



PimaCommunityCollege

2021

**Annual Security &
Fire Safety Report**

In Compliance of the

**Jeanne Clery Disclosure of Campus Security
Policy and Campus Crime Statistics Act**

West Campus - Downtown Campus - East Campus

Desert Vista - Campus - Community Campus - Northwest Campus

Aviation Technology Center - 29th Street Coalition Center

El Pueblo Learning Center - El Rio Learning Center

Maintenance and Security Site

September 2021

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Introduction: An Overview of Campus Safety and Security Reporting

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial and geographic considerations, the issue of campus safety is a vital concern. In 1990, Congress enacted the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542), which amended the Higher Education Act of 1965 (HEA). This act required all postsecondary institutions participating in HEA's Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998, 2000 and 2013. The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of Jeanne Clery, a student who was slain in her dorm room in 1986. It is generally referred to as the Clery Act.

Summary

This report includes crime statistics for the previous three years concerning reported crimes that occurred on a campus; in certain off-campus buildings or property owned or controlled by the Pima County Community College District (the College or PCC); and on public property within, or immediately adjacent to and accessible from, a campus or building or property owned or controlled by the College. This report also includes institutional policies concerning College security, such as policies concerning sexual assault and other matters. You may obtain a paper copy of this report upon request by contacting (520) 206-2638 or by downloading a copy at:

<https://pima.edu/administration/police/docs/clery-annual-report.pdf>

Law Enforcement and Security

Pima Community College Police Department

The Pima Community College Police Department (PCCPD) provides safety and security services to the College community. PCCPD has its authority granted by the College Governing Board and Arizona Revised Statutes. All PCCPD sworn officers are certified by the Arizona Peace Officer Standards and Training Board (AZPOST) and have received a minimum 585 hours of basic peace officer training approved by AZPOST. PCCPD police officers are armed and have full peace officer authority and powers of arrest. PCCPD sworn officers enforce College policies as well as local, state and federal laws.

The PCCPD also provides a variety of programs, services, resources and training opportunities to minimize public safety risks throughout the College.

Pima Community College policy statements refer to the PCCPD as the Department of Public Safety.

Jurisdictional Authority

Pima Community College Police Department officers will use sworn peace officer powers and authority on property owned, leased, or controlled by the College as outlined by the Clery patrol map and property immediately adjacent thereto such as sidewalks, parking lots and streets used by the College community, or as outlined in the General Patrol Procedures-305, with the following exceptions:

- At the direction of the Chief of Police or a command level supervisor during emergency situations.
- Upon receipt of a specific request for assistance by another sworn peace officer in person or through the Dispatch Center. Assistance can be rendered to the level requested. If at all possible, the officer should have

the approval of the on-duty supervisor. This should normally only involve situations where the requesting officer or third party is in harm's way, or the situation is related to College interests.

- When a PCC officer comes upon a traffic accident while en route from one PCC location to another, they may render aid to the injured and initiate traffic control. The scene will be released to the responsible agency as soon as they are able to respond.
- When a PCC officer is en route from one PCC location to another and is flagged down by a citizen, the officer will render whatever immediate emergency assistance is required, but will refer the situation to the responsible agency as soon as possible.
- Under the provisions of ARS, Title, 13-3883, PCC officers will do their sworn duty. However they will not routinely enforce rules of the road off PCC property under ARS Title 28 except in life-threatening situations or hazardous traffic conditions such as excessive speed or running a red signal light where to ignore the situation could potentially cause harm to others. They will not proactively seek out situations of a criminal or traffic nature off PCC property that are clearly not within the patrol map boundaries and enforcement is not directly serving the interests of the College community.
- When officers are working off-duty at locations approved by the Chief of Police, they may act as peace officers. Officers on temporary duty working at or with other agencies approved by the PCC Governing Board may act as peace officers under the law regardless of location.

State and Local Law Enforcement Agencies

The PCCPD maintains working relationships with the Tucson Police Department (TPD) and Pima County Sheriff's Department (PCSD), as well as the Arizona Department of Public Safety (AZDPS). PCCPD maintains mutual assistance agreements with TPD and PCSD pertaining to disaster response and the investigation of criminal incidents. An agreement also exists with AZDPS for evidence analysis.

On-duty PCCPD officers traveling outside routine patrol areas on official College business may take appropriate law enforcement actions as necessary in the absence of available TPD or PCSD officers up to and including investigation and final criminal disposition.

Pima Community College does not have student organizations that operate or control off-campus locations. PCC does, on an intermittent basis, lease student housing from local private residence halls which makes them subject to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. PCC Students housed at these locations are directed to call 911 regarding any emergency or crimes and to notify PCCPD dispatch.

If an outside law enforcement agency contacts PCC regarding a student organization that is officially recognized by the institution, the Student Code of Conduct would dictate the appropriate intervention for the college. The Student Code of Conduct governs all conduct that: (a) occurs on College property; (b) occurs at a College sponsored, sanctioned, or supervised event or activity, regardless of the location of the event or activity and inclusive of travel, lodging and unscheduled time in between sessions of the event or activity; and/or (c) adversely affects the operation of the College, regardless of when or where the conduct occurs.

Community Service Officers (CSOs)

The Pima Community College Community Service Officers (CSOs) are full and part-time, non-exempt employees of the College, who fall under the Operations Division of the PCCPD. CSOs are non-sworn officers distinguished from a sworn officer in that the CSO does not have police authority and does not perform arrests or criminal investigations. The CSOs do not carry a weapon, chemical agents, handcuffs, or any other equipment that would normally be carried by a police officer, or that would require specialized training. The CSO is under the direct supervision of a field supervisor when on duty, or may be assigned to a Lead Officer in a supervisor's absence.

The primary duty of a CSO is to be the eyes and ears of commissioned field officers, as well as perform other duties as assigned. Some of those duties may include, but not be limited to:

- Assisting officers with patrol and certain police procedures by directing traffic, crowd control at athletic or special events, or similar activities.
- Enforcing traffic and parking regulations by preparing reports or issuing citations.
- Locking and unlocking college facilities.
- Escorting persons on college property, upon request.
- Processing lost and found property.
- Assisting with administrative tasks, such as filling out or typing reports.
- Answering questions and providing customer service to the community.
- Basic security functions, to include asset protection.
- Other duties assisting Department operations as required.

The College also contracts with independent security firms to oversee safety and security of certain College locations in the absence of PCCPD personnel. The patrol jurisdiction of CSOs and Security Officers include PCC owned and controlled buildings, property, and parking.

PCC officers, CSOs and contracted independent security staff have distinct uniforms and photo IDs that allow them to be identified by members of the college and surrounding community.

Routine patrol outside College property is provided by the Tucson Police Department (TPD) or the Pima County Sheriff's Department (PCSD). Normal patrol patterns maintained by each department may overlap. The concurrent (overlapping) areas of patrol are defined as all College properties and public streets adjacent to or within College properties.

PCCPD administrative offices and the Communications Center are located at the Pima Community College's Maintenance & Security Facility. The Communications Center is staffed 24 hours a day, monitors security and fire alarms for the District, and serves as a primary point-of-contact for department services.

In addition, the PCCPD maintains offices at six campuses and the District Office:

West Campus: 206-6643

Downtown Campus: 206-7087

East Campus: 206-7652

Desert Vista Campus: 206-5052

Northwest Campus: 206-2286

29th Street Coalition: 206-3534

District Office: 206-4855

Additional Services

As additional services to the college community, PCCPD provides services in the following areas:

Control lost and found property
Escort persons with large
amounts of money
Store items of value short term
for safekeeping
Battery Jumps

Provide visitor information
First aid services
PCCPD officers are
available for educational
programs upon request.

Crime and Fire Log

PCCPD maintains a crime and fire log of on and near-campus crimes reported to the Department and fires at PCC-controlled student residences. The log includes the nature, date, time and general location of each crime and fire reported for the previous sixty days. This crime log is available for viewing by the public during normal business hours at the PCCPD Records Unit, 6680 S. Country Club Road, Tucson, AZ 85709-1740. The crime and fire log is also available at the police offices at these locations: West Campus, Downtown Campus, East Campus, Desert Vista Campus, Northwest Campus, District Office, 29th Street Coalition Center, El Pueblo and El Rio Neighborhood Learning Centers, or viewed online at

<https://pima.edu/administration/police/reports.html>.

Security of and Access to Campus Facilities

The physical security of Pima Community College is essential to protect the assets of the College and ensure a safe environment for students, faculty and staff. The College promotes a fail-safe culture where buildings, spaces and resources will fail to a locked position to maintain the security of both buildings and contents. Primary focus is directed towards deterrence, prevention, detection, delay and apprehension. Physical security can include, but is not limited to, mass notification systems, video surveillance, access systems with various credentials (card, key, mobile device, etc.), alarm systems and CPTED (Crime Prevention Through Environmental Design). Pima Community College's premise will be the use of technology combined with an integrated approach to lay the foundation for confidence in a more secure future. Today's security challenges require a robust, integrated program backed by a holistic strategy including a culture that embraces security for everyone.

Academic and administrative buildings are open and accessible during normal business hours to staff, students, faculty, guests and campus visitors. A Pima Community College ID card typically provides students and employees with proper identification to use appropriate College facilities. At the time of this publication, however, College ID cards are unavailable. The College is working on a system for distribution in the near future. In the interim, state ID cards are being accepted.

The College is in the process of implementing a card access system that augments current lock and key mechanisms. Access is managed through an electronic system that provides oversight and remote control of those systems.

An extensive alarm system monitors the status of most College facilities and includes intrusion and duress alarms. All areas that contain confidential student and employee information are controlled with restricted access and alarm systems. All alarms and access control systems are monitored at the PCCPD Communications Center. All intrusion and duress alarms are managed with immediate law enforcement response.

PCCPD maintains computerized access to student and employee files in order to verify the status of students and employees and to locate an individual in an emergency. PCCPD conducts routine patrols to monitor and assess security-related matters at PCC facilities. Community Service Officers conduct visual sweeps each day as they open and secure the campuses, as well as routine foot patrols throughout their shifts. PCCPD maintains lists of PCC personnel who are to be notified if an emergency arises at their location.

Security Considerations Used in the Maintenance of Campus Facilities

Facility inspections are conducted on a continuous basis to evaluate safety and security practices, lighting conditions, emergency telephones and alarm systems. Facilities staff, along with Community Service Officers, perform preventive maintenance checks on safety systems such as duress alarms, emergency blue phone function and exterior lighting. Lost, stolen and compromised access devices are reported immediately to College Police **(520-206-2700)** and Facilities Work Control **(520-206-2733)**.

Reporting Criminal Actions or Other Emergencies

All members of the College community are encouraged to promptly call **911** in the event of a crime or emergency requiring immediate police, fire or medical assistance. Call the Pima Community College Police Department (PCCPD) at **(520) 206-2700** to report any on-campus crime, non-emergency security issue, public safety-related matters, or when the victim of a crime elects to or is unable to make such a report him/herself.

There are “Blue Phones” located throughout campus parking lots and other locations and “Red Phones” outside of the campus police offices that contact the PCCPD Communications Center directly.

Dispatchers are available 24 hours a day to answer calls. PCCPD will respond immediately to all emergencies and will respond to and investigate all reports of criminal or suspicious activity. If assistance is required by the Tucson Police Department, Pima County Sheriff’s Department, or Tucson Fire Department, Communications Center personnel will contact the appropriate department.

All reported crimes will be investigated by the College and may become a matter of public record.

Individuals are encouraged to report crimes to the PCCPD for the purpose of assessing them to ensure when a Timely Warning Notice is warranted and for inclusion in the Annual Security Report.

Medical Emergencies

In case of medical emergencies, individuals should dial 911. 911 operators are trained in providing pre-arrival instructions. 911 will contact PCCPD in most cases.

PCCPD will:

- Dispatch personnel to the scene.
- Administer first aid, if required.
- Radio for medical and ambulance service, if needed.
- Contact relatives or friends, if requested.

In cases that do not require emergency room treatment or ambulance transportation, individuals should contact their own personal physician.

Emergency Notifications

The College will initiate and provide, without delay, emergency notifications to the appropriate segment(s) of the College community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees and visitors.

The Pima Community College Police are responsible for confirming emergencies, in conjunction with College administrators, local first responders and/or the National Weather Service that may warrant the distribution of an immediate notification to the College community.

Emergency Notification for incidents that may pose an immediate threat to health and safety will be made unless issuing a notification will, in the professional judgment of responsible authorities and taking into account the safety of the College community, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Notification will be made by using some or all of the following methods depending on the type of emergency: PCCAlert text alert system, blast email, telephone, fire alarm, Internal/External Speaker/Public Address Systems (where available), digital signage, local media, webpage and/or in-person communication. The content of the message will vary depending on the situation. At a minimum, the messages will describe the emergency, provide basic instructions to the community and will direct them to where they can receive additional information.

Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm).

The local news media may be utilized to disseminate emergency information to members of the larger community including neighbors, parents and other interested parties. The larger community can also access emergency information via the College website.

System to use	Primary Message Creator	Backup Message Creator	Authority for approving & sending messages	Primary Message Sender	Backup Message Sender
PRIMARY					
PCCAlert system (text message/ email system)	On duty dispatch staff	On call facilities, EH&S or college supervisory personnel	On duty facilities, EH&S or college police supervisors	On duty dispatch staff	On call facilities, EH&S or college supervisory personnel
Blast Email	Director level staff with facilities, EH&S and college police with Pima-all capability	Designees with Pima-all capability	Director level staff with facilities, EH&S and college police with Pima-all capability	Director level staff with facilities, EH&S and college police with Pima-all capability	Designees with Pima-all capability
External public address system	On duty dispatch staff	on site facilities, EH&S or college police member	Any on duty facilities, EH&S or college police member with knowledge of the incident	on duty dispatch staff	Any on duty facilities, EH&S or college police member with knowledge of the incident

SECONDARY					
Telephone	Any on duty facilities, EH&S or police supervisor	Any facilities, EH&S or college police designee	Any on duty facilities, EH&S or police supervisor	Any on duty facilities, EH&S or police supervisor	Any facilities, EH&S or college police designee
Fire Alarm	Dispatch center monitors fire alarm system throughout the college district and makes notification to first responders internal and external, and notifies CAT team leaders for evacuation				
Digital Signage	Director level staff with facilities, EH&S and college police	Any facilities, EH&S or college police designee	Director level staff with facilities, EH&S and college police with	Manager of Marketing and public relations	Marketing and PR Coordinator
Local Media	Director level staff with facilities, EH&S and college police	Any facilities, EH&S or college police designee	Director level staff with facilities, EH&S and college police	Executive Director of Public, Government and Community Relations	Manager of Marketing and Public Relations
Webpages – http://pima.edu/dps & http://www.pima.edu	Director level staff with facilities, EH&S and college police	Any facilities, EH&S or college police designee	Director level staff with facilities, EH&S and college police	Director of Web Services	System Architect

If any of these systems fail, or the College deems it appropriate, in-person communication may be used to communicate an emergency.

When an immediate or imminent threat to health and/or safety is identified, an “Emergency Notification” must be activated as soon as possible. Generally, any on-duty PCCPD supervisor can assess and authorize an emergency notification. Approval from a supervisor or command level officer is not required if an excessive delay will occur and life/safety will be compromised. Only a College police officer, sworn supervisor, command level officer, Vice Chancellor of Facilities, or the Environmental Health and Safety Director may authorize.

PCCAlert - Emergency Messaging

PCC has activated the PCCAlert notification system to provide accurate information and guidance via text message and email to the PCC community about emergencies. Anyone can sign up for PCCAlerts: students, parents, employees and members of the community.

- **Text Messaging – Employees, Students**

- **Employee Instructions:** To subscribe: 1. Log onto MyPima and select the Employees tab > **@work** > **@work**; 2. Scroll down the left side of the page and find Banner Online at the bottom of the column. Select **Personal Information** under **Banner Self-Service** and scroll down to select the fourth item, **Update Addresses and Phones**; 3. Click on **Update Addresses and Phones** and a window will appear in which you will see your personal information; 4. a) Click on the word Primary under Phones and a new window will appear. Scroll down to locate **Phone Types**. In a blank field, click on the drop-down arrow and select **PCCAlert Text**. Then add the 10-digit cell phone number you wish to receive PCC text alerts. Be sure to include your area code, even if local. Click on **Submit** before exiting the page.
- **Student Instructions:** Enrollment for students is now captured via a dedicated field on the new student application. This information is transferred to the Banner system. Existing students can confirm their

enrollment by ensuring that their Personal information in MyPima on the Home tab is up to date to include a cell phone number in the dedicated **PCCAlert Text** phone type field.

- **Text messaging – Community members**

To sign up: using your cell-phone, text the word **ALERTS** to 79516. Ignore any hyphens that your phone might insert in the number. You will receive a confirmation message. You can text the word “stop” to the same number to stop receiving messages. There is no limit to the number of cell-phones that you can register to receive messages. Note that certain cell-phone providers may charge you a fee for delivery of text messages; however, most carriers will waive these fees if contacted.

- **Email**

- All PCC email addresses will automatically receive these messages.
- Anyone can request to enroll a non-college email account by emailing maintinfo@pima.edu. New enrollees will receive a confirmation email. It will contain information on how to opt out of future messages.

When might an emergency text message be sent?

- Violent activity: active shooter or immediate threat to the PCC community, including off-campus events.
- Hazards: major fires, hazardous materials leaks or spills that threaten health and safety
- Major disruptions to the College: building closures, campus closures, severe weather, Information Technology emergencies.

PCCAlerts enforces a zero spam policy that clearly prohibits unsolicited messages. PCCAlert does not sell contact information to third-parties. If the text message short code is anything other than 79516 or 50911, then it is not from PCCAlert. To learn more about PCCAlert, go to:

<https://www.pima.edu/administration/police/docs/pccalert-faq.pdf>

Timely Warnings

Timely Warning Notices shall be distributed to students and employees for any of the 15 Clery Act crimes that pose a serious or continuing threat to the College community and have occurred on or within the College Clery Geography described in the Policies for Preparing the Annual Disclosure of Crime Statistics section. Timely Warnings will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential and with the intention of trying to aid in the prevention of similar occurrences.

In the event a crime is reported to have occurred within the PCC Clery Geography that in the judgment of the Chief of Police (or designee in PCC Police), constitutes a serious or continuing threat to the community, a campus-wide Timely Warning will be issued. Timely Warnings will be issued to the campus community via blast email. All members of the PCC community are provided an email address to facilitate communication. The Clery Geography is defined as: the core campus boundaries (which includes College-owned or controlled property on campus and public property that is within or immediately adjacent to the campus) and on non-campus properties.

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-negligent Manslaughter.
- Aggravated Assault (cases involving assaults among known parties, such as two students fighting that results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger PCC community).
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Crime Alert, but will be assessed on a case-by-case basis).
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the PCC Police Department). Cases involving sexual assault are often reported long after the incident occurred. Therefore, there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of Arson.
- Other Clery crimes as determined necessary by the Chief of Police, or his or her designee in his or her absence.

Timely Warnings are typically written by the Chief of Police (or designee in PCC Police and are distributed via email by the Chief of Police (or designee in PCC Police).

A Timely Warnings will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

- Date and time or period of the incident.
- A brief description of the incident.
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).
- Suspect description(s) when deemed appropriate and if there is sufficient detail (see below).
- Police/Public Safety agency contact information.
- Other information as deemed appropriate by the Chief or his/her designee.

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

PCC does not issue Timely Warnings for a Clery crime if:

1. Law enforcement quickly apprehended the subject(s) following the reported incident, he/she is in custody, so that the threat of a serious or continuing threat for members of the PIMA community has been mitigated. PCC will reassess for the threat of serious or continuing threat to members of the community if it becomes aware of the offender making bail or otherwise being released. If the institution believes that a current threat exists, a crime alert shall be distributed.
2. A report was not filed with PCC or a local Police agency in a manner that would allow the department to post a “timely” warning for the community. A general guideline will include a report that is filed more than ten days after the date of the alleged incident, which may not allow PCC to distribute a “timely” warning to the community. This type of situation will be evaluated on a case-by-case basis.

Timely Warnings and Emergency Notifications shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential and that will aid in the prevention of similar occurrences.

If there is an immediate threat to the health or safety of students or employees occurring on a PCC campus, PCC will follow its emergency notification procedures. When PCC follows its emergency notification procedures, it is not required to issue a timely warning based on the same circumstances; however, PCC will provide adequate follow-up information to the community as needed.

Public Safety Advisories

Public Safety Advisories are developed and distributed to the community for security- and safety-related incidents that do not meet the legal standards or requirements for the distribution of an Emergency Notification or Timely Warning Notice per the Clery Act. Examples of such incidents and situations include:

- A crime or pattern of crimes that are not one of the 15 reportable Clery crimes (ex., a pattern of larcenies or vandalism cases).
- A crime that occurs outside of the PCC Clery Geography (the decision to issue a Public Safety Advisory for an off-campus crime will be made on a case-by-case basis depending on an assessment of various factors, which include but are not limited to: the nature of the crime, the exact location, the time of the incident, the local police response and guidance to campus officials, and the potential direct effect on the campus community).
- A minor security or safety concern (brush fires caused by cigarettes, etc.).
- Facilities-related issues that may cause a disruption to one or more campuses.

Public Safety Advisories are typically written by the Chief of Police (or designee in PCC Police) or Assistant Vice Chancellor of Facilities (his or her designee in Facilities) and are distributed via email by the Assistant Vice Chancellor of Facilities or the Chief of Police (or designee in PCC Police).

Public Safety Advisories may be distributed to the entire campus community or to the segment(s) of the community that are affected, as deemed appropriate by PCC Police or the Vice Chancellor of Facilities.

Emergency Response and Emergency Management Plans

Pima Community College has an Emergency Response Plan that is intended to establish policies, procedures, and the organizational structure for responding to events that disrupt or threaten to disrupt normal College operations. The plan describes the roles and responsibilities of College personnel during these situations. The basic emergency procedures are designed to protect lives and property through effective use of College and community resources. Since an emergency may be sudden and without warning, the procedures are designed to be flexible in order to accommodate incidents of various types and magnitudes. This plan outlines emergency preparation, response, and recovery of College personnel and resources. The Emergency Response Plan is consistent with established practices relating to the coordination of emergency response actions and incorporates the use of National Incident Management System (NIMS) practices to facilitate cooperation between responding agencies.

In any type of emergency, the PCCPD Dispatchers are trained to follow standard operating procedures and will route information to the appropriate responders based on the level of emergency. If the emergency incident warrants, Dispatchers will communicate immediately by following the PCCPD communications structure, which

outlines the communications hierarchy and the succession procedures, if individuals are unavailable. PCCPD has the responsibility for responding to and summoning any immediately necessary resources. The confirmation may be made in consultation with College Administration and outside governmental agencies, e.g., Pima County Emergency Response Center.

The Emergency Response Plan is drafted under the authority of the Chancellor and all decisions concerning the discontinuation of College functions, cancellation of classes or cessation of operations rest with the Chancellor (or designee).

Campus Action Teams (CAT)

Members are volunteers staffed at each campus, District Office, or the Maintenance and Security Building. They are assigned to a designated building area and are responsible for assisting and advising during an emergency. Members work under the direction of the CAT Leader.

Each CAT member shall be knowledgeable regarding:

- Emergency plans.
- Infrastructure, including the building areas they represent.
- Communication structure.
- Emergency response.

CAT members:

- Assist in evacuating their assigned buildings and direct people to outdoor emergency assembly areas.
- If a shelter-in-place has been initiated, help communicate information to building occupants.
- Provide assistance to people with disabilities.
- Communicate information and make requests for resources to the CAT Leader.
- Remain with assigned groups at assembly areas until further directions are given by a College official.
- If requested, monitor sidewalks, courtyards, and parking lots to direct lingering people to assembly areas during an evacuation.
- Attend all training, workshops and activities specifically organized for CAT members.

Emergency Readiness Tests, Drills and Exercises

All emergency tests, drills, and exercises shall be arranged, conducted, and supervised by the Department of Environmental Health and Safety, the Emergency Manager and PCCPD on a regular basis. The tests may be announced or unannounced to building occupants. In the case of an unannounced drill, only the Campus Vice President and the Campus Action Team Leader will be notified of the drill prior to the event to ensure proper participation. All employees, students, contractors and visitors on campus during a test will participate and comply with orders or directions given by those in charge of the drill, as if it were an actual incident.

In conjunction with other emergency agencies, the PCC conducts emergency response drills and exercises each year, such as table top exercises, field exercises and tests of emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Each test is documented and includes a description of the exercise, the date and time of the exercise and whether it was announced or unannounced.

The campus publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

Emergency Evacuations

Emergency evacuation procedures and maps are posted in all classrooms, lecture halls, laboratories and internal public areas at all the campuses.

The emergency evacuation procedures are tested at least twice each year, during day and evening hours, at each campus. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The PCCPD and EH&S do not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, the location of the building being evacuated, the availability of the various designated emergency gathering locations on campus and other factors such as the location and nature of the threat. In both cases, PCCPD and Campus Action Team members (CAT) staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. PCC evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

What to do during an emergency evacuation:

- If a decision is made to evacuate a campus building, you will be notified by activation of the audible/visual fire alarm system, (horns and/or white strobe lights), a phone call, text alert, verbal directions, or by VOIP (some phones can be used as a speaker system) announcement. Once you are notified, evacuation is required.
- If possible, take the most important personal items with you, e.g., medications, keys, purse and jacket.
- Close doors behind you, but do not lock them.
- Do not use elevators.
- Evacuate the area by following the evacuation plans posted in all classrooms and meeting rooms.
- Follow directions of the CAT Members and go to the assigned outdoor assembly area.
- If you are unable to leave the building or there is no ground floor access, notify any CAT Member (wearing bright green vests) of your situation and tell them what type of assistance you require (e.g., wheelchair user, breathing difficulties, visual impairment). CAT Members are trained to assist persons with disabilities and to immediately relay required information to the Campus Emergency Management Team (CEMT). If a CAT Member is not available, notify a co-worker, friend, or other college personnel as they leave the building and ask them to inform the CEMT of your name, location, and type of assistance required.
- After you inform a co-worker, friend or CAT Member of your situation, go to the nearest safe "Emergency Staging Area" (do not use an elevator) and wait until assistance arrives.

Evacuation of the entire campus

- Once the campus is evacuated, it will be secured and no one will be allowed to reenter without proper authorization.
- The campus will remain closed until the decision to reopen is made by emergency responders and College Administration. Campus reopening will be broadcasted through email, text alert, web, local radio, and television stations.

Special Assistance

Individuals with disabilities are encouraged to prepare for emergencies ahead of time by discussing their needs with appropriate personnel.

- Employees should discuss questions or concerns about emergencies with their supervisor and/or the ADA office at 206-3228.
- Students should discuss questions or concerns about emergencies with the Access and Disability Resources (ADR) office on any campus by calling 206-3228, or by email at ADRh@pima.edu.
- Plan ahead – know the areas where you work, attend class or visit on campus.
- Identify at least two exits.
- Is there ground floor access? If there is not, and you normally use an elevator to enter and leave a building, you will need evacuation assistance. Do not use elevators during an emergency unless instructed by emergency responders.
- Find a friend or co-worker and ask if they would be willing to assist during an emergency. It is suggested that you find more than one friend or co-worker in the event one of those persons is unavailable. Campus Action Team Members (CAT) are also available to assist persons with disabilities during an emergency. To find out who these personnel are for your work area, please contact your supervisor or the Administrative Business Office.
- Know the location of a telephone for each area you frequent.
- Once you have a plan, practice that plan.

Campus Security Authorities (CSAs)

Pima Community College prefers that community members promptly report all crimes and emergencies directly to the PCCPD. Students and employees may also choose to report incidents to other College officials. The Clery Act recognizes certain College officials and offices as “Campus Security Authorities” (CSAs).

“Campus Security Authority” is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution that are responsible for reporting Clery crimes and incidents:

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Examples of individuals who meet the criteria for being campus security authorities include:

- A dean of students who oversees student housing, student life center, or student extracurricular activities.
- A director of athletics, a team coach, or a faculty advisor to a student group.
- A student resident advisor or assistant, or a student who monitors access to dormitories.

The function of a campus security authority at PCC is to report to the PCCPD those allegations of Clery Act crimes that he or she receives. CSAs are responsible for reporting allegations of Clery Act crimes that are reported to them in their capacity as a CSA. This means that CSAs are not responsible for investigating or reporting incidents that they overhear students talking about in a hallway conversation; that a classmate or student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of group presentation; or that the CSA otherwise learns about in an indirect manner.

Crimes and complaints could also be reported to primary PCC Campus Security Authorities as follows:

- **PCC's Title IX Coordinator**

Title IX is administered through the Title IX Coordinator's Office, located at PCC's Downtown Campus, Room LB-190, 1255 N. Stone Ave., Tucson, AZ.

