating or drinking, brushing or rinsing teeth or touching anything at the crime scene. Doing any of this may damage or destroy important evidence.

The victim/survivor should consider having a rape kit done at the hospital. If deciding to press charges the preservation of evidence is very important to the successful prosecution of cases involving sexual violence. All medical procedures are confidential. If the victim/survivor decides to press charges, preservation of physical evidence is important to the successful prosecution of cases involving sexual violence.

LOCAL FIRST RESPONDERS - Call 911 if you are in immediate danger!

- Ambulance, Fire Department, Law Enforcement: 911
- South Strabane Police Department: 724-225-8111
- Pennsylvania State Police: 724-223-5200
- South Strabane Fire Department: 724-222-3885
- Washington County Sheriff: 724-228-6840

ADDITIONAL RESOURCES

Access Penn Commercial's Community Resource Guide at:

<https://penncommercial.edu/wp-content/uploads/2024/07/Community-Resource-Guide-2024.pdf>

SECTION 2: SEXUAL MISCONDUCT POLICY

POLICY STATEMENT

The term "sexual misconduct" is a broad term used to refer to all the prohibited sexual violence and sexual harassment behaviors under this policy. As used in this policy, sexual misconduct may also encompass criminal conduct under Pennsylvania and/or federal law. Additionally, sexual misconduct under this policy may result in civil and/or administrative legal consequences. This policy, created as a model policy for handling allegations of sexual misconduct, was developed by the Commonwealth of Pennsylvania and is available for use by any postsecondary institution located within this Commonwealth that is authorized to grant an associate degree or higher academic degree.

Penn Commercial Business/Technical School is committed to providing an education and work environment that is free from any form of sexual misconduct. Sexual misconduct is a form of sex and gender-based discrimination that violates federal Title IX regulations and is prohibited by Penn Commercial policy. The School addressed and prevents this through campus-wide educational programs, staff and faculty trainings, and complaint resolution. Penn Commercial will promptly and equitably respond to all such reports in order to eliminate the misconduct, prevent its recurrence and remedy its effects on any individual. Additionally, Penn Commercial provide prompt, fair and impartial investigation of and response to reported incidents of Title IX offenses and other violations of the School's policies prohibiting unlawful discrimination, harassment and retaliation.

SCOPE OF POLICY

This policy applies to all on- and off-campus conduct that is likely to have a substantial adverse effect on any member of the Penn Commercial community. There is no time limit for reporting allegations of sexual misconduct. However, Penn Commercial strongly encourages the prompt reporting of sexual misconduct to allow the School to respond promptly and effectively. If the reported respondent is not a member of the Penn Commercial community or is no longer associated with Penn Commercial at the time of the report or at the time a resolution process is initiated, Penn Commercial may be unable to conduct an investigation or take disciplinary action. Please see the Reporting Sexual Misconduct section below to make a report of misconduct, discrimination, harassment, or to file a complaint.

Who is covered?

All students, employees, guests, and third parties/vendors who participate or attempt to participate in the school's educational programs or activities.

Where are educational programs or activities located?

- Property and/or facilities owned or controlled by Penn Commercial, including the offices, classrooms/labs and common areas in the building and patio, CDL trucks and skills pad, and parking lot/grounds.
- Public property within or immediately adjacent to the campus location.
- Virtual/remote/online classes, programs, and/or events.
- Contracted clinical agencies and externship locations.
- Community activities and events, career fairs, etc.
- Educational field trips, including travel thereto.
- Any location off campus which has the potential to adversely impact any member of the School while on campus or otherwise adversely affects or disrupts the School's learning or working environment.

DEFINITIONS

Adjudication: the process by which a formal complaint is made, investigated, and decided under Title IX.

Advisor: a person chosen by a party or appointed by the institution (external individual) to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

Alternative Resolution ("AR"): the process by which a complaint is resolved "informally," AR allows you and the other party to resolve a Title IX complaint without going through a formal investigation and hearing. AR options vary and depend on your school's particular policies.

Appeal: the process of challenging a Title IX decision in an attempt to change the outcome. In the Title IX context, this usually arises after the school has made a final (or sometimes a preliminary) determination about whether the conduct occurred. A party that disagrees with the decision may start an appeal process to have the decision reviewed.

Complainant: the person who files a Title IX complaint. In most cases, this is you, the survivor.

Complaint: the document that explains the conduct you are complaining about.

Confidential Employee: include licensed medical, clinical, or mental health professionals; clergy; and employees providing administrative/operational or related support to these employees. Confidential Employees will not report disclosures of prohibited conduct received in the course of providing professional, confidential services, without permission.

Consent: a knowing and voluntary agreement to engage in specific sexual activity at the time of the activity. In order to be valid, consent must be knowing, voluntary, active, present, and ongoing. An individual cannot consent if incapacitated due to alcohol, drugs, or sleep, or otherwise without the capacity to provide consent due to an intellectual or other disability or other condition.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of a drug. Alcohol and other drugs impact each individual differently. Determining whether an individual is incapacitated requires an individualized determination.

When determining whether a person has the capacity to provide consent, Penn Commercial will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity. When determining whether consent has been provided, all the circumstances of the relationship between the parties will be considered.

Credibility: refers to how "believable" a person is. Throughout the process, each party's and witness's credibility will be assessed by the investigator and/or the hearing officer, typically based on things like consistent/inconsistent statements, evidence that shows they are being truthful/untruthful, or how the investigator/officer interprets their mannerisms.

Cross-Examination: refers to the part of the hearing where you are asked questions from the other side. The questions are sometimes proposed ahead of time by the other party's advisor/attorney. You might be questioned directly by the opposing advisor/attorney, or the hearing officer may ask you the opposing advisor/attorney's questions.

Disciplinary Sanctions: the consequences against the respondent if the case results in a finding of responsibility. Sanctions may include dismissal from campus, suspension, mandated learning on sexual violence, consent, or gender discrimination, a warning, or anything else the hearing officer deems relevant and appropriate.

Finding: the outcome of a Title IX case/complaint process that finds the respondent responsible or not responsible for the conduct alleged in your complaint. "Responsible" is the Title IX equivalent of "guilty."

Gender Discrimination: being treated differently and worse at school because of your actual or perceived gender or gender identity. This includes conduct based on your sexual orientation, as well as sexual harassment, sexual violence, dating violence, or stalking.

Hearing: a proceeding before a hearing officer or panel in which evidence and argument are presented to determine whether or not a violation of school policy has occurred, and whether the respondent is responsible ("guilty").

Hearing Officer: the person who presides over the Title IX hearing like a judge presides over a courtroom. The hearing officer, among other things, is responsible for deciding the format of the hearing, what evidence will be considered, what testimony is credible, and whether, based on the evidence presented, the respondent violated the school policy and is responsible for the incident(s) in your complaint.

Intimate-Partner Violence: an act of violence or threatened act of violence by or against one person who is, or has been, involved in a sexual, dating, domestic, or other intimate relationship with another person. This includes:

- **Dating Violence** – violence, including but not limited to sexual or physical abuse, or the threat of such violence, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person. The existence of such a relationship will be determined based on the reporting party's statement and other relevant information, taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence** – violence, including but not limited to sexual or physical abuse, or the threat of such violence, committed by a current or former spouse, or sexual or intimate partner; a person who is living as a spouse or who lived as a spouse; parents and children; other persons related by blood or marriage; or by someone with whom the person shares a child in common. Under the criminal laws of Pennsylvania, certain offenses, including but not limited to, rape, aggravated assault, and stalking, can be deemed domestic violence depending on the relationship of the parties involved.

Mediation: an attempt to resolve a case without a formal hearing. Often this includes discussions between the parties, facilitated by a qualified individual, the mediator.

No-Contact Order (Mutual No-Contact Order and Unilateral No-Contact Order): a No-Contact Order prohibits contact (electronic or in-person) and communication between two people – usually the complainant and the respondent. A No-Contact Order can be mutual, meaning neither party is allowed to contact the other, or it can be unilateral, meaning only one party is prohibited from contacting the other. If someone violates the order, the School will likely take disciplinary action.

Party or Parties: refers to the complainant(s) and the respondent(s).

Peer Retaliation: retaliation by one student against another student.

Pregnancy or Related Conditions: conditions such as pregnancy, childbirth, false pregnancy, miscarriage, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions.

Preponderance of the Evidence: the evidence standard used to resolve campus Title IX cases. Using this standard, the School decides the outcome of the case by determining whether it is more likely than not (more than 50% likely) that the respondent is “responsible” (“guilty”) for the incident(s) in your complaint.

Quid Pro Quo: in Title IX context, quid pro quo sexual harassment occurs when a person (usually one with authority, like a school employee or professor) tells another person (usually a student) that they can gain an advantage—such as a higher grade—by participating in or allowing unwanted sexual contact.

Relevance: evidence pertinent to proving whether facts material to the allegations under investigation are more or less likely to be true.

Remedies: post-finding actions directed to the complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to Penn Commercial’s educational program.

Report: refers to information brought to the attention of an official with authority alleging conduct prohibited under this policy; a report is not considered to be a formal complaint. A party may bring a report and then subsequently file a formal complaint.

