In compliance of the
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
Crime Statistics for 2016, 2017, and 2018

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 2019
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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://www.pima.edu/administrative-services/college-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 on 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 function 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/administrative-services/college-police/reports-statistics.html](https://pima.edu/administrative-services/college-police/reports-statistics.html).

**Security of and Access to Campus Facilities**

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 provides students and employees with proper identification to use appropriate College facilities. A College ID can be obtained from any campus cashier’s office.

The College is in the initial stages 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, performs preventative maintenance checks on safety systems such as duress alarms, emergency blue phone function, and exterior lighting.
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.

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: PCCAert 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.

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<td>Police Commander or AVC of student</td>
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<td>Manager of Marketing and public relations</td>
<td>Marketing and PR Coordinator</td>
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<td>Webpages – <a href="http://pima.edu/dps">http://pima.edu/dps</a> &amp; <a href="http://www.pima.edu">http://www.pima.edu</a></td>
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<td>Police Commander or Director of Facilities</td>
<td>Chief of Police or Vice Chancellor of Facilities</td>
<td>Director of Web Services</td>
<td>System Architect</td>
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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, the College Police Chief, Operations Commander, Vice Chancellor of Facilities or designee, is responsible for authorizing 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, or 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**
  To sign up: using your cellphone, 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 cellphones that you can register to receive messages. Note that certain cellphone providers may charge you a fee for delivery of text messages.

- **Email**
  - All PCC e-mail addresses will automatically receive these messages.
  - You 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/administrative-services/college-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 in 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, thus 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. Where 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. If 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 (mulch 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 Vice Chancellor of Facilities (his or her designee in Facilities) and are distributed via email by the 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 Plan

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 immediate 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 and 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 will:**

- 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 CAT Leader.
- Remain with assigned group at assembly area until further directions are given by a College official.
- If requested, monitor sidewalks, courtyards, and parking lots to direct lingering people to assembly area during an evacuation.
- Attend all training, workshops and activities specifically organized for CAT members.

**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 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 re-opening 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 need 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 ADRhelp@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 and practice that plan.

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 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 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.

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

<table>
<thead>
<tr>
<th>Dr. Suzanne Desjardin</th>
<th>Diane Deskin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dean of Students</td>
<td>Advanced Program Manager</td>
</tr>
<tr>
<td>Title IX Coordinator</td>
<td>Title IX and Student Conduct</td>
</tr>
<tr>
<td>(520) 206-6677</td>
<td>(520) 206-7120</td>
</tr>
</tbody>
</table>

  Email: title9@pima.edu

  - 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.
  - The Title IX Coordinator maintains overall compliance responsibility for Title IX-related matters and Student Code of Conduct matters related to discrimination and harassment.
  - 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://pima.edu/current-students/code-of-conduct/title-ix/index.html](https://pima.edu/current-students/code-of-conduct/title-ix/index.html)

- **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

  Ross Estavillo  
  Investigator  
  Office of Dispute Resolution  
  Phone 520.206.4727

  We are committed to addressing complaints, grievances, or concerns in an independent, fair, and objective manner.
Our 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.

For more information on the Office of Dispute Resolution, go to:
https://pima.edu/administrative-services/dispute-resolution/index.html

- **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:

<table>
<thead>
<tr>
<th>PimaOnline:</th>
<th>East Campus:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Linda Cordier</td>
<td>Rob Carey</td>
</tr>
<tr>
<td><a href="mailto:CC-studentresource@pima.edu">CC-studentresource@pima.edu</a></td>
<td><a href="mailto:EC-studentresource@pima.edu">EC-studentresource@pima.edu</a></td>
</tr>
<tr>
<td>520.206.6516</td>
<td>520.206.7880</td>
</tr>
<tr>
<td>Desert Vista Campus:</td>
<td>NorthWest Campus:</td>
</tr>
<tr>
<td>Mariah Young</td>
<td>Ed Gallagher</td>
</tr>
</tbody>
</table>
| DV-studentresource@pima.edu | NW-studentresource@pima.edu | 520.206.2199
| 520.206.5306      | 520.206.2121             |
| Downtown Campus:  | West Campus:             |
| Hector Acosta      | Daisy Rodriguez Pitel    |
| DC-studentresource@pima.edu | WC-studentresource@pima.edu |
| 520.206.2199      | 520.206.3205             |

Online Students Outside the State of Arizona can access the support of AZ SARA at:
https://azsara.arizona.edu/complaint-process

For more information on Student Complaint Processes, go to:
https://pima.edu/current-students/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:

- Criminal justice system
- Student Code of Conduct
- College Employees Code of Conduct/Discipline Procedure

**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 victim(s)/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 investigation with Title IX coordinator.
- Refer off-campus reports to proper jurisdiction 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 to 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.