Dr. Suzanne Desjardin Dean of Students Title IX Coordinator (520) 206-6677 sdesjardin@pima.edu	Diane Deskin Deputy Title IX Coordinator (520) 206-7120 sddeskin@pima.edu	Staci Shea Deputy Title IX Coordinator (520) 206-7028 sshea1@pima.edu
	Roxandra Acosta Title IX Coordinator for Employee Complaints (520) 206-4865 racosta34@pima.edu	Sharon Eisenmann Title IX Coordinator for Employee Complaints (520) 206-4596 seisenmann@pima.edu

Email: title9@pima.edu

- o The Title IX Coordinator works to ensure that the College meets its legal obligations under Title IX of the Education Amendments of 1972 and related regulations ("Title IX"). Title IX prohibits discrimination on the basis of sex, including sexual harassment.
- o The Title IX Coordinator maintains overall compliance responsibility for Title IX- related matters and Student Code of Conduct matters related to discrimination and harassment.
- o The Title IX Coordinator is responsible for investigating any applicable complaint that the Student Code of Conduct has been violated by a student, including any allegation that a student has violated the provisions of the Code of Conduct concerning discrimination and harassment.

For more information on Title IX, go to:

<https://www.pima.edu/student-resources/student-policies-complaints/index>

- **Office of Dispute Resolution**

PCC's Office of Dispute Resolution provides centralized and consistent oversight to address complaints and grievances from all constituency groups: students, employees and community members. The office is located at PCC's District Office, Room C 208, 4905 East Broadway Blvd, Tucson, AZ.

Office of Dispute Resolution
Phone 520.206.4727

ODR is committed to addressing complaints, grievances, or concerns in an independent, fair and objective manner. ODR's core functions include intake, triage, investigation and analysis of complaints and grievances, as well as identification of process improvements. The Office reports to the General Counsel.

Complaints may be filed with the Title IX Coordinator through:

- Online forms found at <https://www.pima.edu/student-resources/student-policies-complaints/titleix/index.html>
 - The 24/7 complaint hotline: 1-855-503-8072
 - Calling or emailing the Title IX administrator or coordinator
 - An in-person visit to the Title IX office

For more information on the Office of Dispute Resolution, go to:

<https://pima.edu/administration/dispute-resolution/index.html>

Anonymous complaints can be made via the online form or hotline. While they are accepted, this type of complaint may affect reporting and resolution.

PCC takes complaints of sexual discrimination or harassment very seriously and encourages all students who feel they have experienced discrimination or harassment on the basis of their sex or gender to reach out to the College for assistance. However, students are not required to file a Title IX complaint with the College before filing a complaint with the U.S. Department of Education's Office of Civil Rights, which may be contacted as follows:

U.S. Department of Education – Office for Civil Rights

800-421-3481

OCR@ed.gov

- **Student Complaint Processes**

Pima Community College, in its goal to provide quality instruction and service, provides students access to appropriate College staff and administration to resolve questions and concerns about PCC staff, policies, procedures, or other actions or inactions of the College.

Students are strongly encouraged to resolve any concern by talking with the individual or faculty member and his/her supervisor if necessary.

Need assistance navigating the complaint process or have questions or a concern? Contact the Student Complaint Resource Liaison at each campus:

<p>PimaOnline: Linda Cordier CC-studentresource@pima.edu 520.206.6516</p> <p>Desert Vista Campus: Mariah Young DV-studentresource@pima.edu 520.206.5306</p> <p>Downtown Campus: Hector Acosta DC-studentresourc@pima.edu 520.206.2199</p>
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<p>East Campus: Rob Carey EC-studentresource@pima.edu 520.206.7880</p> <p>Northwest Campus: Ed Gallagher NW-studentresource@pima.edu 520.206.2121</p> <p>West Campus: Diane Miller WC-studentresource@pima.edu 520.206.6072</p>

Distance Education/Online Students outside the State of Arizona can access the support of AZ SARA at: <https://azsara.arizona.edu/complaint-process>. Prior to registering a non-instructional complaint with AZ SARA Council, the student must complete PCC's official complaint process.

For more information on Student Complaint Processes, go to:

<https://pima.edu/student-resources/student-policies-complaints/complaint-processes/index.html>

Confidential Reporting Procedures

Complainants who do not wish to pursue action within the criminal justice system, Title IX, or College Code of Conduct system, may want to consider making a confidential report. An individual may inquire about making a confidential report either in person at any PCCPD office or by calling the PCCPD Communications Center at (520) 206-2700. An officer can fill out a police report and list the reporting party as anonymous to capture the incident. The purpose of confidential reporting is to comply with a person's desire to keep the matter confidential, while taking steps to help ensure the future safety of themselves and others. Reports filed in this manner will be counted and disclosed in the institution's Annual Crime Report.

If the complainant requests confidentiality or asks that the complaint not be pursued, the PCCPD and Title IX Coordinator may nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. However, the College may be required to pursue an investigation even if a Complainant chooses not to do so to ensure the safety of the Pima Community College Community. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, PCCPD will inform the complainant that its ability to respond may be limited. Title IX prohibits retaliation. If a Complainant is afraid of reprisals from the alleged perpetrator, PCC will take steps to prevent retaliation and will take strong responsive actions if retaliation occurs.

PCC does not staff pastoral or professional counselors that provide confidential counseling and are exempt from the reporting responsibilities of the Clery Act. This pertains to professional counselors whose official responsibilities include providing mental health counseling within the scope of the counselor's license or certification and to pastoral counselors who are associated with a religious order or denomination, or is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

Pima Community College Response to Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Dating violence, domestic violence, sexual assault and stalking are criminal acts that subject the alleged perpetrator to criminal and civil penalties in state and federal courts. In addition to court-imposed sanctions, the College will respond administratively if dating violence, domestic violence, sexual assault, stalking, or other crimes are perpetrated by a student or employee.

Pima Community College does not currently have separate policies, and procedures in response to dating violence, domestic violence, sexual assault, or stalking. Initial responses will depend on the circumstances at the time.

An officer from the PCCPD or Title IX Coordinator will guide the victim of dating violence, domestic violence, sexual assault, or stalking through the available options and support the victim in his or her decision. She or he may choose for the investigation to be pursued through the one or more of the following:

- Pima Community College Police Department and the criminal justice system.
- Title IX Coordinator and the Pima Community College Discrimination, Harassment and Retaliation Prevention and Complaint Procedures.

Pima Community College Police Department Responsibility

The Pima Community College Police Department has the responsibility to:

- Conduct criminal investigations into reports of sexual violence, domestic violence, dating violence, and stalking, and refer to courts.
- Inform victims/complainants about their options regarding the involvement of law enforcement authorities and campus authorities.
- Disseminate sexual assault and other sex crime statistics and, if necessary, issue emergency or timely warnings to the college community.
- Coordinate investigations with the Title IX coordinator.
- Refer off-campus reports to proper jurisdictions, if required.
- Refer Mandatory Reports – Abuse of a Minor to Arizona Department of Child Safety (DCS) (ARS 13-3620).
- Provide to the College community timely and appropriate notification of the presence of known Level 2 or Level 3 registered sex offenders who may be on College premises (ARS 13-3826).
- Provide written victim information and assistance to victims of sexual violence (ARS 13-4405).

Title IX Coordinator and Reporting Process

Reports of dating violence, domestic violence, sexual assault or stalking can be referred the Title IX Coordinator for investigation and sanctions within the PCC Student Code of Conduct or Employee Administrative process.

A complaint of sexual violence, domestic violence, dating violence and stalking may be received directly from a student, employee, visitor or witness or referred by PCCPD or Campus Security Authority. Complaints will be received regardless of the location, whether on or off-campus. Off-campus criminal complaints may be referred to local law enforcement.

The Title IX Coordinator will explain what is involved in making a police report and will comply with a complainant's request for assistance in notifying law enforcement.

All reports of dating violence, domestic violence, sexual assault, or stalking will be reported to PCCPD for Clery statistical purposes or possible timely warnings to the College community. The Title IX Coordinator will provide appropriate and specific contact information for the PCCPD or local law enforcement agency.

Supportive Measures

At the commencement of, or at any time during the course of an investigation, supportive measures may be imposed in order to protect all parties until the investigation is completed, including, but not limited to:

- The PCCPD issuing a no trespass or suspension order to the respondent.
- The Title IX Investigator issuing a temporary directive to a Respondent or other person relating to conduct that may constitute discrimination, harassment, or retaliation.

- The Chief Human Resources Officer may impose on a Respondent or other person a Paid Investigatory Leave as referenced by the Personnel Policy Statement for College Employees.
- Coordinate protective measures with the PCCPD, The Title IX Coordinator and College administration to request changes to academic, living, transportation and working situations.
 - Pima Community College is obligated to comply with a student’s request for a living and/or academic situation change following an alleged sex offense. This includes a) working with the student and faculty member to find a different class day/time or location; b) working with the faculty member on an incomplete or withdrawal from the course. The college can provide referrals to housing and legal entities to assist the student in requesting those changes.

Confidentiality

Every reasonable effort will be made to protect the privacy and confidentiality of all parties involved in the investigation, consistent with and subject to the College’s need to investigate the report or complaint and/or implement decisions made in order to resolve the report or complaint or remedy conduct that is determined to constitute an act of dating violence, domestic violence, sexual assault, or stalking. No representative of the College is authorized to promise complete confidentiality to any person who possesses information relevant to the investigation of a report or complaint, including the Complainant.

Documentation resulting from any investigation shall be maintained as confidential in a Title IX investigation. Access to documents or any other kind of information related to a complaint is permitted only for College officials with a “need to know” or as allowed or required by law.

Pima Community College Policies, Procedures and Proceedings on Dating Violence, Domestic Violence, Sexual Assault, and Stalking

The following are relevant policies and procedures pertaining to dating violence, domestic violence, sexual assault and stalking.

Pima Community College Police Department is sometimes referred to as the Department of Public Safety within the published PCC policies. The College is actively working on updating all policies for consistency on this terminology.

Workplace Violence Prevention

Board Policy Number: BP 1.15

Pima County Community College District promotes a safe environment for its employees, students and visitors. The College is committed to maintaining an environment free from violence, threats of violence, harassment, intimidation and other disruptive behavior. The College provides training, education and resources to promote a safe environment and to help prevent instances of workplace violence.

Violence, threats, harassment, intimidation, and any other disruptive behavior, which carries an expressed, implied or perceived intent to cause harm to a person or property at any Pima Community College facility or sponsored event will not be tolerated. It is the responsibility of every employee, student or visitor to Pima Community College to report any occurrence of such conduct. The College will investigate all reports; deal with all violations in accordance with the College Personnel Policy Statement for College Employees and/or the Student Rights and Responsibilities and report to legal authorities, as appropriate, for criminal prosecution.

Sexual Violence

Administrative Procedure Number: AP 8.05.01

PURPOSE

The purpose of this procedure is to implement Board Policy on Institutional Security as it relates to sexual violence.

For the purpose of this procedure, the definition of sexual violence is any unwanted sexual contact or attention achieved by force, threats, bribes, manipulation, pressure, tricks or violence. Sexual violence may be physical or non-physical and includes sexual assault (rape), attempted sexual assault and acquaintance rape. Sexual violence is committed by strangers and, more often, acquaintances, friends or relatives. Anyone can become a victim of sexual violence, regardless of age, race or income level. Pima Community College shall provide an environment that will, to the greatest extent possible, preclude the occurrence of and encourage the reporting of sexual violence.

Reporting Responsibilities

- Victims are encouraged to report acts of sexual violence to the Department of Public Safety as soon as possible. The Department of Public Safety shall post 24-hour emergency telephone numbers at various locations on all campuses or otherwise provide for emergency contact with the Department, such as, direct telephone lines in all elevators and other locations.
- Any student or employee who witness sexual violence or is informed about an alleged sexual offense shall, as soon as possible, contact the Department of Public Safety.
- The Department of Public Safety is responsible for the dissemination of sexual assault statistics to the college community. Sexual assault statistics shall be published annually and provided to the student population in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

Prevention and Educational Programs

The College will utilize a number of strategies and activities specifically designed to educate the college community regarding sexual offense issues and to promote awareness of strategies to prevent sexual assault, rape, acquaintance rape and other sexual offenses.

- Campus Vice Presidents/Vice Chancellor for Academic Affairs and Student Development
 - Campus Vice Presidents or designee will provide workshops for all employees and students. All campus Presidents or designee will provide to the student population information on sexual violence prevention and assistance.
 - Campus Vice Presidents or designee will provide for the display of posters, flyers, brochures, etc. that relate to sexual violence.
 - The Vice Chancellor for Academic Affairs and Student Development or designee responsibilities are similar to the Campus Vice Presidents for employees at the DO/M&S.

- Dean of Student Development
 - The Deans of Student Development or designee will be responsible for preparing, scheduling and conducting the various workshops or other educational programs dealing with sexual violence.
 - The Deans of Student Development or designee will be responsible for the selection of locations for the display of posters, flyers, brochures or other educational materials relating to sexual violence.
 - The Deans of Student Development or designee will ensure that all education support faculty are provided with training in the area of sexual violence counseling.

- Department of Public Safety
 - The Department of Public Safety will provide assistance and expertise in the preparation of workshops or other educational programs and will provide, as needed, assistance in the presentation of information about the role of the Department in sexual offense response and investigation.
 - The Department of Public Safety will be responsible for the acquisition of posters, flyers, brochures or other educational materials relating to sexual violence.
 - The Department of Public Safety will provide a cost-free videotape loan program for the college community. The videotapes will cover various aspects of sexual violence. The Department will also provide a videotape viewing area, so the programs can be viewed by persons without video players.
 - The Department of Public Safety will provide to the College student newspaper (The Aztec Press), the Bulletin, articles and information on the prevention of sexual violence to be published at least twice yearly, during the Spring and Fall semesters.
 - The Department of Public Safety will provide assistance and referral information electronically to the college community through the Pima Info Web.

- Human Resources
 - Human Resources will assist in the development of sexual violence workshops by providing expert presenters in the various aspects of the workshops.
 - Human Resources will be responsible for preparing, scheduling and conducting the workshops or other educational programs dealing with sexual violence for all College employees.
 - These employee-related workshops should include information on receiving reports of sexual violence, reporting incidents of sexual violence to the Department of Public Safety and where to refer victims for assistance.

Crisis Response Team

The College will establish a Crisis Response Team, which will be activated by the Department of Public Safety in the event of an alleged sexual offense.

- Once the Department of Public Safety becomes aware of an alleged sexual offense, the Department will implement criminal investigative procedures outlined in its Departmental Procedure Manual. These procedures provide specific details on the investigative requirements of sexual offenses and compliance with federal, state and local criminal justice policies.
- In addition to implementing investigative procedures, the Department of Public Safety is responsible for making notifications to all appropriate members of the Crisis Response Team, including but not limited to:
 - Appropriate Campus President or designee.
 - The Vice Chancellor for Academic Affairs and Student Development or designee (for incidents at DCO/ DSSC or non-campus areas).
 - The Vice Chancellor for Human Resources or designee (when a college employee is involved).
 - Other Community Services as needed (i.e. Rape Crisis Center, Victim Witness Program, Mental Health Services, Medical Services).

Title IX Update

The U.S. Department of Education recently announced significant changes to the rules and regulations governing Title IX, the federal law that prohibits discrimination on the basis of sex in educational institutions receiving federal funding, including the College. Those new rules and regulations officially went into effect on August, 14, 2020. The revised procedure addresses all forms of discrimination, harassment and retaliation, including sexual assault, stalking and other wrongful conduct.

Requirements of Title IX now apply College-wide, rather than to only student matters. AP 2.03.01 essentially consolidates the Colleges various discrimination and harassment AP's into a single AP under the authority of the Chancellor.

Because of the broad implications of Title IX, other College policies and procedures will be affected by these changes and will require review and revision, which will be conducted in a timely manner in accordance with the College's standard processes. In the meantime, to the extent there are any differences or conflicts with other AP's, the Employee Handbook or the Student Code of Conduct, AP 2.03.01 supersedes those other policies and procedures.

Additional information about the administration of Title IX at the College can be found at

<https://pima.edu/student-resources/student-policies-complaints/titleix/index.html>.

The full text of the AP 2.03.01 can be found here:

<https://pima.edu/about-pima/leadership-policies/policies/administrative-procedures/docs-ap-02/ap-2-03-01.pdf>

The following section covers the Clery Act notifications and requirements in reporting to the College Community. The Clery Act requires colleges to notify the campus community of its responsibility to assist and inform victims of sexual assault, dating violence, domestic violence and stalking on how to obtain help, as well as outlines victims' and alleged perpetrators' rights under the law.

The following is a summary of pertinent College Policies, Procedures and Proceedings on Dating Violence, Domestic Violence, Sexual Assault and Stalking from AP 2.03.01.

Discrimination, Harassment, and Retaliation-Prevention and Complaint Procedures

Administrative Procedure Number: AP 2.03.01

Defined Terms are capitalized throughout this AP. Please see Section 16 for a Glossary of Definitions. Unless otherwise specified, all terms used in this AP that are not specifically defined in the Glossary of Definitions, including within the definitions themselves, shall be interpreted using their common dictionary definitions.

“Title IX Sexual Harassment” means conduct meeting the College’s definition of Sexual Harassment that occurs in the United States during the College Education Program or Activity and includes one or more of the following additional elements specifically prohibited by Title IX: a) Quid-Pro-Quo Harassment, b) Sexual Assault, c) Dating Violence, e) Stalking, or f) Other unwelcome conduct of a sexual nature that a Reasonable Person would find to be so severe and pervasive and objectively offensive (all three must be present) that it effectively denies the affected individual of equal access to the College’s Education Programs and Activities.

“Dating Violence” means violence or other physical, psychological, or emotional abuse directed against an individual by someone with whom that individual is or has been in a social, romantic, or intimate relationship including, but not limited to, acts committed intentionally to frighten, intimidate, coerce, exploit (including economic exploitation), or humiliate the targeted individual or socially isolate them from others.

“Domestic Violence” means violence or other physical, psychological, or emotional abuse directed against an individual by someone with whom that individual currently has or previously had a cohabitational relationship of any kind, including, but not limited to, as a spouse, intimate partner, roommate, or family member, including, but not limited to, acts committed intentionally to frighten, intimidate, coerce, exploit (including economically), or humiliate the targeted individual or socially isolate them from others.

“Sexual Assault” means physical sexual acts perpetrated against an individual, regardless of any current or prior relationship, either through physical force or coercion, including threats against the individual or others, against the individual’s will, without the individual’s consent, or where the individual is incapable of giving consent, including, but not limited to, rape (forcible or statutory), sexual violence, sexual battery, sexual abuse, sexual exploitation, and sexual coercion.

“Stalking” means repeatedly following, making contact with, observing, or engaging in other conduct, or directing or requesting that others engage in such conduct, against another individual without legal justification in a manner or under circumstances that would cause a Reasonable Person to feel threatened, unsafe, or intimidated or to fear for the safety of others.

PURPOSE

Pima Community College (“College”) is an equal opportunity, affirmative action institution. The College does not discriminate on the basis of race, color, religion or irreligion, ethnicity, national origin, age, sex, disability (actual or perceived), sexual orientation, gender identity or expression, veteran or military status or any other unlawful basis.

The College is committed to maintaining a safe and equitable workplace and educational environment in which no member of the College Community is denied full access to the College’s educational programs and services or employment opportunities because of unlawful discrimination or harassment. The College will not tolerate unlawful discrimination or harassment of any kind against any member of the College Community.

Applicability and Scope

- Covered individuals

All provisions of this AP apply to all members of the College Community, including Students, Employees, applicants for admission or employment, visitors, volunteers and contractors, unless otherwise specified.

- Covered Locations and Activities

All provisions of this AP are applicable on all College Property and during all Ordinary College Operations and College Sponsored Activities, on or off campus, regardless of location, unless otherwise specified.

- Online Activity and Social Media

- This AP applies to all online, telephonic, and otherwise virtual activity, including use of social media that:

- Occurs on College Property;
- Occurs during or has a material adverse effect on Ordinary College Operations;
- Involves a Matter of Substantial College Interest
- Involves the use of College IT Systems

- This AP may apply to discriminatory or harassing communications posted to social media sites or other online venues by Students, Employees, or other members of the College Community, even if College IT Systems were not used and/or the College does not control the social-media site or online venue, if the communications can reasonably be shown to be disruptive to Ordinary College Operations.

- Social media activity and other forms of online communication that are protected by the First Amendment may not be the subject of disciplinary or other adverse action pursuant to this AP. However, the College may still provide Supportive Measures (See Section 6 of this AP) to members of the College Community affected by such communications.

- Additional Covered Events and Circumstances

This AP may also apply to certain events and circumstances involving members of the College Community that do not occur on College Property, during Ordinary College Operations, or during College Sponsored Activities if those events 1) effectively deprive one or more members of the College Community of access to or the benefits of, or subject them to Discrimination or Harassment in the College's Education Programs and Activities, or 2) involve a Matter of Substantial College Interest.

- Questions About Applicability and Scope

Questions about this AP's applicability and scope, or other issues related to its interpretation or implementation, including potential conflicts with other policies and procedures, will be resolved by the Chancellor (or designee) and are not subject to further review.

Prohibited Discrimination and Harassment

- The College Strictly prohibits, will not tolerate and shall endeavor to effectively address, remediate and eliminate all forms of Discrimination and Harassment that occur in violation of this AP, including but not limited to, Discrimination or Harassment on the basis of a Protected Class, Retaliation, Title IX Sexual Harassment and other conduct that creates or contributes to a Hostile Environment.
- The College reserves the right to address other offensive or disruptive conduct that a) does not rise to the level of creating or contributing to Hostile Environment , or b) is not based on a Protected Class through the College's other applicable policies and procedures, including, but not limited to, Employee Handbooks and the Student Codes of Conduct.
- The College recognizes that acts of Discrimination or Harassment may be committed by any individual(s) against any other individual(s), regardless of their respective status, even if they are both members of the same Protected Class.

Retaliation

- Retaliation is a form of unlawful Discrimination prohibited by this AP and will not be tolerated by the College.
- Acts of Retaliation against person who have reported or submitted a Complaint about Discrimination or Harassment, participated in the investigation or resolution of a report or Complaint about Discrimination or Harassment (e.g., as a Complainant, Respondent, witness, Advisor, or decision-maker), or engaged in other Protected Activity pursuant to this AP are prohibited, will not be tolerated by the College and should be reported immediately (see Section 10.31 of this AP).
- Retaliation does not include the following:
 - Adverse action taken against an individual for 1) making materially false, bad-faith statements or Frivolous allegations in the course of College proceedings undertaken pursuant to this AP or other College policies, or 2) refusing to cooperate or otherwise interfering with those same college proceedings when required to do so.
 - The Legitimate exercise of rights otherwise protected under the First Amendment.

Supportive Measures

- The College shall offer Supportive Measures to affected members of the College Community upon notice of alleged Discrimination or Harassment, even if a Complaint has not be submitted.
- If a Complaint is submitted, Supportive Measures shall be offered equally to both Complainants and Respondents until at least such time as a decision has been made on the Complaint pursuant to applicable College policy
- The College will endeavor to maintain the privacy of members of the College Community receiving Supportive Measures and avoid unnecessary burdens on individuals involved, provided that doing so does not impair the College's ability to provide the Supportive Measures or to investigate or fully address Discrimination or Harassment.
- Other members of the College Community, including Employees, will not be informed of the reason why an individual is receiving a Supportive Measure unless disclosing that information is necessary to provide the Supportive Measure.

Court-Issued Orders of Protection/"No Contact" Orders

- Although individual members of the College Community may receive lawful civil court orders in their personal capacities related to discrimination and harassment, including orders of protection and "no contact" orders, from local, state and federal courts, the College is generally not in a position, or legally responsible, to enforce or otherwise take action on civil court orders, unless the College itself is a party or subject of the same orders.
- Members of the College Community with questions about complying with, or who believe other individuals are engaging in violations of, civil court orders on College Property or at College Sponsored Activity, may contact the College Police Department for assistance.
- When necessary and appropriate to protect the College Community as a whole from specific incidents of Discrimination and Harassment, particularly when public safety is threatened, the College may seek injunctions, orders of protection, or "no contact" orders on behalf of the College itself from local, state, or federal courts.
- The College itself cannot seek personal orders of protection, "no contact" orders, or other forms of legal relief from local, state, and federal courts on behalf of individual Students, Employees, or other members of the College Community who may be affected by Discrimination or Harassment.
- The College may, in addition to other Supportive Measures, refer members of the College Community affected by Discrimination and Harassment to low- or no-cost legal services outside the College to assist them with related legal matters, including, but not limited to, seeking or defending against such court orders.

College-Wide, Inter-Departmental Cooperation

- The College is committed to providing a unified, holistic approach to preventing and responding to Discrimination and Harassment, regardless of the form it takes, where or when it occurs, or the status within the College Community of the persons perpetrating or affected by it (e.g., Student, Employee, visitor).
- The College recognizes that individual incidents may include multiple forms of Discrimination and Harassment as well as other violations of College Policy; involve various combinations of Students, Employees and other members of the College Community; and require the simultaneous attention of multiple College departments. Accordingly, all College departments shall share information, combine efforts and otherwise cooperate, to the maximum extent permitted by law and consistent with other applicable College policies, to provide uniform, consistent, efficient and effective responses to Discrimination and Harassment.

Complaint and Reporting Processes and Resources

- Federal Timely Warning Obligations

Pursuant to the Clery Act, the College may be required to issue "timely warnings" upon receipt of reports of certain types of Discrimination or Harassment that pose or may pose a serious or continued threat to the overall College Community (e.g., Sexual Assault and Stalking). If timely warnings are required, the College will ensure that the names and other personally identifying information of the persons reporting the Discrimination and Harassment in question are not disclosed.

- Disability Accommodations in Complaint Processes

The College is committed to providing reasonable accommodations to ensure that qualified Students, Employees and other members of the College Community with disabilities have equal access to all aspects of the administration of this AP. Anyone requesting such an accommodation should contact the College's Accesses and Disabilities Resources Office ("ADR").

- Effect of Collateral Criminal or Civil Legal Proceedings
 - The College is generally not prevented from taking responsive action by ongoing collateral criminal or civil legal proceedings based on the same general allegations as a Complaint received by the College. Likewise, the fact that criminal charges have been dropped or reduced, or civil lawsuits settled, does not affect ongoing related matters at the College.
 - At the request of law enforcement agencies, the College may institute reasonable delays in College proceedings if the College determines that doing so would be in the best interests of the administration of justice and would not materially interfere with the College’s ability to effectively investigate or respond to the matter.
 - College proceedings will not be delayed to accommodate civil lawsuits or other non-criminal legal matters.
- Central Repository for all Complaints of Discrimination and Harassment
 - All Complaints of Discrimination and Harassment in violation of this AP shall be recorded and maintained in a centralized electronic database, administered by the Office of the General Counsel or designee (e.g., the Office of Dispute Resolution (“ODR”), regardless of the type of conduct alleged, the roles of the Complainant and/or Respondent within the College Community, or the specific College departments receiving and responding to the Complaints.
 - The College shall monitor this central Complaint repository and periodically review the information contained therein to identify any trends in the reporting of Discrimination and Harassment at the College, to improve the College’s investigation and resolution processes and for any other purposes related to the overall reduction of Discrimination and Harassment at the College.
- Confidential and Anonymous Complaints
 - Persons reporting alleged violations of this AP may request that their Complaints remain confidential. The College will endeavor to honor such requests when not prohibited from doing so (e.g., as with Formal Title IX Complaints (see Section 14.6.4 of this AP) and when the College’s obligation to protect the College Community does not override the request of confidentiality.
 - Anonymous Complaints may be submitted through a toll-free telephone number and/or anonymous website, which can be found on the Office of Dispute Resolution (“ODR”)’s page on the College website.
 - Persons requesting confidentiality or submitting anonymous Complaints should be aware that doing so, even when permitted, may significantly limit the College’s ability to investigate and respond to such Complaints.
- Use of Email for Complaint-Related Written Communication and Determining Effective Dates
 - All written communication related to Complaints made pursuant to this AP shall be conducted by email unless alternative means are required due to extenuating circumstances and expressly approved in writing by a College Administrator with authority of the Complaint process in question or by the College’s Access and Disabilities Resources (“ADR”) Office as part of an accommodation.
 - Current Employees and Students participating in Complaint proceedings in any capacity (e.g., as Complainants, Respondents, Advisors, or witnesses) must conduct all Complaint-related written

correspondence using their assigned “pima.edu” email accounts unless specifically authorized in writing by the College to use another form of correspondence for a specific purpose (e.g., to forward to the College Discriminatory or Harassing messages received at a personal account).

- All Complaint-related email sent at or before 5:00 p.m. on a Business Day will be deemed received and read by the recipient on the date it was sent. Complaint-related emails sent after 5:00 p.m. will be deemed received and read by the recipient on the next Business Day.
- **Duty of Employees to Report Discrimination and Harassment**
 - Employees who are Supervisors or who instruct or advise Students are required to report all potential Discrimination or Harassment that comes to the Employees’ attention in the course and scope of their College employment, either because they themselves witness it or because it is reported to them verbally or in writing.
 - Reports must be made as soon as possible (generally within one (1) Business Day, unless specified otherwise) and may be submitted in accordance with the provisions of the Employee Handbook or to the College’s Office of Dispute Resolution (“ODR”).
 - The Duty of certain Employees to report Discrimination and Harassment pursuant to this AP is independent of and in addition to the legal “Mandatory Reporting” duty of all Employees to report child abuse, child neglect and other “reportable offenses” as defined by law (see AP 8.05.03, “Mandatory Reporting – Abuse of a Minor or Child”).

