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SEXUAL HARASSMENT & SEXUAL VIOLENCE POLICY



PTC PITTSBURGH
TECHNICAL COLLEGE

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TABLE OF CONTENTS

KEY CONTACTS	2
SEXUAL OFFENSE DEFINITIONS.....	2
SEXUAL VIOLENCE & HARASSMENT POLICY.....	6
<i>Prohibited Acts</i>	6
<i>Dissemination of the Policy, Educational Programs, and Employee Training</i>	6
<i>Reporting Sex Offenses</i>	6
<i>Response to Reports of Sex Offenses</i>	7
<i>Additional Enforcement Information</i>	7
COMPLIANCE AND RESPONSIBILITIES.....	8
<i>Implementation of Policy</i>	8
<i>Revisions to the Policy</i>	8
<i>Approval of Actions</i>	8
<i>Compliance With the Policy</i>	8
<i>Noncompliance With the Policy</i>	8
PROCEDURES	8
<i>Responsibilities</i>	8
<i>Title IX Coordinator</i>	9
<i>Reporting & Responding To Reports Of Sexual Offenses</i>	9
EMERGENCY CONTACT INFORMATION	15

KEY CONTACTS

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SEXUAL OFFENSE DEFINITIONS

Pittsburgh Technical College (PTC) is committed to creating and maintaining a community where all individuals who participate in college programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. Every member of the community should be aware that PTC prohibits sexual harassment and sexual violence, and that such behavior violates both law and PTC policy. The College will respond promptly and effectively to reports of sexual harassment and sexual violence and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this policy on Sexual Offenses (hereafter referred to as Policy).

This Policy applies to all PTC employees and students at its campus, housing locations, college programs, and activities. This Policy furthers the college's commitment to compliance with the law and ethical conduct.

Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education, interferes with a person's work or educational performance, or creates an environment that a reasonable person would find intimidating, hostile, or offensive. Sexual harassment includes sexual violence (see definition below). PTC will respond to reports of any such conduct in accordance with the Policy.

Sexual harassment may include incidents between any members of the college community, including faculty, staff, student employees, students, interns, and non-student or non-employee participants in PTC programs (e.g., vendors, contractors, and visitors). Sexual harassment may occur in hierarchical relationships, between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

Sexual harassment of one student by another student is defined as unwelcome conduct of a sexual nature that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to PTC programs or activities that the person is effectively denied equal access to the college's resources and opportunities.

Sexual Violence is defined, per Pennsylvania law (42 Pa.C.S. § 6402), as an “act of sexual violence” which includes any conduct prohibited under the following Pennsylvania state laws:

18 Pa.C.S. § 3121 Rape

18 Pa.C.S. § 3123 Involuntary Deviate Sexual Intercourse

18 Pa.C.S. § 3124.1 Sexual Assault

18 Pa.C.S. § 3125 Aggravated Indecent Assault

18 Pa.C.S. § 3126 Indecent Assault

Rape is the most severe form of sexual violence and is generally defined as “forced sexual intercourse perpetrated against the will of the victim” that may involve physical violence, coercion, or the threat of harm to the victim. This definition applies regardless of whether the assailant is a stranger or an acquaintance, male or female.

Acquaintance rape is the most prevalent form of rape on college campuses. The acquaintance may be a date, friend, or someone the victim only casually knows through student housing, class, or mutual friends. Regardless of the relationship, if one person uses force, drugs, or coercion to induce another into submitting to sexual intercourse, the act is defined as rape. The same disciplinary procedures, as well as criminal laws and penalties, apply in all cases of rape.

Involuntary deviate sexual intercourse is “forced deviate sexual intercourse” that includes anal or oral sexual intercourse, as well as forced penetration with a foreign object.

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

Aggravated sexual assault occurs if the sexual assault happens through force or is committed against an individual who is unconscious or impaired by alcohol and/or drugs.

Indecent assault involves indecent contact. Indecent contact is defined as “Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in either person.” 18 Pa.C.S. §3101

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

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

- A current or former spouse or intimate partner with the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim under the domestic violence laws of Pennsylvania

Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Pennsylvania

Consent is informed. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in the mutually agreed-upon sexual activity.

Consent is voluntary. One gives consent without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will. Consent is not the same as silence, passivity, or lack of resistance alone.

Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and is revocable at any time. Once consent is withdrawn, the sexual activity must stop immediately.

Consent cannot be given when a person is incapacitated. A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if his/her understanding of the act is affected by a physical or mental impairment.

For purposes of this Policy, the age of consent is consistent with Pennsylvania state law.

Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affect a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. Being intoxicated by drugs or alcohol does not diminish one's responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the accused knew, or whether a reasonable person should have known, that the complainant was incapacitated.

Stalking, for the purposes of reporting Clery Act crimes, means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Per Pennsylvania law, (18 Pa.C.S. § 2709.1), stalking is committed when a person engages in a course of conduct by repeatedly committing acts toward or communicating with another person. This includes following the person without proper authority under circumstances that demonstrate an intent either to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

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

Substantial Emotional Distress is defined as significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

Reasonable Person - For the purposes of reporting Clery Act crimes, a reasonable person is a person under similar circumstances, and with similar identities to the victim. Pennsylvania defines a reasonable person as a "hypothetical person who sensibly exercises qualities of attention, knowledge, intelligence and judgment."

Bystander Intervention – is safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

SEXUAL VIOLENCE & HARASSMENT POLICY

The College prohibits sexual harassment and sexual violence. Such behavior violates both law and PTC policy. PTC will respond promptly and effectively to reports of sexual harassment and sexual violence and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this Policy.

PROHIBITED ACTS

This Policy prohibits sexual harassment and sexual violence as defined in 34 CFR Part 668. Conduct by an employee that is sexual harassment or sexual violence in violation of this Policy is considered to be outside the course and scope of employment.

Consensual Relationships

This Policy covers unwelcome conduct of a sexual nature. Consensual romantic relationships between members of the College community are subject to other college policies. For example, PTC details policies governing employee-student relationships in the Personnel Policy Manual. While romantic relationships between members of the college community may begin as consensual, they may evolve into situations that lead to charges of sexual harassment or sexual violence.

Gender Identity, Gender Expression, or Sexual Orientation Discrimination

Harassment that is not sexual in nature but is based on gender, gender identity, gender expression, sex- or gender-stereotyping or sexual orientation also is prohibited by the college's nondiscrimination policies if it denies or limits a person's ability to participate in or benefit from college educational programs, employment, or services. While discrimination based on these factors is distinguishable from sexual harassment, these types of discrimination may contribute to the creation of a hostile work or academic environment. Thus, in determining whether a hostile environment due to sexual harassment exists, the college may take into account acts of discrimination based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation.

Retaliation

This Policy prohibits retaliation against a person who reports sexual harassment or sexual violence, assists someone with a report of sexual harassment or sexual violence, or participates in any manner in an investigation or resolution of a sexual harassment or sexual violence report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

DISSEMINATION OF THE POLICY, EDUCATIONAL PROGRAMS, AND EMPLOYEE TRAINING

As part of the college's commitment to providing a working and learning environment free from sexual harassment and sexual violence, this Policy shall be disseminated widely to the college community through publications, websites, new employee orientations, student orientations, and other appropriate channels of communication. PTC shall make preventive educational materials available to all members of the college community to promote compliance with this Policy and familiarity with procedures. PTC shall designate college employees responsible for reporting sexual harassment and sexual violence and make available prevention training to selected employees. In addition, PTC will provide annual training to investigators and hearing officers. The college shall post a copy of this Policy in a prominent place on its website.

REPORTING SEX OFFENSES

Any member of the college community may report conduct that may constitute sexual harassment or sexual violence to designated employees such as public safety, the Title IX Coordinator, a campus security authority, or a supervisor or manager. Designated employees are responsible for promptly forwarding such reports to the Title IX Coordinator or other official designated to review and investigate sexual harassment and sexual violence complaints. Any designated employee responsible for reporting or responding to sexual harassment or sexual

violence who knew about the incident and took no action to stop it or failed to report the prohibited act may be subject to disciplinary action.

The college shall identify confidential resources with whom members of the college community can consult for advice and information regarding making a report of sexual harassment or sexual violence. Requests relating to the confidentiality of reports of sexual harassment or sexual violence will be considered in determining an appropriate response. However, PTC will review such requests in the dual contexts of the college's obligation to ensure a working and learning environment free from sexual harassment and sexual violence and the rights of the accused to be informed of the allegations and their source. An individual may file a complaint alleging sexual harassment or sexual violence under the appropriate college complaint resolution or grievance procedure.