Resolution: the result of an informal or formal grievance process.

Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity.

Retaliation: intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient’s education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or the regulations, or because the person has reported possible sex discrimination, made a sex-discrimination complaint, or participated or refused to participate in any way in a recipient’s Title IX process.

Sexual Assault: a physical invasion of your body. It can sometimes result in bodily harm or injury, as well as psychological and emotional trauma. The definition of sexual assault varies by school but generally includes rape, as well as other acts that invade or hurt your body, such as inappropriate touching, groping, attempted rape, forcing you to perform a sexual act, or penetrating any part of your body with a part of their body, or with an object, if such touching/penetration was done without your consent or when you were unable to give consent (i.e. by intoxication or otherwise).

Sexual Harassment: ranges from unwanted touching, gesturing, and inappropriate jokes, to someone promising you a good grade or a promotion in exchange for sexual favors or requiring sexual favors in order to give you something you deserve or want in a school or work setting. Sexual harassment does not always have to be “sexual.” It can also look or feel like teasing, intimidating or offensive comments based on stereotypes (e.g., about how certain people “are” or should act), or bullying someone based on their sex, gender identity or sexual orientation. There is no requirement that the sexually harassing person or persons derive any sexual pleasure from their acts or that they are sexually attracted to their victim.

Unwelcome conduct of a sexual nature where either or all of the following are present:

- Quid pro quo: submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment or education, including participation in any education program and/or activity;
- Hostile Environment: such conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from Penn Commercial’s

education or employment programs and/or activities. The existence of a hostile environment is to be judged both objectively (meaning a reasonable person would find the environment hostile) and subjectively (meaning the impacted individual felt the environment was hostile).

- A single, isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

Sexual Exploitation: taking sexual advantage of another person or violating the sexual privacy of another when consent is not present. This includes, but is not limited to, the following actions (including when they are done via electronic means, methods or devices):

- Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent.
- Indecent exposure or inducing others to expose themselves when consent is not present.
- Recording or distributing information, images, or recordings of any person engaged in sexual or intimate activity in a private space without that person's consent.
- Prostituting another individual.
- Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Sexual Misconduct: a broad term encompassing a range of offensive behavior including sexual assault, sexual harassment, and other unwelcome conduct of a sexual nature.

Stalking: engaging in a course of conduct or repeatedly communicating and/or committing acts toward another person under circumstances that demonstrate or communicate an intent:

- To place the other person in reasonable fear of bodily injury or
- to cause substantial emotional distress to the other person.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property. Stalking includes the concept of cyberstalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Substantiated: if your allegations were substantiated, that means the school found it is more likely than not that the conduct occurred (i.e. that there was a violation by the respondent of the school's Title IX policy).

Supportive Measures: are confidential measures to be offered to both the complainant and respondent once the Title IX Coordinator receives a formal complaint or other notification of sexual misconduct.

Third Party: refers to any individual who is not a Penn Commercial student, a faculty member, or a staff member (e.g., vendors, alumni/ae, or local residents).

Witness: refers to any individual who shares information relating to an allegation of prohibited conduct under this policy.

STATEMENT ON PRIVACY AND CONFIDENTIALITY

Penn Commercial is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. Every effort will be made to protect the privacy interests of all individuals involved. Privacy, confidentiality, and privilege have distinct meanings under this policy.

Privacy generally means that information related to a report of sexual misconduct will only be shared with a limited circle of individuals, including individuals who “need to know” in order to assist in the review, investigation, or resolution of the report or to deliver resources or support services. While not bound by confidentiality or privilege, these individuals will be discreet and respect the privacy of all individuals involved in the process. All participants in an investigation of sexual misconduct, including advisors and witnesses, will be informed that privacy helps enhance the integrity of the investigation and protect the privacy interests of the parties and will be asked to keep any information learned in an investigation meeting or hearing confidential, to the extent consistent with applicable law.

Certain individuals are designated as having confidentiality. For reports made to an individual designated with having confidentiality, Penn Commercial will respect the reporting party’s expectations of privacy to the extent permissible by law while still ensuring compliance with other reporting obligations. For example, complaints involving minors are subject to mandatory reporting requirements.

Individuals designated as having confidentiality are required to report the nature, date, time, and general location of an incident to the Title IX Coordinator. Confidential resources will not share other information with the Title IX Coordinator or any other employee of Penn Commercial without the express permission of the disclosing party.

As noted above, because of the confidential nature of these resources, disclosing information to or seeking advice from a confidential resource does not constitute a report or complaint to Penn Commercial and will not result in a response or intervention by the School. A person consulting with a confidential resource may later decide to file a complaint with Penn Commercial and/or file a report with law enforcement.

Penn Commercial will generally respect a complainant’s choice of whether to report an incident to local law enforcement or initiate Penn Commercial’s sexual misconduct resolution process unless Penn Commercial determines that there is an overriding interest with respect to the safety or welfare of the Penn Commercial community. Where a report involves suspected abuse of a child (an individual under the age of 18 at the time of the incident(s) as reported), all Penn Commercial employees and volunteers are required to notify the Title IX Coordinator and the ChildLine run by the Pennsylvania Department of Human Services. All other members of the Penn Commercial community are strongly encouraged to report suspected child abuse to law enforcement or the ChildLine.

All Penn Commercial proceedings are conducted in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX of the Education Amendments of 1972 (“Title IX”), Violence Against Women Act (VAWA), state and local law, and Penn Commercial policy. No information will be released from such proceedings, except as required or permitted by law and Penn Commercial policy. Penn Commercial may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions.

PROHIBITED CONDUCT

Penn Commercial prohibits the following forms of conduct:

Sex or Gender-Based Discrimination or Harassment

Any intentional or unintentional act that results in someone being excluded from, denied benefits of, or subjected to acts of aggression, intimidation, or hostility in any academic, extracurricular, research, occupational training, or other education program or activity, based on their sex, gender, gender identity, gender expression, non-

conformance with gender stereotypes, or sexual orientation. Pregnancy discrimination is a form of gender-based discrimination.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and/or other verbal conduct (e.g., insults, demeaning jokes, inappropriate comments) or physical conduct (e.g., touching or gestures) of a sexual nature when:

1. Submission to, or rejection of, the conduct is (explicitly or implicitly) made a term or condition of a person's instruction, academic standing, employment or participation in any campus program, activity, or benefit; or
2. Submission to, or rejection of, the conduct is used as a basis for evaluation in academic or personnel decisions; or
3. The conduct creates a hostile environment, meaning the conduct is so severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives a person from participating in or benefiting from the School's educational, employment, and/or campus experience.

Sexual Assault

Includes ***nonconsensual*** vaginal or anal intercourse or penetration, however slight, by a person's penis, finger, other body part or object; oral-genital contact; or intentional touching of a person's breasts, buttocks, groin, genitals, or other intimate parts.

Dating and Domestic Violence

A pattern of controlling behaviors used by one partner (or former partner) in a relationship to control the other partner, which can include physical abuse, sexual abuse, psychological/emotional abuse (e.g., verbal abuse, threats, controlling someone's actions, isolating someone from friends and family), and/or economic abuse (e.g., taking a partner's money, or disrupting a person's ability to work or go to school).

Sexual Exploitation

Any act where one person violates the sexual privacy or takes unjust or abusive sexual advantage of another person without their consent. This can include observing another person's nudity or sexual activity, or allowing another person to observe consensual sexual activity, without the knowledge and consent of all parties involved; recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate or sexual images, audio recordings, or sexual information without the knowledge and consent of all parties involved; or exposing one's genitals or inducing another person to expose their own genitals in non-consensual circumstances.

Stalking

A course of unwanted, unwelcome and unreciprocated conduct directed at a specific person that would cause a reasonable person substantial emotional distress or to fear for their safety or the safety of a third party, such as a family member, friend, colleague, or pet. It may be direct action or communicated by a third party, and can include threats of or actual harm to self, others, or property; physically pursuing or following someone; non-consensual (unwanted) communication by any means (including "cyber-stalking" through electronic media, such as social networks, blogs, cell phones, or text messages); unwanted gifts; trespassing; or surveillance.

Indecent Exposure

Indecent exposure occurs when an individual exposes the private or intimate parts of the body in public or in private premises when the exposure is without the viewers' consent or can be readily observed.

Retaliation

Actions or words taken against an individual or group of individuals involved in a protected activity. Protected activity includes making a good faith report under the Title IX Policy; filing a complaint; or opposing, in a reasonable manner and consistent with School policy, an action reasonably believed to constitute a violation of the policy.

Complicity

Any act that knowingly aids, facilitates, promotes, or encourages the commission of prohibited conduct by another person.

Consensual Relationships between Students and Employees

Sexual or romantic relationships, including dating, between students and School employee are strictly prohibited. This includes relationships between student employees and students whom they supervise or teach.

Some of these prohibited forms of conduct may also be crimes under Pennsylvania or federal law.