Title IX Sexual Harassment

Title IX Sexual Harassment is a specific category of sex or gender-based Discrimination and harassment under federal law (i.e., Title IX and associated regulations promulgated by the U.S. Department of Education) which requires certain different or additional action by the College. All Title IX Sexual Harassment qualifies as prohibited Discrimination and Harassment under this AP, but not all prohibited sex-and gender-based Discrimination and Harassment qualifies as Title IX Sexual Harassment. Questions about the distinction may be directed to the College’s Title IX Coordinator

- **Authority of the Title IX Coordinator**
 - The College’s Title IX Coordinator is designated as having the primary responsibility to oversee and coordinate the implementation of the Title IX Sexual Harassment portions of this AP, including, but not limited to, the resolution of Title IX Sexual Harassment Complaints and the delivery of required Title IX Training.
 - The Title IX Coordinator (or designee) shall be primarily responsible for the College’s response to reports and Complaints of Title IX Sexual Harassment, regardless of whether the parties involved are Students, Employees, or other members of the College Community.
- **Designation of Deputy Title IX Coordinators**
 - The Title IX Coordinator may designate one or more Deputy Title IX Coordinators to oversee the implementation of this AP within specific College departments, including, but not limited to Human Resources.
 - Regardless of their respective administrative supervisors, all Deputy Title IX Coordinators will report exclusively to the Title IX Coordinator for purposes of the administration of the Title IX Sexual Harassment

provisions of this AP only.

- All Deputy Title IX Coordinators shall be identified on the College's website along with their respective contact information and designated areas of responsibility (e.g., Human Resources).
- Designated "Officials with Authority" for Purposes of Title IX
 - Title IX requires that the College promptly respond to a Formal Title IX Complaint in a manner that is not Deliberately Indifferent when a College Official with Authority to address a Formal Title IX Complaint has actual knowledge of reported Title IX Sexual Harassment. For purposes of the Title IX Sexual Harassment provisions of this AP, such "Officials with Authority" are limited to the following:
 - Title IX Coordinator
 - Deputy Title IX Coordinators
 - Chancellor
 - Provost
 - Chief Human Resources Officer
 - College Employees designated as "mandatory reporters" pursuant to AP 8.05.03 ("Mandatory Reporting—Abuse of a Minor Child") are not necessarily "Officials with Authority" for purposes of this AP and Title IX.

- The Title IX Pool

- Role and Responsibilities

The College will utilize a group of specially trained individuals to serve a variety of roles in the Title IX process, including, but not limited to, Title IX Advisors, Title IX Hearing Officers, Title IX Appeal Panelists and informal mediators. These individuals are referred to collectively as the College's Title IX Pool.

- Membership

- Membership selection for the Title IX Pool shall be at the discretion of the Title IX Coordinator and shall include, at a minimum, Employees (both academic and non-academic) with administrative responsibilities at the college that are not related directly to Title IX.
- Employees whose responsibilities already include the administration of Title IX at the College, either specifically or in an oversight or compliance capacity, may not serve in the Title IX Pool, including, but not limited to, the Chancellor, the Provost, the General Counsel and other College legal staff, the Chief Human Resources Officer, the Title IX Coordinator, any Deputy Title IX Coordinators and personnel from the Office of Dispute Resolution ("ODR"). At the Title IX Coordinator's discretion, the College may draw upon qualified individuals from outside the College to serve in the Title IX Pool.

- Required Training

All members of the Title IX Pool shall have completed specialized Title IX training, shall continue to receive and complete additional training at least annually and more often as determined by the Title IX Coordinator. This training generally includes, but is not limited to, the following topics:

- The provisions of this AP and other College policies and procedures related to Discrimination and

- Harassment;
 - Applicable laws, regulations and federal guidance;
 - Maintaining impartiality and objectivity and avoiding biases, including implicit bias;
 - Determining and implementing appropriate Supportive Measures;
 - Conducting thorough and impartial investigations;
 - Conducting hearings and appeal proceedings;
 - Conducting questioning, including cross-examination;
 - Weighing evidence, including assessing credibility and relevance;
 - How to reach decisions and generate clear, concise, evidence-based written findings;
 - Determining and implementing appropriate Disciplinary Sanctions;
 - Using technology commonly utilized in the Title IX process.

- Reporting Title IX Sexual Harassment
 - Title IX Sexual Harassment may be reported to the College using any of the following methods:
 - Contacting the Title IX Coordinator, a Deputy Title IX Coordinator or another Official with Authority (see Section 14.3 of this AP) by any method, including, but not limited to, by telephone, email, or in-person (contact information can be found on the Title IX Coordinators website);
 - Contacting the College’s Office of Dispute Resolution (“ODR”) by any method, including anonymously (contact information and instructions for submitting anonymous reports can be found on the ODR’s website);
 - Submitting a Formal Title IX Complaint (see Section 14.6 of this AP).
 - Title IX Sexual Harassment may be reported without submitting a Formal Title IX Complaint. The College will take appropriate action in response to all reports of Sexual Harassment (or other forms of Discrimination and Harassment), whether formal or informal. However, only Formal Title IX Complaints will be addressed according to the College’s Title IX Process.
 - Individuals reporting Title IX Sexual harassment shall be informed of the following:
 - Their right to submit or not to submit a Formal Title IX Complaint;
 - Their right to submit a Formal Title IX Complaint in the future, if they decline to do so at the time of the reporting;
 - Their right to receive Supportive Measures whether or not they submit a Formal Title IX Complaint;
 - A Formal Title IX Complaint must be submitted in order for the College to initiate the Title IX Complaint Process.

- Submission of Formal Title IX Complaints
 - Formal Title IX Complaints must be submitted to the Title IX Coordinator or a designated Deputy Title IX Coordinator.
 - A formal Title IX Complaint must 1) be in writing; 2) be signed by the Complainant; 3) include enough factual allegations to determine that, if proven to be true, Title IX Sexual Harassment may have occurred; and 4) request that the College investigate the allegations.

- Only current Students and Employees, persons currently attempting to access the College’s Education Programs and Activities, or the Title IX Coordinator may be a Complainant to a formal Title IX Complaint. Complaints by former Students and Employees and persons not currently attempting to access the College’s Education Programs and Activities may submit complaints of Sexual Harassment and other prohibited Discrimination and Harassment through other College processes.
- Formal title IX Complaints may not be submitted anonymously or confidentially (i.e., with the names of the Complainant withheld).
- Once a Formal Title IX Complaint has been received, the College will offer Supportive Measures to both the Complainant and the Respondent, equally. If the college was already providing Supportive Measures prior to the submission of the Formal Title IX Complaint, the College may continue to do so or provide new or appropriately modified Supportive Measures.
- Formal Title IX Complaints against Multiple Respondents
 - In the interest of fairness and clarity, all allegations in a single Formal Title IX Complaint should generally be against a single Respondent.
 - A single Formal Title IX Complaint may, at the discretion of the Title IX Coordinator (or designee) be brought against more than one Respondent if 1) all factual allegations arise from substantially the same event(s) and circumstances, 2) the Complainant clearly identifies which factual allegations are against which Respondent(s), and 3) doing so would not materially prejudice the interests of any party or the jeopardize the College’s full and fair resolution of the matter (e.g., by creating an unreasonable risk of unfair “guilt by association”).
- Discretionary Inclusion of Other Discrimination or Harassment Allegations in Formal Title IX Complaints
 - If a Formal Title IX Complaint alleges additional forms of Discrimination or Harassment prohibited by this AP, the Title IX Coordinator shall have the discretion to either 1) separate the additional allegations from the Formal Title IX Complaint and forwarded to the appropriate College department to address those allegations, or 2) direct that the additional allegations be investigated and resolved as part of the Title IX Complaint process in the same manner as the allegations of Title IX Sexual Harassment.
 - The Title IX Coordinator shall provide written notice to all parties of the decision.
- Notice to Respondent of a Formal Title IX Complaint

Upon receipt of a Formal Title IX Complaint and prior the commencement of the investigation, the Title IX Coordinator (or designee) shall provide timely written notice of the complaint to the Respondent. The written notice must include all of the following:

- The identities of the parties involved, including Complainant;
- A meaningful summary of the allegations, including the specific conduct in which the Respondent allegedly engaged that is believed to constitute Title IX Sexual Harassment, including the date and location when each incident of such conduct is alleged to have occurred;
- The College policies allegedly violated by the Respondent (including citations);
- A general description of the sanctions with may be imposed if the Respondent is determined to be

responsible for the alleged violations;

- o A statement of or citation/link to any applicable policies and procedures, including, but not limited to, this AP;
 - o A statement informing Respondents of their right to a Title IX Advisor;
 - o A statement informing Respondents that an investigation will be conducted and of their right to be accompanied by their inspect and review any evidence obtained during that investigation;
 - o A statement that the Respondent is presumed not responsible for the alleged violations until determined otherwise at the conclusion of the Formal Title IX Complaint process;
 - o A statement that College policy prohibits making false statements or knowingly submitting false information during any College investigation.
- Prohibition against “Gag Orders”

Notwithstanding any other College policies or procedures, the College may not impose a “gag order” on the parties to a Formal Title IX Complaint or otherwise restrict the ability of either party to discuss the allegations in, or to gather evidence during any investigation into, that Formal Title IX Complaint.

- Assessment of Formal Title IX Complaints - Mandatory & Discretionary Dismissals
 - o Mandatory Dismissal
 - Upon receipt of a Formal Title IX Complaint, the Title IX Coordinator (or designee) shall conduct an initial assessment to determine if all of the following Title IX jurisdictional requirements are met:
 - If ultimately proven, all or part of the conduct alleged would constitute Title IX Sexual Harassment as defined in this AP;
 - The alleged conduct occurred on College Property or during an Education Program or Activity or other College Sponsored Activity;
 - The alleged conduct occurred in the United States; and
 - At the time the Formal Title IX Complaint was submitted, the Complainant was a Student or Employee or was attempting to access or participate in an Education Program or Activity.
 - If any of the foregoing requirements are not met, the Title IX Coordinator must dismiss the Formal Title IX Complaint (although the allegations may continue to be addressed by the College in another form through non-Title IX processes).
 - o Discretionary Dismissal
 - At any time during the Formal Title IX Complaint process, the Title IX Coordinator may dismiss a Formal Title IX Complaint, in whole or in part, if one or more of the following occurs:
 - The Complainant notifies the Title IX Coordinator in writing that the Complainant is opting to withdraw the Formal Title IX Complaint or any of the allegations made in it;
 - The Respondent is no longer a Student or Employee of the College, or

- Specific circumstances prevent the College from gathering sufficient evidence to make a full and fair determination on the Formal Title IX Complaint or any of the allegations contained in it.

If the Complainant ceases to be a Student or Employee of the College while a Formal Title IX Complaint is pending, the Formal Title IX Complaint process will generally continue, provided the Complainant continues to participate as required. A Formal Title IX Complaint may be dismissed at the discretion of the Title IX Coordinator if a Complainant who is no longer a Student or Employee fails to participate after being given a reasonable opportunity to do so (e.g., participating remotely, extending timelines, etc.).

The Title IX Coordinator may also opt to substitute the Title IX Coordinator or a designee as the Complainant if the Formal Title IX Complaint alleges Title IX Sexual Harassment that could reasonably harm or threaten the general College Community, rather than just the individual original Complainant.

- o Notice of Dismissal

The Title IX Coordinator will promptly and simultaneously provide written notice of the mandatory or discretionary dismissal of a Formal Title IX Complaint to both parties and include a specific rationale for the dismissal. The notice shall include information about submission and resolution of any applicable appeals.

- o Mandatory or Discretionary Dismissals – Additional Considerations

- Complaints or specific allegations that are dismissed as Formal Title IX Complaints for any reason should be referred to other College departments as appropriate for further consideration and/or proceedings in accordance with other College processes (e.g., Employee Handbook or Student Code of Conduct).
- Complainants who choose to withdraw their Formal Title IX Complaints or any of their Title IX Sexual Harassment allegations may subsequently submit them again as Formal Title IX Complaints or resubmit them in the form of a non- Title IX Complaint (e.g., in accordance with the Employee Handbook or Student Code of Conduct).
- Decisions by the Title IX Coordinator to dismiss Formal Title IX Complaints may be appealed by either party according to the applicable procedures (e.g., as provided in the Employee Handbook or Student Code of Conduct).
- The dismissal of a Formal Title IX Complaint for any reason shall not preclude or impair the College’s ability to offer, institute, or continue Support Measures for any party.

- Right to a Title IX Advisor

- o All parties to Title IX Sexual Harassment Complaints may choose to have one Title IX Advisor of their choosing, from inside or outside the College Community, during all stages of the process (e.g., during interviews, meeting, and hearings) provided the parties’ chosen advisors are not already involved in the Title IX Sexual Harassment Complaint process (e.g., as a witness) or are not otherwise unwilling or unable to, or prohibited from, participating.
- o Parties may choose Attorneys to serve as their Title IX Advisors at the parties’ own personal expense. Title IX Advisors fulfill the same function and are bound by the same rules, regardless of whether they are Attorneys or non-Attorneys.
- o Trained Title IX Advisors from the College’s Title IX Pool shall be made available to both parties at no cost.
- o Parties may change their Title IX Advisors at any time and are expected to notify the Title IX Coordinator of any changes at least two (2) Business Days before any scheduled meetings, interviews, or hearings. Regardless of any changes that have occurred, parties may only be accompanied by one Title IX Advisor to a particular meeting, interview, or hearing. Parties generally may not change their selection of Title IX Advisors

during a particular meeting, interview, or hearing, absent exceptional circumstances and only with the approval of the Title IX Coordinator (or designee).

- Title IX Advisors' Roles and Responsibilities
 - All Title IX Advisors, including those selected or appointed from the College's Title IX Pool, have the duty and responsibility, first and foremost, to consider the best interests of, and provide candid advice to, the parties they advise to the best of the Title IX Advisors' abilities within the parameters set by this AP and any accompanying College procedures.
 - Title IX Advisors are expected to be available at scheduled dates and times to attend Title IX Sexual Harassment Complaint proceedings in person as required. Dates and times may be adjusted to accommodate Title IX Advisors, and/or proceedings may be conducted remotely (by telephone or video conference), at the sole discretion of the Title IX Coordinator (or designee) if doing so would not unreasonably delay the proceedings, unfairly prejudice or burden another party, or materially interfere with an applicable right of parties to Confront other parties or witnesses who present evidence against them.
 - Title IX Advisors are required to abide by the College's rules of civility and decorum and to advise their respective parties without being disruptive. Title IX Advisors may be excluded from any proceeding and/or replaced by the College if they repeatedly violate College policy or cause Substantial Disruptions.
 - Title IX Advisors may not address College officials during meetings, interviews, or hearings with their respective advised parties unless specifically authorized to do so under College policy or invited to speak by the College officials in question.
 - Parties are expected and required to speak for themselves during the Title IX Sexual Harassment Complaint process, including during investigations and hearings. Advisors may not make present evidence or arguments in favor of their advised parties, object to questions, speak on behalf of their advised parties at any time during the Title IX Sexual Harassment Complaint process, except to conduct cross-examination during hearings.
 - Parties are expected and required to communicate with College officials themselves about Title IX Sexual Harassment Complaint proceedings. Requests that College officials communicate with parties through attorneys or their Title IX Advisors will be declined.
 - Parties may consult with their Title IX Advisors as needed during any part of the Title IX Sexual Harassment Complaint process and may request reasonable breaks during any proceedings to consult privately.
 - Parties may share otherwise confidential information and documents with their Title IX Advisors and may request that the College share such information with their Title IX Advisors, or allow them to access it directly, by completing a FERPA release in accordance with applicable College policy. Title IX Advisors are required to maintain the confidentiality of any information shared with them and may be prohibited from acting as Title IX Advisors or subject to disciplinary action by the College if they fail to do so.
 - Parties' selected Title IX Advisors may request to meet or otherwise confer with the Title IX Coordinator (or designee) prior to interviews, meetings, and hearings with their respective advised parties for guidance on the College's Title IX Sexual Harassment Complaint process and to clarify the role and responsibilities of Title IX Advisors.
- Appointment of Title IX Advisors to Conduct Cross-Examination During Hearings

- o Federal Title IX regulations require that cross-examination of parties and witnesses during hearings on Formal Title IX Complaints be conducted only by the parties' Title IX Advisors (see Section 14.16.5.11 of this AP). If a party does not have a Title IX Advisor, the College will appoint a trained Title IX Advisor from the Title IX Pool at no cost to the party for the limited purpose of conducting cross-examination at the hearing. Parties may only reject the College's appointment of a Title IX Advisor if they then provide their own Title IX Advisors to conduct the required cross- examination.
- o If a party does not select a Title IX Advisor, or if the party's chosen Title IX Advisor refuses to or, in the determination of the Title IX Coordinator, is incapable of conducting minimally adequate cross- examination, the College will appoint a Title IX Advisor from the Title IX Pool for the sole purpose of conducting cross-examination, regardless of the participation of the advised party. In the event that occurs, the affected party may otherwise continue to be advised by the party's chosen Title IX Advisor for all other permissible purposes.
- Informal Resolution of Title IX Complaints
 - o Once submitted, and after all parties have been notified, most Formal Title IX Complaints may be resolved informally, without conducting additional investigations, holding a hearing, or making a determination of responsibility.
 - o A Formal Title IX Complaint alleging that an Employee engaged in Title IX Sexual Harassment against a Student may not be resolved informally.
 - o Either the Complainant or the Respondent may request at any time (including after commencing the Formal Title IX Complaint process) that a Formal Title IX Complaint be resolved informally, but both parties must agree to do so in writing, and either party may opt at any time to move forward with the Formal Title IX Complaint process.
 - o Attempting to resolve a Formal Title IX Complaint informally is not required before initiating the Formal Title IX Complaint process.
 - o Formal Title IX Complaints may be resolved informally through a variety of approaches, provided the parties both agree to do so, including, but not limited to, one or more of the following:
 - College-facilitated mediation by a neutral mediator;
 - Mutually agreeable Restorative Justice
 - The Respondent accepting responsibility for a violation of College policy (including violations other than Title IX Sexual Harassment) and agreeing to receive a particular Educational Measure or Disciplinary Sanction;
 - The provision of mutually agreeable Supporting Measures by the College.
- The Formal Title IX Complaint Process
 - o Notice of Investigation and Allegations

- The Title IX Coordinator (or designee) will provide written notice of the Formal Title IX Complaint to the parties prior to commencing any investigatory meetings or interviews.
- Such notice shall be given sufficiently in advance to allow the parties a reasonable opportunity to gather and review evidence, select and confer with their respective Title IX Advisors, and otherwise prepare for the meetings/interviews.
- o Resolution Timelines, Deadlines, and Extensions
 - Although there is no specific amount of time by which the Formal Title IX Complaint process must be completed, the College will endeavor to resolve all Formal Title IX Complaints, including any subsequent appeals, within ninety (90) Business Days from the date of submission.
 - Deadlines and other dates set during the Formal Title IX Complaint process may be extended at the discretion of the Title IX Coordinator (or designee) for good cause, including, but not limited to, requests from law enforcement to delay investigations, the unavailability of parties or witnesses, and to accommodate disabilities or health conditions.
 - The Title IX Coordinator (or designee) shall inform the parties in writing of any delays, the reasons for them, and the anticipated date when the process will resume. Supportive Measures shall continue, and additional or modified Supportive Measures may be implemented, during any delays.
 - Proceedings on Formal Title IX Complaints will generally not be delayed or postponed if they are ongoing at the end of an academic term or semester, except for good cause and at the sole discretion of the Title IX Coordinator. If the Respondent is a graduating or transferring Student, a hold may be placed on the Student's degree or official transcripts, and other institutional restrictions may be put in place, until the matter is fully resolved, including any appeal.
- o Ensuring Impartiality
 - All persons involved in administering the Formal Title IX Complaint process, including, but not limited to, the Title IX Coordinator (and any designees), the Investigators, and all decision-makers must be neutral, objective, and free from any material conflicts or biases that might unfairly affect the resolution of the Formal Title IX Complaint for one party or the other.
 - Either party may, at any time during the Formal Title IX Complaint process, raise a concern about a perceived material bias or conflict on the part of anyone involved. The Title IX Coordinator (or designee) shall make a timely determination if the concern is reasonable and factually supported, and, if so, assign someone else to fulfill the role of the individual about whom the concern was raised. Concerns about bias or conflict by the Title IX Coordinator should be brought to the attention of the Chancellor (or designee).
- o Investigations
 - Investigator Training Requirements

All individuals conducting investigations into Formal Title IX Complaints must complete specific

training, provided by the College, on the proper methodology for conducting thorough, unbiased investigations in accordance with the requirements of Title IX. This training shall include, but is not limited to, the following topics:

- Title IX and its associated federal regulations;
- This AP and other College policies and procedures related to Discrimination and Harassment;
- Maintaining neutrality and objectivity;
- Avoiding biases, including implicit bias;
- Disparate treatment of Complainants, Respondents, and witnesses and its investigatory implications;
- Reporting, confidentiality, and privacy requirements;
- Conducting investigations in a thorough, reliable, and impartial manner;
- Questioning witnesses neutrally and objectively;
- Generating clear and impartial investigatory reports.

▪ Selection of Impartial Investigators

The individuals conducting investigations into Formal Title IX Complaints cannot be the same individuals who will serve as the Title IX Hearing Officers, Title IX Appeal Panelists, and/or decision-makers on those same complaints. Investigators must be adequately trained, neutral, impartial, and unbiased. The selection of Investigators into Formal Title IX Complaints shall otherwise be at the discretion of the Title IX Coordinator and may include Investigators from the College's Office of Dispute Resolution ("ODR") or qualified individuals retained or recruited from outside the College.

▪ Impartiality During the Investigative Process

Investigators must remain impartial and objective during investigations into Formal Title IX Complaints. All such investigations shall be conducted with the presumption that the Respondent is not responsible for the alleged Title IX Sexual Harassment unless and until proven otherwise by a Preponderance of the Evidence as determined by the designated decision-maker.

Investigators shall not provide any determinations or assessments of the parties' or witnesses' respective credibility at any point during the Formal Title IX Complaint process. Likewise, Investigators shall not make or draw any conclusions or inferences regarding whether the evidence gathered supports a finding that a Respondent did or did not violate Title IX (e.g., that an allegation is "substantiated" or "unsubstantiated").

▪ Ensuring Thorough and Fair Investigations

To the maximum extent possible, Investigators into Formal Title IX Complaints shall interview all

parties and relevant witnesses and obtain all potentially relevant evidence that is reasonably available. All parties should have a full, fair, and equal opportunity to 1) identify both fact and expert witnesses and suggest questions for the Investigator to ask those witnesses, 2) provide documents and other evidence to the Investigator, 3) identify sources of expert information, and 4) review and respond to all evidence and to have those responses made part of the investigatory record.

- Investigation Timelines for Formal Title IX Complaints

Although there is no set deadline, investigations into Formal Title IX Complaints shall be conducted in a timely manner and completed expeditiously, normally within thirty (30) days, not including any applicable time periods required for the parties and their Title IX Advisors to have an opportunity to review and comment on the evidence collected during the investigation. However, the College is primarily concerned that investigations are conducted fairly and thoroughly, and, as such, some investigations may take substantially longer.

- Cooperation of Parties and Witnesses During Investigations

All parties and witnesses are expected to cooperate fully with investigations into Formal Title IX Complaints unless doing so would require them to violate or waive a Legally Recognized Privilege. All claims of privilege must be referred to and reviewed by the College's General Counsel. Witnesses who are Employees or Students of the College may face disciplinary action in accordance with the requirements of the Employee Handbook, Student Code of Conduct, and other applicable College policies and procedures if they fail to cooperate during a Title IX investigation when required to do so.

- Party and Witness Interviews

Witness interviews will generally be conducted in person. Witnesses may be interviewed via telephone or other electronic means (e.g., via Zoom, Skype, Google Hangouts, etc.) at the discretion of the Investigator if necessary and doing so would not materially impair the thoroughness or impartiality of the investigation.

Absent exceptional circumstances, audio recordings will be made of all investigatory interviews.

- Witness's Written Statements

Witnesses may provide written statements in addition to being interviewed. Witnesses may not provide written statements in lieu of being interviewed. If a witness provides a written statement but is not present or refuses to be cross-examined during the Title IX Hearing, the witness's written statement may not be used as evidence and should be disregarded by the decision-maker.

- Limitations on Use of Party's Medical Records

Neither the College nor any other party may access or use a party's confidential medical, psychological, or similar treatment records during the investigation or at any other time during the Formal Title IX Complaint process unless the Title IX Coordinator (or designee) has obtained the voluntary, written consent of the party to whom the records belong.

- Additional Considerations During Investigations

Investigations should not include witness statements or other evidence about 1) incidents that are not related directly to the allegations in the Formal Title IX Complaint, unless those incidents could reasonably provide evidence of a pattern of substantially similar conduct, 2) the purported character

or reputation of any party, 3) questions and evidence about the Complainant's prior sexual behavior, unless it is relevant to a question of consent or if someone other than the Respondent is responsible for the alleged violation.

- Investigative Reports
- At the conclusion of the investigation into a Formal Title IX Complaint, the Investigator shall produce a final investigative report summarizing all relevant evidence, including, but not limited to, a list of all fact and expert witnesses identified by either party and any potentially Inculpatory Evidence and Exculpatory Evidence.
- The investigative report shall not contain any inferences drawn from that evidence, conclusions about the responsibility of either party for any allegations, or assessments of the parties' and witnesses' credibility, as those are determinations which must be made only by the decision- maker and only after the conclusion of the Title IX Hearing.
- Provision of Final Investigative Reports and Relevant Evidence Prior to Hearing
- At least ten (10) Business Days prior to the Title IX Hearing, the Investigator shall simultaneously 1) provide copies of the final investigative report to all parties, their Title IX Advisors, and the Title IX Coordinator (and any designee), and 2) provide the parties and their Title IX Advisors with copies of, or otherwise make reasonably available for their inspection and review, all evidence collected during the investigation that is directly related to the allegations in the Formal Title IX Complaint, including any potentially Inculpatory Evidence and Exculpatory Evidence.

o Hearings

Although the College endeavors to provide a clear and well-organized process, administered by knowledgeable and impartial personnel, hearings on Formal Title IX Complaints at the College are non-judicial proceedings, and formal rules of evidence and procedure, such as would be following in a court of law, are generally not applicable. Questions about the hearing process may be directed to the Title IX Coordinator.

- Standard of Proof

The standard of proof for deciding all allegations brought as part of a Formal Title IX Complaint shall be the Preponderance of the Evidence standard.

- Burden on the College, not the Parties

The College, not any of the parties, has the sole burden and responsibility to determine, through a thorough and impartial process, if any or all of the allegations in a Formal Title IX Complaint have been established by a Preponderance of the Evidence.

- Scheduling the Hearing

After the parties and their Title IX Advisors have received the final investigative report and had an opportunity to review the evidence directly related to the allegations in the Formal Title IX Complaint, the Title IX Coordinator will schedule the matter for a hearing.

Hearings cannot be scheduled for less than ten (10) Business Days after either the date when the final investigative report was provided to the parties or when the evidence was made available to the parties and their Title IX Advisors (whichever date is later), unless all parties and the Title IX Coordinator agree in writing to expedite the hearing schedule.

- Notice of the Hearing

Not less than ten (10) Business Days prior to the scheduled date of the hearing, the Title IX Coordinator shall send notice to the parties containing the following:

- A description of all alleged violations that will be considered at the hearing and their potential disciplinary consequences, with citations to their corresponding provisions in College policy and/or procedure;
- A description and/or copy of (or link to) the procedures that will be followed during the hearing;
- The time, date, and location (including virtual location, if applicable) of the hearing, and a statement that attendance is mandatory;
- The name and title of the designated Title IX Hearing Officer who will conduct the hearing and act as decision- maker, along with instruction on how to object to the designated hearing officer, acceptable bases for such objections (e.g., conflicts, biases), and the deadline for submitting any such objections.
- Any technology that will be used to facilitate the hearing;
- A list of expected hearing attendees;
- A notice that the hearing will be recorded and information on how parties will be provided access to the recording after the hearing;
- A statement that, if any party or witness does not appear at the scheduled hearing, it will continue as scheduled without them (absent compelling reasons for their absence that the Title IX Hearing Officer determines warrants a discretionary rescheduling of the hearing), and the statements or testimony of any parties or witnesses who do not attend the hearing will not be considered by the Title IX Hearing Officer in reaching a decision;
- Notice that the parties may each have a Title IX Advisor of their choosing present at the hearing and must have a Title IX Advisor, either of their choosing or provided by the College, to conduct cross-examination questioning on their behalf;
- Copies of all evidentiary materials provided to the Title IX Hearing Officer or a list of those materials if they were provided to the parties previously;
- Instructions on how to request disability accommodations, if needed;
- Any other instructions or directives relevant to the administration of the hearing.