RESPONSE TO REPORTS OF SEX OFFENSES

PTC shall provide a prompt and effective response to reports of sexual harassment or sexual violence, which may include a preliminary inquiry, formal investigation, and/or targeted prevention training or educational programs.

If an individual reports to the college that the individual has been a victim of domestic violence, dating violence, sexual assault, or stalking, s/he shall be provided with a written explanation of the individual's rights and options whether the offense occurred on- or off- campus.

Upon a finding of sexual harassment or sexual violence, the College may offer remedies to the individual or individuals harmed by the harassment and/or violence consistent with applicable complaint resolution and grievance procedures. Such remedies may include counseling, an opportunity to repeat course work without penalty, changes to student housing assignments, or other appropriate interventions such as changes in academic, living, transportation, or working situations.

Any member of the college community who the college finds to have engaged in sexual harassment or sexual violence is subject to disciplinary action including dismissal in accordance with the applicable college disciplinary procedure or other college policy. The college will recommend disciplinary action when the conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the opportunity to participate in or benefit from educational programs.

ADDITIONAL ENFORCEMENT INFORMATION

The federal Equal Employment Opportunity Commission (EEOC) investigates complaints of unlawful harassment, including sexual violence, in employment. The U.S. Department of Education Office for Civil Rights (OCR) investigates allegations of unlawful harassment and sexual violence by students in educational programs or activities. These agencies may serve as neutral fact finders and attempt to facilitate the voluntary resolution of disputes with the parties. For more information, contact the nearest office of the EEOC or OCR.

Equal Employment Opportunity Commission

William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA 15222
Telephone: 1-800-669-4000
TTY 412-395-5904

Office for Civil Rights

U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
FAX: 215-656-8605; TDD: 800-877-8339
Email: OCR.Philadelphia@ed.gov

COMPLIANCE AND RESPONSIBILITIES

IMPLEMENTATION OF POLICY

Responsible Staff has the authority to develop procedures or other supplemental information to support the implementation of this Policy. Responsible Staff may apply appropriate and consistent interpretations to clarify the Policy provided the interpretations do not result in substantive changes to the Policy.

The President must approve exceptions to procedures required by the Policy.

REVISIONS TO THE POLICY

The President approves the Policy and has the authority to approve revisions upon recommendation by the Responsible Staff.

The President, Executive Vice President, Vice President of Student Services, and Director of Human Resources have the authority to regularly review and update the Policy in a manner consistent with other college policies.

APPROVAL OF ACTIONS

The President must approve actions within the Policy.

COMPLIANCE WITH THE POLICY

The President designates the office responsible for monitoring, enforcing, and reporting Policy compliance.

The Executive Vice President will periodically audit and monitor compliance with the Policy.

NONCOMPLIANCE WITH THE POLICY

Public Safety manages noncompliance with the Policy in accordance with the Student Code of Conduct and/or the Personnel Policy Manual and other related college policies.

PROCEDURES

RESPONSIBILITIES

In accordance with state and federal law, PTC shall offer sexual harassment prevention training and education to the college community, and provide sexual harassment prevention training and education to each supervisory employee.

1. Offer prevention education programs to all incoming students and new employees, and ongoing prevention and awareness campaigns to the college community, to promote awareness of rape and acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, including the definition of consent, options for bystander intervention, and risk reduction awareness information.
2. Offer annual training on issues related to sexual violence, as defined in this Policy, for individuals conducting formal investigations of reports or conducting hearings. Provide all members of the college community with a process for reporting sexual harassment or sexual violence in accordance with the Policy. Identify on- and off-campus resources for reporting sexual harassment or sexual violence. Provide prompt and effective response to reports of sexual harassment, sexual violence, or allegations of retaliation related to reports of sexual harassment or sexual violence in accordance with the Policy. Provide written notification as outlined within this Section.
3. Designate trained individuals, including or other than, the Title IX Coordinator to serve as resources for members of the college community who have questions or concerns regarding behavior that may be sexual harassment or sexual violence

TITLE IX COORDINATOR

Title IX of the Education Amendments of 1972 protects people from sex discrimination in education programs or activities that receive Federal financial assistance. Title IX 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 subjected to discrimination under any education program or activity receiving Federal financial assistance.