ALCOHOL AND DRUG USE AMNESTY

The health and safety of every student at Penn Commercial is of utmost importance. Penn Commercial recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Penn Commercial strongly encourages students to report incidents of sexual misconduct. A witness to or individual who experience sexual misconduct, acting in good faith, who discloses any incident of sexual misconduct to Penn Commercial officials or law enforcement will not be sanctioned under Penn Commercial's Code of Student Conduct for violations of alcohol and/or drug use occurring at or near the time of the incident(s) of sexual harassment or sexual violence. Penn Commercial may request the individual attend an approved alcohol or drug education program and without assessing any charges for such a program. This amnesty provision also applies to student groups making a report of sexual misconduct. Amnesty does not preclude or prevent action by legal authorities pursuant to the relevant state or federal criminal statutes.

REPORTING SEXUAL MISCONDUCT

A. Reporting Options

Option #1 - Report Direct to Title IX Coordinator

Any individual, including a third party, may file a complaint concerning alleged sexual misconduct. ***Complainants and third parties are encouraged to report sexual misconduct to the Title IX Coordinator as soon as possible to allow Penn Commercial to respond promptly and effectively.***

A person who has experienced sexual misconduct under this policy, or a person who witnesses sexual misconduct under this policy, has the right to simultaneously file a complaint with Penn Commercial and to pursue a criminal complaint with law enforcement. Victims and witnesses of sexual misconduct have the right to be assisted by Penn Commercial in notifying law enforcement authorities of sexual misconduct, or they can decline to notify such authorities. Penn Commercial may, however, have a statutory reporting obligation when it becomes aware of certain factual allegations. Parties may also have options to file civil actions in court or with administrative agencies. Penn Commercial has designated the Title IX Coordinator to oversee complaints of sexual misconduct at Penn Commercial. An individual who has experienced sexual misconduct has the right to choose whether to report the incident to the Title IX Coordinator for investigation.

Penn Commercial's Title IX Coordinator

Kristine Gorby

Director of Student Services and Title IX Coordinator

724-222-5330 ext. 353

kgorby@penncommercial.edu

Office: Room 205

The Title IX Coordinator is trained to work with individuals who report sexual misconduct and have knowledge

about resources and services, both on and off-campus, including the availability of supportive measures.

The Title IX Coordinator, in consultation with legal advisors, and others (as necessary), will conduct an initial assessment of the conduct, the reporting party's desired course of action, and the necessity for any supportive measures to protect the safety of the complainant or the community. The goal is to eliminate any hostile environment. If a report of misconduct discloses a serious or immediate threat to the campus community, Penn Commercial will issue a timely notification to the community to protect the health or safety of the community. The timely notification will not include any identifying information about the complainant.

Please Note: Title IX Coordinator is not a confidential source of support. While they will address your complaint with sensitivity and will keep your information as private as possible, confidentiality cannot be guaranteed. For confidential resources, please contact the aforementioned organizations.

Please Also Note: Making a report is different from filing a complaint. A report is defined as notification of an incident of sexual misconduct to the Title IX Coordinator. A report may be accompanied by request for (1) supportive or interim measures; (2) no further action; or (3) a request to initiate a formal resolution process. Filing a formal complaint also initiates the Penn Commercial formal disciplinary process, as outlined in this document.

Option #2 - Electronic and Anonymous Reporting

You may also file a complaint of alleged sexual misconduct using the appropriate link below. While anonymous complaints are accepted, Penn Commercial's ability to address misconduct reported anonymously is significantly limited. Individuals may also file a report by phone, mail, in-person, or electronically by email to kgorby@penncommercial.edu. An email with information about resources and options will be sent in response to reports filed electronically.

To file a complaint using Penn Commercial's online reporting form, visit our website at: <https://penncommercial.edu/pa-act-16-forms/>

Option #3 – Direct Report to Local Authorities

A complainant may also seek to initiate a criminal complaint, independent of or parallel with any resolution process of Penn Commercial. The School's policy, definitions, and burden of proof may differ from Pennsylvania criminal law. Neither law enforcement's decision whether to prosecute nor the outcome of any criminal prosecution is determinative of whether sexual misconduct has occurred under this policy. In cases where there is a simultaneous law enforcement investigation, there may be circumstances when Penn Commercial may need to temporarily delay its investigation while law enforcement gathers evidence. However, Penn Commercial will generally proceed with its investigation and resolution of a complaint even during the time of a pending law enforcement investigation.

- South Strabane Police Department: 724-225-8111
- Pennsylvania State Police: 724-223-5200

Option #4 - External Reporting

A person may file a complaint with the U.S. Department of Education's Office for Civil Rights regarding an alleged violation of Title IX. Complaints may also be filed by phone 1-800-421-3481 or email at OCR.Philadelphia@ed.gov.

Additionally, a person may also file a complaint with the Pennsylvania Human Relations Commission online or by calling 717-787-9780 for the Harrisburg Regional Office; 412- 565-5395 for the Pittsburgh Regional Office; or 215-560-2496 for the Philadelphia Regional Office.

Employees may file a charge with the Equal Employment Opportunity Commission regarding an alleged violation of Title VII, either online or by calling 1-800-669-4000.

B. Materially False Statements

Making a materially false statement as part of a Title IX investigation is a violation of Penn Commercial's Code of Conduct. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

C. Reporting Obligations of Penn Commercial

Designated Penn Commercial employees are considered "Officials with Authority" under Title IX and are obligated to report incidents of sexual misconduct of which they become aware to the Title IX Coordinator. Confidential resources may receive and consider reports of sexual misconduct privileged or confidential.

D. Assessment and Timely Warnings

The Title IX Coordinator/designee in consultation with others (as necessary) will conduct an initial assessment of the conduct, the reporting party's desired course of action, and the necessity of any interim measures or services to protect the safety of the complainant or the community. The goal is to eliminate any hostile environment. If a report of misconduct discloses a serious or immediate threat to the campus community, Penn Commercial will issue a timely notification to the community to protect the health or safety of the community. The timely notification will not include any identifying information about the complainant.

SECTION 3: SEXUAL MISCONDUCT RESOLUTION PROCESS AND GRIEVANCE PROCEDURES

The following procedures are to provide a general idea of how Penn Commercial's Title IX discrimination proceedings work. However, it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible and may not be the same in every situation, though consistency in similar situations is a priority. These procedures and all applicable timelines commence once the Title IX Coordinator receives a complaint of Title IX discrimination.

GENERAL INFORMATION

A. Participant Roles

1. A complainant is a person who has been impacted by an alleged policy violation and has chosen to participate in the resolution process.
2. A respondent is a person who is alleged to have violated Penn Commercial policy.
3. Parties is a term that refers to the complainant and the respondent collectively.
4. A witness is a person who has knowledge related to specific aspects of a case and may have reported such aspects to the institution.
5. An advisor is a support person, who may or may not be an attorney, who can be present to provide support to a complainant or respondent throughout an investigation and/or hearing provided the choice of advisor does not unduly delay the process. Advisors may not speak, write, or otherwise communicate with investigators, conduct administrators, hearing panel members, or appeal reviewers on behalf of the party being advised. Each party is responsible for coordinating and scheduling with their choice of advisor.

All participants have the responsibility to be truthful with the information they share at all stages of the process. Any individual who knowingly or intentionally provides false information as part of a report or investigation under this policy may be subject to discipline. This provision does not apply to a good faith report that is not substantiated or proven by a preponderance of the evidence.

B. Conflict of Interest

Parties have the opportunity to raise the issue of a potential conflict of interest or bias within two (2) days of being advised of the identity of the investigator, panel member, or appeal reviewer. The Title IX Coordinator will determine whether a conflict of interest exists. No investigator, panelist, or appeal reviewer will make findings or determinations in a case in which they have a conflict of interest or bias.

C. Burden of Proof

The burden of proof refers to who has the responsibility of showing a violation has occurred. It is always the responsibility of Penn Commercial to satisfy the burden of proof. The respondent does not have the burden to prove that a violation did not occur. Respondents may decide not to share their side of the story or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from Penn Commercial and does not indicate responsibility.

D. Standard of Proof

Penn Commercial uses the preponderance of the evidence (more likely than not) standard in investigations of complaints alleging sexual misconduct and any related violations. This means that the investigation determines whether it is more likely than not that a violation of the policy occurred.

E. Timeline for Resolution

Penn Commercial will resolve all cases in a prompt and timely manner. However, the timeline will vary based on the circumstances of the case, including breaks in the academic calendar, availability of the parties and witnesses, the scope of the investigation, the need for interim actions, and unforeseen or exigent

circumstances. The parties will be periodically updated on the status of their case.

F. Title IX Outreach

Upon receipt of a report of sexual misconduct, the Title IX Coordinator will provide resources and support information by contacting the potential complainant and offering an initial meeting between the reporting party and the Title IX Coordinator. The initial meeting is optional, and the reporting party may decline. The purpose of the initial meeting is for the Title IX Coordinator to gain a basic understanding of the nature and circumstances of the report and provided information about resources, supportive measures, and resolution options to the reporting party.

RESPONSIBILITIES OF THE TITLE IX COORDINATOR

It is the responsibility of the Title IX Coordinator to respond to complaints of Title IX Discrimination, coordinate the investigation and hearing activities, provide notices to the parties, assist with the investigation of the complaint, manage communications with the parties, witnesses, and hearing decision-makers (or designee), develop the investigation report, implement remedies, and schedule an appeal, if applicable. The Title IX Coordinator may consolidate formal complaints as to the allegations of sexual harassment where they arise out of the same set of circumstances and,

- The formal complaint is against more than one respondent, or
- There is more than one complainant against one or more respondents.
- In combined hearings, separate determinations of responsibility will be made for each respondent.