- Hearing Officers

For each hearing on a Formal Title IX Complaint, the Title IX Coordinator shall designate a single

member of the Title IX Pool to serve as the Title IX Hearing Officer. The Title IX Hearing Officer shall conduct the hearing, make discretionary decisions during the hearing about the relevance of evidence offered and questions asked (including during cross-examination), and serve as the finder-of-fact and decision-maker.

- Evidentiary Considerations During Hearings

Title IX Hearing Officers may generally consider any evidence they believe to be relevant and credible in reaching their decisions. The Title IX Hearing Officer shall make all determinations as to the relevance of all evidence and the credibility of the statements and testimony provided by all parties and witnesses.

Title IX Hearing Officers may not consider the following as evidence at the hearing:

- Incidents not directly related to the allegations in the Formal Title IX Complaint, unless they reasonably evidence a pattern of substantially similar conduct;
- The purported character or reputation of any party;
- The Complainant's prior sexual behavior unless offered to show that someone other than the Respondent committed the conduct alleged in the Formal Title IX Complaint or that the alleged conduct was consensual.

- Virtual Hearings and Remote Testimony

The College will generally hold in-person hearings when it is reasonably feasible to do so, but all or part of any hearing may be conducted virtually at the discretion of the Title IX Coordinator (or designee). The College will make arrangements to utilize technology to allow live testimony to be conducted remotely without compromising fairness or impairing either party's right to Confront witnesses directly and in real time.

- Hearing Participants and Attendees

Participants at the hearing will include the Title IX Hearing Officer, the parties and their respective Title IX Advisors, the Investigator(s) who conducted the investigation, and any witnesses who will give testimony and answer questions.

At the discretion of the designated Title IX Hearing Officer, a hearing may also be attended by a limited number of non-participating attendees, including, but not limit to, the Title IX Coordinator (or designee), Deputy Title IX Coordinator(s), and/or the College's General Counsel (to advise on procedural matters), as well as additional members of the Title IX Pool (for observation and training purposes).

- Concurrent Hearings

In the event a single Formal Title IX Complaint involves allegations against more than one Respondent, the general practice of the College shall be to conduct separate hearings, typically scheduled consecutively (i.e., one immediately after the other) for each Respondent.

At the discretion of the Title IX Coordinator, and with the written consent of all parties, hearings may

be conducted concurrently (i.e., at the same time) to jointly resolve allegations against more than one Respondent to the same Formal Title IX Complaint, if doing so would not unfairly prejudice either Respondent and would materially benefit the parties and/or witnesses (e.g., by avoiding having to testify multiple times).

- Testimony and Direct Questioning of Parties and Witnesses

The Title IX Hearing Officer shall afford each party an equal opportunity to present evidence for consideration during the hearing, including testimony from any fact or expert witnesses. Title IX Hearing Officers may call upon parties, witnesses, and other individuals involved in the process (e.g., the Title IX Investigators) to testify in the order the Title IX Hearing Officers wish to hear from them, provided all parties have an equal opportunity to present evidence, including any Aggravating Factors or Mitigating Factors.

Parties and witnesses may give testimony in the form of statements to the Title IX Hearing Officer, and the Title IX Hearing Officer may ask the testifying parties and witnesses questions about those statements and any other matters the Title IX Hearing Officer believes to be relevant. Neither the opposing parties nor their Title IX Advisors may ask questions or offer arguments or objections at this time.

When a party or a particular party's witness has finished testifying, and the Title IX Hearing Officer has finished asking the party or witness questions, the Title IX Hearing Officer shall offer the opposing party's Title IX Advisor the opportunity to conduct cross-examination questioning of the testifying party or witness.

If the testifying witness is the Investigator, both parties' Title IX Advisors shall have an equal opportunity to conduct cross-examination.

- Cross-Examination by Title IX Advisors

Only parties' Title IX Advisors may ask testifying parties and witnesses (including Investigators) cross-examination questions. Cross-examination is generally limited to the scope of 1) the specific statements given by the party or witness being cross-examined (i.e., what that party or witness personally said, either during the live hearing or in other statements, such as to an Investigator), 2) statements attributed to the party or witness being cross-examined that are contained in the allegations of the Formal Title IX Complaint (regardless of whether the party or witness testified at the hearing or spoke to Investigators at any time about those purported statements), or 3) if the party being cross-examined is the Complainant, any allegation made in the Formal Title IX Complaint. Title IX Hearing Officers may, at their discretion, allow additional cross-examination if they determine that it is 1) not done solely to embarrass or harass the party or witness, 2) reasonably likely to lead to relevant information and, 3) not likely to cause unnecessary delay or disruption.

Title IX Hearing Officers shall not allow any cross-examination to continue that is irrelevant, repetitive, unnecessarily argumentative, or harassing. Title IX Advisors who engage in such conduct should be warned and subsequently removed from the proceeding if they refused to abide by the Title IX Hearing Officer's directives.

- Failure or Refusal to Answer Cross-Examination – Use of Statements

If a party or witness does not attend the hearing or refuses to answer any cross-examination questions during the hearing, the Title IX Hearing Officer may not rely upon any prior statements made by that party or witness in reaching a decision, including, but not limited to, statements contained in the final investigative report or attributed to that party or witness in the Formal Title IX Complaint's allegations.

If the party or witness attends the hearing and refuses to answer some cross-examination questions, the Title IX Hearing Officer may not rely upon any prior statements by the party or witness related to the unanswered questions.

Exception: A party's statements that are themselves the central issue in a specific Title IX Sexual Harassment allegation (e.g., verbal harassment or Quid Pro Quo offers) may be considered by the Title IX Hearing Officer in reaching a decision, even if the party does not attend the hearing or refuses to answer cross-examination statements about such statements.

- Failure or Refusal to Answer Cross-Examination – Inferences Drawn

Title IX Hearing Officers may not infer that a Respondent is either more likely or less likely to be responsible for an alleged Title IX Sexual Harassment violation based solely on any party or witness failing to attend the hearing or to answer cross-examination questions.

If additional violations other than Title IX Sexual Harassment (e.g., forms of Sexual Harassment that violate College policy or Title VII but not Title IX) are among the alleged violations at issue in a hearing Title IX Hearing Officers may draw reasonable inferences from any decision by a party or witness not to attend the hearing or answer cross-examination about those additional, non-Title IX violations only.

- Recordings and Transcripts of Hearings

All hearings on Formal Title IX Complaints shall be recorded by the College and made available for inspection and review upon request to all parties and their Title IX Advisors, as well as to College Employees involved in the Title IX process and the administration and implementation of this AP, for inspection and review. Recordings must be reviewed in a controlled environment. Copies shall not be made, released, or distributed except internally at the College for purposes consistent with this AP (e.g., for training purposes).

Hearing recordings may be transcribed at the discretion of the Title IX Coordinator and made available for inspection and review in a controlled environment under the same conditions and subject to the same restrictions as recordings.

- Closing Statements and Hearing Adjournment

Before concluding the hearing, the Title IX Hearing Officer shall confirm that all parties have presented all evidence and arguments that they believe the Title IX Hearing Officer should consider in making a decision. If necessary, the Title IX Hearing Officer may infer a party's confirmation if the party refuses to answer or merely repeats evidence or arguments previously stated.

The Title IX Hearing Officer may also offer each party an opportunity to make a concluding statement (which may include or reiterate any Aggravating Factors or Mitigating Factors the party believes should be considered) and to suggest what decision(s) they believe the Title IX Hearing Officer should make and what, if any, Educational Measures and/or Disciplinary Sanctions should be issued.

The Title IX Hearing Officer shall conclude the hearing by informing the hearing attendees that the matter will be taken under advisement and a decision will be issued in writing.

The Title IX Hearing Officer shall not issue a decision during the hearing.

- o Educational Measures and Disciplinary Sanctions

The Title IX Hearing Officer may impose any available Educational Measure or Disciplinary Sanction applicable to the party in question under College policy or procedure, including, but not limited, those specified in the Employee Handbook and Student Code of Conduct.

- o Written Decisions

- Following the hearing, the Title IX Hearing Officer will issue a timely written decision according to timeframes and processes established by the Title IX Coordinator.
- Decisions are ultimately at the sole discretion of the individual Title IX Hearing Officers making them. In considering their decisions, Title IX Hearing Officers may confer confidentially with the Title IX Coordinator (or designee), the College's General Counsel, and other College Employees involved in the implementation and administration of this AP and the College's overall compliance with Title IX, as well as with other members of the Title IX Pool. If, after concluding the hearing, the Title IX Hearing Officer determines it is necessary to confer again with the Investigator (e.g., to clarify information in the final investigative report), the Title IX Hearing Officer shall make a note of that conference and the reason for it in the written decision.
- Written decisions shall include specific findings of fact and determination of responsibility on all allegations in the Formal Title IX Complaint based on the Preponderance of the Evidence standard. Decisions must clearly state the specific evidence relied upon in reaching a determination on each alleged violation, as well as the Title IX Hearing Officer's rationale for issuing the specified (or for not issuing any) Educational Measures and/or Disciplinary Sanction.
- Written decisions shall also include information about the availability of any appeals of the Title IX Hearing Officer's decision and the process for submitting them, including, but not limited to, applicable submission deadlines.

- o Notice and Delivery of Decisions

The Title IX Hearing Officer shall deliver the written decision to the Title IX Coordinator (or designee) in accordance with the College's established timelines and procedures. The Title IX Coordinator shall distribute the written decision to all parties and their Title IX Advisors, along with a notice informing the parties about the availability of any appeals and the processes for submitting them, including, but not limited, applicable submission deadlines.

- Imposition of Educational Measures and Disciplinary Sanctions

Educational Measures and Disciplinary Sanctions will be imposed in accordance with the College policies and

procedures applicable to the affected party, including, but not limited to, the Employee Handbook and the Student Code of Conduct.

- Appeals of Title IX Decisions

Appeals of certain Title IX decisions may be submitted, and acceptable appeals will be considered and decided in a timely manner, as described below.

- Who May Appeal

Any party to a Formal Title IX Complaint (i.e., a Complainant or Respondent) may submit an appeal of an appealable issue on an appealable basis (see Section 14.18.2 and Section 14.18.4). Parties may likewise submit cross-appeals, including cross-appeals about the same issues (e.g., the Respondent may appeal a sanction on the basis it is too harsh, and the Complainant may appeal the same sanction on the basis that it is too lenient).

- What May Be Appealed

- The following may be appealed pursuant to the Title IX appeal processes stated below in this section of this AP:
 - Decisions by the Title IX Coordinator to dismiss a Formal Title IX Complaint pursuant to Section 14.10 of this AP;
 - Decisions by the Title IX Hearing Officer on allegations of Title IX Sexual Harassment, including, but not limited to, decisions about responsibility for the violation(s) alleged, whether or not to impose Educational Measures and/or Disciplinary Sanction, and the specific types or degrees of Educational Measures and/or Disciplinary Sanctions imposed (e.g., if they were too harsh or too lenient).
- All other decisions, including decisions by the Title IX Hearing Officer on alleged violations of this AP that do not constitute Title IX Sexual Harassment, must be appealed separately according to the policies and procedures applicable to the party appealing the decision (e.g., the Employee Handbook, the Student Code of Conduct) or the specific form of Discrimination or Harassment alleged (e.g., the College's disability- discrimination AP).

- Submitting an Appeal

Appeals shall be submitted to the Title IX Coordinator or (designee) within five (5) Business Days of the appealing party's receipt of the Title IX Hearing Officer's written decision. Appeals must state an acceptable basis for appeal (see Section 14.18.4 of this AP) and be supported by specific factual information and/or College policy arguments. Appeals will not be considered if they are submitted 1) without specific factual support and/or policy arguments, or 2) solely with conclusory or speculative allegations or arguments not based on College policy.

Please contact the Title IX Coordinator's Office or see the Title IX Coordinators page on the College's website for additional submission instructions and processes.

- Acceptable Bases for Appeal

Appeals are limited to and must be based on one or more of the following acceptable bases:

- A Material Error in Process occurred that affected or reasonably could have affected an appealable decision to the detriment of the Appellant;
- The discovery of new relevant evidence that was not reasonably available at the time an appealable decision was made that reasonably could have affected that decision in favor of the Appellant had it been presented;
- Bias or a material conflict of interest on the part of the Title IX Coordinator, Investigator, Title IX Advisor, or Title IX Hearing Officer that affected or reasonably could have affected an appealable decision to the detriment of the Appellee;
- The decision being appealed was Clearly Erroneous in light of all information known at the time it was made.

o Status of Educational Measures and Disciplinary Sanctions While an Appeal Is Pending

Educational Measures or Disciplinary Sanctions imposed by the Title IX Hearing Officer that are the subject of an appeal are generally stayed (i.e., their imposition is postponed temporarily) while the appeal is pending, unless specifically decided otherwise by the Title IX Coordinator. Supportive Measures may be continued, reinstated, or modified at the discretion of the Title IX Coordinator, pending resolution of the appeal.

o Notice of Appeal to All Parties

The Title IX Coordinator (or designee) shall notify all parties in writing of the appeal and provide them with copies of the appeal document along with information regarding their rights in the appeal process, including, but not limited to, their right to respond in writing to the appeal and the process for doing so.

o Appellee Responses to Appeals

Appellees shall have a reasonable opportunity to provide written responses to Appellants' appeals. Written responses should be delivered to the Title IX Coordinator or designee, who will provide copies to Appellants.

o Designating the Title IX Appeal Panel

The Title IX Coordinator (or designee) shall designate a Title IX Appeal Panel consisting of three (3) individuals selected from the Title IX Pool.

o Title IX Appeal Panel Processes

- Title IX Appeal Panel decisions will generally be made without conducting a live hearing and will be based on the written submissions of parties and the information already in the evidentiary record.
- Title IX Appeal Panels may submit additional written questions to Appellants and Appellees to be answered in writing.

o Discretionary Title IX Appeal Hearings

- Any party may request a live appeal hearing before the Title IX Appeal Panel. Requests for a live appeal hearing must be clearly stated in the party's appeal and delivered to the Title IX Coordinator, who will forward copies of the request (along with the appeal) to the Title IX Appeal Panel and to all parties. Opposing parties shall have an opportunity to file written responses indicating why they believe the request for a live hearing should be denied.

- The decisions whether to grant such a request and conduct a live appeal hearings shall be at the sole discretion of the Title IX Appeal Panel and is not subject to review. Requests shall be granted only in exceptional circumstances. The party requesting the hearing has the burden of demonstrating that a live hearing is necessary for the requesting party to receive a full and fair opportunity to be heard. The Title IX Appeal Panel will inform the Title IX Coordinator in writing of its decision on the request, and the Title IX Coordinator will notify all parties of the decision.
- If an appeal hearing is held, the Title IX Appeal Panel shall offer Appellants and Appellees an equal opportunity to be heard.
- Both Appellants and Appellees may be accompanied by their respective Title IX Advisors. Appeal hearings may also be attended by the Title IX Coordinator (or designee) and the College's General Counsel to advise the Title IX Hearing Panel on procedural matters as needed.
- An appeal hearing is not a new evidentiary hearing, and further witness testimony or other additional evidence will generally not be heard or considered unless it is necessary to demonstrate the existence of new evidence that 1) could not reasonably have been discovered at the time of the hearing before the Title IX Hearing Officer, and 2) is substantially likely to have affected the Title IX Hearing Officer's decision, had it been available at the time. If new testimonial evidence is offered at the appeal hearing, limited additional cross-examination may be conducted by the parties' Title IX Advisors.
- No decisions shall be issued during the appeal hearing.

At the conclusion of the hearing, the Title IX Appeal Panel shall inform the parties that it will take the matter under advisement and issue a written decision at a later time.

o Title IX Appeal Decisions

- Title IX Appeal Panels shall meet privately to deliberate and reach a decision, either after 1) the time to request an appeal hearing has expired, 2) all requests for hearings have been denied, or 3) a discretionary appeal hearing has been completed. No parties may attend the deliberation meetings. Meetings may be attended by the Title IX Coordinator (or designee) and/or the College's legal counsel to advise on procedure matters as needed. If the decision being appealed was made by the Title IX Coordinator or a designee, the Title IX Coordinator or the designee who made the decision under review generally should not attend the meeting.
- Title IX Appeal Panels should give a great deal of deference to Title IX Hearing Officers' and Title IX Coordinators decisions and only change or overturn a decision if a majority of the Title IX Appeal Panel is firmly convinced that the decision was in error, even if the individual panelists themselves might have reached a different conclusion.
- When deciding appeals, Title IX Appeal Panels may 1) deny the appeal and affirm the decisions, 2) affirm the decision that a violation occurred but reduce or increase the Educational Measure or Disciplinary Sanction, or 3) grant the appeal in its entirety and remand the matter to the decision-maker for further proceedings and/or a new decision (consistent with the Title IX Appeal Panel's findings).
- Title IX Appeal Panels decisions must be in writing and provide sufficient detail to reasonably inform the parties and the Title IX Coordinator of the bases for the decisions.

- o Finality of Title IX Appeal Panel Decisions

Decisions of Title IX Appeals Panels are final, and no further review of the appealed decisions shall be available unless specifically stated otherwise in applicable College policies or procedures (e.g., for termination or expulsion proceedings pursuant to the Employee Handbook or Student Code of Conduct, respectively).

- o Notice of Title IX Appeal Panel Decisions

The Title IX Appeal Panel shall provide its written decision to the Title IX Coordinator who shall in turn provide copies of the decision to the parties and the Title IX Hearing Officer (if applicable). The Title IX Coordinator shall include with the decision a notice informing the parties of any right they may have under other applicable College policies or procedures (e.g., the Employee Handbook or Student Code of Conduct) to request review of the Title IX Appeal Panel's decision (e.g., for a final review of a termination or expulsion decision, if available).

- Withdrawal or Resignation of Respondent While a Formal Title IX Complaint Is Pending (Including During Appeal)

In addition to the provisions of Section 14.10 above (dismissals), the following considerations are applicable in the event of the withdrawal of a Student Respondent or Resignation of an Employee Respondent while a Formal Title IX Complaint is pending against them:

- o Withdrawal of a Student Respondent

If a Student Respondent withdraws from or otherwise ceases to be enrolled at the College while a Formal Title IX Complaint is pending, the Student will not be permitted to re-enroll at the College. The College may place a hold on the Student's account, prohibit the Student from being on College Property or attending or participating in College Sponsored Events, and/or restrict the Student's ability to receive a degree or certificate, participate in the College's graduation ceremony, and/or access official transcripts.

- o Resignation of an Employee Respondent

If an Employee Respondent resigns from or otherwise ceases to be enrolled at the College while a Formal Title IX Complaint is pending, the Employee will not be eligible for rehire for any position with the College. Records retained by the respective offices of the Title IX Coordinator and the Chief Human Resources will reflect the Employee's ineligible status. The College may also prohibit the Employee from being on College Property or attending or participating in College Sponsored Activities, including, but not limited to, being enrolled as a Student.

Recordkeeping

- The College shall maintain all records of proceedings undertaken pursuant to this AP in accordance with the College's record-retention policies and applicable state and federal laws.
- The College shall maintain a centralized electronic database of all documentation associated with alleged violations of this AP, including, but not limited to, reports and Complaints, evidentiary documentation (incl. any audio or video recordings), investigatory reports, and written decisions.
- The Chancellor designates the College's Office of the General Counsel with the primary responsibility of

establishing, maintaining, and overseeing the utilization of the required database in conjunction with all College departments tasked with administering any processes under this AP (e.g., the Office of Dispute Resolution (“ODR”, Human Resources (“HR”), the Office of the Dean of Students, the Access and Disabilities Resources Office).

Administrative Procedure Number: AP 3.31.01

PURPOSE

Pima Community College (the College) is committed to the highest level of service and continuous improvement in providing students with a safe place to learn, thrive, and achieve. The purpose of this administrative procedure is to ensure the College takes appropriate action in responding to complaints from students and that student complaints are addressed and resolved in a fair and timely manner. In the context of this Administrative Procedure, a “complaint” is any problem, conflict or issue that negatively impacts a student.

Informal Resolution

The College encourages the resolution of any complaint through direct, respectful communication between those involved. Anyone directly involved in a complaint may seek the assistance of an appropriate College employee (i.e. designated campus contact person, or supervisor of the respondent). If the parties involved cannot resolve the complaint through informal means, the complainant may initiate a formal complaint. Whenever possible, the complainant should submit a formal complaint within 30 calendar days of the last incident.

Formal Complaint Resolution Process

To initiate the formal complaint process, the complainant must submit their complaint either to a Campus Student Complaint Resource Liaison or to the [Compliance Office]. Complaints may be submitted in person, by phone, by email, by regular mail, or online. While complaints may be made anonymously, the ability to fully respond and bring about a resolution may be impacted. More information on submitting complaints can be found at: <https://www.pima.edu/current-students/complaint-processes/index.html>

Upon receipt of the complaint, the Campus Student Complaint Resource Liaison or Office of Dispute Resolution will assign the case to the appropriate *Reviewer* based on the Formal Complaints Matrix.

Formal Complaints Matrix

Type of Complaint	Description	Reviewer	Appeals
Against the Chancellor and/or Governing Board	Complaints against the Chancellor and/or the Governing Board will be addressed in accordance with Standard Practice Guide (SPG) 1501/AA (AP conversion forthcoming) and Article XII of the Pima Community College District Board Bylaws.	Governing Board in consultation with General Counsel selects Reviewer	Governing Board
Against a Faculty Member	Student complaints regarding faculty and grades.	Department Chair/ Department Head	Division Dean or Vice President
Against Another Student	Student complaints regarding other students.	Division Dean or Student Affairs Dean	Vice President of Student Engagement

Against a Staff Member or Administrator (Non-Chancellor)	Student complaints regarding a staff member or administrator.	Direct Supervisor	Administrative Supervisor
Against a College policy, process or procedure	Student complaints over a College policy, process or procedure	Unit Supervisor	Administrative Supervisor
Discrimination or retaliation based on disability	Any alleged discrimination based on disability.	Access and Disability Resources (ADR) Director	College Equal Employment Opportunity Officer (EEO)/ [Compliance Director]
Discrimination or retaliation based on other protected class other than disability	Any alleged discrimination based on a protected class other than disability.	Office of Dispute Resolution	Designee from Chancellor

Investigation Procedures

Complaints will be reviewed by the assigned Reviewer following procedures detailed in the Administrative Procedures (APs) or Standard Operating Procedures (SOPs) of the program or unit of the Reviewer. In some instances, it may be necessary for several College departments and/or units (e.g., Campus Administration, Finance, General Counsel, Human Resources, Public Safety, and/or the Office of the Provost) or seek external assistance to complete the investigation. The investigation will include the following steps:

1. Determine if adequate information was provided to conduct an investigation and if an investigation is necessary.
2. Develop an investigative plan (i.e. determine the scope of the investigation, interviews to be conducted, documents to be reviewed, and appropriate offices/personnel involved).
3. Inform the parties of the expected timeframe for the review and provide updates regarding any extensions to the timeline.
4. Identify any potential reporting obligations and/or the need to notify external entities using the defined checklist on the investigation form.
5. Inform all parties regarding the status of the investigation as necessary.
6. Maintain appropriate documents to effectively support the complaint investigative process, appeals, outcomes, and recommended corrective actions.

Investigations should normally be concluded within 30 days of receipt of the complaint, although the timeframe may be extended when necessary due to the complexity of the investigation, availability of witnesses, and similar factors. At the conclusion of the investigation, the Reviewer will prepare a report detailing the outcomes, findings, and any recommendations for resolution. The report will be communicated to the complainant and the respondent as appropriate. Other appropriate parties may be informed on a need to know basis.

Representation

The complainant and the respondent have the right to select another person as a representative during the complaint investigation process. A representative shall not be a key witness or potential witness. If the representative has legal training or is an attorney, the representative may not act in the capacity of an attorney. The representative may act as an observer, note-taker, and advisor for the complainant or respondent. The representative may not speak for the complainant or respondent. The representative will be required to sign an acknowledgement form indicating that the representative understands and agrees to abide by confidentiality requirements.

Appeals

If the complainant believes that an error was made in the review process, the complainant may make a written appeal request. The appeal must be made within 30 days of receiving the final decision and specify the error or flaw in the process justifying the appeal, such as an incomplete investigation, bias or conflict of interest of the investigator, newly discovered information, or incorrect interpretation of the applicable rule or standard.

The appeal will include the following steps:

1. Develop an appeal plan (i.e. determine the basis of the appeal, and if needed, whether interviews need to be conducted, documents reviewed, and appropriate offices/personnel involved).
2. Inform the parties of the expected timeframe for reviewing the appeal and provide updates regarding any extensions to the timeline.
3. Inform all parties regarding the status of the appeal as necessary.
4. Maintain appropriate documents to effectively support the appeal process, including a written response regarding the appeal decision.

The appeal decision is final.

Retaliation

Any form of retaliation for bringing forward a complaint or being a witness in an investigation is prohibited and may result in discipline.

Student Code of Conduct

The following is a summarized version of the Student Code of Conduct that would apply to violations concerning sexual violence, domestic violence, dating violence, and stalking.

For full version of the PCC Student Code of Conduct, go to

<https://www.pima.edu/student-resources/student-policies-complaints/docs/Student-Code-of-Conduct.pdf>

Introduction

- Purpose and Scope
 - Pima Community College (“College”) is committed to promoting an academic environment that is welcoming, safe, and well-ordered and that encourages civil discourse, Academic Integrity, and mutual respect while protecting Students’ rights as members of the College Community.¹
 - The College has developed this Student Code of Conduct (“Code of Conduct” or “Code”) to articulate clearly the College’s expectations for its Students and to educate them about their rights and responsibilities as members of the College Community.
 - In the event a Student is determined to have violated this Code, the primary goal of any Responsive Action taken by the College shall be educational and corrective, focused on redressing wrongs while promoting Student growth and personal responsibility. Code of Conduct matters shall only be conducted as Disciplinary

- proceedings when Major Misconduct is at issue.
 - This Code applies to all Students who have applied for admission to or are currently enrolled in classes at the College.
- This Code of Conduct applies to all Student conduct that
 - Occurs on College Property,
 - Occurs during a College class (including credit and noncredit, clock-hour, workforce-development, adult basic education, and developmental-education classes) or other College Sponsored Activity, regardless of modality or location (including online), or
 - Regardless of the location,
 - Adversely affects or is substantially likely to adversely affect Ordinary College Operations or another member of the College Community;
 - Violates College policy;
 - Violates local, state, or federal law.
- This Code does not apply to Students who are also Employees of the College when they are acting in their capacities as College Employees.

Students' Rights and Responsibilities

- Rights Common to All Students
 - Students have the right to be informed of and have easy access to this Code of Conduct. All Students are expected to familiarize themselves with the Code. Ignorance of the Code is not a defense to any violation.
 - Although all members of the College Community are ultimately responsible for their own actions, Students have the right to expect that the College will endeavor to provide a safe educational environment that promotes Academic Integrity, civility, and decorum.
 - Students have the right to public notice of any proposed substantive changes to this Code of Conduct and to have a meaningful opportunity to comment on such proposed changes and to propose changes of their own.
 - Students have the right to expect that the College will endeavor to assist them in correcting Behaviors that do not comply with the College's expectations.
- Student Rights and Responsibilities During Code of Conduct Proceedings
 - All Students involved in Code of Conduct proceedings have the following rights and responsibilities:
 - To be treated with respect and dignity;
 - To have Code of Conduct proceedings administered by objective, neutral, and knowledgeable College Employees;
 - To a Code process that causes as little disruption as practicable;

- To be informed specifically of one's role in the Code process (*i.e.*, as a Complainant, Respondent, or witness) and to be informed promptly if that role changes;
 - To have one's privacy and confidentiality respected to the extent possible under applicable law and College policy;
 - To be free from Retaliation in any form for participating in the Code process;
 - To receive information about services available through the College or in the community, such as counseling or legal assistance.
- o Additional Rights of Student Complainants
- To an opportunity to request Interim Measures during the Code of Conduct process;
 - To withdraw a Complaint at any time, although the College may be required to continue an investigation or remedial actions under certain circumstances, such as when the safety of the College Community may be threatened;\
 - To receive any evidence shared with the Respondent;
 - To an equal opportunity to identify relevant witnesses and other evidence;
 - If a Complaint alleges Major Misconduct, to Confront any witnesses who testify against the accuracy of the Complaint's allegations or in favor of the Respondent;
 - To be notified of relevant information provided by the Respondent and any identified witnesses and to have an opportunity to respond;
 - To an opportunity to 1) have an Advisor present, or 2) be Actively Assisted by an Attorney at one's own expense during Code Resolution Meetings and appeal hearings regarding Complaints involving alleged Major Misconduct and at which the Complainant is assisted by an Attorney;
 - To be notified of any defenses or Mitigating Factors asserted by a Respondent and to have an opportunity to respond to them and to offer any Aggravating Factors one believes the Code Decision-Maker should consider;
 - To have a Complaint resolved in a timely manner;
 - To a decision that is free from bias and prejudice and based on credible, relevant evidence;
 - To receive timely written notice of the outcome of the Code process;
 - To an opportunity to make any available appeals;
 - To make a separate Complaint to an appropriate agency outside the College, including law enforcement, at any time.
- o Additional Rights and Responsibilities of Student Respondents
- To defend oneself against any Complaint to which one is a Respondent;
 - To an equal opportunity to request Interim Measures during the Code process;
 - To decline to participate in or answer any question during the Code process, although the process will continue, and a decision will be made based on available information. Code Decision-Makers may infer from a Respondent's non-participation or refusal to answer questions that the Respondent engaged in the misconduct alleged a Complaint, even if the Respondent has affirmatively asserted one's Fifth Amendment right against self-incrimination;
 - To be treated neutrally and to have judgment on the Complaint withheld until a final decision is made;
 - To receive any evidence shared with the Complainant;
 - To an equal opportunity to identify relevant witnesses and other evidence;
 - If the Respondent is alleged to have engaged in Major Misconduct, to Confront any witnesses who testify against the Respondent, including the Complainant;

- To be notified of relevant information provided by the Complainant and any witnesses and given an opportunity to respond;
- To an opportunity to have an Advisor present or be Actively Assisted by an Attorney, at one's own expense, during Code Resolution Meetings and appeal hearings regarding alleged Major Misconduct;
- To be notified of any defenses or Aggravating Factors asserted by a Complainant and to have an opportunity to respond to them and to offer any Mitigating Factors one believes should be considered when determining the College's Responsive Action;
- To have a Complaint resolved in a timely manner;
- To a decision that is free from prejudice and bias and based on credible, relevant evidence;
- To receive timely written notice of the decision, including a summary of the facts on which the decision was based;
- To an opportunity to make any available appeals.