Interim Measures

At the commencement of, or at any time during the course of an investigation, interim 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.
- 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, 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.

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.

SECTION 1: Reporting Responsibilities

1.1 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.

1.2 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.

1.3 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

SECTION 3: 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.

3.1 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.

3.2 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 college employee is involved).
- Other Community Services as needed (i.e. Rape Crisis Center, Victim Witness Program, Mental Health Services, Medical Services).

Student Complaints
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.

SECTION 1: 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.

SECTION 2: 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 will assign the case to the appropriate Reviewer based on the Formal Complaints Matrix.
## Formal Complaints Matrix

<table>
<thead>
<tr>
<th>Type of Complaint</th>
<th>Description</th>
<th>Reviewer</th>
<th>Appeals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Against the Chancellor and/or Governing Board</td>
<td>Complaints against the Chancellor and/or the Governing Board will be addressed in accordance with Standard Practice Guide (SPG) 1501/A (AP conversion forthcoming) and Article XII of the Pima Community College District Board Bylaws.</td>
<td>Governing Board in consultation with General Counsel selects Reviewer</td>
<td>Governing Board</td>
</tr>
<tr>
<td>Against a Faculty Member</td>
<td>Student complaints regarding faculty and grades.</td>
<td>Department Chair/Department Head</td>
<td>Division Dean or Vice President</td>
</tr>
<tr>
<td>Against Another Student</td>
<td>Student complaints regarding other students.</td>
<td>Division Dean or Student Affairs Dean</td>
<td>Vice President of Student Engagement</td>
</tr>
<tr>
<td>Against a Staff Member or Administrator (Non-Chancellor)</td>
<td>Student complaints regarding a staff member or administrator.</td>
<td>Direct Supervisor</td>
<td>Administrative Supervisor</td>
</tr>
<tr>
<td>Against a College policy, process or procedure</td>
<td>Student complaints over a College policy, process or procedure</td>
<td>Unit Supervisor</td>
<td>Administrative Supervisor</td>
</tr>
<tr>
<td>Discrimination or retaliation based on disability</td>
<td>Any alleged discrimination based on disability.</td>
<td>Access and Disability Resources (ADR) Director</td>
<td>College Equal Employment Opportunity Officer (EEO)/[Compliance Director]</td>
</tr>
<tr>
<td>Discrimination or retaliation based on other protected class other than disability</td>
<td>Any alleged discrimination based on a protected class other than disability.</td>
<td>College Equal Employment Opportunity Officer (EEO)/Compliance Director</td>
<td>Designee from Chancellor</td>
</tr>
</tbody>
</table>

## SECTION 3: 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.

SECTION 4: 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.

SECTION 5: 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.

SECTION 6: 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://pima.edu/current-students/code-of-conduct/docs/Student-Code-of-Conduct.pdf

SECTION 1: 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.

SECTION II: 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.
  - 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.

**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.
SECTION IV: 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.

SECTION V: 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;

- 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;

**SECTION VI: 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 (www.pima.edu/current-students/code-of-conduct/docs/code-of-conduct-incident-report.pdf);
    ▪ By calling the Dean of Students’ office or visiting in person (a subsequent written Complaint may still be required).
  
  o 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.complianceandethicshotline.ethicspoint.com) or call Campus Police (520-206-2700).
SECTION VII: Conducting Code of Conduct Proceedings

- Selecting the Code Decision-Maker
  - 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
    - The Dean of Students or the Dean’s designee shall serve as the Code Decision-Maker for all Complaints alleging Major Misconduct.
    - 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
  - 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.
  - 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.
  - 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
  - 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.
  - 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.
  - 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

- 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
  - 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 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.
  - 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.
  - 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.