Penn Commercial's Title IX Coordinator

Kristine Gorby
Director of Student Services and Title IX Coordinator
724-222-5330 ext. 353
kgorby@penncommercial.edu
Office: Room 205

GRIEVANCE PROCEDURES OVERVIEW

Penn Commercial officials shall complete all investigations as promptly as possible and, in most cases, within 60 working days. A designated official may extend this deadline if necessary. The entire process, the hearing included, typically does not exceed 90 days. Once a complaint is received from any source (complainant, third-party, online, etc.), Penn Commercial will proceed by immediately contacting the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without filing a formal complaint, and explain to the complainant the process for filing a formal complaint. In the event that a student worker is the complainant, Penn Commercial will first follow the Title IX process (student protections) before engaging in the Title VII (employee protections) process.

Title IX states that until the allegations are supported by evidence that meets the "more likely than not" standard, the School is to presume the respondent is not responsible for the alleged conduct. This presumption does not imply that a respondent is truthful or that a complainant is lying, only that a violation of the Policy must be supported by evidence and not assumed. The "presumed not responsible" requirement dictates that, except in cases of emergency, Penn Commercial may impose sanctions on the respondent only after a final determination is made. Likewise, the supportive measures provided by Penn Commercial to the complainant must not place an unreasonable burden on the respondent. Due to an inability to restrict parties from discussing the allegations or gathering and presenting evidence, the confidentiality of complaints may be limited. However, the regulations do provide for legal protections against retaliation, as follows: "No recipient (Penn Commercial) or other person may

intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.” While protections of speech under the First Amendment are granted, a party threatening to publish evidence or specifics of the case in order to deter a complaint may be considered retaliation. Moreover, it is not retaliation for Penn Commercial to charge an individual with a code of conduct violation for making a materially false statement in bad faith in the course of the Title IX grievance process.

A. Staff Roles and Reporting Obligations

1. Title IX Coordinator

Coordinates the School’s compliance with Title IX, oversees the School’s response to reports of prohibited conduct in compliance with federal and local law.

2. Responsible Employee

Required to report any information regarding a potential violation in a timely manner, no matter how they learn of it. Anyone who is not a confidential employee is a responsible employee.

3. Confidential Employee

Includes licensed medical, clinical, and mental health professionals; spiritual advisors; and designated advocates. Information shared with them in their confidential roles will not be reported without consent (with some exceptions).

B. Title IX Adjudication Process

1. Report

Someone who has experienced or witnessed prohibited conduct has several options, including seeking counseling or assistance from a confidential employee, making a report to the Title IX Coordinator, and/or making a report to law enforcement. These options are not mutually exclusive. Potential complainants and witnesses are encouraged to explore all potential reporting and support options. A report can be made to the Title IX Coordinator by phone, email, appointment, or via the online reporting form.

2. School Response

Initial response by the Title IX Coordinator will include assessment of the report and identification of appropriate supportive measures for both the complainant and respondent, as well as for third parties as appropriate and available. The Title IX Coordinator will inform the complainant of their rights and options, assess the nature and circumstances of the report, determine whether it falls within the scope of the Title IX Policy, and identify the appropriate method of resolution. An initial report may lead to a formal complaint and grievance process or to informal resolution. The Title IX Coordinator will consider the complainant’s preferred manner of resolution. However, in some cases, the School may determine that a formal investigation is necessary to protect the safety of the campus community, even if the complainant requests that the matter not be investigated and/or that their name not be disclosed. The Title IX Coordinator will consider what steps may be possible or appropriate when a complainant requests anonymity or declines to participate in a formal grievance process, or in cases where a respondent is unknown. The complainant’s concerns, fairness to all parties involved, impact on the campus, and the School’s obligations under our Policy and the law will all be taken into account.

3. Supportive and Interim Measures

Supportive measures are offered to the complainant, respondent and, in some cases, third parties regardless of whether a report leads to a formal complaint. Supportive measures are non-disciplinary, non-punitive, individualized services designed to restore or preserve equal access to the School’s education program or

activity, without unreasonably burdening the other party. When Penn Commercial becomes aware of an allegation of sexual misconduct and the complainant or other affected parties, including the respondent, request interim or supportive measures, Penn Commercial will take appropriate supportive and interim measures to protect affected parties, to assist the parties, and to protect against retaliation. Penn Commercial may also take interim measures to protect the School's community at large.

Supportive Measures - the following are examples, but not an exhaustive list, of supportive measures:

- Changing an employee's work assignment or schedule;
- Access to counseling and medical services; we can assist with setting up appointments.
- Deadline extension or other course-related adjustments.
- Changing class schedules, transferring course sections, or withdrawing from a course without penalty.
- A voluntary leave of absence.
- Providing academic support services, such as tutoring.
- Modification of work or class schedule.
- Mutual restrictions on contact between parties.
- Upholding all court orders.
- Accommodations for pregnancy-related conditions.
- Providing the affected party with an escort to and from class or campus work location;
- Assisting the affected party in obtaining medical and other services, including access to rape crisis centers;
- Assistance with filing a criminal complaint and/or seeking an order of protection; and/or
- Enforcing a protection from abuse order.

Supportive measures will be individualized and appropriate based on the information available, making every effort to avoid depriving any student of their education or impacting employment. The measures needed by each party may change over time, and parties should communicate with Penn Commercial throughout the resolution process to ensure the supportive measures are effective.

Interim Measures

No Contact Orders - When a respondent is a student employee or volunteer of the School, the complainant has the right to request a Penn Commercial-issued "no contact order" under which continued intentional contact with the complainant would violate this policy. No contact orders may be issued for both the complainant and the respondent, as well as other individuals as appropriate.

Interim Suspension/Emergency Removal - In exceptional circumstances where it is determined that a respondent is a continuing threat to the health and safety of the community, Penn Commercial may seek an emergency interim suspension/emergency removal of a student or take similar emergency measures against an employee, consistent with applicable Penn Commercial policy. For students who are given an interim suspension/emergency removal, Penn Commercial will convene a hearing within ten (10) working days, unless extenuating circumstances warrant an extension, in which case a hearing shall be provided at the earliest possible date.

4. Informal Resolution

Informal Resolution is a voluntary and remedies-based resolution that does not involve taking disciplinary action against a respondent, but rather includes informal or restorative options for resolving a report or a formal complaint. Potential remedies include educational programming or training, supported direct conversation or interaction between the complainant and respondent, and/or indirect conversation or interaction through a Title IX Coordinator or other facilitator. Even if a formal investigation has been initiated, the Title IX Coordinator can facilitate an informal resolution process at any time prior to reaching a determination regarding responsibility. Any party has the right to withdraw from the informal resolution

process and resume the investigation and adjudication process.

5. Investigation

Both complainant and respondent receive a written notice of investigation and equal opportunity to review and present information and evidence; to be accompanied by an advisor and/or support person of their choice to meetings; to receive timely/equal access to information that will be used in the grievance proceedings; to receive timely notice of meetings; to receive simultaneous written notice of the outcome, sanction, and rationale; and to seek appeal of the finding. If a complainant or respondent wishes to limit their participation, the School will respect their choice. However, the School may move forward with an investigation without their participation, including possible disciplinary action against the respondent if a violation of the policy is found by a preponderance of the evidence.

At the end of the fact-gathering portion of the investigation, the investigator will prepare and make available to each party and their advisor, if any, a Preliminary Report of Investigation. The Preliminary Report will provide a summary of the relevant facts and policy, and all evidence collected. The Preliminary Report will not state a finding of whether a violation has occurred or potential sanctions. If either party requests to receive or provide additional information, that information will be shared with the other party and made part of the Final Report of Investigation. The Final Report of Investigation for complaints of "Sexual Harassment I" will include a summary of the relevant evidence and will not include a finding or sanctions. Sexual Harassment I includes sexual assault, dating or domestic violence, stalking, and certain forms of sexual harassment. Under Title IX law, the formal grievance process for complaints of Sexual Harassment I must include a live hearing following the investigation. All other prohibited conduct is defined as "Sexual Harassment II" and does not require a live hearing as part of the formal grievance process. Instead, the Final Report of Investigation will include a finding and sanctions, if applicable.

6. Hearing

Under Title IX law, investigations into Sexual Harassment I must be followed by a live hearing, at which both the complainant and respondent must be present, either in-person or virtually, and accompanied by an advisor who will ask questions of the other party, witnesses, and the Investigator, who will provide a summary of the Final Report. The decision-maker(s) for the hearing will deliberate in closed session and make a determination regarding responsibility and sanctions, if applicable, using the preponderance of evidence standard.

7. Appeal

If neither party contests the findings or sanctions, they will become final and be submitted to the Title IX Coordinator for implementation. However, either party may submit a written request for appeal to the Title IX Coordinator within 5 days of receiving the finding. The Vice President of Operations will provide the final decision to the Title IX Coordinator who will inform the parties of the Vice President's decision in person, via mail or via email.