Distinguishing Between "Lesser" and "Major" Misconduct

Students accused of the most serious Code violations are entitled to more formal Disciplinary proceedings than those accused of less serious violations, because the Responsive Action from the College and the possible consequences to Students for the most serious violations are significantly greater. Accordingly, the College distinguishes between Lesser Misconduct and Major Misconduct when conducting Code proceedings.

- Code Decision-Makers have the discretion to decide whether to address alleged Code of Conduct violations as Lesser Misconduct or Major Misconduct. Such decisions shall be based on specific Aggravating Factors, Mitigating Factors, and other relevant circumstances, including, but not limited to, an accused Student's history of prior Code violations, the severity or pervasiveness of the alleged violations and their impact on other members of the College Community, whether the Student is accused of engaging in the alleged violations Knowingly, Recklessly, or Negligently, and whether the accused Student is alleged to have engaged in multiple Code violations.
- Lesser Misconduct includes violations of the Code that are appropriately responded to with Educational Measures and do not warrant Disciplinary Sanctions. Students alleged to have engaged in Lesser Misconduct may not be accompanied by an Advisor or an Attorney during Code proceedings, and neither decisions that Students engaged in Lesser Misconduct nor the Educational Measures issued to those Students can be appealed.
- Major Misconduct includes the most serious violations of the Code that could result in Disciplinary Sanctions up to and including Suspension or Expulsion from the College or the withholding of a degree or certificate. Code proceedings for alleged Major Misconduct are generally more formal and have opportunities to appeal, in addition to the following:
 - Students alleged to have engaged in Major Misconduct may be accompanied by an Advisor of their choosing or by an Attorney provided at the Student's expense. Attorneys may Actively Assist Students during Code Resolution Meetings and appeal hearings. Students may not be accompanied by Advisors or Attorneys at any other time during the Code of Conduct process.
 - Allegations of assault, violence, Stalking, True Threats, or sexual misconduct, including Sexual Harassment, are always addressed as Major Misconduct. Whether to address any other "Specifically Prohibited Act of Misconduct" (see next Section) as Lesser Misconduct or Major Misconduct is determined on a case-by-case basis by the Code Decision-Maker.

Specifically Prohibited Acts of Misconduct

The following acts and omissions constitute Student misconduct under this Code and are prohibited:

- Violent, Threatening, or Dangerous Behavior
 - Physically assaulting or harming or making a True Threat to physically harm another member of the College Community;
 - Engaging in any illegal sexual offense, including, but not limited to, sexual assault, public sexual indecency, and indecent exposure (see A.R.S. § 13-1401 to 1406);
 - Engaging in Stalking, Bullying, or Hazing;
 - Secretly or covertly viewing, photographing, or making a video recording of a member of the College Community without that individual's express consent in a location where the individual has a reasonable expectation of privacy or in a manner that violates a reasonable expectation of privacy;
 - Engaging in or threatening to engage in a Breach of the Peace;
 - Harming, harassing, or endangering an animal, including, but not limited to, a Service Animal or Emotional Support Animal, on College Property or at a College Sponsored Activity;
 - Bringing or luring a wild or diseased animal onto, or enticing one to remain on, College Property or the location of a College Sponsored Activity without express authorization from the College;
 - Using, possessing, displaying, or storing any weapon or explosive, including but not limited to, a firearm, explosive material or device, bomb-making material, firework, or unreasonably dangerous chemical on College Property or at a College Sponsored Activity, unless one or more of the following conditions is met:
 - The Student is an Arizona Peace Officer authorized to carry a firearm or other weapon while off-duty, and the prohibited item is a legally possessed firearm or other weapon carried in accordance with all applicable laws and College policies;
 - The campus President and the Chief of Campus Police or their respective designees have authorized the Student in writing to bring an item or material otherwise prohibited under this section onto College Property or to a College Sponsored Activity for an academic, law-enforcement, or other legitimate specified purpose;
 - The prohibited item is a legally possessed firearm which the Student keeps locked in and not visible from the outside of the Student's privately owned motor vehicle or motorcycle in compliance with A.R.S. § 12-781;
 - Threatening to bring a weapon on to College Property or to a College Sponsored Activity;
 - Knowingly failing to report to Campus Police a True Threat to a member of the College Community or other imminent threat to the health and safety of the College Community, including, but not limited to, the imminent arrival, or presence on College Property or at a College Sponsored Activity, of any individual who the Student knows is or has claimed to be in possession of a firearm and who is not a Campus Police Officer or other law-enforcement officer;
- Discrimination and Harassment

Engaging in discrimination against or harassment (including Sexual Harassment) of a member of the College Community on the basis of age, disability, race, color, ethnicity, national origin, religion or irreligion, sex, gender (including gender expression and gender identity), sexual orientation, or veteran status;
- Violations of Federal, State, or Local Law
 - Being arrested for, charged with, or convicted of violating any local, state, or federal law based while on

College Property or during a College Sponsored Activity, or based on events which occurred on College Property or during a College Sponsored Activity;

- o Being arrested for, charged with, or convicted of a violation of any local, state, or federal law, regardless of location, that
 - Involves violence or assault, Stalking, a True Threat, sexual misconduct, harassment, or significantly dangerous, threatening, or harmful activity;

Reporting Code of Conduct Violations

- In Emergencies

If a suspected Code of Conduct violation involves an imminent health or safety threat, such as acts of violence or True Threats, contact Campus Police (520-206-2700) or call 9-1-1 immediately.

- Submitting Complaints

- o Any member of the College Community may submit a Complaint about a suspected Code of Conduct violation as follows:
 - If the Student's suspected violation occurs during or as part of a class, by informing the course Instructor (a subsequent written Complaint may still be required);
 - By submitting a Complaint to the Dean of Students by email or letter (mailed or hand-delivered), or by using the College's Incident Report form

https://pimacountycommunitycollegedistrict.ethicspointvp.com/custom/pimacountycommunitycollegedistrict/_scf/forms/_scf/form_data.asp?lang=en
 - By calling the Dean of Students' office or visiting in person (a subsequent written Complaint may still be required).
 - There is no time limit for making a Complaint about a suspected Code of Conduct violation, although a Complaint should be made as soon as possible. Code Decision-Makers may, at their discretion, decline to take action on a Complaint if the elapsed time is a significant barrier to completing a full investigation and making an adequately informed decision.
- o Complaints should contain the following information (to the extent known):
 - The name and contact information of the person submitting the Complaint;
 - The names of the Student(s) and any other person(s) involved, including any victims or witnesses;
 - The date of the alleged misconduct;
 - The location where the alleged misconduct occurred;
 - A description of the alleged misconduct;
 - A list of any documents or other evidence relating to the alleged misconduct (e.g., photographs, emails, police reports).
- o Complaints may be dismissed without further action if Code Decision-Makers, in their discretion, determine the Complaint is Frivolous or Malicious.
- o Complaints Involving Pending Code of Conduct Proceedings
 - Code of Conduct proceedings will not be stayed or otherwise interrupted if an individual involved

in the Code process files a separate, contemporaneous complaint of any kind against another individual involved in the same process (e.g., Respondent files a complaint against the Complainant or the Code Decision-Maker).

- If Code Decision-Makers are the subject of an internal College complaint brought by a Student while that Student's Code of Conduct proceeding is pending, Code Decision-Makers should only recuse themselves if they believe they cannot remain impartial.

- Confidential and Anonymous Complaints

- o Persons reporting alleged Code of Conduct violations may request that their Complaints remain confidential. The College will endeavor to honor such requests, although doing so may seriously limit the College's ability to investigate and respond to a Complaint, and the College's obligation to protect the College Community may override a Complainant's request for confidentiality.
- o Anonymous Complaints are not accepted through the Code process. Persons wishing to remain anonymous may contact the College's Office of Dispute Resolution ("ODR") hotline (1-855-503- 8072 or www.complianceandethics热线.ethicspoint.com), or call Campus Police (520-206-2700).

Conducting Code of Conduct Proceedings

- Selecting the Code Decision-Maker

- o Instructors as Complainants/Code Decision-Makers
 - If an Instructor believes a Student has engaged in Major Misconduct, the Instructor should submit a Complaint to the Dean of Students. If the Dean of Students determines that the violation alleged in the Complaint should not be addressed as Major Misconduct, the Dean may return it to the Instructor to be addressed as Lesser Misconduct.

- The Dean of Students as Code Decision-Maker

- o The Dean of Students or the Dean's designee shall serve as the Code Decision-Maker for all Complaints alleging Major Misconduct.
- o If the Dean of Students, in consultation with the College's Office of the General Counsel, determines that a significant, College-wide conflict of interest may exist for a particular Complaint, the College may retain an outside third-party to serve as the Code Decision-Maker and investigate and issue a decision in accordance with Code procedures.

- Discretion of Code Decision-Makers in Initiating, Continuing, and Terminating Code Proceedings

- o Code Decision-Makers have the discretion to determine if a Complaint sufficiently alleges a violation of the Code. If the Code Decision-Maker determines that a Complaint does not sufficiently allege a violation, the Code Decision-Maker shall notify the Complainant in writing of that decision and the reason for it.
- o If a Complaint adequately alleges a violation, but the Code Decision-Maker subsequently becomes aware of evidence indicating further proceedings are not warranted, the Code Decision-Maker may terminate the proceeding at any time by providing written notice of that termination and the reason for it to the Complainant. If Respondents have already received notice of the Complaint, they should also be notified in writing of the decision to terminate it.

- o Specific timelines and deadlines stated in this Code may be extended at the discretion of the Code Decision-Maker.
- Notice of Complaints and Delivery of Complaint-Related Information
 - o If the Code Decision-Maker determines that a Complaint adequately alleges a Code violation, the Code Decision-Maker shall provide written notice of the Complaint to the Student who is the Respondent to the Complaint within five (5) Business Days. The notice shall include the following:
 - An explicit statement that the Student is a Respondent to a Code of Conduct Complaint;
 - A summary of the allegations against the Student, including any known evidence in support of those allegations;
 - The specific Code section(s) the Student is alleged to have violated;
 - Whether the Student is accused of Lesser Misconduct or Major Misconduct and the Code Decision-Maker's basis for making that decision, and if a Disciplinary Sanction (*e.g.*, Suspension) could be imposed;
 - If the Student is accused of Major Misconduct, that the Student has the right to be accompanied to the Code Resolution Meeting by an Advisor or an Attorney (at the Student's expense), and an Attorney may Actively Assist the Student during the Code Resolution Meeting and any subsequent appeal;
 - The date and time of the Complaint Resolution Meeting and the conditions under which that meeting could be rescheduled.
 - o Unless approved in writing by the Code Decision-Maker, all Code of Conduct notices and Complaint-related information will be sent to Students' "*pima.edu*" accounts.
 - o Notice will be considered effective and all information will be considered received on the date email is sent to Students' "*pima.edu*" accounts. If the Code Decision-Maker approves another means of delivery, notice will be considered effective and documents received on the date of hand-delivery or three (3) Business Days after the notice or document is deposited with the U.S. Postal Service or other carrier.
- Complaint Resolution Meetings
 - o Lesser Misconduct Resolution Meetings
 - After the Student Respondent has received notice of the Complaint, the Code Decision-Maker shall conduct a Code Resolution Meeting with the Respondent in a private setting and discuss the Lesser Misconduct the Respondent is alleged to have engaged in and the specific evidence supporting those allegations.
 - If, during the meeting, the Code Decision-Maker comes to believe that the Respondent's misconduct is more serious than previously known and may warrant a Disciplinary Sanction, the Code Decision-Maker shall inform the Student of that fact and suspend the Code Resolution Meeting. If the Code Decision-Maker is an Instructor, the Complaint shall be referred to the Dean of Students for further proceedings, a revised notice shall be issued to the Student, and the Code Resolution Meeting shall be rescheduled and conducted according to the procedures required for Major Misconduct.
- Major Misconduct Resolution Meetings

- o After the Student Respondent has received notice of the Complaint, the Code Decision-Maker shall conduct a Code Resolution Meetings with the Respondent in a private setting and discuss the Major Misconduct the Respondent is alleged to have engaged in and the specific evidence supporting the allegation(s). Respondents shall have a full and fair opportunity to review and respond to the allegations in the Complaint and to offer any additional evidence they believe is relevant, including any Mitigating Factors.
- o Complainants are required to attend Code Resolution Meetings for alleged Major Misconduct if they will be providing testimony against Respondents, unless Respondents waive their right to confront witnesses who testify against them. Complainants may also be required to attend Code Resolution Meetings if the Code Decision-Maker determines their presence is necessary to make a fully informed and fair decision. Otherwise, Complainants may request, but are not required, to attend Code Resolution Meetings.
- o For Complaints involving allegations of assault, violence, Stalking, True Threats, or sexual misconduct, including Sexual Harassment, Complainants may request to attend Code Resolution Meetings remotely via videoconference or similar means, including one-way video in which Respondents can see Complainants, but not vice versa. Whether to permit remote attendance shall be at the discretion of the Code Decision-Maker. Complainants' remote attendance shall not interfere with Respondents' right to confront witnesses who testify against them.
- o Advisors and Attorneys
 - Both Respondents and Student Complainants (if attending) may be accompanied by one(1) Advisor of their choice during Code Resolution Meetings involving Complaints of Major Misconduct. Complainants who are not Students may not be accompanied by Advisors. Advisors may be consulted by Respondents and Student Complainants during the meeting, suggest questions for them to ask, and help them clarify their responses to questions. An Advisor may not Actively Assist either the Respondent or the Student Complainant.
 - At Code Resolution Meetings involving Complaints of Major Misconduct, a Respondent may be accompanied by an Attorney (in lieu of an Advisor and at the Respondent's expense) who Actively Assists the Respondent during the meeting. If a Respondent opts to be accompanied by an Attorney, a Student Complainant shall also have an opportunity to be accompanied by an Attorney at the Complainant's expense. Complainants who are not Students are not permitted to be accompanied by Attorneys. A Student Complainant may not be accompanied by an Attorney unless the Respondent first opts to be accompanied by an Attorney. Only Attorneys may Actively Assist either Respondents or Complainants during Code Resolution Meetings.
 - Students must inform the Code Decision-Maker at least three (3) Business Days prior to the Code Resolution Meeting if they will be accompanied by an Attorney who will Actively Assist during the meeting or by an Advisor who is a Legal Professional by education or occupation. The College reserves the right to have College legal counsel present during any Code Resolution Meeting at which a Student is assisted by an Attorney or where a Student's Advisor is a Legal Professional.
- o Witnesses
 - Both Complainants and Respondents have the right to require relevant witnesses, including each other, to testify in person during a Code Resolution Meeting. That right can be waived, and the parties may rely instead on written witness statements.

- The Code Decision-Maker shall ask witnesses questions and/or permit them to make statements. Complainants and Respondents shall have an equal opportunity to present additional questions or topics of questions for the Code Decision-Maker to ask each witness. The Code Decision-Maker may decline to ask witnesses any questions the Code Decision-Maker believes are irrelevant, repetitive, harassing, or unnecessarily embarrassing. Complainants and Respondents (or their Attorneys) may not object during witness testimony or directly question or cross-examine witnesses
- Code of Conduct Decisions
 - Decisions on Complaints will be made by applying the Preponderance of the Evidence standard unless specified otherwise, and Code Decision-Makers shall determine if, based on the evidence, it is more likely than not the Respondent engaged in the misconduct alleged in the Complaint.
 - If the Code Decision-Maker decides that the evidence does not support a finding that the Respondent engaged in the alleged misconduct, the matter shall be concluded and the Complaint closed, subject to any available appeal.
 - If the Code Decision-Maker finds that the Respondent is more likely than not engaged in the misconduct alleged in the Complaint, the Code Decision-Maker shall determine an appropriate Responsive Action.
- Responsive Action by the Code Decision-Maker
 - If Student Respondents admit to violating or are found to have violated the Code of Conduct, Code Decision-Makers have the discretion to issue or not issue one or more Responsive Actions.
 - All Responsive Action shall be issued to Respondents in writing along with an explanation of the facts, including any Aggravating Factors and Mitigating Factors, the Code Decision-Maker took into consideration.
 - Responsive Action may include, but is not limited to, one or more of the following:
 - Educational Measures (for both findings of Lesser Misconduct and Major Misconduct)
 - Educational assignments that foster a new or greater understanding of the Student's role in the College Community and how the Student's conduct affects others;
 - Restorative Justice requirements;
 - Financial compensation for actual losses to the College or to a specific individual (*e.g.*, for theft or property damage). The College cannot award damages for pain and suffering or for other intangible injuries, or purely as punishment (*i.e.*, a fine);
 - Temporary prohibition (not to exceed six (6) months or one (1) academic year, whichever is greater) from engaging in certain College Sponsored Activities, including Selective Extracurricular Activities. Decisions to impose such Sanctions shall be made in consultation with the Employees responsible for the specific activities in question.
 - Temporary removal (not to exceed six (6) months or the remainder of the current academic year, whichever is greater) from specific College academic or certificate programs. Decisions to impose such Sanctions shall be made in consultation with the Employees responsible for the specific programs.
 - Temporary restriction on or denial of certain College services (*e.g.*, use of a library or certain College IT Systems), not to exceed six (6) months or the remainder of the current academic year, whichever is greater;
 - Temporary restriction on enrollment (*e.g.*, being permitted to take only (or barred from

- taking any) online classes), not to exceed six (6) months or the remainder of the current academic year, whichever is greater;
 - Temporary exclusion (*i.e.*, being “trespassed”) from specified College Property (*e.g.*, a particular College Campus or Learning Center), not to exceed six (6) months or the remainder of the current academic year, whichever is greater;
 - A Conduct Agreement (see Section VIII below);
 - A written Reprimand;
 - Probation.
 - Disciplinary Sanctions (for findings of Major Misconduct only)
 - Prohibition from engaging in certain College Sponsored Activities, including Selective Extracurricular Activities, for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including an indefinite or permanent prohibition. Decisions to impose such Sanctions shall be made in consultation with the Employees responsible for the specific activities in question;
 - Removal from a specific College academic or certificate program, for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including indefinite or permanent removal. Decisions to impose such Sanctions shall be made in consultation with the Employees responsible for the specific programs;
 - Restriction on or denial of certain College services (*e.g.*, use of a library or certain College IT Systems), for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including an indefinite or permanent restriction;
 - Restriction on enrollment (*e.g.*, permitted to take only (or barred from taking any) online classes), for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including an indefinite or permanent restriction;
 - Exclusion (*i.e.*, being “trespassed”) from specified College Property (*e.g.*, a particular College Campus or Learning Center), for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including indefinite or permanent exclusion;
 - Suspension from the College for any length of time;
 - Expulsion from the College;
 - Withholding of a degree or certificate.
- Notice of Code of Conduct Decisions, Responsive Actions, and Right to Appeal
 - o Code Decision-Makers shall provide Respondents with written decisions in a timely manner not to exceed ten (10) Business Days stating explicitly what, if any, misconduct a Respondent was found to have engaged in, explaining the specific factual basis for that decision, and stating the specific Responsive Action issued by the Code Decision-Maker, including an explanation of any Aggravating Factors or Mitigating Factors taken into consideration.
 - o Code Decision-Makers shall inform Respondents in writing of any right they may have to appeal the decision

or the Responsive Action, including the deadline to request an appeal and the College office to which or Employee to whom the appeal request should be submitted.

- o Because the specific facts of Code of Conduct proceedings are confidential educational records, most Complainants will generally be notified when Code proceedings are concluded but not informed of specific outcomes. However, Complainants alleged to have been victims of assault, violence, Stalking, True Threats, or sexual misconduct shall be given written notice of the specific outcome of their Complaints, including any Responsive Measures issued to the Respondent, as well as information regarding Complainants' right to appeal.

Appeals

- Who May Appeal (*i.e.*, be the "Appellant")
 - o Respondents found to have violated the Code of Conduct may appeal a Code Decision-Maker's decision and/or the Responsive Action issued to the Respondent only when a) the Respondent was found to have engaged in Major Misconduct, and b) the Respondent received a Disciplinary Sanction.
 - o Respondents found to have violated the terms of a Code Agreement or who have recanted a signed admission or acceptance of responsibility for a Code violation resulting in the Respondent receiving a Disciplinary Sanction may appeal the decision that they violated the Code Agreement and/or the Disciplinary Sanction issued to the Respondent. Such Respondents may not appeal Educational Measures or determinations that they violated the Code as stated in their signed Code Agreements
 - o Complainants whose Complaints alleged they were victims of assault, violence, Stalking, True Threats, or sexual misconduct, including Sexual Harassment, may appeal the following decisions by Code Decision-Makers: a) decisions not to proceed with a Complaint or to terminate a Complaint without making a final decision, b) a finding that the Respondent was not shown by a Preponderance of the Evidence to have engaged in the alleged misconduct, and c) a Disciplinary Sanction issued to a Respondent found to have engaged in the alleged misconduct.

- Acceptable Bases for Appeal

A request for appeal shall only be considered if it is based on one or more of the following arguments:

- o The Code Decision-Maker's decision was Clearly Erroneous or tainted by clear bias;
 - o The severity or leniency of the Responsive Measure was unjustifiably disproportionate to the seriousness of the Respondent's misconduct;
 - o A Material Error in Procedure occurred that affected or reasonably could have affected the Code Decision-Maker's decision or the Responsive Measure issued to the Respondent;
 - o The discovery of new information that was not known and could not reasonably have been discovered at the time of the Code Resolution Meeting that is substantially likely to have affected the outcome of the Complaint had it been presented at the Code Resolution Meeting.
- Requesting an Appeal

- o An Appellant’s written request for appeal must be submitted to the Dean of Students no more than five (5) Business Days after receiving notice of the Code Decision-Maker’s decision. The appeal must contain a) a copy of the Code Decision-Maker’s decision, b) the Appellant’s basis for bringing the appeal (see Section IX.B above), c) an argument stating why the decision or Responsive Measure should be changed, and d) if the appeal is based on new evidence, a copy or written summary of the new evidence and a statement identifying the source of the new information and explaining why it was not available at the time of the Code Resolution Meeting.
- o Upon receipt of a timely appeal, the Dean of Students shall forward the appeal documentation to the Vice President of Student Affairs for further proceedings and notify both the Code Decision- Maker and the non-appealing party (*i.e.*, the Complainant or Respondent) (collectively, the “Appellees”) of the appeal and their right to respond to it (see Section IX.D below).
- o If a timely request for appeal is submitted, any Responsive Action will be stayed until the appeal is decided unless there is a clear and significant risk that the health and safety of the College Community or Ordinary College Operations would be adversely affected if the Responsive Action did not take immediate effect.

- Appellee Responses to Appeals

Within five (5) Business Days after receiving notice of an Appellant’s appeal, an Appellee may, but is not required to, submit to the Dean of Students a written response in opposition to the appeal. The Dean of Students shall forward any timely responses to the Vice President of Student Affairs.

- Designating an Appeal Review Board

- o Within ten (10) Business Days of receipt of an appeal from the Dean of Students, the Vice President of Student Affairs shall designate an Appeal Review Board consisting of three (3) Employees selected by the Vice President of Student Affairs and provide each board member with a copy of the Appellant’s appeal and the Appellees’ responses (if any). Any Employee may serve on an Appeal Review Board, provided the Employee has knowledge of the Code of Conduct and the appeal process, and has had no direct involvement in the matter being appealed.
- o If the Vice President of Student Affairs, in consultation with the College’s Office of the General Counsel, determines that no College Employees can or should decide a particular appeal, such as in the event of a College-wide conflict, the College shall retain one or more third parties outside the College to review and decide the appeal in accordance with College procedure.

- Procedures for Appeal Review Boards

- o Within ten (10) Business Days of being designated, the Appeal Review Board shall schedule a meeting to take place within the following thirty (30) days at which to decide the appeal. Appeal Review Board decision will generally be based only on written submissions. Appeal Review Boards may submit questions to Appellants and/or Appellees to be answered in writing prior to the meeting.
- o Appellants and Appellees (regardless of whether they responded to the appeal) shall be notified of the date of the Appeal Review Board’s meeting but shall not be permitted to attend the meeting unless a discretionary hearing is held (see Section IX.F.3 below). Attendance at meetings shall be limited to the board members and to one (1) non-voting consultant to assist the board with procedural and technical questions about the Code of Conduct and College policy (*e.g.*, a representative from the College’s General Counsel’s Office, Office of Dispute Resolution, or Human Resources office).

- o Discretionary Appeal Hearings
 - Within three (3) Business Days after receiving notice of the scheduled date of the Appeal Review Board's meeting, either the Appellant or an Appellee may submit to the Vice President of Student Affairs a written request for an appeal hearing. Requests for hearings shall be decided by the Appeal Review Board and should be granted only in exceptional circumstances. The party requesting a hearing bears the burden of demonstrating that to deny the request would effectively deny the party a full and fair opportunity to be heard. Appeal Review Boards shall notify Appellants and Appellees at least ten (10) Business Days before the scheduled meeting date if an appeal hearing will be conducted.
 - If appeal hearings are conducted, Appeal Review Boards shall offer Appellants and Appellees an equal opportunity to be heard. Both Appellants and Appellees may each be accompanied to appeal hearings by one (1) Advisor or Actively Assisted by one (1) Attorney.
 - An appeal hearing is not a new Code Decision Meeting, and further witness testimony or other additional evidence will generally not be heard or considered. Additional evidence may be considered only when necessary to demonstrate the existence of new evidence that 1) could not have been discovered at the time of the Code Resolution Meeting and 2) is substantially likely to have affected the Code Decision-Maker's decision.
 - Appellants shall address the Appeal Review Board first and present any arguments why an appeal should be granted. Appellees (if attending) may then address the board and present arguments why the appeal should be denied, if they choose to do so. Board members may ask questions during arguments, but Appellants and Appellees may not object, ask each other or the board members questions (except to seek clarification of a question from the Board that the Appellant or Appellee does not understand), or otherwise interrupt each other's arguments. The Appeal Review Board may offer each party an equal opportunity to make a rebuttal argument.
- Decisions of Appeal Review Boards
 - o Appeal Review Boards should give a great deal of deference to Code Decision-Makers' decisions and only change or overturn a decision or Responsive Action if the required voting majority of board members is firmly convinced the decision was in error, even if the board members themselves might have reached a different conclusion if they had been the Code Decision-Maker.
 - o When deciding appeals, Appeal Review Boards may i) deny the appeal and affirm the Code Decision-Maker's decision and/or Responsive Action, ii) affirm the decision that a Code violation occurred but reduce or increase the Responsive Action, iii) grant the appeal (entirely or in part) and remand the Complaint to the Code Decision-Maker for further proceedings and a new decision, or iv) overturn a decision entirely and vacate all Responsive Action if and only if the board concludes unanimously that the Respondent is actually Innocent.
 - o Generally, appeals shall be decided by simple majority vote of the Appeal Review Board. A unanimous decision is required when the board's decision would result in i) a Student's Expulsion or the withholding of a Student's degree or certificate, or ii) entirely overturning/vacating a decision on the basis of the Student's Innocence.
 - o Appeal Review Boards shall issue written decisions to the Vice President of Student Affairs within ten (10) Business Days of the board's meeting (or appeal hearing, if one is conducted) for distribution to the Appellants, Appellees, and the Dean of Students.