The Title IX Coordinator serves as a resource for members of the PTC community who have questions or concerns regarding behavior that may be sexual harassment or sexual violence. All members of the college community are encouraged to contact the Title IX Coordinator if they observe or encounter conduct that may be in violation of PTC's Sexual Harassment and Sexual Violence Policy or if they feel that their Title IX rights were violated.

The responsibilities of the Title IX Coordinator include, but may not be limited to, the duties listed below.

1. Coordinate with other responsible departments to ensure that PTC offers, and provides sexual harassment and sexual violence prevention education and training programs
2. Disseminate the Sexual Harassment and Sexual Violence Policy (the Policy) widely to the college community
3. Provide educational materials to promote compliance with the Policy and familiarity with reporting procedures
4. Train college employees responsible for reporting or responding to reports of sexual harassment and sexual violence
5. Provide prompt and effective response to reports of sexual harassment or sexual violence in accordance with the Policy
6. Maintain records of reports of sexual harassment and sexual violence and actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary action, as appropriate
7. Identify and address any patterns or systemic problems that arise during the review of sexual harassment and sexual violence complaints.

The Title IX Coordinator, Nancy Sheppard, may be reached at 412-809-5311. Title IX contact information is posted on the Consumer Information page on the PTC website, in the Campus Security and Safety Report, and on the Campus Security Authority contact list.

REPORTING & RESPONDING TO REPORTS OF SEXUAL OFFENSES

All members of the college community are encouraged to contact the Title IX Coordinator if they observe or encounter conduct that may be subject to the Policy. This includes conduct by employees, students, or third parties. Bring reports of sexual harassment or sexual violence to the Title IX Coordinator, or any manager, supervisor, or other designated employee responsible for responding to reports of sexual harassment or sexual violence. If the person to whom harassment typically would be reported is the individual accused of harassment, reports may be made to another manager, supervisor, or designated employee. Upon receiving a report, Managers, supervisors, and designated employees are required to notify the Title IX Coordinator or other appropriate official designated to review and investigate sexual harassment complaints.

Bring reports of sexual harassment or sexual violence forward as soon as possible after the alleged conduct occurs; while there is no stated timeframe for reporting, prompt reporting will better enable the college to respond to the report, determine the issues, and provide an appropriate remedy and/or action. Report all incidents, even if a significant amount of time has passed. However, delaying a report may impede the college's ability to conduct an investigation and/or to take appropriate remedial actions.

Required Notifications for Reports of Sexual Offenses

The college will provide a written explanation of available rights and options, including procedures to follow, when the college receives a report that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on- or off- campus or in connection with any college program. The written information shall include the following:

1. To whom the alleged offense should be reported
2. Options for reporting to law enforcement and campus authorities, including the option to notify local or on-campus law enforcement authorities, the right to be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses and the right to decline to notify such authorities
3. The rights of complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts and the college's responsibilities regarding such orders
4. The importance of preserving evidence as may be necessary to prove criminal domestic violence, dating violence, sexual assault, or stalking, or to obtain a protection order
5. Existing campus and community services available for victims including counseling, health, mental health, victim advocacy, legal assistance, and other services
6. Options for, and available assistance to, change academic, living, transportation, and working situations, if requested by the complainant and if reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement
7. Any applicable procedures for institutional disciplinary action.

Preliminary Inquiry

PTC will conduct a preliminary inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved. The preliminary inquiry may lead to, a) a determination that there is insufficient evidence to pursue the investigation because the alleged behavior, even if proven, would not violate the Code of Student Conduct (e.g., for reasons such as mistaken identity or allegations of behavior that falls outside of the code), b) a more comprehensive investigation, when it is clear more information must be gathered, or c) a formal hearing of a violation and/or a conference with the responding student.

Options for Resolution

Inform individuals who are reporting sexual harassment or sexual violence about options for resolving potential violations of the Policy. These options shall include procedures for a formal investigation, and filing complaints or grievances under applicable college complaint resolution or grievance procedures. Also, inform individuals who are making reports about policies applying to confidentiality of reports under this Policy. PTC shall respond to the greatest extent possible to reports of sexual harassment, and sexual violence brought anonymously or brought by third parties not directly involved in the asserted offenses. However, the response to such reports may be limited if the information contained in the report cannot be verified by independent facts.