Employees: for appeals by parties who are employees, Penn Commercial will follow applicable requirements in this handbook and the Employee Handbook.

Students: for appeals by parties who are students, Penn Commercial will follow applicable requirements in the Appeals Process policy. In the event sanctions were imposed, it shall be at the discretion of the Title IX Coordinator and/or disciplinary committee whether the sanctions shall be implemented or stayed pending resolution of an appeal. The limited grounds for appeal are as follows:

- An error occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.); and/or

- To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and/or
- The sanctions imposed are substantially disproportionate to the severity of the violation.

RIGHTS AND RESPONSIBILITIES

Reports and complaints have different meanings. An individual has a right to make a report of sexual misconduct to Penn Commercial, which may be accompanied by a request for supportive measures. An individual also has a right to make a complaint of sexual misconduct, which is a request to initiate Penn Commercial's informal resolution process or a formal disciplinary process, which includes an investigation and may proceed to a formal hearing. Prior to the conclusion of a sexual misconduct investigation, the reporting party may request to withdraw the complaint by contacting the Title IX Coordinator in writing. He or she will determine whether to close the case or conclude the investigation without the complainant's continued participation.

TITLE IX DISCRIMINATION HEARING AUTHORITY

A. Authority

The Title IX Coordinator, Vice President of Operations and Campus Director at Penn Commercial are vested with authority over student conduct by the President as deemed necessary to supervise the Title IX discrimination hearing process efficiently and effectively. 1. The Title IX Coordinator (or their designee) may appoint Hearing Decision-Makers and Appeal Decision Makers. 2. The Title IX Coordinator (or their designee) will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

B. Gatekeeping

No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a complainant's statement. A complaint wholly unsupported by any credible information will not be forwarded for a hearing.

C. Hearing Officials Investigator(s)

The Title IX Coordinator, Vice President of Operations and Campus Director will work together to investigate allegations of sexual misconduct and to collect evidence. The burden of proof and the burden of gathering evidence sufficient for a hearing rests with the School. DECISION-MAKER: The Title IX Coordinator will be responsible for assigning an official to act as the Decision-Maker for the duration of the proceedings. The role of the Decision-Maker is to ensure the relevancy and legality of each question asked during a hearing or appeal. The School may designate an attorney to be the Decision-Maker for Title IX Discrimination hearings or appeals. In some instances, the Decision-Maker for a hearing will be drawn from a pool of faculty and staff members who meet Title IX training requirements. ADVISORS: Each party is permitted to bring an advisor of their choice to attend any related meetings or hearings throughout the process. The role of the advisors is to generally provide advice and guidance to the complainant or respondent. The advisor may be an attorney, a parent, a witness for the same party, or anyone else that is not a witness for the other party. Advisors may review all evidence that is "directly related to the allegations" that are not privileged. The parties' advisors (including lawyers, but never the parties) have the right to ask questions: • Of the other party and the witnesses • Directly, orally, and in real-time • Only relevant questions may be asked. Questions that are not permitted under Federal Rape Shield Laws will not be allowed. • The advisors may not make opening or closing statements during the hearing. • If either party does not bring an advisor, Penn Commercial must provide one (who may or may not be an attorney) at no cost.

D. Appeal Hearing Decision-Maker

Penn Commercial may designate an attorney to be the Decision-Maker for a Title IX Discrimination appeal. In some instances, the Decision-Maker for an appeal will be drawn from a pool of faculty and staff members who meet Title IX training requirements. 1. They did not serve as a Decision-Maker for the initial hearing. 2. They were not involved in the investigation in any way. 3. They have been properly trained in appeal procedures. 4. They are not currently instructing the student or otherwise substantively involved with the student or employee (such as a coach, advisor, or supervisor). 5. They do not have a bias or conflict of interest with either party. The Appeal Decision-Maker has responsibility for conducting preliminary investigations and ensuring a fair process for the complainant and the respondent. At the discretion of the Appeal Decision-Maker, the implementation of remedies may be stayed pending review. The Title IX Coordinator is responsible for the implementation of remedies.

E. Interpretation and Revision

The Title IX Coordinator, Vice President of Operations and Campus Director will develop procedural rules for the administration of hearings that are consistent with provisions of the Sexual Misconduct Policy. A material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the parties involved in the form of written communication sent electronically, by mail, or in-person. The Title IX Coordinator (or their designee) may vary procedures with notice upon determining that changes to law or regulation that require Policy or procedural alterations. These individuals may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the Policy will be referred to the Title IX Coordinator (or their designee) whose interpretation is final. The Policy and these procedures will be reviewed annually under the direction of the Title IX Coordinator with a comprehensive revision process being conducted every five years.



COMMUNITY RESOURCE GUIDE

FOR STUDENTS & EMPLOYEES

PENN COMMERCIAL
Business | Technical School



FOR EMERGENCIES CALL 911

PENN COMMERCIAL STATEMENT OF NONDISCRIMINATION

Penn Commercial Business/Technical School is committed to a policy of non-discrimination in compliance with federal and state regulations. This policy is enforced in our educational programs and in our school activities, which are available to all people, without regard to race, color, national or ethnic origin, sex, pregnancy, sexual orientation, gender identity and expression, religion, disability, age, veteran status, and marital status in its programs, activities, or employment.

LOCAL FIRST RESPONDERS

Ambulance, Fire Department, Law Enforcement: 911
South Strabane Police Department: 724-225-8111
Pennsylvania State Police: 724-223-5200
South Strabane Fire Department: 724-222-3885
Washington County Sheriff: 724-228-6840

Call 911 if you are in immediate danger!

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DOMESTIC VIOLENCE, SEXUAL ASSAULT AND CRIME VICTIMS

National Domestic Violence Hotline

1-800-799-SAFE (7233) or text "LOVEIS" to 22522

<https://www.thehotline.org/>

Domestic Violence Services of Southwestern PA

724-223-9190 (Washington County)

724-852-2463 (Greene County)

724-439-9500 (Fayette County)

<https://www.peacefromdv.org/>

Helps individuals and families who are experiencing physical abuse, but also other kinds of abuse in their relationships, such as emotional or verbal, digital, financial, or sexual abuse.

Women's Center and Shelter of Greater Pittsburgh

412-687-8005

<https://wcspittsburgh.org/>

From support groups and legal assistance to emergency shelter and hotline services, Women's Center & Shelter creates safe spaces for help, healing, and hope for adults and children experiencing domestic violence.

SPHS CARE Center Sexual Assault Services (STARS)

724-229-5007 (Washington)

<https://southwestpasaysnomore.org/partner/stars/>

Provides sexual trauma treatment and recovery services.

Rape, Abuse and Incest National Network (RAINN)

National Sexual Assault Hotline

1-800-656-HOPE (4673)

<https://hotline.rainn.org/online>

Pittsburgh Action Against Rape (PAAR) Hotline

1-866-363-7273

<https://paar.net/>

National Center for Victims of Crime

1-202-467-8700

<https://victimsofcrime.org/>

Advocates for victims' rights, trains professionals who work with victims, and serves as a trusted source of information on victims' issues.

Center for Victims (Mon-Yough and Allegheny County)

1-866-644-2882

<https://www.centerforvictims.org/>

Emergency safe house, sexual assault services.

Pennsylvania Office of Victim Advocate

1-800-563-6399

<https://www.pa.gov/en/agencies/ova.html>

The Office of Victim Advocate (OVA) is the state agency with the authority and duty to advocate for the rights and needs of crime victims.

National Teen Dating Abuse Helpline

1-866-331-9474 or Text LOVEIS to 22522

<https://www.loveisrespect.org/>

MENTAL HEALTH SUPPORT

Crisis Text Line

Text HOME to 741741 or via Facebook Messenger to Crisis Text Line

<https://www.crisistextline.org/>

Office of Mental Health & Substance Abuse Services (OMHSAS)

1-877-356-5355

<https://www.pa.gov/en.html>

SAMHSA National Helpline

1-800-662-HELP (4357)

<https://apps.ddap.pa.gov/gethelpnow/CareProvider.aspx#:~:text=call%201%2D800%2D662%2D,to%20find%20help%20near%20you.>

National Alliance on Mental Illness (NAMI) HelpLine

1-800-950-NAMI (6264)

<https://ets.nami.org/helpline>

UPMC Washington Health System

724-223-3197

<https://whs.org/>

UPMC Western Psychiatric Hospital Behavioral Health

412-624-1000 (Pittsburgh)

<https://www.upmc.com/locations/hospitals/western-psychiatric>

Southwood Psychiatric Hospital

888-596-0914 (South Hills of Pittsburgh)

<https://www.southwoodhospital.com/>

Outpatient Therapy Services

- Pecosh Counseling and Consulting
724-249-2829 (Southpointe)
<https://pecosh.com/>