- o The decision of an Appeal Review Boards is final, and no further appeal or review of a Code of Conduct decision or Responsive Action is available unless the Appeal Review Board's decision would result in a Student's Expulsion or the withholding of a Student's degree or certificate.
- Automatic Review of Expulsion Decisions and Decisions to Withhold Degrees or Certificates
 - o All Appeal Review Board decisions that would result in a Student's Expulsion or the withholding of a Student's degree or certificate shall be reviewed and approved by the Provost. The Provost's review shall be limited to confirming that a) proper procedures were followed, and b) the Appeal Review Board's decision was not Clearly Erroneous (*e.g.*, contradicted by the facts or tainted by clear bias). If the Provost determines proper procedures were not followed or that the board's decision was Clearly Erroneous or tainted by bias, the Provost shall either a) direct the board to reconvene in accordance with the correct procedure and/or issue a revised decision, or b) designate an entirely new board to reconsider the appeal. The Provost shall continue to review the Appeal Review Board's decisions until the Provost is satisfied that proper procedures were followed and that the Appeal Review Board's decision was reasonable in light of the facts.
 - o Appellants and Appellees, or their Advisors or Attorneys, are not permitted to contact the Provost directly or indirectly regarding the Provost's review of Appeal Review Board decisions.

College Employees Personnel Policy Statement

The following are relevant excerpts from the PCC Personnel Policy Statement for College Employees 2016/17 that are applicable to sexual violence, domestic violence, dating violence and stalking violations.

The complete College Employees Personnel Policy Statement can be found at:

<https://www.pima.edu/administration/human-resources/employee-handbook/index.html>

Faculty Code of Ethics

Preamble

[all employees]

The faculty member, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence and the nature of democratic principles. Essential to these goals are the protection of academic freedom, and the guarantee of equal educational opportunity for all. The faculty member recognizes the magnitude of the responsibility inherent in teaching and providing complementary educational services. The faculty member accepts the responsibility to adhere to the highest ethical standards and conduct.

This Code of Ethics indicates the aspiration of all faculty members and provides a standard by which to evaluate a faculty member's conduct.

Principle I - Commitment to the Student

The faculty member strives to help each student realize her or his potential as a worthy and effective member of society. The faculty member therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. In fulfillment of the obligation to the student,

the faculty member:

- shall encourage and support students in independent action in the pursuit of learning;
- shall endeavor to ensure student learning, success, and retention;
- shall promote student access to varying points of view;
- shall provide faithful and opportune information relevant to students' progress;
- shall make reasonable efforts to protect students from conditions harmful to their learning, health, and safety;
- shall create and provide educational experiences so students are not intentionally exposed to embarrassment or disparagement;
- shall abide by State and Federal laws and local ordinances prohibiting discrimination and shall provide teaching and complementary educational services that respect differences in race, color, religion, sex, national origin, age, disability, veterans status, sexual orientation, gender identity and any other legally protected category, and shall work to ensure that no student experiences unlawful discrimination by exclusion from participation in any program, denial of benefits and/or granting unfair advantage;
- shall maintain professional relationships with students and not engage students for private advantage; and
- shall maintain confidentiality regarding information about students obtained in the course of professional service, unless disclosure serves a compelling professional purpose or is required by law.

Principle II - Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the faculty member shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment to achieve conditions which attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the faculty member:

- shall represent himself/herself accurately and honestly in any application for a professional position(s) or in any other representation of professional qualifications, and shall make full disclosure of all material facts related to competencies and qualifications;
- shall maintain confidentiality regarding information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law;
- shall refrain from false or malicious statements about colleagues or about candidates for professional positions;
- shall refuse any gratuity, gift, or favor that might impair or appear to influence professional decisions or actions;
- shall encourage persons who are qualified in respect to character, education or other relevant attribute(s) to enter into the profession; and
- shall work to ensure that only qualified faculty members engage in the practice of teaching and delivery of complementary educational services.

Principle III – Commitment to the College

The faculty member, believing in the mission of the College, demonstrates and promotes organizational values in his/her teaching and other service for the College. The work of the professional faculty member includes

service to students, the profession, the College, the campus and Pima County. The roles of the professional faculty member include instructor and provider of complementary educational services, departmental colleague, College and community citizen, mentor and applied researcher. Therefore, the inclusion and participation of faculty members in the life of the College is essential in creating a culture conducive for student learning.

In fulfillment of the obligation to the College, the faculty member:

- shall promote rational dialogue and debate about the standards, strengths, achievements, opportunities and challenges of the College;
- shall provide educational leadership and service to the College for institutional advancement;
- shall help create readiness for institutional change;
- shall respect, respond to, and advocate for the needs of the diverse external community; ● shall exercise professional ethics and individual accountability in the discharge of all duties, assignments and service to the College;
- shall remain current in his or her discipline and curriculum by engaging in lifelong learning and in professional development activities designed to enhance his or her skills, abilities and knowledge;
- shall collaborate with other members of the College community to fulfill the College's mission; ● shall use his/her professional judgment to select appropriate materials and resources and to identify and recommend delivery systems to support student success; and
- shall participate in institutional activities and processes that create an environment which makes the College an employer of choice.

A. Code of Conduct and Standards of Behavior for Employees

[all employees]

Pima Community College employees will show mutual respect for others, basic courtesy, reciprocity (treating others as we wish to be treated), and behaviors that create a positive environment in which to learn and to work. College Administration will set the tone for civil behavior through their professional conduct and through their leadership of the institution. All members of the college community will create a positive environment characterized by considerate and principled conduct.

- All employees are expected to conduct themselves and behave with professionalism, courtesy, integrity, and with the highest level of ethics. Such conduct includes, but is not limited to:
 - Cooperating with other employees and treating all students, visitors, other employees, and members of cooperating agencies or businesses in a courteous and considerate manner;
 - Reporting to management unethical or illegal conduct, or conduct suspected to be unethical or illegal, by employees or students;
 - Maintaining high standards of honesty and integrity, free from personal considerations, bias, or favoritism.

Employees are expected to perform their assigned duties in accordance with established timelines, standards of quality, and College Policies. This includes, but is not limited to:

- Meeting established quality standards in a timely fashion;
- Protecting and conserving College property and resources;
- Employing all appropriate safeguards and practices to ensure the safety of students, employees, and visitors;
- Reporting ready for work at the assigned starting time and at the proper work location, and notifying the supervisor in advance of any absence from work or the inability to report to work on time.

Employees are required to comply with Federal, State, County, and Municipal laws and regulations as well as the Policies and Procedures of Pima Community College.

In order to assist employees in their efforts to meet the expectations of the College, supervisors shall:

- Be familiar with College policies and procedures that affect assigned personnel; Consult with Human Resources Employee Relations for assistance prior to initiating corrective or disciplinary action.
- Substantiate each apparent violation of policy or procedure or instance of unsatisfactory performance before taking action;
- Inform the employee if any policy or procedure has been violated;
- Ensure that any action taken is prompt and in accordance with applicable College policy.

The following conduct is prohibited and any employee engaging in such conduct, attempting to engage in such conduct, or aiding another employee is subject to the Corrective Action and/or Disciplinary Procedures. The examples below are illustrative of the behavior that will not be permitted, but are not intended to be all inclusive:

- Reporting to work under the influence of alcohol and/or illegal drugs or narcotics; using, selling, dispensing or possessing alcohol and/or illegal drugs or narcotics on College premises, while conducting College business, or at any time which would interfere with the effective conduct of the employee's work for the College; using illegal drugs; or testing positive for illegal drugs;
- Fighting or assaulting a fellow employee, visitor or student; using language, actions, and/or gestures which are threatening, intimidating, abusive, obscene, or profane; engaging in any form of intimidation, bullying, harassment, sexual harassment, discrimination, or contributing to an offensive, hostile environment; disorderly or disruptive conduct;
- Refusing to follow College policies, regulations, and procedures or management's instructions concerning a job-related matter, except in cases where the safety of the employee may be endangered or in cases where the action is illegal or unethical;
- Possessing firearms or other weapons on College property, except as required by the job;
- Stealing, destroying, defacing, misusing or using College or another person's property without authorization;
- All employees are expected to maintain a certain standard in their communications to each other and the public. Employees are expected to communicate with a high degree of integrity and transparency. Employees are prohibited from lying, misrepresenting, or intentionally omitting information with the intent to mislead and/or to benefit themselves, other employees, employee groups, or non-College individuals or organizations. This standard applies to communication as an employee, in any form, including social media, to any member of the College, community, or the public.
- Failing to notify the College of a felony conviction or the loss of a license or certificate required for the position, or failing to cooperate in a College investigation or audit;
- Abusing sick leave or demonstrating a pattern of sick leave use without required medical documentation; or having unauthorized absences from work;
- Using an employee's official position for personal gain; using confidential information for personal advantage or to further any private interest; accepting or soliciting, directly or indirectly, any gift or item of other than modest monetary value from any person or entity seeking action from, doing business with, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties;
- Engaging in outside employment or activities that conflict with official College duties and

responsibilities, or that tend to impair the capacity for performance of duties and responsibilities in an acceptable manner, or that create a real or apparent conflict of interest;

- Failing to wear assigned safety equipment or failing to abide by safety rules and policies;
- Disclosing information of a confidential nature to unauthorized persons; tape recording or transmitting conversations without the express permission of all parties;
- Conducting personal business during work hours and/or on College premises;
- Gambling on College property.

B. Reporting Violations of Law and College Policy (Whistle-blowing)

[all employees]

All College employees are expected to report possible violations of federal, state, county, or municipal laws or regulations, as well as College ethics standards, mismanagement, a significant waste of monies or abuse of authority by any College employee or Board member, commonly referred to as Whistleblowing. Retaliation against anyone for reporting a possible violation or participating in an investigation of a possible violation is strictly prohibited and will result in discipline, up to and including termination. Reporting a possible violation Any employee with a good faith belief that there has been a violation of law or regulation or ethical or financial misconduct shall notify an administrator, Internal Audit, the Office of Dispute Resolution, EthicsPoint or the Office of General Counsel/Legal Department as soon as possible after becoming aware of the potential violation or misconduct, preferably within 14 calendar days after becoming aware. Reports of wrongful conduct shall be in writing and shall include the following information:

- Date of the report
- Name(s) of the individual(s) making the report
- Nature of the alleged violation or misconduct, including the law, policy, procedure or standard alleged to have been violated
- Date(s) of the alleged violation or misconduct
- Name(s) of the individual(s) believed to have engaged in the violation or misconduct
- Name(s) of others who may have knowledge of the incident(s)

Allegations of misconduct will be Investigated in a timely manner. The College shall take appropriate corrective or disciplinary actions based on the findings of the investigation.

Retaliation prohibited

Retaliation against any employee who reports or participates in an investigation of alleged misconduct is prohibited. "Retaliation" means taking an unwarranted adverse personnel action which may include:

- Discipline
- Significant change in duties, assignment, schedule, or position
- Refusal to promote

Concerns about retaliation should be reported using the same process described above. Retaliation claims will be investigated in a timely manner and appropriate corrective action taken.

An employee who engages in retaliation shall be subject to discipline, up to and including termination. Per A.R.S. § 38-532, the employee may also be subject to a civil fine.

An employee who knowingly makes erroneous allegations or provides false information, may be subject to disciplinary action, up to and including termination.

C. **Performance Management and Discipline**

[all employees]

The supervisory relationship between an employee and their supervisor is based on the fundamental principles of mutual respect, honest communication, reasonable standards, and consistent feedback. Supervisors and employees should work together to set expectations about performance and conduct in order to promote employee success. Supervisors and employees must regularly communicate regarding achievement of the established expectations.

When questions or concerns arise regarding expectations, supervisors and employees may use a number of approaches to assist the employee in remedying any shortcomings:

- Setting reasonable expectations and goals
- Identifying needed resources
- Verbal coaching
- Written explanations
- Regular follow-up meetings

The College expects that the approaches identified above will resolve the majority of performance and conduct issues. However, when these approaches have been exhausted, the supervisor should consider the Disciplinary Process.

Disciplinary Process

The College's disciplinary process addresses unsatisfactory employee conduct or performance, ensuring such matters are dealt within a fair and consistent manner. The process applies to all employees where an employee's conduct/performance does not meet Department or College expectations.

The disciplinary process may begin at any level, including termination, depending on the nature and severity of the issue. Should new issues occur during a disciplinary action, the supervisor may include additional performance or conduct issues to an existing disciplinary process but must provide formal notice to the employee and sufficient additional response time.

Supervisors must consult with Human Resources prior to imposing any disciplinary actions and notifications and/or sanctions outlined below to ensure that the disciplinary action is appropriate.

Disciplinary Levels

There are three progressive disciplinary levels utilized in addressing unsatisfactory performance/behavior. Except in cases of extremely severe disciplinary issues, the progressive disciplinary process will typically start at the lowest level. The disciplinary process applies to all regular employees and may also be applied to temporary and probationary employees. Both temporary and probationary employees may have employment directly terminated at the discretion of the supervisor and the Chief Human Resources Officer.

1. Written Warning
2. Final Written Warning
3. Termination

Disciplinary Meeting Elements

Listed below are procedural elements that apply to all disciplinary action meetings:

- An employee shall receive two business days advance notice in writing of a disciplinary meeting whenever possible.
- An employee may request additional preparation time to gather supporting documentation.
- The employee may choose to bring an Employee Advisor at any step (see Employee Advisor section of Employee Handbook.)
- The meeting will be scheduled so that all participants are afforded a fair and reasonable opportunity to attend.
- All discussions held under these procedures should occur in a private office, if reasonably available, or in an area substantially removed from the immediate presence of others.
- A Human Resources consultant will attend for support.

Written Warning

Timely written notice shall inform the employee of the specific concerns that must be addressed immediately and sustained indefinitely.

1. Supervisor prepares a draft Written Warning that:
 - Summarizes prior discussions, if applicable.
 - Identifies specific violations.
 - Identifies the impact to the workplace.
2. Supervisor provides meeting notice and draft written warning to employee.
 - Employee may provide a written response prior to meeting.
3. During the Meeting:
 - Supervisor discusses draft warning with employee.
 - Employee is provided an opportunity to ask related questions and offer explanation(s).
 - Supervisor reviews draft warning and may make revisions.
 - Performance Management Plan developed with input from employee. Performance Management Plan establishes expectations or goals and may identify resources to help correct the issue/s within a specified timeframe.
 - Employee may submit a written response to the Written Warning to be included in the personnel file.
4. Completing the Written Warning
 - Supervisor finalizes Written Warning and Performance Management Plan and provides to the employee.
 - Documentation is maintained in the personnel file with a copy provided to employee and Human Resources.
5. Follow up steps
 - Supervisor will regularly communicate with the employee regarding progress on the Performance Management Plan and overall performance

- Employee's performance evaluation will reflect on identified issues and progress in meeting expectations.
- Documentation of successful completion of the Performance Management Plan is maintained in the personnel file with a copy provided to employee and Human Resources.

Final Written Warning

Timely written notice shall inform the employee of the specific concerns that must be addressed immediately and sustained indefinitely.

1. Supervisor prepares a draft Final Written Warning that:
 - Summarizes prior discussions, if applicable.
 - Identifies specific violations.
 - Identifies the impact to the workplace.
2. Supervisor provides meeting notice and draft Final Written Warning to employee.
 - Employee may provide written response prior to meeting.
3. During The Meeting
 - Supervisor discusses draft warning with employee.
 - Employee is provided an opportunity to ask questions and offer explanation(s).
 - Supervisor reviews draft warning and may revise warning.
 - Performance Management Plan developed with input from employee. Performance Management Plan establishes expectations or goals and may identify resources to help correct the issue/s within a documented timeframe.
 - Performance Management Plan may include one or more sanctions. See sanctions below.
 - Employee may submit a written response to the Final Written Warning to be included in the personnel file.
4. Completing the Final Written Warning
 - Supervisor finalizes Final Written Warning and Performance Management Plan and provides to employee.
 - Documentation is maintained in the personnel file with a copy provided to employee and Human Resources.
5. Follow up steps
 - Supervisor will regularly communicate with the employee regarding their progress on the Performance Management Plan and their overall performance
 - Employee's performance evaluation will reflect issues and progress in meeting expectations.
 - Documentation of successful completion of the Performance Management Plan is maintained in the personnel file with a copy provided to employee and Human Resources.

Optional Final Written Warning Sanctions:

Working with the Human Resources consultant, the supervisor may impose any combination of the following:

1. Suspension without pay

- Chief Human Resources Officer or designee must approve of any unpaid status

2. Work condition change:

- Employee's workplace activity
- Decision authority restricted • Requirement for professional development
- Suspension of professional development
- Leave restrictions

3. Job assignment change:

- Disciplinary reassignment (same pay/same unit)
- Disciplinary transfers (same pay/different unit)
- Demotion (assigned to different position/lower pay grade, may include unit reassignment)

Review process for Written Warning and Final Written Warning

An employee who receives a Written Warning or a Final Written Warning may request a review of the performance management plan and/or decision. The request for review must be submitted in writing to the next level administrative supervisor and Human Resources within five working days of receipt.

The administrator will generally complete the review within five business days. The reviewer may request additional information or clarification from the employee or supervisor and may meet with either. The reviewer will then issue a written decision to the employee and supervisor, with a copy to Human Resources for the personnel file. The reviewer may affirm the prior decision, impose a lesser sanction, or overturn the disciplinary action.

A request for review will be considered if based on one or more of the following arguments:

- The Supervisor's discipline decision was (a) not supported by sufficient evidence or reasonable inferences such that a reasonable person could not have reached the same decision, or (b) tainted by clear bias;
- The severity of the discipline was unjustifiably disproportionate to the seriousness of the employee's misconduct;
- The process included a significant mistake or omission that a reasonable person could find affected or likely could have affected the final outcome of the disciplinary process or otherwise made the proceeding fundamentally unfair;
- The discovery of new information that was not known and could not reasonably have been discovered prior to the disciplinary decision and that is substantially likely to have affected the outcome of the discipline process.

Termination Process

Termination of regular employment may be used for the most serious incidents or repetitions of improper job performance or conduct.

Any employee terminated for cause is ineligible for rehire.

Steps:

1. Supervisor meets with termination determination team composed of two administrators and one supervisor outside the affected employee's chain, advised by Human Resources and Legal.
2. Determination team reviews documentation, issues, and basis for proposed termination and decides whether or not to move forward with the termination.
3. If approved by the Chief Human Resources Officer, supervisor issues notice to the employee, indicating the intent to terminate, with supporting evidence, and schedules meeting with the employee providing at least two business days notice.
4. Supervisor and Human Resources consultant meet with employee to review notice and receive input from employee, such as additional evidence or circumstances to be considered.
5. Supervisor reviews employee input and prepares notice of decision in consultation with Human Resources generally within two business days.
6. Supervisor issues decision to employee. If termination is denied by Human Resources, supervisor may impose lesser sanctions.

Note: Once a termination decision has been issued the employee will be placed in an unpaid status for the duration of any review process. If the termination decision is not upheld, the employee will receive applicable back pay.

Termination Review Process

The employee may request in writing a review of the termination decision within five business days to the Chief Human Resources Officer. The Chief Human Resources Officer or designee shall designate an executive administrator from a different supervisory line to conduct the review. The designated administrator will generally complete the review within five business days. The reviewer may request additional information or clarification from the employee or supervisor and may meet with either. The reviewer will then issue a final written decision to the employee and supervisor, with a copy to Human Resources for the personnel file.

Services for Victims of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Being a victim of a crime is traumatic. He or she may feel isolated and confused, and not know where to turn for practical advice or support. Police Officers and Title IX Coordinators will provide referrals to victim assistance agencies and services available to assist victims, and further explain their rights as a victim under Arizona law. They will help victims to understand their rights, the procedures for exercising them, and provide further assistance.

On Campus

- In person
 - Desert Vista Campus Student Services Center, 5901 S. Calle Santa Cruz, Tucson AZ 85709-6033
 - Downtown Campus Student Services Center, 1255 N. Stone Ave., Tucson AZ 85709-3013
 - East Campus Student Services Center, 8181 E. Irvington Rd., Tucson AZ 85709-4000
 - Northwest Campus Student Services Center, 7600 N. Shannon Road, Tucson, AZ 85709
 - West Campus Student Services Center, 2202 W. Anklam Rd., Tucson, AZ 85709-0195

- o Center for Training and Development, Student Services, Desert Vista Campus, 5901 S. Calle Santa Cruz, Tucson, AZ 85709-4950, Phone: (520) 206-5100

Off Campus Services

- **Victim Assistance Agencies and Services**

Organizations such as victim assistance programs, sexual assault centers, child abuse treatment programs, support groups, and domestic violence shelters are established throughout the state to help crime victims regain control over their lives. Some of the services are listed below. They provide emergency and long-term support to victims and their families. Services that may be available include:

- o Emergency safe homes or shelters
- o 24-hour crisis telephone lines
- o Follow-up crisis and long-term counseling
- o Advocating for victims' needs and rights
- o Accompanying victims to medical examinations
- o Transportation
- o Child care

For certain sexual offenses, costs for medical examinations that are done to preserve evidence may be paid for by the Prosecuting Agency. Victims should check with a victim/witness program advocate in their County for more information.

- **Pima County Services**

- o Pima County Victim Services Division 520-740-5525
- o Juvenile Victim Witness Program 520-740-4500
- o Tucson City Prosecutor 520-791-4104
- o Pima County Victim Compensation 520-740-5525
- o Help-On-Call, 24-Hour Crisis Line 520-323-9373
- o Child Protective Services 800-767-2445

- **Domestic Violence Crisis Services**

- o Emerge! Center Against Domestic Abuse
<https://www.emergecenter.org>
520-795-4266/800-428-0101

Emerge! Center Against Domestic Abuse provides domestic abuse crisis intervention and housing, prevention, education, support, and advocacy services to anyone experiencing domestic abuse. While the majority of the people seeking our services are women and their children, our services are available to anyone regardless of gender.

- National Domestic Violence Hotline
800-799-7233
For those in relationships experiencing domestic violence seeking assistance
- **Other Services**
 - Brewster Center for Victims 520-881-7201
 - Tucson (Assistance for Victims of Abuse) 520-795-4880
 - Tucson Center for Women & Children 520-326-7135
 - Casa De Los Niños 520-624-5600
 - Tucson Shalom House 520-750-1405
 - Gospel Rescue Mission 520-740-1501
 - Pasqua Yaqui Domestic Violence Program 520-883-5190
 - Elder Shelter 520-566-1919
- **Sexual Assault Programs**
 - Southern Arizona Center Against Sexual Assault (SACASA)
<https://www.sacasa.org>
800-400-1001 (24 HR. COUNSELING & REFERRALS)
520-327-7273
520-327-1171 (FOR APPOINTMENT)
 - Las Familias
<https://www.arizonaschildren.org/behavioral-health/las-familias/>
520-837-7122
Counseling for children who are victims of sexual abuse and their families as well as adults molested as children
- **Victim Health Services**
 - Sexually Transmitted Diseases (STD's)
Planned Parenthood
<https://www.plannedparenthood.org/>
520.408.7526
Testing and treatment for all STDs; confidential HIV testing available; Offers sliding scale fees

- Southern Arizona Aids Foundation
saaf.org
520-624-1779
- Wingspan
saaf.org/about-saaf/ wingspan-programs-and-affiliates/
800-771-9054
Arizona's Lesbian, Gay, Bisexual, & Transgender Community & Resource Center

Victim Compensation

If you are the victim of a violent crime or the next-of-kin of a victim who has died as the result of a criminal act, you may apply to the County's Crime Victim Compensation Program to recover certain expenses. You should file your claim in the county where the crime occurred. Some expenses you may be able to recover include:

- Medical and dental expenses
- Mental health counseling
- Lost wages
- Funeral costs

The Crime Victim Compensation Program does not compensate for loss of property or property damage. There are conditions that must be met to be eligible for compensation and eligibility does not guarantee an award. To obtain an application or receive more information on Crime Victim Compensation, contact your county Victim Compensation Coordinator. The Pima County Coordinator can be reached at 520-740-5525.

The following information is not legal advice, but may be helpful to victims of domestic violence to seek protection from their abusers. Pima Community College cannot provide individuals with legal advice and should consult their own attorneys should they require such advice.

Domestic Violence

If you are the victim of domestic violence, you may seek a protective order. Orders of Protection prohibit spouses, ex-spouses, persons with a child in common or pregnant by the other person, persons living together, now or in the past, and close relatives from harming each other and/or from contacting you. Injunctions Against Harassment can be sought when there has been a series of harassing attacks.

A petition for a protective order can be filed, with or without a lawyer, in any Justice, City, Superior, or Tribal Court. If you are a party in an ongoing case involving legal separation, divorce, paternity/maternity, child custody, child/spousal support, or if the juvenile defendant is under the age of twelve, you should apply to any Superior Court location.

When the court is not open, you may request an Emergency Order of Protection through a law enforcement officer. Emergency Orders of protection are valid until the close of the next court business day.

A protective order can prohibit the abuser from: having any contact with you and/or other persons, committing further offenses, going to your residence (even if the abuser has been living at this address), going to other locations, and/or possessing or purchasing a firearm. If you seek a protective order, you may request that your address and/or other locations are kept confidential.

There is no filing fee to request a protective order. There is no service fee for Orders of Protection or Injunctions Against Harassment involving dating relationships. Law Enforcement shall not require a prepayment of service fees on other injunctions. You may request that the courts waive service fees for these other injunctions. You may have your protective order served by a private process server for a fee.

If there is a firearm present in a domestic violence matter, and a law enforcement officer determines that you or others could be exposed to serious injury or death, the firearm may be taken and held by the law enforcement agency. To

ensure that you, as the victim, are notified of the release of a firearm that has been seized, you must provide the law enforcement agency with any change of address or phone number.

Victim's Rights

As a victim of crime in Arizona, you have a Constitutional right to be treated with fairness, respect, and dignity and to be free from intimidation, harassment, or abuse throughout the criminal or juvenile justice process. All state, county, and municipal justice agencies and courts in Arizona are required to perform certain duties to ensure that you receive your rights. Please carefully read the overview that follows.

Who Is a Victim For Purposes of Exercising Rights?

State law says a victim is a person against whom a criminal or juvenile offense has been committed. This includes any felony, or any misdemeanor offense, or a sexual offense. If a person is killed or incapacitated, the person's spouse, parent, child, sibling, grandparent, legal guardian, or other lawful representative is the victim. Legal entities and neighborhood associations may also be victims of felony offenses, though rights for these entities are limited. Rights do not apply if the person is in custody for an offense, or is the accused.

Requesting/Waiving Rights

Some rights are given to victims automatically and some rights need to be requested. The law enforcement officer will provide you with a form that asks you to request or waive (decline) your rights. You will be given a copy of the completed request/waiver form for your records. Following is a list of the "upon request" rights that you may request or waive (these rights apply after arrest):

- To be notified of the suspect's release from custody.
- To receive a copy of the terms and conditions of release.
- To receive notification of scheduled court proceedings.
- To talk with a prosecutor prior to a plea, dismissal, or trial.
- To make a Victim Impact Statement.
- To receive a copy of the pre-sentence or predisposition report.
- To receive notice of a defendant's conviction (or adjudication), acquittal, or the dismissal of the charges.
- To receive notice of sentencing or disposition results.
- To have property taken and evidence returned after the case is resolved.

Legal Entity "Upon Request" Rights

To receive notice of restitution and sentencing/disposition hearings, and notice of the sentencing or disposition results.

Neighborhood Association "Upon Request" Rights

To receive notification of scheduled court proceedings, and to make a Victim Impact Statement at sentencing/adjudication.

Your decision to request or waive your rights does not mean that you cannot change your mind later. However, if at first you waive your rights and then request them at a later time, you may be giving up some rights that only apply at certain stages of the justice process.

There are other important benefits and protections that apply to crime victims as a case proceeds through the system. To request a copy of the full text of Arizona's victims' rights laws, you may contact the Attorney General's Office of Victim Services at (602) 542-4911 (Phoenix) or 888-377-6108 toll free. You can also learn more about Arizona's victims' rights laws and available services by visiting the Arizona Attorney General web page at www.azag.gov.

Your Right to Restitution

If someone is found guilty of the crime(s) committed against you, the court may order that person to repay certain financial costs of your victimization. This court-ordered payment is known as restitution. Victims of crime have a Constitutional right to receive prompt restitution. If charges are filed in your case, it is important that you contact the prosecutor's Victim Services Division for more information and assistance with the restitution process.

When A Suspect Is Arrested

Box 3 of the request/waiver form provides information to assist you in exercising your rights immediately following the arrest of a suspect; however, you must act quickly.

If the suspect is an adult and has been arrested, you can exercise certain rights by contacting the court prior to the Initial Appearance. You can also exercise your right to be informed of the suspect's release by contacting the custodial agency.

If the suspect is a juvenile and has been detained, you can obtain detention hearing information and exercise certain rights by contacting the juvenile probation department. You can also exercise certain rights by contacting the juvenile probation department. You can also exercise your right to be informed of the juvenile's release by contacting the detention center.

If an adult or juvenile suspect is cited and released, or a juvenile suspect is referred to the Juvenile Court but not detained, you can exercise certain rights by contacting the court prior to the date and time the suspect must appear.

If the arrest of a suspect is not immediate and you are not notified of an arrest within 30 days, you can call the law enforcement agency to obtain case status information. Your employer may be legally required to allow you unpaid leave from work to attend court. Contact the prosecuting agency for more information.