Inform individuals reporting sexual harassment and sexual violence about the range of possible outcomes of the report, including interim actions, remedies for the individual harmed by the incident, and possible disciplinary actions against the accused because of the report, including information about the procedures leading to such outcomes.

A person can make a report of retaliation if subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) for making any of the following:

1. A report of sexual harassment or sexual violence in good faith
2. Assisted someone with a report of sexual harassment or sexual violence.
3. Participated in any manner in an investigation or resolution of a report of sexual harassment or sexual violence.
4. The report of retaliation shall be subject to the procedures in Sections 3 and 4 below.

Procedures for Formal Investigation

The individual making the report may be encouraged to file a written request for formal investigation. The college considers the wishes of the individual making the request, but is not determinative in the decision to initiate a formal investigation of a report of sexual harassment or sexual violence. In cases where there is no written request, the Title IX Coordinator or other appropriate official designated to review and investigate sexual harassment complaints may initiate a formal investigation after making a preliminary inquiry into the facts.

In cases where a complainant states he or she does not want to pursue a formal investigation, the Title IX Coordinator should inform the complainant that the ability to investigate may be limited. When determining whether to go forward with a formal investigation, the Title IX Coordinator may consider the subsequent information:

1. The seriousness of the allegation
2. The age of the student, in the case of a student complainant
3. Whether there have been other complaints or reports against the accused, and
4. If formal proceedings with sanctions may result from an investigation, the accused person has the right to receive information about the complainant and the allegations

Even if a complainant does not want to pursue an investigation, under some circumstances, the Title IX Coordinator may have an obligation to investigate a complaint, such as when there is a risk to the campus community if the accused remains on campus. The college should make the complainant aware of this independent obligation to investigate the complaint.

In order to provide a prompt, fair, and impartial investigation and resolution, any formal investigation of reports of sexual harassment and/or sexual violence shall incorporate the following standards:

1. The individual(s) accused of conduct violating the Policy shall be provided a copy of the written request for Formal Investigation or otherwise given a full and complete written statement of the allegations, and a copy of the Policy
2. The individual(s) conducting the investigation shall be familiar with the Policy, have the training or experience in conducting investigations, and as relevant to the investigation, be familiar with policies and procedures specific to students, staff, faculty, and visitors. For cases involving allegations of sexual violence, the individual(s) conducting the investigation must receive annual training on issues related to sexual violence. Such training includes how to conduct an investigation that protects the safety of the complainants and promotes accountability.

If the alleged conduct is also the subject of a criminal investigation, the campus may not wait for the conclusion of the criminal investigation to begin an inquiry pursuant to this Policy. However, PTC may need to coordinate its fact-finding efforts with the police investigation. Once notified that the police department has completed its

gathering of evidence (not the outcome of the investigation or the filing of any criminal charges), the campus must promptly resume and complete its fact-finding for the sexual harassment or sexual violence investigation.

The investigation generally shall include interviews with the parties if available, interviews with other witnesses as needed, and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. The college will advise the participants in an investigation that maintaining confidentiality is essential to protect the integrity of the inquiry.

The investigator shall apply a more likely than not standard to determine whether there has been a violation of this Policy.

Upon request, the complainant and the accused may each have a representative present when he or she is interviewed, and at any subsequent proceeding or related meeting. Other witnesses may have a representative present at the discretion of the investigator or as required by applicable college policy.

At any time during the investigation, the investigator may recommend that appropriate college officials provide interim actions or remedies for the parties or witnesses. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative working or student housing arrangements. Failure to comply with the terms of interim actions may be a separate violation of this Policy.

College officials shall complete the investigation as promptly as possible and in most cases within 60 working days from the filing date of the request for a formal investigation. A designated college official may extend this deadline on approval.

An investigation results in a written report that at a minimum includes a statement of the allegations and issues, the positions of the parties, a summary of related information, findings of fact, and a determination by the investigator whether this Policy has been violated. The report also may contain a recommendation for actions to resolve the complaint, including preventive educational programs, remedies for the complainant, and a referral to disciplinary procedures as appropriate. The investigator submits the report to a designated college official with authority to implement the actions necessary to resolve the complaint. The college may use the report as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.