- Associates in Counseling and Wellness
412-559-9152 (McMurray)
<https://acw-online.com/>
- Catholic Charities
724-228-7722 (Washington County)
724-627-6410 (Greene County)
<https://www.ccpgh.org/services/counseling>
- Christian Counseling Associates
724-705-0660 (Washington)
724-270-3055 (Waynesburg)
<https://christiancounselingwpa.com/>
- Comprehensive Counseling of Washington
724-225-3444
- Counseling and Trauma Services
724-914-1252 (McMurray)
<https://counselingandtraumaservices.com/>
- Meredith Counseling & Consulting
724-914-1252 (McMurray)
<https://www.meredithcc.com/>
- Steimer Counseling and Consulting
724-350-6799 (Washington)
<https://www.steimercounseling.com/>
- Healing Bridges
724-225-6940 (Washington)
<https://www.myhealingbridges.org/>
- Behavioral Dynamics
724-222-2265 (Washington)
<https://behavioraldynamicsinc.com/>
- SPHS Behavioral Health
724-489-0320 (Charleroi)
724-684-6489 (Monessen)
<https://www.sphs.org/southwest-behavioral-care.html>

Psychiatry

- New Directions Mental Health
1-878-645-4377 (McMurray, South Hills, Meadowlands, Monongahela and Pittsburgh)
<https://newdirectionspgh.com/individual-locations/mental-health-treatment-washington/>

- Dr. Daniel Cohen
724-591-5236 (Washington)
<https://providers.upmc.com/provider/Daniel+J.+Cohen/1324089>
- Dr. Richard Ajayi
724-579-1075 (Washington)
<https://whs.org/physicians/ajayi-richard-o-md/>
- Cornerstone Care Community Health Center
724-228-1089 (Washington)
<https://cornerstonecare.com/location/washington-community-health-center-of-washington-pa-15301>
- Sanderson Psychological Counseling Services
412-254-4353 (Washington and Elizabeth)
<https://sandersonpsychological.com/>

Strictly Online Therapy Services

- Better Health Therapy: www.betterhelp.com
- Talkiatry (psychiatry): www.talkiatry.com
- Brightside Health: www.brightside.com

SUICIDE PREVENTION

National Suicide Prevention Lifeline

988

<https://988lifeline.org/>

National Hopeline Network, Suicide and Crisis Hotline

1-800-442-HOPE (4673)

Boys Town National Hotline (for teens)

1-800-448-3000 or text "VOICE" to 20121

<https://www.boystown.org/child-family-services/crisis#hotline>

Provides short-term counseling and crisis intervention to children and families experiencing any type of difficulty in their lives. Helps teens and parents with suicide prevention, depression, school issues, parenting troubles, runaways, relationship problems, physical abuse, sexual abuse, emotional abuse, chemical dependency, and anger.

Southwestern Pennsylvania Human Services SPHS CARE Center

724-228-2200 (Washington)

724-627-6108 (Waynesburg)

<https://www.sphs.org/>

Provides outpatient mental health treatment, substance abuse services, SAP services, Criminal Justice Reentry Program, as well as Crisis Intervention and DUI evaluations and education and sexual violence counseling and advocacy.

The Trevor Project

1-866-488-7386 or Text "START" to 678678

<https://www.thetrevorproject.org/>

The Trevor Project is the leading suicide prevention and crisis intervention nonprofit organization for LGBTQ+ young people. We provide information & support in various forms to LGBTQ+ young people.

DRUG AND ALCOHOL SERVICES

Drug and Alcohol Crisis Line

1-800-GET-HELP

Washington Drug & Alcohol Commission, Inc.

724-223-1181 or 1-800-247-8379

www.wdacinc.org

Office of Mental Health & Substance Abuse Services (OMHSAS)

1-877-356-5355

<https://www.pa.gov/en.html>

SAMHSA National Helpline

1-800-662-HELP (4357)

<https://apps.ddap.pa.gov/gethelpnow/CareProvider.aspx#:~:text=call%201%2D800%2D662%2D,to%20find%20help%20near%20you>.

Re-Solve Crisis Network Hotline and Walk in Center

1-888-796-8226 (Point Breeze)

Virtual Alcoholics Anonymous Meetings

<https://aa-intergroup.org/meetings/>

Virtual Narcotics Anonymous Meetings

<https://virtual-na.org/>

Al Anon and AlaTeen Meetings

<https://al-anon.org/>

SPHS Behavioral Health

724-228-2200 (Washington)

<https://sphs.org/>

Greenbrier Treatment Center

724-225-9700 (Washington)

<https://wedacinc.org/directory/greenbrier-treatment-center-washington/>

VETERANS RESOURCES

Veterans Crisis Line

988 then press 1 or Text 838255

<https://www.veteranscrisisline.net/>

Veterans Affairs

724-228-6865 (Washington County)

<https://washingtoncountyhumannservices.com/agencies/veterans-affairs>

Provides resources for federal, state and county benefits, VA medical facilities, memorial sites, memory care etc.

National Call Center for Homeless Veterans

(877) 4AID-VET (877-424-3838)

City Mission/Crabtree Kovacicek Veterans House

724-222-8530 (Washington)

<https://www.citymission.org/>

Veterans Place of Washington Boulevard - Homeless Veterans Day Program

412-363-0500 (Pittsburgh)

<https://www.veteransplaceusa.org/>

Provides services for veterans who are experiencing homelessness or at risk of becoming unhoused. Provides basic needs such as meals, showers, and laundry, etc.

CHILD ABUSE REPORTING

Childhelp National Child Abuse Hotline

1-800-4-A-Child or 1-800-422-4453

<https://www.childhelphotline.org/>

The Childhelp National Child Abuse Hotline Crisis counselors are here to support those concerned about or affected by child abuse and provide appropriate, individualized guidance for those that reach out.

Childline (Pennsylvania Child Abuse Hotline)

1-800-932-0313

<https://www.pa.gov/en/agencies/dhs/resources/keep-kids-safe/resources/childline.html#:~:text=The%20toll%2Dfree%20hotline%2C%201,Mandated%20reporters%20can%20report%20electronically.>

BULLYING

Pennsylvania Bullying Prevention Consultation Helpline (non-emergency)

1-866-716-0424

<https://www.stopbullying.gov/>

Bullying prevention and consultation helpline that invites individuals experiencing chronic and unresolved bullying to discuss effective strategies and available resources

HUMAN TRAFFICKING

National Human Trafficking Hotline

1-888-373-7888

<https://humantraffickinghotline.org/en>

PREGNANCY AND PARENTING

Prenatal Services

1-800-311-BABY (2229)

MOM-BABY Hotline

1-877-672-7368

Pennsylvania Healthy Baby Helpline

1-800-986-BABY (2229)

Family Resources of PA Parenting WARMLINE

1-877-927-6596 (Allegheny county)

1-800-641-4546 (outside Allegheny County)

<https://familyresources.org/>

Temporary Assistance for Needy Families (TANF)

<https://www.pa.gov/en/agencies/dhs/resources/cash-assistance/tanf.html>

Provides temporary financial assistance for pregnant women and dependent children

The Children's Health Insurance Program (CHIP)

Provides health coverage to uninsured children and teens who are not eligible for or enrolled in Medicaid.

<https://www.pa.gov/en/agencies/dhs/resources/chip.html>

Blueprints

724-225-9550 (Washington)

<https://myblueprints.org/>

Provides a range of nutrition services and education for pregnant women, postpartum and breastfeeding women, infants and children under age five in a supportive environment. Breastfeeding support, including peer counselors, a lactation consultant and a breast-pump loan program.

The Children's Institute

412-420-2400 (Pittsburgh)

<https://www.amazingkids.org/>

Offering infant empowerment programs and a number of family support services.

Catholic Charities: Pregnancy and Parenting Services

724-228-7722 (Washington County)

412-456-6965 (Allegheny County)

724-627-6410 (Greene County)

<https://www.standingwithyou.org/resource/catholic-charities-pregnancy-and-parenting-services-washington-county/>

Pregnancy and parenting support, health care, basic needs and housing.

The Genesis Center

724-255-6701 x 402 (Washington County)

412-766-4934 (Allegheny County)

<https://genesispgh.org/genesis-centers/>

Provide a variety of services designed to help pregnant, and potentially pregnant women.

Mary's Place

412-207-8805 (Pittsburgh) or text 412-639-0127

www.marysplacepgh.org

Provides a home and support services for pregnant women, new mothers and their babies in Pittsburgh's South Hills.

Sisters Place

412-233-3903 (Pittsburgh)

www.sistersplace.org

Provides housing, parenting support, education and lifeskills training for homeless parents and their children, including unborn children.

Birthright

412-621-1988 (Pittsburgh)

www.birthrightpittsburgh.org

Pregnancy testing and a variety of resources/practical assistance

Preemie Parent Support Services by Graham's Foundation

<https://www.grahamsfoundation.org/>

Graham's Foundation's support programs are designed to meet the unique needs of families after preterm birth empowering parents through support, advocacy and research

Parent to Parent of Pennsylvania

1-888-727-2706

https://www.parenttoparent.org/?gad_source=1&gclid=Cj0KCQjw6uWyBhD1ARIsAIMcADpas88sMuGApzn6B77WB9iDat5wggwBoCbzsaFpTN1RDojBlzWvAik0aArV-EALw_wcB

Empower and support families of children & adults with special needs or disabilities through intervention, therapy, and support programs.