- Advisors and Attorneys
  - Both Respondents and Student Complainants (if attending) may be accompanied by one 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.

- **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 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. Decision 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**
  > 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.
  > 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.
  > 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.

**SECTION IX: Appeals**

- **Who May Appeal (i.e., be the “Appellant”)**
  > 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.
  > 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.

- 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:
  - The Code Decision-Maker's decision was Clearly Erroneous or tainted by clear bias;
  - The severity or leniency of the Responsive Measure was unjustifiably disproportionate to the seriousness of the Respondent's misconduct;
  - 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;
  - 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
  - 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.
  - 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).
  - 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
  - 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.
  - 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
  - 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.
  - 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).

- 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
  - 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.
  - 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.
  - 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://pima.edu/administrative-services/human-resources/personnel-policy-statements/common-policy.html

Section V. Code of Conduct/ Discipline

A. Preamble

[all employees]

It is the policy of the College that certain rules and regulations regarding employee behavior are necessary for the efficient operation of the College and for the benefit and safety of all visitors, students and employees. All College employees are expected to contribute to a productive and cooperative effort to conduct the business of the College and to serve the students and the general public. Further, College employees have a responsibility to the College and the community to conduct themselves at the highest level of ethical standards.

Conduct that interferes with operations, discredits the College, or violates performance or ethical standards will not be tolerated. Such conduct will result in the implementation of the Corrective Action Procedure, Disciplinary Procedure, and/or other appropriate action depending upon the situation. The Corrective Action Procedure attempts to assist and encourage College employees to correct unsatisfactory personal conduct and/or improve their job performance through a series of discussions, meetings, and action plans. Disciplinary Actions, when necessary, will be recommended, authorized, and carried out as described in the Disciplinary Procedure. The employee may elect to file a grievance (Section VI) decisions made and/or actions authorized as a result of either the Corrective Action or Disciplinary Procedures if he/she believes that College policies and/or procedures were not followed
in the Corrective Action or Disciplinary Procedures. However, the outcome of this grievance process will not change the contents of the Corrective Action Plan or Disciplinary Action, but may result in an independent investigation of the process used to arrive at that outcome. The employee may also elect to file an appeal (Section V., L.) if he/she believes that the outcome of a Disciplinary Procedure is not satisfactory.

B. Definitions
   □ Appellant: the person filing an appeal regarding the outcome of a Disciplinary Action
   □ Respondent: the person who determined the outcome in a Disciplinary Procedure
   □ Representative: the regular employee or member of the employee representative group supporting the appellant or respondent as per Section V., H.
   □ Level one supervisor: the person who supervises the respondent
   □ Executive administrator: the person who reports to the Chancellor and who has final supervisory over the level one supervisor (e.g., the Campus President or Vice Chancellor)
   □ Outcome: the specific action(s) identified in a Corrective Action Plan or Disciplinary Action
   □ Retaliation: an adverse action taken against an employee or student as a result of the employee’s or student’s good faith participation in a protected activity

C. 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.

1. 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.
2. In order to assist employees in their efforts to meet the expectations of the College, supervisors shall:
   a. 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.
3. 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:
   a. 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 (see Section I., C.); disorderly or disruptive conduct;

D. Reporting Violations of Law and College Policy (Whistle-blowing)
   [all employees]

In accordance with Arizona Revised Statutes ‘38-531 and ‘38-532, it is a prohibited personnel practice for an employee who has control over personnel actions to take reprisal against an employee for a disclosure of information of a matter of public concern by the employee to a public body that the employee reasonably believes evidences:
1. A violation of any law.
2. Mismanagement, a gross waste of monies or an abuse of authority.

Every employee has the responsibility to report violations of Federal, State, County, Municipal laws or regulations, College policies or procedures, or failures to meet the standards of professionalism and ethical conduct expected by the College which the employee has reason to believe have occurred or will occur. For violations as listed above, the report should be made to the employee's supervisor, an Executive Administrator, the College’s Internal Auditor, the College’s hotline, the College’s attorney, or the campus police as appropriate.

The disclosure by an employee to a public body alleging a violation of law, mismanagement, gross waste of monies or abuse of authority shall be in writing and shall contain the following information:

1. The date of the disclosure.
2. The name of the employee making the disclosure.
3. The nature of the alleged violation of law, mismanagement, gross waste of monies or abuse of authority.
4. If possible, the date or range of dates on which the alleged violation of law, mismanagement, gross waste of monies or abuse of authority occurred.