Suspect Is an Adult and Has Been Arrested: Initial Appearance (Court Hearing) Purposes:

1. Determine whether to release the accused;
2. If the accused is released, determine the terms and conditions of release;
3. Set the next court date(s);
4. Obtain a plea from the accused (for some misdemeanor offenses)

When Held: Within 24 hours of arrest

Location: Court and Custodial Agency

Contact: Pima County Jail 520-547-8200

Pretrial Services 520-547-8282

Your Rights: To be present and heard at the initial appearance, and upon request, to be informed of the suspect's release.

Suspect Is A Juvenile And Has Been Detained

Detention Hearing Purposes:

1. Determine whether to release the juvenile;
2. If the juvenile is released, determine the terms and conditions of release;
3. Obtain a plea from the juvenile (misdemeanor offenses)

When Held: Within 24 hours of detention

Location: Detention Screening Section, County Juvenile Probation

Contact: Pima County Juvenile Detention 520-740-5005

Your Rights: To be present and heard at the detention hearing, and, upon request, to be informed of the juvenile's release.

Rights of Victims and Institutional Responsibilities for Court Orders and Institutional "No contact" Orders

Pima Community College complies with Arizona law in recognizing all court orders issued from any jurisdiction in any state that protects the rights of victims. Parties associated with Pima Community College who have obtained an Order of Protection or an Injunction Against Harassment should file a copy of the order with the PCCPD. A copy of this order will be maintained in dispatch to be used for reference on alleged court order violations that are reported to the PCCPD that occur on college property. If a valid court order is determined to have been violated, PCCPD officers take the appropriate legal actions and charge the offense through the court system.

Complainants are able to discuss Safety Planning on campus with the PCCPD staff member when filing their court order with the institution. This planning may include safety escorts as well as special parking or area access. The college cannot apply for these legal orders on behalf of the complainant, but it can institute "no contact" orders while on college property as well as adjusting classroom attendance times or locations for the parties involved. Any violation of these institutional orders would be addressed through the college's code of conduct disciplinary process.

Orders of Protection and Injunctions Against Harassment are valid for 12 months from the date the defendant is served the order. These orders can be obtained at the following locations in Pima County:

- Tucson City Court – 103 E. Alameda 520-791-4971
- Superior Court – 110 W. Congress, 1st floor 520-724-3272
- Pima County Justice Court – 240 N. Stone Ave. 520 724-3171
- Pima County Juvenile Court – 2225 E. Ajo 520-724-2064

An Injunction Against Harassment prohibits a person from harassing, annoying, or alarming another person.

An order of protection is a court order intended to prevent acts of domestic violence. A person who believes that they or a family member are or may become victims of domestic violence may submit a request (petition) to any court for the issuance of an order of protection. The person you want an order against must have committed or threatened to commit an act of domestic violence within the last year. A child may not be included in an order of protection if the person against whom you are seeking the order is his/her parent, unless that person has committed domestic violence against the child. You must seek custody orders in a separate action in Superior Court.

An order of protection can be filed against someone who is:

- a spouse or former spouse,

- a person you now or did live with,
- a person with whom you currently have or had a romantic or sexual relationship,
- a parent, grandparent, child, grandchild, brother or sister, parent-in-law, stepparent, stepchild, brother-in-law or sister-in-law, or
- someone with whom you have a child.

For full explanation of criminal proceedings and victims' rights, go to

<https://www.yumpu.com/en/document/read/46251152/pcao-releases-new-victims-rights-guide-pima-county-attorney>

Confidentiality

Every reasonable effort will be made to protect the privacy and confidentiality of all parties involved in the investigation, consistent with and subject to the College's need to investigate the report or complaint and/or implement decisions made in order to resolve the report or complaint or remedy conduct that is determined to constitute discrimination, harassment, or retaliation. No representative of the College is authorized to promise complete confidentiality to any person who possesses information relevant to the investigation of a report or complaint, including the Complainant.

Mandatory Reporting

(<https://www.pima.edu/programs-courses/credit-programs-degrees/syllabus-resources.html>)

Pursuant to Arizona law (A.R.S. §13-3620), College personnel who learn in the course and scope of their employment that a minor (person under 18 years of age) has been the victim of physical or sexual abuse, are required to report this information immediately to law enforcement.

Pursuant to federal law (34 CFR 668.46), College personnel who learn in the course and scope of their employment that an individual has been a victim of dating violence, domestic violence, sexual assault, or stalking, or is informed about allegations of any of these offenses shall as soon as possible, contact the Department of Public Safety (Pima Community College Police Department).

Sex Offender Notification

Law Enforcement agency information provided by the Arizona Department of Public Safety concerning registered sex offenders may be obtained on our webpage at: <https://pima.edu/administration/police/index.html> Level 2 and 3 sex offenders attending the College are publicly displayed on designated bulletin boards at each campus.

The Federal Campus Sex Crimes Prevention Act designates that information concerning registered sex offenders is public information and, as such, is exempt from provisions of the Family Education Rights and Privacy Act (FERPA) and other federal and state laws that might otherwise prohibit the disclosure of such information.

Arizona Revised Statutes 13-3821 requires persons convicted of sexual offenses as described in that code to register within 72 hours with the Sheriff of the county they reside in after their release or move to a new location. The responsible law enforcement agency conducts a risk assessment of the offender's likelihood to re-offend and assigns a risk level to the sex offender. Level 1 (low risk), Level 2, (intermediate risk), and Level 3

(high risk).

Arizona Revised Statutes 13-3826 establishes a Community Notification Guidelines Committee composed of the State Attorney General, state legislators, representatives from the state's sheriffs, chiefs of police, county attorneys, adult probation officers and parole administrators, the Director of the Department of Public Safety or their designee, the Director of the Department of Transportation or their designee and a licensed psychologist examiner. This committee has established guidelines and monitors their implementation that provides levels of notification based on the risk that a particular offender poses to their community.

For Level 3 (high risk of re-offending) offenders and Level 2 (intermediate risk of re-offending) offenders, 13-3826 states the notification shall be made to the surrounding neighborhood, area schools, appropriate community groups and prospective employers. The notification shall include a flyer with a photograph and exact address of the offender as well as a summary of the offender's status and criminal background. A press release and a level three flyer shall be given to the local electronic and print media to enable information to be placed in a local publication.

The PCCPD places Level 2 and 3 Sex Offender notifications on its web site as part of the compliance with the above requirement when it is determined that a Level 2 or 3 sex offender is a student or employee of the College. Additional sex offender information can be obtained on the [Arizona Department of Public Safety Sex Offender](#) web site.

Security Awareness and Crime Prevention Tips

Contact the Police

- Dial 911 for all life-threatening emergencies
- Report suspicious people to Campus Police at (520) 206-2700
- Do not hesitate to call Campus Police or 911 when strangers confront you
- Report all criminal incidents and losses to Campus Police immediately

How to Protect Yourself

- Avoid dark vacant places on campus.
- Be alert. If you are being followed, head quickly for a lighted area or to a group of people.
- Avoid places where you are vulnerable and there are no exits.
- When walking:
 - Avoid shortcuts.
 - Walk where there is plenty of light and traffic.
 - Never walk alone at night unless absolutely necessary.
 - Report any suspicious activity or misconduct to PCCPD.
- Give your car the quick "once over" before entering with a critical eye for possible break-ins or persons in the rear seat or floor area.

How to Protect Your Textbooks

- Textbooks are an expensive and necessary part of students' college education. Year after year they increase in cost. It is necessary for students to take steps to protect their investment:

- o Students should write their names and ID numbers in several places in textbooks to help deter thieves who would attempt to resell the book.
- o Students should not leave their textbooks, calculators, or book-bags unattended in study rooms, hallways, libraries, cafeterias or unsecured lockers. They should record the serial numbers of calculators and computers.
- o Thieves know where students leave their belongings unattended and watch for opportunities to take their property. Be suspicious of persons hanging around storage areas, e.g., outside of Book stores, with no apparent purpose. If you see someone suspicious or you discover that you have been victimized, contact the PCCPD at 206-2700.

How to Protect Personal Property

Members of the College community are vulnerable to the same problems encountered by residents of any major metropolitan area. PCCPD's mission is to protect the College community by patrolling the campuses and surrounding areas; however, the opportunity for crime still exists and the College community can still be victimized by criminal acts.

Each person of the College community can assist the PCCPD in its effort to apprehend criminals by utilizing preventive measures to reduce the opportunity for criminal acts and by taking the following precautions:

- The campuses are well-lighted at night. Walk only on lighted sidewalks after dark.
- Employ the "buddy system" when walking to your car at night or traveling to other points in the area. On campus you can call (520) 206-2700 for a Campus Safety escort.
- Personal property, purses, briefcases, etc., should never be left unattended. Take such items with you if you are leaving the office, classroom, or library study area for any length of time.
- Try not to carry large amounts of cash on your person, or display large amounts of money.
- Make a record of the serial numbers of both college and personal property in your office.
- Maintain a record of your personal credit cards and other valuables in your wallet.
- When leaving your office or room for the day, make sure:
 - o All windows are closed and locked.
 - o All valuable items are removed from the top of desks (radios, clocks, pens, etc.).
 - o All desks and files are locked.
 - o All doors are closed and locked.
 - o Never lend equipment or keys to strangers.
- Require identification and authorization from any "repair person" wanting to remove a computer or other office equipment from the room.
- Keep your auto locked. Never leave the keys in the ignition, and avoid leaving property where it is visible on the seats; store it in the trunk instead.
- Lock your bike to a bicycle rack using a high-quality, U-shaped lock.

Campus Crime Awareness and Prevention Programs

The PCCPD, in conjunction with Vice-President of Student Affairs, the Assistant Vice Chancellor for Human Resources and the Organizational Effectiveness and Development Department will utilize a number of strategies and activities specifically designed to educate the college community regarding safety issues and to

promote awareness of strategies to prevent becoming a victim of a crime. The strategies and activities referenced above may include the use of posters, flyers, brochures, videos, lectures, web-based training and outreach events.

Pima Community College offers a number of active and passive programs to inform both students and employees about security procedures and practices.

Posters and displays promoting health, safety awareness, and crime prevention:

- Social Media Don't Reveal Too Much Info
- Email Scams
- Campus Watch and Crime Prevention Posters
- Don't leave your keys in your car
- Secure Your Valuables
- Don't Leave Belongings Unattended
- Stop Crimes of Opportunity
- Protecting Against Vehicle Theft
- Wanted 88-Crime – Crime Prevention
- No Texting and Driving

These programs encourage students and employees to be responsible for their own security and the security of others.

- **Campus Safety: New Student Orientation**
 - Description: Topics include PCC Annual Security Report, Text alerts, PCC Police Department
 - Audience: New students
 - Method: In-person presentation
 - Frequency: Beginning of every semester
 - Primary Sponsor: PCC Counselors
 - Awareness and Prevention Targets: Security procedures and practices
- **Campus Safety International: International Student Orientation**
 - Description: Topics include Role of Campus Police, Campus Safety, Alcohol and Drugs, Sex, and Dating
 - Local areas of influence, (parks, etc.)
 - Audience: International Students
 - Method: In-person presentation by PCCPD
 - Frequency: Beginning of Fall semester or when requested.
 - Primary Sponsor: International Development, PCC Police Department
 - Awareness and Prevention Targets: Security procedures and practices, Alcohol and other Drugs Awareness
- **Back to School: Get to Know PCC Cop/Connect with Your Campus Police/Donuts with DPS/Snack with a Cop (Back to School Basics)**
 - Description: Get to know PCC's Department of Public Safety/PCC Police Department.

- o Forum for students to learn about PCC's Police Department. Officers or CSOs will remind students about personal safety, crime prevention, and security. Students will have the opportunity to ask questions.
- o Audience: All students
- o Method: Table visit with PCC Police Officers and Community Service Officers
- o Frequency: Every January and September
- o Primary Sponsor: Pima Community College Police Department, Student Life
- o Awareness and Prevention Targets: Security procedures and practices
- **Campus Security Obligations Under Federal Law**
 - o Description: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Violence Against Women Act are federal laws that require all institutions of higher learning that participate in federal financial aid programs to collect and report data about crime on and near their campuses and to educate the campus community about violent crime.
 - o In this course, learners will become familiar with their role in helping the institution meet its campus security obligations under these laws. This course is designed to be used in conjunction with an institution's ongoing crime prevention and awareness campaigns.
 - o Target Audience: Made available to new members of the campus community including faculty, employees, and students who have obligations or responsibilities under the Clery Act.
 - o Method: Web-based
 - o Frequency: PCC encourages annual refresher.
 - o Primary Sponsor: Organizational Effectiveness and Development
 - o Awareness and Prevention Targets: Security procedures and practices
- **National Bullying Prevention**
 - o A.S.A.B Aztec Student Advisory Board students will wear orange T-shirts and speak to Desert Vista Campus students to inform students about bullying prevention and awareness. Students can pledge to speak out when being bullied.
 - o Audience: All Students
 - o Primary Sponsor: Student Life
 - o Awareness and Prevention Targets: Encourages the campus community to look out for themselves and one another
- **Spring Safety Fair**
 - o Description: Encourage students to know how to be safe and protect themselves while celebrating or traveling.
 - o Audience: All Students
 - o Method: Information booths
 - o Frequency: Every Spring
 - o Primary Sponsor: Student Life
 - o Awareness and Prevention Targets: Encourages the campus community to look out for themselves and one another
- **Campus Police Safety Training**
 - o Description: Staff from the PCCPD will present strategies and suggestions to promote safety on campus. Discussions and suggestions from staff will be encouraged.

- o Learning Objectives: De-escalating angry, upset people and situations. Suggest phrases and words to use. How to best use the “Panic” buttons installed in the work area. Summarizing and sharing information from the recent report on college safety and other new developments.
- o Audience:Plma Community College Staff
- o Method: Instructor led
- o Frequency: Available on request
- o Primary Sponsor: PCCPD
- o Awareness and Prevention Targets: Encourages the campus community to look out for themselves and one another.
- **Civilian Response to Active Shooter Events**
 - o Description: Participants will receive instruction on how to prepare and respond to being in a building during a threat event. There are several simple steps which those trapped can take to increase the chance of survival for themselves and others.
 - o Audience: All employees
 - o Method: Instructor led
 - o Frequency: Available at request of Campus Presidents or Department Leadership
 - o Primary Sponsor: Organizational Effectiveness and Development
 - o Awareness and Prevention Targets: Encourages the campus community to look out for themselves and one another.
- **Active Shooter – Campus**
 - o Description: This course helps you prepare to respond to an active shooter situation. It begins by describing the typical character of active shooter incidents. It then explains how to determine the correct course of action in such a situation depending on the circumstances: escape, hiding in a secure location, or physically engaging with the shooter. The course then lays out the principles you should follow in relation to each of these options. Finally, you’ll also learn about what to expect and how to react when law enforcement arrives.
 - o Audience: Individuals in a higher education environment including faculty and administrative staff.
 - o Method: Web-based.
 - o Frequency: PCC encourages annual refresher.
 - o Primary Sponsor: Organizational Effectiveness and Development.
 - o Awareness and Prevention Targets: Encourages the campus community to look out for themselves and one another.

Dating Violence, Domestic Violence, Sexual Assault, and Stalking Awareness and Prevention Tips and Programs

How to be an Active Bystander¹

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. The following is a list of some ways to be an

active bystander.

- Watch out for your friends and fellow students/employees.
- If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt/intervene.

Safety in social settings

It is possible to relax and have a good time while still making safety a priority. Consider these tips for staying safe and looking out for your friends in social settings.

- **Make a plan.** If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.
- **Protect your drink.** Don't leave your drink unattended and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.
- **Know your limits.** Keep track of how many drinks you've had and be aware of your friends' behavior. If one of you feels extremely tired or drunk, you may have been drugged. Leave the party or situation and find help immediately.
- **It's okay to lie.** If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling good and having to be somewhere else by a certain time.
- **Be a good friend.** Trust your instincts. If you notice something that doesn't feel right, it probably isn't.

Procedures Students should follow if they are Victims of Sexual Violence, Domestic Violence, Dating Violence, or Stalking

Sexual violence is committed by strangers and, more often, acquaintances, friends or relatives. Anyone can become a victim of sexual violence, regardless of age, race, or income level. Pima Community College shall provide an environment that will, to the greatest extent possible, preclude the occurrence of and encourage the reporting of sexual violence.

1 (Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792).

If a sexual violence offense occurs, victims should do the following:

1. The victim should seek medical attention. It is important that the victim of sexual assault or domestic violence receive a medical examination for health and evidentiary reasons as soon as possible from any hospital emergency department. Locally, only Tucson Medical Center provides a “quiet room” for sex offense and domestic violence victims.
2. In Arizona, evidence may be collected even if you choose not to make a report to law enforcement. Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not “require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.”
3. Preserve all evidence. A victim should not wash or bathe, use the toilet, douche, smoke, or change clothes before seeking medical attention. If clothing is changed, all items worn during the assault should be placed into a paper bag and taken to the medical facility. Any bedding or linens associated with the assault should be preserved for evidentiary purposes if the assault occurred within the last 96-hours so that they can be used for prosecution or to obtain an order of protection. Even if the victim is unsure at the time regarding prosecution, it is important to gather as much evidence as possible allowing for future prosecution. It is important for victims to seek medical attention for the treatment of injuries as well as take steps to address concerns of pregnancy and/or sexually transmitted diseases.
4. If the victim does not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted diseases.
5. Preserve evidence by saving text messages, instant messages, social networking pages, other communications and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to PCC adjudicators/investigators or police, or that could be useful to a College Code of Conduct Officer.
6. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with PCCPD or other law enforcement to preserve evidence

in the event that the victim decides to report the incident to law enforcement or the College at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

Victims of sexual violence, domestic violence, dating violence and stalking are encouraged to follow the above procedures.

Pima Community College utilizes a number of strategies and activities specifically designed to educate the college community regarding sexual offense issues and to promote awareness of strategies to prevent sexual assault, rape, acquaintance rape and other sexual offenses. Administrative Procedure 8.05.01, Sexual Violence, lists the responsibilities of college departments to coordinate these programs.

Pima Community College offers the following ongoing prevention and awareness programs to students and employees to address issues of healthy relationships, sexual harassment and assault, domestic and dating violence, stalking, and bystander intervention.

- **Bystander Intervention**

- Description: Information about bystander intervention and an individual's role in intervening during difficult situations
- Audience: All students
- Method: In-person interactive workshops
- Frequency: Available upon request for any college department or club.
- Primary Sponsor: PCCPD
- Which Prohibited Behavior Covered?: Dating Violence, Sexual Assault

- **Clothesline Project**

- Description: October is National Domestic Violence Awareness Month, Student Life Offices District Wide will participate in the Clothesline Project. On October 22nd and 24th students will have a chance to decorate a t-shirt and hang it in a clothesline display in the Atrium. The intention of the display is to honor survivors and act as a memorial for victims. The clothesline display is also intended to educate and promote awareness.
- Audience: College Community
- Method: Students decorate T-shirts and display them in the Courtyard throughout the week.
- Frequency: Annually in October
- Primary Sponsor: Student Life
- Which Prohibited Behavior Covered?: Domestic Violence

- **Healthy Relationship Workshop**

- Description: Information presented by PCC Counseling Services to raise awareness of sexual violence
- Audience: Method: In-person interactive workshops
- Frequency: Available upon request for any college department or club.
- Primary Sponsor: PCC Counseling Services
- Which Prohibited Behavior Covered?: Domestic Violence, Dating Violence, Sexual Assault

Safe Colleges

- Description: Safe Colleges is an online training program consisting of videos designed to educate students about consent, healthy relationships, bystander intervention, as well as the realities of sexual assault, dating violence, domestic violence, and more. Featuring student presenters and survivors, the videos include scenarios, testimonials, and advice for dealing with these topics.
- Audience: PCC students. We are currently piloting the program to smaller cohorts of students. Currently, international students and student-athletes will be completing the program. In early-2021, students in our Grants programs will complete the program. Eventually we hope to have this program added to new student orientation.
- Method: Online, with the option of training as a group (i.e. an athletic team).
- Frequency: One time .
- Primary Sponsor: Office of Title IX.

- Which Prohibited Behavior Covered: Domestic Violence, Dating Violence, Sexual Assault, Stalking

Expanded workshops hosted by PCC Counselors and Student Life are dedicated to creating and promoting opportunities for students to use and further develop their skills in creating positive change in their lives. These learning opportunities will help students become better equipped to make healthy choices in their daily lives. The students will take away skills on clear and respectful communication, and gain a deeper understanding of how healthy relationships center on respect, honesty, responsibility, and clear boundaries. This will enable students to demonstrate better communication within all their relationships including friendships, partners, instructors, and families.

Web-based continuing Awareness programs available through PCC Employee Development System

The following courses promote the awareness of employees, our responsibilities in addressing issues of discrimination, harassment, sexual violence, and complying with Title IX.

- **Title IX for Higher Education**
 - Every educational institution wants to foster a welcoming, supportive environment for its students. Gender equity is at the heart of a progressive culture in higher education. Title IX of the Educational Amendments of 1972 is a landmark civil rights law prohibiting discrimination in education programs and activities that receive federal funding. Sexual misconduct, including sexual harassment and sexual violence, as well as the failure to provide equal opportunity in educational and co-curricular programs including athletics, are prohibited by the legislation. This course is designed for all members of the campus community who have a responsibility in helping their school develop and maintain a respectful environment. It provides awareness-level training on avoiding, identifying, and reporting sexual discrimination, harassment, and violence, and on complying with Title IX.
 - Target Audience: Members of the campus community including faculty, staff, coaches, athletic staff, health center staff, counseling center staff, security personnel, and student-employees who require general awareness level training.
 - Frequency: Part of the onboarding process for new employees throughout the year.
 - Primary Sponsor: Organizational Effectiveness and Development
 - Which Prohibited Behavior Covered?: Sexual Assault
- **Bullying and Hazing on Campus**
 - Institutions of higher learning are generally perceived as communities that promote mutual respect and concern for one another. Most students and their parents expect their chosen campus to be safe, secure, and protected. However, the fact is that bullying, hazing, and other forms of interpersonal violence exist on campuses across the country. In response to this issue, many schools have instituted policies and programs to deal with the moral, legal, and emotional aspects of campus violence. It is important for faculty, staff, and students to understand the implications of bullying and hazing, and know how to access the support resources available to them on campus.
 - In this course, learners will become familiar with the characteristics of bullying and hazing, the appropriate paths of response to incidents of power-based interpersonal violence, and best practices for preventing, recognizing, and responding to incidents of bullying and hazing on campus.

- o Target Audience: All employees of higher education institutions
 - o Frequency: Available throughout the academic year.
 - o Primary Sponsor: Organizational Effectiveness and Development
 - o Which Prohibited Behavior Covered?: Assault
- **Discrimination and Harassment Awareness**
 - o Description: Pima Community College takes the prevention of discrimination and harassment very seriously. All employees should be aware of their rights, protections and responsibilities specified in the federal and state laws, as well as the College's policies and regulations on sexual harassment. This session will provide information on recognizing forms of sexual harassment, guidance for employees on what to do and how to report incidents. Upon completion of the instructor-led session, participants must complete an online test within 5 working days. Learning Objectives - At the end of the session attendees will be able to:
 - Recognize and identify all forms of discrimination, including sexual harassment
 - Describe what steps to take if harassment occurs
 - Take action to prevent all forms of harassment from occurring in the workplace
 - Describe what resources are available for assistance and support
 - Audience: All employees
 - o Method: In-person workshops or online course
 - o Primary Sponsor: Organizational Effectiveness and Development
- **Pathways to Civility: Addressing Abrasive Conduct**
 - o Description: This workshop will provide participants with a comprehensive overview of bullying, intimidating and abrasive behavior in the workplace; eliminate this behavior and create a climate that fosters mutual respect and civility in the workplace; Pima College Policies and Practices on abrasive or intimidating behavior. Incorporate group work (simulations and role plays) on abrasive behavior and how best to respond to it. Completion of online quiz to "check for understanding" required for successful completion of course criteria. Learning Objectives: Participants will be able to:
 - Define bullying and abrasive behaviors
 - Identify the four constituencies
 - Recognize the impact of the four phases of abrasiveness on the four constituencies
 - Describe strategies and resources to address abrasive behavior in the workplace
 - Raise awareness that abrasive behavior is not acceptable
 - o Audience: All employees
 - o Method: In-person workshops or online course
 - o Primary Sponsor: Organizational Effectiveness and Development

PCC Statement on Drug-Free Schools & Communities Act

Pima Community College is committed to the Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101-226, 20 U.S.C. §1145g). In compliance with the Drug Free Schools and Communities Act, Pima Community College publishes information regarding the College's Drug and Alcohol-Free Environment Policy; sanctions for violations of federal, state and local laws and College policy; educational programs related to

drug and alcohol abuse prevention; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for PCC students and employees.

Pima Community College prohibits the unlawful possession, use and sale of alcoholic beverages on campus. The PCCPD is responsible for the enforcement of state underage drinking laws.

Standards of Conduct

The unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees is prohibited. The following misconduct is subject to disciplinary action, including exclusion, suspension, or expulsion:

1. Violating or failing to comply with published rules and regulations of conduct of the College which prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on College property or as part of any of its activities; or
2. Being under the influence of, using, selling, possessing, or distributing any illicit drugs or alcohol on College property or as part of any of its activities. This prohibition includes, but is not necessarily limited to, marijuana (even if you possess an Arizona Department of Health Services medical marijuana card, or use recreationally off campus), any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, barbiturate, sniffing glue, aerosol paint, or other chemical substances. Over-the-counter drugs are excluded from consideration unless improperly used.

The Pima Community College Drug- and Alcohol Free Disclosure can be reviewed at:

<https://pima.edu/student-resources/student-policies-complaints/drug-free-schools/index.html>

Resident Student Housing

According to the Clery Act, any private student resident hall that PCC leases apartments from, and is within one mile of a PCC campus is considered an on-campus student housing facility and subject to Clery Act crime, fire safety and missing persons reporting requirements.

When apartments are leased for student occupancy and are reasonably contiguous to one of the PCC campuses, they are considered on-campus housing as per the Clery Act. Students under this arrangement will be subject to the PCC Student Code of Conduct policies and any rules and regulations of the private student resident hall leased by PCC.

For purposes of this policy, a Resident Student is a student who resides in on-campus housing under a Pima Community College (PCC) housing contract and is currently enrolled at PCC for the purpose of obtaining a degree, certificate, or other recognized educational credential offered by PCC.

Confidential Contact

All students provide an emergency contact at enrollment. Every Resident Student shall also be given a designated confidential contact form on move-in day strictly for missing Resident Student purposes. Resident Students are encouraged to designate as a confidential contact, a roommate, friend, significant other, or any other person or persons who are likely to know of the Resident Student's whereabouts while he or she is living away from home.

Confidential contacts must be at least eighteen (18) years old and may be someone other than the person listed as the Resident Student's "emergency contact." Resident Students may change the designated contact at any time by contacting the office of the Vice President of International Development.

Resident Students' confidential contact information will be accessible only to authorized campus officials, and may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

Resident Students can fill out a "Student Information Release Form" in accordance with the Family Education Rights and Privacy Act (FERPA), specifying who and under what circumstances contact may be made.

Missing Resident Student Procedure

If a member of the College community has reason to believe that a student who resides in on-campus housing is missing, he or she should **immediately** notify the PCCPD. The PCCPD will contact the sponsoring PCC department to determine if the student has withdrawn from the College. The PCCPD will generate a missing person report and initiate an investigation.

If the Resident Student's absence is verified, all possible efforts are made to locate the student to determine his or her state of health and well-being through the collaboration of the PCCPD, Provost Office, sponsoring department administrators and any other department as necessary.

If a Resident Student is determined to be missing by the PCCPD, required notification procedures and investigations will be initiated with other local, state, and federal law enforcement authorities as necessary.

If the missing Resident Student has designated an emergency contact person, a representative of the PCC sponsoring department will contact that person as soon as reasonable and practicable but no later than 24 hours after the Resident Student has been reported missing.

If a missing Resident Student is under 18 years of age and not emancipated, PCC must notify a custodial parent or guardian within 24 hours of the determination that the student is missing in addition to notifying any additional contact person designated by the student.

If the student reported missing is between 18 and 21 and is missing under circumstances indicating the disappearance was not voluntary, "Suzanne's Law" requires the local law enforcement agency to notify the National Crime Information Center (NCIC).

Crime Definitions

Per the Clery Act, PCC must classify crimes based on the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Handbook (UCR). For sex offenses only, definitions are from the FBI's National Incident-Based Reporting System (NIBRS) edition of the UCR. Hate crimes are classified according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection.

Crimes are reported in the following seven (7) major categories, with several sub-categories:

- Criminal Homicide
 - Murder and Non-negligent Manslaughter, and
 - Manslaughter by Negligence

- Sex Offenses
 - Forcible Sex Offenses: rape and fondling
 - Non-forcible Sex Offenses: incest and statutory rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

FBI's National Incident-Based Reporting System (NIBRS) Definitions:

Sexual Assault (Sex Offenses): Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

UCR Definitions:

- **Murder and Non-negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another.
- **Manslaughter by Negligence** is defined as the killing of another person through gross negligence.
- **Robbery** is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault** is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary** is the unlawful entry of a structure to commit a felony or a theft.
- **Motor Vehicle Theft** is the theft or attempted theft of a motor vehicle.
- **Arson** is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, or aircraft, personal property of another, etc.