Breastfeeding Center of Pittsburgh

412-246-4726 (Pittsburgh)

<http://breastfeedingcenterofpittsburgh.com/classes/prenatal-breastfeeding/>

Offers monthly prenatal breastfeeding classes virtually.

NurturePA Parent Mentoring Program

info@nurturepa.org

<https://www.nurturepa.org/>

Pairs expectant or new parents with experienced parent mentors who use text messaging to provide support, information, referrals, and suggestions for activities that promote infant mental health.

Crisis Pregnancy Center of Greene County

724-627-6819 (Waynesburg)

www.facebook.com/cpcwaynesburg/

Foster Love Project

412-819-5908 (Pittsburgh)

<https://form.jotform.com/212007279342147>

Free shopping center to adoptive and kinship families. Families and youth are welcome to shop once per season for clothing, shoes, diapers, gear, etc.

Beverley's Birthdays

724-590-5106 (North Huntingdon)

<https://beverlysbirthdays.org/our-programs/beverlysbabies/>

baby supplies, baby clothes, diapers & formula.

Our Kids Kloset

ourkidsklosetpa@gmail.com

Collects and distributes new and gently used children's clothing free to children in need in Washington, Claysville and Canonsburg.

Diaper Pantry/The Anglican Parish of Christ the Redeemer

724-745-0685 (Canonsburg)

<https://www.redeemercanonsburg.org/diaper-pantry>

A place for families currently receiving assistance from either WIC or SNAP to pick up needed baby supplies like diapers, baby wipes, clothes, and books.

Life'sWork of Western PA - Diaper Bank

412-471-2600 ext 326 (Belle Vernon and Pittsburgh)

kdavison@lifesworkwpa.org

Life'sWork provides free diapers to low-income families in need.

FreeFormulaExchange.Com

<https://freeformula.exchange/request-formula>

Free Formula Exchange allows families in need of baby formula to connect with others who have formula to donate.

Safe Haven Helpline

1-866-921-SAFE (7233)

The Pennsylvania Safe Haven law gives parents a safe, legal alternative to abandoning their baby. It allows parents to bring their newborn (up to 28 days old) to any Pennsylvania hospital, to a police officer at a police station, or an emergency services provider at an EMS station without the fear of criminal prosecution — as long as the baby has not been harmed.

<https://www.pa.gov/en/agencies/dhs/resources/secret-safe.html>

LGBTQIA+ RESOURCES**LGBT National Hotline**

1-888-843-4564

<https://lgbthotline.org/>

Offers peer-support, information, and local resources through national hotlines and online programs.

The Trevor Project

1-866-488-7386 or Text "START" to 678678

<https://www.thetrevorproject.org/>

The Trevor Project is the leading suicide prevention and crisis intervention nonprofit organization for LGBTQ+ young people. We provide information & support in various forms to LGBTQ+ young people.

Pittsburgh Equity Center

412-422-0114 (Pittsburgh)

<https://pghequalitycenter.org/>

Serves as a bridge that promotes education, advocacy, and social justice for all LGBTQIA+ people and allies in Western Pennsylvania.

Shepherd Wellness Community

412-683-4477 (Pittsburgh)

<https://swconline.org/>

Provides a supportive, caring community with meals and wellness programs for people living with HIV.

Allies for Health and Wellbeing

412-345-7456 (Pittsburgh)

<https://www.alliespgh.org/>

Allies for Health and Wellbeing is a Pittsburgh-based nonprofit that empowers individuals and communities through high-quality integrated medical care and supportive human services; offering inclusive primary care to leading the way in holistic HIV treatment.

PFLAG

<https://pflag.org/>

PFLAG is the nation's largest organization dedicated to supporting, educating, and advocating for LGBTQ+ people and those who love them.

GLAAD

<https://glaad.org/about>

The world's largest media advocacy organization – increases media accountability and community engagement that ensures authentic LGBTQ stories are seen, heard, and actualized.

HOUSING AND UTILITIES

Self-Determination Housing of Pennsylvania (SDHP)

<https://www.inglis.org/programs-and-services/inglis-community-services/self-determination-housing-of-pennsylvania-sdhp>

Advocates for accessible, affordable, and integrated housing opportunities for individuals with disabilities.

Salvation Army Western Pennsylvania Division

724-225-5740 ext. 110 (Washington)

412-446-1500 (Carnegie)

<https://easternusa.salvationarmy.org/western-pennsylvania/>

Pennsylvania Homeless Assistance Programs

<https://www.pa.gov/en/agencies/dhs/resources/for-residents/homeless-assistance.html>

Veterans Place of Washington Boulevard - Homeless Veterans Day Program

412-363-0500 (Pittsburgh)

<https://www.veteransplaceusa.org/>

Provides services for veterans who are experiencing homelessness or at risk of becoming unhoused. Provides basic needs such as meals, showers, and laundry, etc.

Low-Income Home Energy Assistance program (LIHEAP)

<https://www.pa.gov/en/services/dhs/apply-for-the-low-income-home-energy-assistance-program-liheap.html>

Verizon Fios Forward Discount

1-800-837-4966

Existing customers approved for the Affordable Connectivity Program can get free Fios Home Internet with Verizon's Fios Forward discount.

<https://www.verizon.com/>

PA Housing Finance Agency

<https://www.phfa.org/>

PA Housing Search

1-877-428-8844

<https://www.pahousingsearch.com/>

FOOD ASSISTANCE**SNAP - Supplemental Nutrition Assistance Program**

<https://www.pa.gov/en/agencies/dhs/resources/snap.html>

Greater Washington County Food Bank/Food Helpers

<https://foodhelpers.org/foodbank>

- Canonsburg Area Food Pantry 724-745-0800 ext. 519
- Brownsville Food Pantry 724-632-2190
- Tylerdale Food Pantry 724-632-2190

Greater Pittsburgh Community Food Bank

412-460-3663

<https://pittsburghfoodbank.org/>

- Community Circle Food Pantry 724-225-1540
- McGuffey Food Pantry 724-350-9327
- Monongahela Food Pantry 724-258-7054
- Mon Valley Youth and Teen Association 724-379-4889
- Salvation Army 412-276-4757

Washington City Mission/Samaritan Care Center

724-222-8530 (Washington)

<https://www.citymission.org/>

Serves three nutritious meals per day, 365 days a year

Washington Christian Outreach

724-222-0750 (Washington)

<https://wcoutreach.com/>

Provides a hot lunch for needy or low income persons.

West End Food Pantry

724-632-2190 (Washington)

LeMoyne Community Center

724-228-0260 (Washington)

<https://www.lemoynecommunitycenter.org/programs/food-bank>

Westmoreland Food Bank

724-468-8660 (Delmont)

<https://westmorelandfoodbank.org/>

TRANSPORTATION

Freedom Transit – Washington County Transportation Authority

724-223-8747

<https://www.freedom-transit.org/>

Mid Mon Valley Transit

724-489-0880 (Charleroi)

<https://mmvta.com/>

LEGAL SERVICES

Southwestern Pennsylvania Legal Aid

724-222-6330 (Washington)

<https://www.wccf.net/charities/southwestern-pennsylvania-legal-services-inc>

Southwestern Pennsylvania Legal Aid is the civil legal aid serving southwestern Pennsylvania. We provide advice, advocacy, education, and representation for legal issues related to domestic and sexual violence, family and juvenile law, housing, and financial security.

Summit Legal Aid

724-225-6170 (Washington County)

724-627-3127 (Greene County)

724-439-3591 (Fayette County)

724-836-2211 (Westmoreland County)

<https://summitlegal.org/>

Free community legal aid for family, housing, economic hardship and domestic abuse.

Disability Rights Network of Pennsylvania (DRN)

1-800-692-7443 (Pittsburgh)

<https://pafamiliesinc.org/resources/view/the-disability-rights-network-of-pennsylvania>

Call 911 if you are in immediate danger!

TITLE IX STAFF ROLES AND REPORTING OBLIGATIONS

Penn Commercial Business/Technical School considers the forms of prohibited conduct defined in our Policy Prohibiting Sex and Gender-Based Discrimination, Sexual Misconduct and Retaliation to be extremely serious matters. These include Sexual Assault, Sexual Harassment, Sex and Gender-Based Discrimination and Harassment, Sexual Exploitation, Dating and Domestic Violence, Stalking, Retaliation, and Complicity (any act that knowingly aids, facilitates, promotes, or encourages the commission of prohibited conduct by another person). In accordance with federal law and our Policy, the School has an obligation to respond to all reports of prohibited conduct. This obligation arises when designated School employees (known as Responsible Employees) receive direct or indirect notice that prohibited conduct may have taken place.

WHO IS A RESPONSIBLE EMPLOYEE?

All Penn Commercial faculty, staff, other employees, and contractors—with the exception of those designated as Confidential—are considered Responsible Employees and are required to report any information they become aware of regarding a known or suspected policy violation to the Title IX Coordinator, no matter how they learn of it. Student workers who have supervisory responsibility or responsibility for the welfare of other students are also considered Responsible Employees when they learn of potential violations of the Title IX policy within the scope of their employment. Responsible Employees cannot promise confidentiality or withhold information about prohibited conduct. Failure to report information in a timely manner may result in appropriate discipline, up to and including removal from a position or termination of employment. Note that reporting to your supervisor or sharing information with a Confidential Employee does not fulfill your obligation to report to the Title IX Coordinator.