A finding that any employee, supervisor, or administrator has violated, is violating or intends to violate the Federal, State, County, Municipal laws or regulations, College policy or procedures, or is failing to meet the standards of professionalism and ethical conduct expected by the College will subject the employee to appropriate corrective or disciplinary action, up to and including termination.

E. Whistle-Blowing Protection

Retaliation against any employee for whistle blowing, or participating in an investigation is strictly prohibited. The College prohibits any form of retaliation against employees for bringing bona fide allegations or providing information about violations of law or College policy to the attention of the College.

Employees who, in good faith, report what they believe to be workplace violence, a violation of law or College policy, or who cooperates in any investigation will not be subject to retaliation. However, if an employee knowingly makes erroneous allegations or provides false information, then, depending on the circumstances, the employee may be subject to disciplinary action, up to and including termination.

Any employee who believes he/she has been a victim of retaliation for reporting workplace violence, a violation of law or College policy, or in an investigation should immediately contact the Chief Human Resources Officer or his/her designee or the [Compliance Office.]

Retaliation becomes a separate complaint that can be claimed even if the original discrimination complaint was not substantiated. Retaliation can involve any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits and any other term or condition of employment.

F. Investigative Process

It is the responsibility of all employees to comply with the College’s Code of Conduct, policies, procedures, and standards of job performance; any noncompliance must be remedied. It is the responsibility of the appropriate supervisor or administrator to assure compliance with the College’s Code of Conduct, policies, procedures, and standards of job performance and to initiate
investigation of, any allegations of non-compliance. All investigations will be conducted promptly and will provide due process for all participants in the investigation. All College investigations shall be conducted in an impartial and as confidential a manner as possible in accordance with College policy, and State and Federal laws. All employees are expected to cooperate in ongoing investigations. Tape recording of investigatory meetings will only be permitted if all parties at the meeting agree.

1. Investigations

   Alleged violations, including the appearance of violations, of Federal, State, County, or Municipal laws shall be investigated by the appropriate College personnel who have the training and responsibility to conduct such investigations. Allegations of a violation of federal fair employment law or any type of unlawful discrimination shall be investigated according to the College Discrimination Complaint process. Violations and concerns that go beyond the scope of College administrative investigations will be referred to the appropriate law enforcement agency as needed. Alleged violations of any laws may also result in the initiation of the Corrective Action or Disciplinary Procedure as detailed in this section.

In matters pertaining to job performance, personal conduct, or observance of College policies, the appropriate College personnel will conduct the investigation.

Matters concerning a Chancellor shall be referred to the Board Chair and College legal counsel, who shall notify all Board members, conduct a review and provide notice of the resolution to the complainant, in accordance with the Board By-laws Article XII.

An employee who is required to attend an investigatory meeting will be informed of the nature and intent of the meeting when the meeting is scheduled. The employee may choose to have a representative accompany him/her to the meeting (Section V., H.). Should it become necessary, the appropriate supervisor may decide to initiate the Corrective Action or Disciplinary Procedures.

2. Administrative Leave

   In order to investigate allegations of misconduct, the College, through the appropriate Executive Administrator, in consultation with the Chief Human Resources Officer or designee, may place an employee on an administrative leave (leave with pay), immediately following notification to the employee. Such an action is taken when it is deemed to be in the best interest of the College and/or the employee to do so. The notification to the employee will include a written summary of the allegations prompting the leave. Any employee placed on administrative leave will not be required to use accumulated annual or sick leave and will continue to receive his/her regular (base) salary and benefits.

   While on an administrative leave, the employee is expected to be available to the College during the Employee's normal work hours, by either home phone or cellular phone. The employee is also expected to cooperate with the College in conducting the review and in providing information and resources necessary to conduct College business. Contact and communication with College employees may be limited to those directly involved in conducting the investigation. No employee may discuss details or matters related to the investigation with College employees who are not involved in conducting the review.