- **Hate crimes**

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, or ethnicity/national origin. For Clery purposes, hate crimes include any of the above-mentioned offenses, and any of the following that were motivated by bias:

- **Larceny-Theft** is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) **Constructive possession** is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
- **Simple Assault** is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation** is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property** is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Arrests and Referrals for Disciplinary Action

- **Arrest** for Clery Act purposes is defined as *persons processed by arrest, citation or summons*.
- **Disciplinary Referrals** are defined as *the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction*.

PCCPD is required to report the following three types of incidents if they result in either an arrest or disciplinary referral. Violations are based on Arizona Revised Statutes. If both an arrest and referral are made for the same offense, only the arrest is counted:

- **Liquor Law Violations** are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.
- **Drug Law Violations** are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.
- **Weapon Violations** are defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, and Stalking

For the categories of Domestic Violence, Dating Violence, and Stalking, the Clery Act specifies that reports are based on the definitions provided by **the Violence Against Women Act of 1994 (VAWA)** and repeated in the Department's Clery Act regulations.

Domestic Violence:

- A Felony or misdemeanor crime of violence committed—
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence:

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

Stalking:

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - Fear for the person's safety or the safety of others; or
 - Suffer substantial emotional distress.
- For the purposes of this definition—
 - Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Arizona Revised Statutes (ARS) on Sexual Assault, Stalking, Consent, and Domestic Violence**Sexual assault (ARS 13-1406)**

- A. A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.

Stalking (ARS 13-2923)

- A. A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct causes the victim to:
1. Suffer emotional distress or reasonably fear that either:
 - a. The victim's property will be damaged or destroyed.
 - b. Any of the following will be physically injured:
 - i. The victim.
 - ii. The victim's family member, domestic animal or livestock.
 - iii. A person with whom the victim has or has previously had a romantic or sexual relationship.
 - iv. A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.
 2. Reasonably fear death or the death of any of the following:
 - a. The victim's family member, domestic animal or livestock.
 - b. A person with whom the victim has or has previously had a romantic or sexual relationship.
 - c. A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.

"Without consent" (ARS 13-1401.A) includes any of the following:

1. "Without consent" includes any of the following:
 - a. The victim is coerced by the immediate use or threatened use of force against a person or property.
 - b. The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For the purposes of this subdivision, "mental defect" means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another.
 - c. The victim is intentionally deceived as to the nature of the act.
 - d. The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.

Domestic Violence (ARS 13-3601)

- A. "Domestic violence" means any act that is a dangerous crime against children as defined in section ARS Title 13-705 (A person who is at least eighteen years of age and who is convicted of a dangerous crime against children in the first degree involving sexual assault of a minor who is twelve years of age or younger or sexual conduct with a minor who is twelve years of age or younger) or an offense prescribed in Arizona Title 13 crimes: Negligent homicide; Manslaughter; Second degree murder; First degree murder; Endangerment; Threatening or intimidating conduct; Assault; Aggravated assault; Custodial interference; Unlawful imprisonment; Kidnapping; Sexual assault; Unlawful distribution of images; state of nudity; Criminal trespass in the first, second and third degree; Criminal damage; Interfering with judicial proceedings; Disorderly conduct; Cruelty to animals; Preventing use of telephone in emergency, false representation of emergency; Use of an electronic communication to terrify, intimidate, threaten or harass; Harassment; Aggravated harassment; Stalking; Surreptitious photographing, videotaping, filming or

digitally recording or viewing; Aggravated domestic violence; Abuse of a child or vulnerable adult if any of the following applies:

The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.

- The victim and the defendant have a child in common.
- The victim or the defendant is pregnant by the other party.
- The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.
- The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.
 - The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:
 - The type of relationship.
 - The length of the relationship.
 - The frequency of the interaction between the victim and the defendant.
 - If the relationship has terminated, the length of time since the termination.

Dating Violence: The State of Arizona does not have a dating violence statute. Each case should be evaluated for criminal offenses that would be applicable to this dynamic. These might include harassment, disorderly conduct, and threats.

Consent: Pima Community College does not have a policy on consent. PCC online course "Student Rights Overview" course instructs that consent has several attributes:

- it's freely and actively given; it's not the result of coercion, force, threats, intimidation, or pressure
- it's revocable – a person, after giving consent, can change his or her mind at any time. Consent to one form of sexual activity does not imply consent to other forms
- it cannot be inferred or assumed from the absence of a "no" or from silence – a clear "yes" word or action is necessary - and an existing dating relationship does not, in and of itself, imply consent, and
- consent cannot be given by someone who is under the influence of drugs or alcohol, asleep, or otherwise incapacitated; a person must be capable of making informed, rational decisions in order to consent to sexual activity.

Policies for Preparing the Annual Disclosure of Crime Statistics

The annual disclosure of crime statistics is prepared by the Clery Compliance Officer. The Clery Compliance Officer gathers campus crime arrest and referral statistics and collaborates with the lead Code of Conduct Officer (Vice President of Student Affairs and Engagement) to ensure non-duplication in the reporting of drug, alcohol, and weapon referrals. All Campus Security Authorities are also surveyed for any crimes reported to them.

Crime reports are requested from the Tucson Police Department, and extracted from a shared report management system with the Pima Community College Police Department, Pima County Sheriff's Department, Marana Police Department, Sahuarita Police Department and the Tucson International Airport Police for incidents occurring at College locations during the reportable times. The law enforcement agencies covering non-campus locations controlled by PCC are also contacted for crime incident information. These statistics are then verified for accuracy and the appropriate classification prior to being included in the final crime statistics reported.

For the purpose of reporting statistics, the Clery Act requires Pima Community College to disclose statistics for reported crimes based on:

- **Where** the crimes occurred,
- **To whom** the crimes were reported,
- The **types** of crimes that were reported, and
- The **year** in which the crimes were reported.

PCC must disclose statistics for reported Clery crimes that occur: (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or property that the institution owns or controls. The definitions for these geographic categories are Clery Act-specific and are the same for every institution regardless of its physical size or configuration. Geographic locations are defined as follows:

On-Campus:

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

Residential Facilities: The Clery Act requires colleges and universities that lease or control private residential facilities for student use within a mile of a campus to include crime statistics at that location as a subset of on-campus property of that campus. Clery Act crimes that occur in PCC leased units, common areas, and parking lots will be included in the on-campus category and as a subset under Residential Facilities.

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the core campus, or immediately adjacent to and accessible from the core campus.

Non-campus: For PCC purposes: any building or property owned or controlled by PCC that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Pima Community College Clery Geography

West Campus, 2202 West Anklam Rd., Tucson

- Residential Facilities: Leased apartments for International Students (It should be noted there was no student housing during calendar year 2020 due to the pandemic)
 - Gateway Apartments, 2800 West Broadway Blvd. from 8/18/18 to 12/31/18, 6/30/19 to 7/31/19.
 - The Ranch at Star Pass, 41 South Shannon Road from 6/9/19 to 7/7/19.

- West Campus Public Streets
 - North Greasewood Rd from West Anklam Road to West Speedway Blvd
 - West Anklam Road from North La Cholla Blvd to North Greasewood Road
 - West Speedway Blvd from West Greasewood Road to North Camino Santiago
 - North Camino Santiago from Speedway Blvd to 751 North Camino Santiago
 - North La Cholla Road from West Anklam Road to West Calle Niagara.
 - North property line of 2800 West Broadway Blvd. on North Shannon Road to south property line of 41 South Shannon Road
 - West Broadway Blvd. from North/South Shannon Road to east property line of 2800 West Broadway Blvd.

Downtown Campus, 1255 North Stone Ave., Tucson

- Residential Facilities: Leased apartments for International Students
 - Sahara Apartments, 919 North Stone Ave, Tucson, from 8/27/16 to 12/15/16 and August 27, 2017 to December 15, 2017.
- Downtown Campus Public Streets
 - North Stone Avenue from West Drachman Street to West Speedway Blvd
 - West Speedway Blvd from North Stone Ave to North Perry Avenue
 - West Helen Street from North Queen Avenue to North Eleventh Avenue.
 - North Eleventh Avenue from West Helen Street to Mabel Street West
 - Mabel Street West from North Eleventh Avenue PCC lot entrances
 - North Tenth Avenue from Northeast corner of PCC parking lot to Mabel Street West
 - West Drachman Street from the northwest corner of PCC parking lot to North Stone Avenue
 - North Stone Ave from West 2nd Street to North Ash Ave (from 8/27/16 to 12/15/16)

East Campus, 8181 East Irvington Rd. Tucson

- Clements Center, 8123 East Poinciana Drive, Tucson
- Residential Facilities: East Campus does not have any on-campus residential facilities.
- East Campus Public Streets
 - Fred Enke Drive East from East Irvington Road to Fred Enke Golf Course Entrance
 - Irvington Road from Fred Enke Drive East to End of property line
 - East Poinciana Drive from East Campus parking lots to road split on the west side of Clements Center basketball courts.
- East Campus Adjacent Parks
 - Lincoln Park, 8100 - 8224 East Escalante Road.

Northwest Campus, 7600 North Shannon Road, Tucson (part of unincorporated Pima County)

- Northwest Family YMCA, 7770 North Shannon Road (Aquatic Center, and Building 200 and 300)
- Residential Facilities: Northwest Campus does not have any on-campus residential facilities.
- Northwest Campus Public Streets

- North Shannon Road from West Lotus Blossom Drive to North Campus Entrance
- North Camino De La Terra from North Shannon Road to North Campus Entrance
- West Campus ParkWay from North Shannon Road to North Camino De La Terra
- North Campus Way from North Shannon Road North Camino De La Terra
- Northwest Campus Adjacent Public Parks
 - Ann Day Community Park, 7601 N Mona Lisa Rd, Tucson

Desert Vista Campus: 5901 South Calle Santa Cruz, Tucson

- Residential Facilities: Desert Vista Campus does not have any on-campus residential facilities.
- Public Streets
 - Calle Santa Cruz from West Drexel Road to southern property line
 - West Drexel Road from Calle Santa Cruz to end of campus property line fence.

Community Campus: 401 North Bonita Avenue, Tucson

- Location no longer a campus as of July 31st, 2019.
- Residential Facilities: Community Campus did not have any on-campus residential facilities.
- Public Streets
 - North Bonita Avenue from North Commerce Park Loop to property line.
 - North Commerce Park Loop from North Bonita Avenue to property line.

Aviation Tech Center, 7211 South Park Ave, Tucson

- Residential Facilities: The Aviation Technology Center does not have any on-campus residential facilities.
- No public streets (access is on Tucson International Airport property)

El Pueblo Learning Center: 101 West Irvington Rd. Building 7, Tucson

- Residential Facilities: El Pueblo Learning Center does not have any on-campus residential facilities on public streets
- Public property includes land surrounding Building 7, and adjacent sidewalks.
- Public parking north and south of Building 7.

El Rio Learning Center: 1390 West Speedway Blvd. Tucson

- Residential Facilities: El Rio Learning Center does not have any on-campus residential facilities.
- No public streets
- Public parking on the north side of El Rio Center.
- Public property includes walkways throughout El Rio Center and adjacent sidewalks.

29th Street Coalition Center: 4355 East Calle Aurora, Tucson

- Residential Facilities: PCC 29th Street Coalition Center does not have any on-campus residential facilities.
- Public Streets
 - East Calle Aurora from South Columbus Boulevard to South Erin Avenue
 - South Erin Avenue from East Calle Aurora to East 29th Street
 - East 29th Street from South Erin Avenue to South Columbus Avenue (includes bus stops)
 - South Columbus Avenue from north side of west entrance to East Calle Aurora

Maintenance & Security/Truck Driving Range: 6680 and 6672 South Country Club Road, Tucson

- Residential Facilities: Maintenance & Security does not have any on-campus residential facilities.
- Public Streets
 - South Country Club Road from East Medina Road to the north property line of 6672 South Country Club Road.
 - East Medina Road from South Country Club Road to west property line of 6680 South Country Club Road

Pima Community College Non-campus Properties

- District Office, 4905 East Broadway Blvd., Tucson
 - Crime statistics included in 29th Street Coalition Center.
- Santa Cruz Center, 2021 North Grand Ave., Nogales
 - Crime statistics included in Desert Vista Campus.

The following tables disclose the number of incidents known to the PCCPD reported on College property or within the above-described Clery geography for the previous three calendar years. In some instances, the involvement was not the sole violation but a contributing factor to other crimes or violations.

Clery Act Crime Tables

West Campus	On-Campus			Residential Facilities	Public Property			Noncampus		
	2018	2019	2020		2018	2018	2019	2020	2018	2019
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0
Rape	1	0	0	1	0	0	0	0	0	0
Fondling	1	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	0	0	0	0	0	0	0	0	0
Burglary	1	4	0	1	0	0	0	0	0	1
Motor Vehicle Theft	1*	7	0	0	0	0	0	1	1	0
Arson	1	0	0	1	0	0	0	0	0	1
Arrests										
Weapon Violations	0	0	0	0	0	0	0	0	0	0
Drug Violations	3	0	0	2	1	2	1	0	0	0
Liquor Violations	0	2	1	0	1	2	1	0	0	0
Disciplinary Referrals										
Weapon Violations	0	0	0	0	0	0	0	0	0	0
Drug Violations	1	0	0	0	0	0	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0	0
VAWA										
Domestic Violence	2	1	0	0	0	0	0	0	0	0
Dating Violence	2	0	0	2	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0

One Auto Theft incorrectly counted for West Campus and transferred to Northwest Campus

Clery Act Hate Crimes

- 2020: No hate crimes reported.
- 2019: No hate crimes reported.
- 2018: No hate crimes reported.

Unfounded Crimes

- 2020: One unfounded crime.
- 2019: Three unfounded crimes
- 2018: Zero unfounded crime.

Reports from Other Agencies

- 2020: Clery defined crimes reported by TPD are included in table.
2020: Clery defined crimes reported by Las Vegas Metro Police are included in table.
- 2019: Clery defined crimes reported by TPD are included in table.
- 2018: Clery defined crimes reported by TPD are included in table.

Downtown Campus Offense	On-Campus			Residential Facilities	Public Property			Noncampus		
	2018	2019	2020	2018	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
Robbery	0	2	0	0	1	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	1	0	0	0	0
Burglary	0	0	1	0	0	0	0	0	0	0
Motor Vehicle Theft	0	4	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0
Arrests										
Weapon Violations	0	0	0	0	0	0	0	0	0	0
Drug Violations	12	12	9	0	14	9	4	0	0	0
Liquor Violations	2	1	2	0	1	3	7	0	0	0
Disciplinary Referrals										
Weapon Violations	0	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0	0
VAWA										
Domestic Violence	1	1	0	0	3	2	0	0	0	0
Dating Violence	1	0	0	0	0	0	0	0	0	0
Stalking	0	1	0	0	0	1	0	0	0	0

*Subset of On-Campus

Clery Act Hate Crimes

- 2020: No hate crimes reported.
- 2019: No hate crimes reported.
- 2018: One on-campus vandalism incident characterized by Sexual Orientation bias, one on-campus vandalism incident characterized by racial bias.

Unfounded Crimes:

- 2020: No unfounded crimes.
- 2019: One unfounded crimes.
- 2018: Two unfounded crimes.

Reports from Other Agencies

- 2020: No Clery defined crimes reported from requested jurisdiction.
- 2019: Clery defined crimes reported by TPD are included in table.
- 2018: Clery defined crimes reported by TPD are included in table.

East Campus Offense	On-Campus			Public Property			Noncampus		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	1	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrests									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	2	0	1	0	4	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0
Disciplinary Referrals									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0
VAWA									
Domestic Violence	1	0	0	0	0	0	0	0	0
Dating Violence	1	1	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Clery Act Defined Hate Crimes

- 2020: No hate crimes reported.
- 2019: No hate crimes reported.
- 2018: No hate crimes reported.

Unfounded Crimes

- 2020: Zero unfounded crimes.
- 2019: Zero unfounded crimes.
- 2018: One unfounded crime.

Reports from Other Agencies

- 2020: No Clery defined crimes reported from requested jurisdiction.
- 2019: Clery defined crimes reported by TPD are included in table.
- 2018: Clery defined crimes reported by TPD are included in table.

Northwest Campus	On-Campus			Public Property			Noncampus		
Offense	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2*	0	0	1	1	1	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrests									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	1	0	0	0	6	0	0	0	0
Liquor Violations	0	0	0	2	0	1	0	0	0
Disciplinary Referrals									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0
VAWA									
Domestic Violence	0	0	0	0	2	0	0	0	0
Dating Violence	1	0	0	1	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

One Auto Theft incorrectly counted for West Campus and transferred to Northwest Campus

Clery Act Defined Hate Crimes

- 2020: No hate crimes reported.
- 2019: No hate crimes reported.
- 2018: No hate crimes reported.

Unfounded Crimes

- 2020: One unfounded crime.
- 2019: Zero unfounded crimes.
- 2018: One unfounded crime.

Reports from Other Agencies

- 2020: Clery defined crimes reported by the Pima County Sheriff's Department are included in the table.
- 2019: Clery defined crimes reported by the Pima County Sheriff's Department are included in the table.
- 2018: No Clery defined crimes reported from requested jurisdiction.

Desert Vista Campus Offense	On-Campus			Public Property			Noncampus		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	1	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	1	1	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrests									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	1	2	3	1	1	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0
Disciplinary Referrals									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0
VAWA									
Domestic Violence	0	1	1	0	0	1	0	0	0
Dating Violence	0	1	0	1	0	0	0	0	0
Stalking	0	1	0	0	0	0	0	0	0

Clery Act Hate Crimes

- 2020: No hate crimes reported.
- 2019: No hate crimes reported.
- 2018: No hate crimes reported.

Unfounded Crimes

- 2020: Zero unfounded crimes.
- 2019: Zero unfounded crimes.
- 2018: Zero unfounded crimes.

Reports from Other Agencies

- 2020: Clery defined crimes reported by TPD are included in table.
- 2019: No Clery defined crimes reported from requested jurisdiction.
- 2018: No Clery defined crimes reported from requested jurisdiction.

Community Campus Offense	On-Campus			Public Property			Noncampus		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrests									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0
Disciplinary Referrals									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0
VAWA									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Clery Act Hate Crimes

- 2020: No hate crimes reported.
- 2019: No hate crimes reported.
- 2018: No hate crimes reported.

Unfounded Crimes

- 2020: Zero unfounded crimes.
- 2019: Zero unfounded crimes.
- 2018: Zero unfounded crimes.

Reports from Other Agencies

- 2020: No Clery defined crimes reported from requested jurisdiction.
- 2019: No Clery defined crimes reported from requested jurisdiction.
- 2018: No Clery defined crimes reported from requested jurisdiction.

Aviation Technology Center Offense	On-Campus			Public Property			Noncampus		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	2	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrests									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0
Disciplinary Referrals									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0
VAWA									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Clery Act Hate Crimes

- 2020: No hate crimes reported.
- 2019: No hate crimes reported.
- 2018: No hate crimes reported.

Unfounded Crimes:

- 2020: Zero unfounded crimes.
- 2019: Zero unfounded crimes.
- 2018: Zero unfounded crimes.

Reports from Other Agencies

- 2020: No Clery defined crimes reported from requested jurisdiction.
- 2019: No Clery defined crimes reported from requested jurisdiction.
- 2018: No Clery defined crimes reported from requested jurisdiction.

El Pueblo Learning Center Offense	On-Campus			Public Property			Noncampus		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	1	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	1	0	0	0
Burglary	2	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	1	0	0	0	0	0
Arson	1	0	0	0	0	0	0	0	0
Arrests									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	2	0	0	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0
Disciplinary Referrals									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0
VAWA									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	1	0	0	0	0

Clery Act Hate Crimes

- 2020: No hate crimes reported.
- 2019: No hate crimes reported.
- 2018: No hate crimes reported.

Unfounded Crimes

- 2020: Zero unfounded crimes.
- 2019: Zero unfounded crimes.
- 2018: Zero unfounded crimes.

Reports from Other Agencies

- 2020: No Clery defined crimes reported from requested jurisdiction
- 2019: Clery defined crimes reported by TPD are included in table.
- 2018: Clery defined crimes reported by TPD are included in table.

El Rio Learning Center Offense	On-Campus			Public Property			Noncampus		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	2	1	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	1	0	0	0	0
Arson	0	0	0	0	0	1	0	0	0
Arrests									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	7	1	2	0	2	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0
Disciplinary Referrals									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0
VAWA									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Clery Act Hate Crimes

- 2020: No hate crimes reported.
- 2019: No hate crimes reported.
- 2018: No hate crimes reported.

Unfounded Crimes:

- 2020: Zero unfounded crimes.
- 2019: Zero unfounded crimes.
- 2018: Zero unfounded crimes.

Reports from Other Agencies

- 2020: No Clery defined crimes reported from requested jurisdiction.
- 2019: No Clery defined crimes reported from requested jurisdiction.
- 2018: No Clery defined crimes reported from requested jurisdiction.

29th Street Coalition Center Offense	On-Campus			Public Property			Noncampus		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrests									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	0	1	0	0	4	0	0	1	1
Liquor Violations	0	0	0	0	0	0	0	0	0
Disciplinary Referrals									
Weapon Violations	0	1	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0
VAWA									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	1	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Clery Act Hate Crimes

- 2020: No hate crimes reported.
- 2019: No hate crimes reported.
- 2018: No hate crimes reported.

Unfounded Crimes

- 2020: Zero unfounded crime.
- 2019: Zero unfounded crime.
- 2018: Zero unfounded crimes.

Reports from Other Agencies

- 2020: No Clery defined crimes reported from requested jurisdiction.
- 2019: Clery defined crimes reported by TPD are included in the table.
- 2018: Clery defined crimes reported by TPD are included in the table.

Maintenance & Security Offense	On-Campus			Public Property			Noncampus		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrests									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Liquor Violations	0	0	0	0	1	0	0	0	0
Disciplinary Referrals									
Weapon Violations	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Liquor Violations	0	0	0	0	0	0	0	0	0
VAWA									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Clery Act Hate Crimes

- 2020: No hate crimes reported.
- 2019: No hate crimes reported.
- 2018: No hate crimes reported.

Unfounded Crimes:

- 2020: Zero unfounded crimes.
- 2019: Zero unfounded crimes.
- 2018: Zero unfounded crimes.

Reports from Other Agencies

- 2020: No Clery defined crimes reported from requested jurisdiction.
- 2019: No Clery defined crimes reported from requested jurisdiction.
- 2018: No Clery defined crimes reported from requested jurisdiction.

2021 Annual Fire Safety Report

The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. For the purposes of the Clery Act, any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus (within one mile) is considered an on-campus student housing facility.

Fire and life safety features of leased facilities shall be in compliance with all applicable standards of the National Fire Protection Association (NFPA) and adopted codes by the State of Arizona. Facilities are inspected by the PCC Environmental Health and Safety Department members before occupancy.

Resident Students are required to report any fires to the sponsoring department director. PCC does not provide housing evacuation procedures for privately-owned student housing.

2021 Fire Safety Policies at Gateway Apartments

Fire safety rules compiled from Gateway Apartments Lease agreement located at 2800 W. Broadway Blvd.

Crime or Emergency

Dial 911 or immediately call local medical emergency, fire, or police personnel in case of accident, fire, smoke, or suspected criminal activity, or other emergency involving imminent harm.

No-Smoking Addendum to the Lease Agreement for Gateway Apartments

Definition of Smoking. Smoking refers to any use or possession of a cigar, cigarette, e-cigarette, hookah, vaporizer, or pipe containing tobacco or a tobacco product while that tobacco or tobacco product is burning, lighted, vaporized, or ignited, regardless of whether the person using or possessing the product is inhaling or exhaling the smoke from such product. The term tobacco includes, but is not limited to any form, compound, or synthesis of the plant of the genus *Nicotiana* or the species *N. tabacum* that is cultivated for its leaves to be used in cigarettes, cigars, e-cigarettes, hookahs, vaporizers, or pipes. Smoking also refers to use or possession of burning, lighted, vaporized, or ignited non-tobacco products if they are noxious, offensive, unsafe, unhealthy, or irritating to other persons.

Smoking Anywhere Inside Buildings of the Apartment Community is Strictly Prohibited. All forms and use of burning, lighted, vaporized, or ignited tobacco products and smoking of tobacco products inside any dwelling, building, or interior of any portion of the apartment community is strictly prohibited. Any violation of the No Smoking Policy is a material and substantial violation of this Addendum and the Lease Contract.

The prohibition on use of any burning, lighted, vaporized, or ignited tobacco products or smoking of any tobacco products extends to all residents, their occupants, guests, invitees, and all others who are present on or in any portion of the apartment community. The No Smoking Policy and rules extend to, but are not limited to, the management and leasing offices, building interiors and hallways, building common areas, dwellings, club house, exercise or spa facility, tennis courts, all interior areas of the apartment community, commercial shops, businesses, and spaces, work areas, and all other spaces whether in the interior of the apartment community or in the enclosed spaces on the surrounding community grounds. Smoking of non-tobacco products which are harmful to the health, safety, and welfare of other residents inside any dwelling or building is also prohibited by this Addendum and other provisions of the Lease Contract.

Smoking Outside Buildings of the Apartment Community

Smoking is permitted only in specially designated areas outside the buildings of the apartment community. Smoking is only permitted at least 25 feet from the buildings in the apartment community, including administrative office buildings. The smoking-permissible areas are marked by signage. Smoking on balconies, patios, and limited common areas attached to or outside of the dwelling is not permitted.

Even though smoking may be permitted in certain limited outside areas, Gateway Apartments Management reserves the right to direct occupants, family, guests, and invitees cease and desist from smoking in those areas if smoke is entering the dwellings or buildings or if it is interfering with the health, safety, or welfare or disturbing the quiet enjoyment, or business operations of Gateway Apartments Management, other residents, or guests.

Limitations of Conduct

Occupants or guests may not anywhere in the apartment community: use candles or use kerosene lamps or kerosene heaters without Gateway Apartments Management prior written approval, or cook on balconies or outside.

Fire Hazards

In order to minimize fire hazards and comply with city ordinances, Residents shall comply with the following:

- Residents and guests will adhere to the Community rules and regulations and other Gateway Apartments Management policies concerning fire hazards, which may be revised from time to time.
- No person shall knowingly maintain a fire hazard.
- Grills, Barbeques, and any other outdoor cooking or open flame devices will not be used close to combustible materials, tall grass or weeds, on exterior walls or on roofs, indoors, on balconies or patios, or in other locations which may cause fires.
- Fireplaces: Only firewood is permitted in the fireplace. No artificial substances, such as Duraflame® logs are permitted. Ashes must be disposed of in metal containers, after ensuring the ashes are cold.
- Flammable or combustible liquids and fuels shall not be used or stored (including stock for sale) in dwellings, near exits, stairways, breezeways, or areas normally used for the ingress and egress of people. This includes motorcycles and any apparatus or engine using flammable or combustible liquid as fuel.
- No person shall block or obstruct any exit, aisle, passageway, hallway or stairway leading to or from any structure.
- Resident(s) are solely responsible for fines or penalties caused by their actions in violation of local fire protection codes.

Plans for Future Improvements

No plans reported.

2019 Fire Safety Policies at The Ranch at Star Pass

Fire safety rules compiled from The Ranch at Star Pass Lease agreement located at 41 South Shannon Road.

- The Ranch is a smoke free property.
- Barbecues or grills are not allowed on balconies or patios at any time.

Crime or Emergency

Dial 911 or immediately call local medical emergency, fire, or police personnel in case of accident, fire, smoke, or suspected criminal activity, or other emergency involving imminent harm.

Plans for Future Improvements

No plans reported.

Student Housing Facility Fire Safety Systems 2021

Residential Facility	Associated Campus	Automatic Sprinkler Systems	Extinguishers	Audible Heat Sensors	In Room Smoke Detectors	Evacuation Plans & Placards	Fire Alarm Control Panel	Manual Pull Stations	# of Fire Drills Previous Year
Gateway Apartments 2800 W. Broadway Blvd.	West Campus	Yes	Common Areas	Yes	Yes	Instructions included in lease	On and off site by vendor	Common Areas	0
The Ranch at Star Pass 41 S. Shannon Rd.	West Campus	Yes	Common Areas	No	Yes	Instructions included in lease	On and off site by vendor	Common Areas	N/A

Fire Statistics Reporting Table for the Annual Safety Report 2018, 2019, and 2020

Year	Residential Facility	# of Fire Incidents	Cause of Fire	# Fire Related Injuries	# Fire Related Deaths	Estimated Value Of Property Damage Caused By Fire (\$)
2018	Gateway Apartments 2800 W. Broadway Blvd.	1	Unintentional/Stove Fire	0	0	\$1,000 - \$9,999
2020	Excalibur Hotel 3850 S. Las Vegas Blvd. Las Vegas, NV MAGIC Fashion Show	1	"Arson"	Unk	Unk	Unk