The college shall inform the complainant of findings declaring if the policy was violated or not, and if any actions were taken in relation to the complainant to resolve the complaint, such as an order that the accused not contact the complainant. In accordance with college policies that protect an individual's privacy, the College may notify the complainant that they referred the matter for disciplinary action, but not inform them of the details of the recommended disciplinary action without the consent of the accused.

The complainant and the accused may request a copy of the investigative report pursuant to college policy governing privacy and access to personal information. However, the college may redact confidential information regarding all individuals other than the individual requesting the report.

At the conclusion of any disciplinary proceeding arising from an allegation of domestic violence, dating violence, sexual assault or stalking, the college will inform the complainant and the accused in writing of the following:

1. The outcome of any college disciplinary proceeding
2. The college's procedures for appealing the results of the proceeding
3. Any change to the results that occur prior to the time that such results become final

4. When the results become final

Complaints or Grievances

An individual who was subject to sexual harassment or sexual violence may file a complaint or grievance pursuant to the applicable complaint resolution or grievance procedure. The individual may file such complaint or grievance either instead of, or in addition to, making a report of sexual harassment to the Title IX Coordinator or other appropriate official designated to review and investigate sexual harassment and sexual violence complaints under this Policy. A complaint or grievance alleging sexual harassment or sexual violence must meet all the requirements under the applicable complaint resolution or grievance procedure.

If a complaint or grievance, alleging sexual harassment or sexual violence, is filed in addition to a report made to the Title IX Coordinator (or another appropriate official who reviews and investigates complaints under this Policy) the complaint or grievance shall be held in abeyance subject to the requirements of any applicable complaint resolution or grievance procedure, pending the outcome of the formal investigation procedures. If the individual wishes to proceed with the complaint or grievance, the formal investigation shall constitute the first step or steps of the applicable complaint resolution or grievance procedure.

An individual who has made a report of sexual harassment or sexual violence may file a complaint or grievance alleging that the actions were taken in response to the report of sexual harassment or sexual violence did not follow Policy. The individual who made such a complaint or grievance may not file to address a disciplinary sanction imposed upon the accused. The complainant must submit any complaint or grievance regarding the resolution of a report of sexual harassment or sexual violence in a timely manner. The time period for filing begins on the date the individual was notified of the outcome of the sexual harassment or sexual violence investigation or another resolution process under this Policy, and/or of the actions taken by the administration in response to the report of sexual harassment or sexual violence, whichever is later.

Remedies and Referral for Disciplinary Procedures

The college considers the findings of Policy violations to determine remedies for individuals harmed by sexual harassment or sexual violence and will refer to applicable disciplinary procedures. Procedures under this Policy shall be coordinated with applicable complaint resolution, grievance, and disciplinary procedures as outlined in the Student Code of Conduct. Violations of the Policy may include engaging in sexual harassment or sexual violence, retaliating against a complainant reporting sexual harassment or sexual violence, or violating interim actions. The college may use investigative reports made pursuant to this Policy as evidence in subsequent complaint resolution, grievance, and disciplinary proceedings as permitted by the applicable procedures.

Privacy

The college shall protect the privacy of individuals involved in a report of sexual harassment or sexual violence to the extent permitted by law and College Policy. A report of sexual harassment or sexual violence may result in the gathering of extremely sensitive information about individuals in the college community. While the college considers such information confidential, college policy regarding access to records and disclosure of personal information may require disclosure of certain information concerning a report of sexual harassment or sexual violence. In such cases, the college will make every effort to redact the records in order to protect the privacy of individuals. PTC will advise an individual who has made a report of sexual harassment or sexual violence of sanctions imposed against the accused when the individual needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the person who made the report). Also, when the offense involves a crime of violence or a non-forcible sex offense, the Family Educational Rights and Privacy Act permits disclosure to the complainant the results of a disciplinary proceeding against the alleged accused, regardless of whether the college concluded that a violation was committed. The college will not otherwise disclose information regarding disciplinary action taken against the accused without the accused's

consent unless permitted by law or it is necessary to ensure compliance with the action or the safety of individuals.

Confidentiality of Reports

PTC shall identify confidential resources with whom members of the college community can consult for advice and information regarding making a report of sexual harassment or sexual violence. These resources provide individuals who may be interested in bringing a report of sexual harassment or sexual violence with a safe place to discuss their concerns and learn about the procedures and potential outcomes involved. Confidential resources include professional and pastoral counselors. Those considered confidential resources shall advise individuals that their discussions in these settings are not considered reports of sexual harassment or sexual violence and that without additional action by the individual, the discussions will not result in any action by the college to resolve their concerns.