G. Guidelines for Corrective Action and Disciplinary Procedures
   [full-time regular employees]

   Depending upon the facts and circumstances involved in each situation, including what the College believes to be the seriousness and/or repetitive nature of the improper conduct or performance, management may in its sole discretion begin corrective or disciplinary procedures at any step. The steps are defined as the procedures are identified in the following sections:

   ● (J.1) Corrective Action: Step 1
(J.2) Correction Action: Step 2
(K) Disciplinary Procedure

1. Employees and their representatives will be allowed reasonable reassigned time from their regular duties in order to meet with College management.

2. All meetings held under these procedures shall be conducted as soon as is possible but no longer than 48 hours from the time of notification and at a place that affords a fair and reasonable opportunity for all persons entitled to be present to attend.

3. 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.

4. As the corrective action moves from one step to the next, the supervisor may not add new allegations to the action without formal notice to the employee and provision of sufficient additional response time.

5. Retaliation shall not be taken against an employee for requesting representation, or an employee representative for fulfilling his/her responsibilities.

H. Representation

All employees have the right and option to identify and select another regular College employee as a representative of his/her choice at any and all steps of the Corrective Action or Disciplinary Procedures. This individual should be a member of the same employee group as defined in Board Policy 4001 unless all employees involved in the matter agree that a representative from another group is acceptable.

A selected representative may decline and the employee may then select another representative. A representative shall not be a key witness in the same matter.

If the representative has legal training or is an attorney, the representative may not act in the capacity of an attorney as related to this matter or any issue that may be tied to the matter.

The employee may assign any or all of the following roles to his/her representative, but is responsible for making all final decisions regarding how to pursue the matter:

- observer
- note-taker
- person who speaks in addition to the employee, but not for the employee
- assistant to read and interpret policy or provide other appropriate support
- advisor

All communications between the representative and the employee that relate to the matter shall be confidential.

I. Time Line Exceptions

All time requirements in the processes described below shall be met unless the parties mutually agree to an extension, an unforeseen event occurs, or an extension is granted by the Chief Human Resources Officer or designee. All extensions must be documented in writing and distributed to all parties involved.

The Chief Human Resources Officer or designee may extend any of the following timelines if it is determined that attempts to resolve the matter legitimately caused a participant to miss any of the following deadlines (e.g., if mediation efforts delay the initial filing) or if there are other extenuating circumstances.

In the case of an appeal (Section V., L.):

- If the respondent fails to meet the time requirements and has not received an extension, the
appeal advances by default to the next step in the process.

- If the appellant fails to meet the time requirements, the appeal shall be considered withdrawn.

J. Corrective Action Procedure
   [full-time regular employees]

The Corrective Action procedure is designed to aid the supervisor in assisting the employee in remedying unsatisfactory job-related conduct and/or performance. The College encourages informal resolution of initial or minor infractions whenever possible. An oral or written directive may be given outside, or in addition to, the corrective action process, but may not necessarily be a part of the corrective action process. So long as subsequent corrective action is not required, a written directive will not be filed in an employee’s official personnel file. In some cases, the alternative dispute resolution process called Mediation (Appendix D) or the Employee Assistance Program may provide suitable avenues for resolving the situation. The Employee Assistance Program may be utilized prior to or in conjunction with the corrective discussion.

In general, the Corrective Action procedure begins with the Initial Corrective Action Discussion and provides the employee sufficient time to improve his/her conduct or job performance. If the employee fails to make satisfactory progress, the Second Corrective Action Discussion communicates the urgent need for the employee to make additional improvements in a more formal manner. Should the employee fail to make satisfactory progress on the action plan developed in the Second Corrective Action Discussion, the supervisor may choose to initiate the Disciplinary Procedure.

The College reserves the right, when warranted and in consultation with Human Resources Employee Relations, to begin the Corrective Action Procedure at any intermediate step and assumes the responsibility of clearly informing the employee of this intent and the consequences associated with this intent.

The Corrective Action Procedure is intended to be used when previous informal discussions with the employee have failed to improve unsatisfactory job performance or conduct.