HOW DO I REPORT PROHIBITED CONDUCT TO THE TITLE IX OFFICE?

Contact the Title IX Coordinator or file a report online at <https://penncommercial.edu/pa-act-16-forms/>.

WHAT INFORMATION DO I REPORT?

You should report as much information as you know about the potential violation, including the identities of the individuals involved; the date, time and location of the incident(s); and any other details. You should not investigate or interview anyone to find out more. Simply report what you know.

WILL I RECEIVE A RESPONSE FROM THE TITLE IX OFFICE?

The Title IX Coordinator will confirm receipt of your report and will follow up with you if we have questions. The Title IX Coordinator will then reach out to the potential complainant (the individual who is reported to have experienced the prohibited conduct). As a third party reporter, you may or may not be contacted again regarding the report and would not necessarily be updated regarding the outcome.

HOW DO I RESPOND TO DISCLOSURES OF PROHIBITED CONDUCT?

If a student or employee begins to share something with you related to conduct prohibited by the Title IX Policy, gently interrupt and let them know that you are not a confidential resource, and are obligated to notify the Title IX Coordinator. If the person still wants to talk with you, just listen - do not try to investigate by asking questions. Thank them for trusting you, encourage them to seek services from a confidential resource, and remind them that you will be notifying the Title IX Coordinator. (If they are reporting a medical or other emergency, contact local law enforcement.)

WHO IS A CONFIDENTIAL EMPLOYEE?

Confidential employees include licensed medical, clinical, or mental health professionals; clergy; and employees providing administrative/operational or related support to these employees. Confidential Employees will not report disclosures of prohibited conduct received in the course of providing professional, confidential services, without permission.



SEXUAL ASSAULT VICTIM'S BILL OF RIGHTS

The Campus Sexual Assault Victim's Bill of Rights exists as a part of the campus security reporting known as the Jeanne Clery Act. This document outlines your rights should you become a victim of sexual violence. The School understands the trauma connected with being a victim of sexual violence and promises complete confidentiality with regards to any information you provide to a school administrator. We will assist you in notifying any outside individuals or agencies if you so choose.

- Survivors shall be notified of how to contact law enforcement.
- Survivors shall be notified of counseling services.
- Survivors 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.
- Survivors shall be notified of options for changing academic and living situations.
- Survivors have the right to request that prompt disciplinary proceeding be initiated against the accused.
- Accuser and accused must have the same opportunity to have others present during disciplinary proceedings or other related meetings.
- Both parties shall be informed of the outcome of any disciplinary proceeding.

IMPORTANT PHONE NUMBERS

POLICE, FIRE AND AMBULANCE – 911

TITLE IX COORDINATOR

The Title IX Coordinator serves as a resource for members of the Penn Commercial campus who have questions or concerns regarding behavior that may be sexual harassment, or would like to know more about our policies. All members of our campus are encouraged to contact the Title IX Coordinator if they observe or encounter conduct that may be in violation of policy or if they feel their rights were violated.

Kristine Gorby, Director of Student Services and Title IX Coordinator

724-222-5330 ext. 353

kgorby@penncommercial.edu

Office: Room 205

AREA HOSPITALS

UPMC/Washington Hospital – 724-223-3085

UPMC Greene – 724-627-3101

AHN Canonsburg Hospital – 724-745-6100

St. Clair Hospital – 412-942-4000

WVU Wheeling Hospital – 304-243-3000

Magee Women's Hospital – 412-647-4933

Penn Highlands Mon Valley Hospital – 724-258-1000

ADDITIONAL RESOURCES

SPHS CARE Center Sexual Assault Services (STARS) - 724-229-5007 (Washington)

Domestic Violence Services of Southwestern PA - 724-223-9190 (Washington) 724-852-2463 (Greene)

Pittsburgh Action Against Rape Hotline – 888-363-7273

Penn Commercial publishes a Campus Crime and Safety Report annually. This report includes more information on the topics highlighted in this document. Campus crime statistics are also included, as well as campus safety information and more. It is important to be familiar with this report as it includes material that may be helpful in an emergency. To view the report, visit

<https://penncommercial.edu/consumer-disclosures/>.

GETTING HELP

All victims of sexual violence are encouraged to seek medical attention as soon as possible after an incident to ensure physical well-being. Even if there is no physical injury, testing for STDs, pregnancy, and internal trauma is very important. Prior to receiving medical attention, do not shower, douche, urinate, or change clothes or bedding as this may damage evidence. If oral contact was made during the incident, do not smoke, brush teeth, or eat. Consider having a rape kit done at the hospital. If you decide to press charges, preservation of evidence is important to the successful prosecution of cases involving sexual violence. Medical procedures are confidential.

PREVENTION

- All students have the right to say "NO" to any unwanted sexual contact.
- Communicate sexual limits firmly and directly.
- Drinking and drug use can impair judgment.
- Decisions made under the influence of alcohol may differ from those made when sober.
- Do not drink from an open container provided by another person. The drink may contain a drug.
- Do not go somewhere alone with an acquaintance.
- Leave uncomfortable or risky situations immediately and go to a safe place. A student should trust their gut feelings.
- Do not be afraid to create a stir if feeling threatened.
- Students should attend parties with people they trust. Agree to look out for one another. Leave with the group, never alone.
- Students should be aware of their surroundings and walk with someone after dark.

BYSTANDER INTERVENTION

If a student or staff member witnesses someone at risk of sexual assault, he/she should get involved. The student or staff member should not be afraid to intervene if it is safe. If not, the student or staff member should alert authorities.

- Watch for behaviors and situations that appear to be inappropriate, coercive, and harassing.
- Consider whether the situation needs attention.
- Pay attention to situations that may put friends or acquaintances at risk.
- Decide if there is a need to act.
- Formulate a plan with safety as a priority. Have an exit strategy.
- Try to interrupt or delay the situation before it becomes an emergency. Call 911 if needed.

SUPPORTIVE MEASURES

Upon request, Penn Commercial will impose reasonable and appropriate supportive measures designed to eliminate a hostile environment and protect the parties involved. This request can be made whether or not the victim chooses to report the crime to local law enforcement. Supportive measures may include:

- Access to counseling and medical services; we can assist with setting up appointments.
- Deadline extension or other course-related adjustments.
- Changing class schedules, transferring course sections, or withdrawing from a course without penalty.
- A voluntary leave of absence.
- Providing academic support services, such as tutoring.
- Modification of work or class schedule.
- Mutual restrictions on contact between parties.
- Upholding all court orders.
- Accommodations for pregnancy-related conditions.



PREGNANCY & PARENTING TITLE IX RIGHTS AND RESOURCES

Title IX of the Education Amendments of 1972 prohibits sex and gender-based discrimination in education programs or activities.

This includes discrimination and/or harassment based on pregnancy or parenting status. Penn Commercial is committed to creating an inclusive and accessible learning and working environment for pregnant and parenting students, faculty, and staff.

Individuals may request reasonable accommodations for pregnancy-related conditions such as pregnancy, childbirth, false pregnancy, miscarriage, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions.

HOW DO I REQUEST AN ACCOMMODATION?

Note: You are not required to inform faculty, staff, or any member of the administration of your pregnancy or parenting status, **unless** you are seeking accommodations. Requests for accommodations (also referred to as supportive measures) related to pregnancy, childbirth, or parenting can be directed to the Title IX Coordinator.

Kristine Gorby, Director of Student Services and Title IX Coordinator

724-222-5330 ext. 353

kgorby@penncommercial.edu

Office: Room 205

WHAT ACCOMMODATIONS MAY I REQUEST?

Specific accommodations will be handled on a case-by-case basis and may vary from person to person, depending on medical need and academic requirements. Some examples of pregnancy/parenting accommodations include, but are not limited to:

- A larger desk
- Breaks during class, as needed
- Excused medically necessary absences
- Reasonable flexibility with rescheduling tests/exams without penalty
- Reasonable flexibility with extended deadlines for assignments
- Submission of make-up work without penalty (including attendance/professionalism points)
- Private lactation space
- Medical Leave of Absence (LOA), as requested
- Temporary parking in a closer location
- Avoiding hazardous chemicals or activities
- Ability to consume food/beverages during class
- Note takers or permission to record a class

WHAT IF MY APPROVED ACCOMMODATIONS ARE NOT PROVIDED?

If you believe that your approved accommodations have not been provided, you are encouraged to contact Kristine Gorby (contact information above).

HOW DO I REPORT DISCRIMINATION OR HARASSMENT BASED ON PREGNANCY OR PARENTING?

If you believe that you have been discriminated against or harassed based on pregnancy or parental status, including being unfairly denied reasonable accommodations; prohibited from participating in classes; or subjected to sexual comments or jokes about your pregnancy, sexually charged name-calling, rumors spread about your sexual activity, or unwelcome sexual propositions or gestures, you may either submit a report using the Online Reporting Form at <https://penncommercial.edu/pa-act-16-forms/> or contact Penn Commercial's Title IX Coordinator (contact information above).