PTC shall notify the college community that certain college employees, such as the Title IX Coordinator (Sexual Harassment Officer) and campus security authorities have an obligation to respond to reports of sexual harassment or sexual violence, even if the individual making the report requests that no action be taken. PTC will consider an individual's requests regarding the confidentiality of reports of sexual harassment or sexual violence in determining an appropriate response. However, the college will consider the dual contexts of the college's legal obligation to ensure a working and learning environment free from sexual harassment and sexual violence, and the due process rights of informing the accused of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the college will comply with requests for confidentiality to the extent possible.

Retention of Records

The office of the Title IX Coordinator is responsible for maintaining records relating to sexual harassment and sexual violence reports, investigations, and resolutions. PTC will keep records in accordance with college records policies and all records pertaining to pending litigation or a request for records in accordance with instructions from legal counsel.

Sanctions and Protective Measures

If any individual violates this Policy under the more likely than not standard, the college will address such misconduct promptly and effectively through appropriate remedial actions and/or sanctions.

In the case of faculty and employees, sanctions may take the form of disciplinary action up to and including discharge from employment.

In the case of students, sanctions may include disciplinary action up to and including dismissal. Protections can extend from one-day to the date of the hearing (approximately 60-days). After the hearing, protections may be extended based on the outcome and appeal process.

The college may sanction third parties who engage in such misconduct, including termination of contracts or other arrangements with such third party. Even in cases where PTC concludes that a policy violation has not occurred, or that the evidence is inconclusive, the college nonetheless may determine that appropriate remedial measures or sanctions are necessary or advisable. Such measures may include disciplinary action and/or counseling, training and monitoring.

EMERGENCY CONTACT INFORMATION

CONTACT INFORMATION	COVERAGE & CONTACT NUMBERS
POLICE, FIRE DEPARTMENT, & AMBULANCE	911
<u>CAMPUS SECURITY DEPT</u>	NORTH FAYETTE CAMPUS (OFFICE LOCATION) COVERAGE INCLUDES ALL PROPERTY OWNED OR LEASED BY PTC
FROM ON-CAMPUS LANDLINE PHONES	"0" or extension 5300
FROM ANY LANDLINE OR CELL PHONE	412-809-5300
24 HOUR EMERGENCY NUMBER-ALL PHONES	412-592-8696
<u>NORTH FAYETTE POLICE DEPT</u>	COVERAGE INCLUDES THE NORTH FAYETTE CAMPUS & HAWTHORNE OFF-CAMPUS PTC HOUSING
EMERGENCY	911
EMERGENCY	724-693-8400
NON-EMERGENCY	724-787-8900
<u>ROBINSON TWP POLICE DEPT</u>	COVERAGE INCLUDES WESTPOINTE OFF- CAMPUS PTC HOUSING
EMERGENCY	911
NON-EMERGENCY	412-788-8115
<u>ALLEGHENY COUNTY POLICE DEPT</u>	COVERAGE INCLUDES ALL OF ALLEGHENY COUNTY
EMERGENCY	911
EMERGENCY	412-473-3000
NON-EMERGENCY	412-473-1251
<u>PENNSYLVANIA STATE POLICE</u>	COVERAGE INCLUDES ALL OF PENNSYLVANIA
NON-EMERGENCY ONLY	717-783-5599
<u>TITLE IX COORDINATOR, NANCY SHEPPARD</u>	REPORT INCIDENTS OF SEXUAL MISCONDUCT THAT OCCUR AT ANY LOCATION ON & OFF CAMPUS, INCLUDING PUBLIC & PRIVATE PROPERTY NOT OWNED OR LEASED BY PTC
TO REPORT AN INCIDENT OF SEXUAL HARASSMENT OR SEXUAL VIOLENCE	412-809-5311
<u>PTC COUNSELING</u>	LOCATED AT THE NORTH FAYETTE CAMPUS. COUNSELING IS AVAILABLE TO ALL PTC STUDENTS, FACULTY & STAFF.
CONFIDENTIAL COUNSELING	1-800-647-3327