1. Step One: Initial Corrective Action Discussion
   The purpose of this discussion is to counsel and advise an employee of unsatisfactory job behaviors.
   a. The supervisor will notify the employee of the unsatisfactory job performance and/or conduct and simultaneously schedule a private meeting with the employee. At this point, the employee is informed that the meeting is for the initial corrective action discussion as set forth in policy. The meeting will be at a mutually agreed upon time within seven calendar days. The supervisor may invite a facilitator from Human Resources Employee Relations to be present but shall inform the employee of this intent.
   b. The employee may choose to have an employee representative accompany him/her to the meeting (Section V., H.).
   c. As part of the initial corrective action discussion, the employee will have an opportunity to ask questions and explain his/her behavior and conduct. Additionally, the employee will be advised of the consequences that may follow if the employee’s performance or conduct does not improve. The supervisor will provide the employee, in writing, with a description of the unsatisfactory job performance/conduct and the desired job performance/conduct. The employee and supervisor will determine a corrective plan of action with specific steps, goals, and timeframes. The Initial Corrective Action Plan shall not exceed 90 calendar days of the employee’s scheduled work time. Plan item timeframe may be extended upon mutual agreement, and will be adjusted for approved absences of one week or more. The supervisor
will document this plan in writing, and both the employee and supervisor will sign the plan as set forth. This paperwork is provided for clarity and will be maintained in the supervisor’s file. This paperwork will not be placed in the employee’s official personnel file.

d. Upon satisfactory completion of the corrective action plan, the employee shall be provided written confirmation of the satisfactory performance. One year after the satisfactory completion of the plan, the written record will be removed from the supervisor’s files and returned to the employee.

e. Should performance/conduct not improve, or recur within one year of the completion of the corrective action plan, the written record may be used in subsequent corrective action and disciplinary steps.

2. **Step Two: Second Corrective Action Discussion**

The second corrective action discussion is pursued if the employee fails to improve his/her unsatisfactory job performance/conduct as stated in the initial corrective plan of action or when, in the judgment of the supervisor, the seriousness of the substandard job performance/conduct warrants skipping the initial corrective action discussion.

   a. The supervisor will notify the employee, in writing, of the unsatisfactory job performance/conduct including specific information such as dates, times, places, and names.

   b. The supervisor will schedule a meeting with the employee. At this point, the employee is informed that the meeting is for a second corrective action discussion as set forth in policy. The meeting will be at a mutually agreed upon time within seven calendar days of the notification. The employee shall be given sufficient time to prepare for the meeting (at least 48 hours). The supervisor may invite a facilitator from Human Resources Employee Relations but shall inform the employee of this intent.

   c. The employee may choose to have an employee representative accompany him/her to the meeting.

   d. The emphasis of the meeting will continue to be corrective in intent. The employee and supervisor will discuss the job performance/conduct that fails to meet expectations. The employee will have an opportunity to ask questions and explain his/her behavior and conduct. The supervisor will clearly explain both the steps required to correct the job performance/conduct as well as the consequences of failure to meet reasonable standards.

   e. The supervisor will present the employee with a Second Corrective Action Plan with specific steps, goals, and timeframes. The Second Corrective Action Plan shall not exceed 90 calendar days of the employee’s scheduled work time. Plan item timeframes may be extended upon mutual agreement and will be adjusted for absences of one week or more. The supervisor and employee will sign the plan. The original will be given to the employee, a copy will be placed in the employee’s personnel file, and the supervisor shall retain a copy.

   f. If an employee reaches the second corrective action discussion as a result of substandard job performance, the Second Corrective Action Plan will be written as a Performance Improvement Plan and will be managed through the appropriate employee performance evaluation process. The progress will be reviewed at the next annual performance evaluation. Failure to make satisfactory progress on the Performance Improvement Plan may result in recommendations for disciplinary actions.

   g. Following satisfactory completion of the second Corrective Action plan, and at the end of one year from the date of completion, the written record will be removed from the employee’s personnel file at the request of the employee.

   h. If the goals outlined in the Corrective Action Plan have not been fully met, the supervisor may amend the Corrective Action Plan for review at the next performance evaluation meeting or
proceed with disciplinary action.

i. If, after the satisfactory completion of the corrective action plan, but within one year of its completion, the employee fails to maintain the satisfactory job performance/conduct that had been identified in the plan, the supervisor has the option to reinstate the corrective action plan or proceed with Disciplinary Action.

K. Disciplinary Procedure
[full-time regular employees]

Disciplinary Action recommendations are generally made when the employee has failed to satisfactorily meet the goals stated in the Second Corrective Action Plan within the stated timeframe.

If an employee, by his/her actions, has violated a law, threatened or endangered any person, violated College policies or procedures, or jeopardized the integrity of the College or its programs, the supervisor may elect to begin the initial disciplinary procedure without following the steps of the Corrective Action Procedure.

As established by the disciplinary procedure, no employee will be disciplined, transferred for disciplinary reasons, demoted, suspended, or terminated without cause. Cause includes, but is not necessarily limited to, violations of the code of conduct, misconduct, unacceptably low activity, incompetence, and failure to follow applicable College policies and procedures, or to cooperate reasonably with other employees.

1. Initial Disciplinary Procedure

   a. Even if an investigation or corrective action plan has not taken place, the supervisor will schedule a meeting with the appropriate Administrator and a representative from Human Resources Employee Relations to determine an appropriate plan of action.

   b. The supervisor will schedule a fact-finding meeting with, a representative from Human Resources Employee Relations and the employee. This meeting is used to provide the employee an opportunity to respond to any allegations and explain questioned behaviors. The meeting will be during a regularly scheduled workday for the employee. The employee shall be given sufficient time to prepare (at least 48 hours). In unusual circumstances where the physical or emotional safety of the employee or others is endangered, alternate means will be utilized to provide the employee an opportunity to respond.

      i. The employee may choose to have an employee representative accompany him/her to the meeting (see Section V., H.).

      ii. The supervisor will present his/her reasons for believing that disciplinary action is warranted and, if applicable, why the Corrective Action Procedure was skipped. The employee will have an opportunity to respond to the allegations.

      iii. If additional meetings with the employee are warranted, the meeting procedure as indicated in 1.b will be followed.

   c. The presiding Administrator will decide, with the assistance of Human Resources Employee Relations, if Disciplinary Action is warranted and, if so, what disciplinary action to pursue. All parties will be notified of the decision in writing. If disciplinary action is authorized, a copy of the decision is placed in the employee’s personnel file. The employee will have the opportunity to provide a written response to the decision for inclusion in the employee’s personnel file.

   d. When disciplinary action(s) has been authorized, the employee will be notified of the decision in writing. The written notification will be delivered to the employee in person or by registered or certified mail to the last known home address. The notification will specify the
nature of the disciplinary actions, including any financial implications. The notification will also inform the employee of his/her right to grieve (Section VI) the decision, including any relevant timelines for filing an appeal. If the employee chooses to appeal the decision, the disciplinary action will be held in abeyance pending completion of the grievance.

e. Should disciplinary action be authorized, the employee may file a grievance if he/she believes that College policies and/or procedures were not followed in the Disciplinary Procedure. The outcome of this grievance will not change the contents of the Disciplinary Action, but may result in an independent investigation of the process used to arrive at that outcome. The employee may also elect to file an appeal (Section V., L.) if he/she believes that the outcome of the Disciplinary Procedure is not satisfactory.

2. **Disciplinary Actions**

   The following actions are the recognized disciplinary actions available to the College. These actions may be used in isolation or they may be used in combination. An oral or written directive may be given outside, or in addition to, the disciplinary action process, but may not necessarily be a part of the disciplinary action process.

   Following any disciplinary action, other than termination, there will be a disciplinary probation period of six months. During this period of time, the supervisor will provide feedback and evaluation to the employee. During this period, the supervisor and appropriate administrator can initiate further disciplinary action if warranted.

   a. **Written Reprimand**

      A written reprimand is a disciplinary action to document the misconduct or failure to perform or meet job standards and warns that any future violations will result in more severe disciplinary actions, including possible suspension, demotion, and/or termination.

      The employee will sign the reprimand to acknowledge receipt. A copy of the reprimand will be provided to the employee and the signed copy acknowledging receipt will be placed in the employee’s personnel file. Employees may provide a written response for inclusion with the copy of the reprimand in the personnel file.

      After a period of one year, the employee, with the concurrence of his/her supervisor and administrative supervisor, may recommend to the Chief Human Resources Officer that the written reprimand be removed from the employee’s personnel file, provided there has been no other misconduct, or failure to meet job requirements, or subsequent disciplinary action. If it is the decision of the Chief Human Resources Officer to remove the written reprimand from the employee’s personnel file, the document will be removed and forwarded to the employee. If the decision by the Chief Human Resources Officer is to not remove the reprimand, the employee may again request removal after another one (1) year period has elapsed.

   b. **Disciplinary Reassignment**

      The College may choose, for disciplinary reasons, to reassign the employee to a different position within the same pay grade and within the current administrative unit. This action is taken when the College believes that such reassignment will benefit the College and the employee.

   c. **Disciplinary Transfer**

      The College may choose, for disciplinary reasons, to transfer the employee to a different position within the same pay grade in a different administrative unit. This action is taken when the College believes that such transfer will benefit the College and the employee.

   d. **Suspension**

      A suspension is considered to be a significant disciplinary action and may be used for what
the College believes are more serious incidents or repetitions of improper job performance or conduct. Notice of suspension will be delivered to the employee personally or by certified mail to the last known address. The notice will contain the specific reason(s) for and the duration of the suspension. The employee will sign and return a copy of the suspension decision to acknowledge receipt. The signed copy acknowledging receipt will be placed in the employee’s personnel file. The employee may provide a written response within ten days for inclusion with the suspension decision in the personnel file.

i. Notice in Lieu of Suspension
   The employee will receive notice that a suspension is warranted, but due to College operational concerns, the employee remains at work.

ii. Administrative Leave With Pay
    The employee may be placed on administrative leave with pay, until a decision is made regarding his/her employment status with the College.

iii. Suspension Without Pay
     The employee will not be compensated and may not use or accrue leave for any period of suspension without pay. Other benefits may be affected in accordance with College policy on leave without pay.

e. Demotion
   A demotion is a very significant disciplinary action where the employee is assigned to a different position at a lower pay grade. Such a demotion may require moving the employee to a different administrative unit. The College considers a demotion to be the most severe form of discipline short of termination, but should be regarded as an attempt to find an alternative position within which the employee may satisfactorily meet the College’s expectations.

f. Termination of Employment
   Termination of regular employment may be used for what the College believes are most serious incidents or repetitions of improper job performance or conduct. Authority to terminate employment rests with the Governing Board.

i. Notice of Recommendation to Terminate
   The Executive Administrator shall prepare a written notice recommending termination of employment, which shall be delivered to the employee either personally or by certified mail, return receipt requested, to the employee’s last known address. The notice will contain the reasons for the proposed termination and will afford the employee an opportunity to provide a written response to the Chancellor. The employee will sign and return a copy of the notice to acknowledge receipt.

ii. Notice of Decision
    After consideration of any additional information (including any response by the employee), the Chancellor shall issue a written notice of decision to the employee. The notice of decision will contain the reasons for the decision and, where applicable, advise the employee of the right to grieve the action. The employee will sign and return a copy of the notice to acknowledge receipt. The signed copy acknowledging receipt will be placed in the employee’s personnel file.

a. If the Chancellor determines that termination is not warranted, the notice of decision will advise the employee and specify any action that will be taken in lieu of termination.

b. If the Chancellor determines that termination is warranted, the notice of decision will advise the employee that termination will be recommended to the Governing Board and that the employee will be placed on administrative leave with pay.
pending action by the Governing Board on the recommendation to terminate.

L. **Appeal Processes for Outcomes of Disciplinary Action Excluding Termination**

Supervisors are to investigate and discuss an appeal only with those individuals who have a need to know about it or who are needed to supply necessary information.

1. **Initial Appeal to the Level One Supervisor**
   - If an employee is not satisfied with the outcome of a Disciplinary Procedure, he/she may file a formal written appeal within seven calendar days after the decision is received. This appeal must:
     a. Identify a reason why the decision is not satisfactory,
     b. Contain a statement of the facts surrounding the incidents with appropriate documentation,
     c. Contain the remedy sought.
     d. Be filed with:
        - the respondent
        - the level one supervisor(s)
     e. Be signed by the appellant or sent from the appellant’s PCC email account. Any appeal that does not include these essential elements will be rejected.

   The level one supervisor will confer with the parties, Human Resources Employee Relations and any other persons he/she deems appropriate, to investigate the issues. Within seven calendar days from the date of the receipt of the appeal, the level one supervisor will provide a written decision and justification to the appellant and the respondent.

2. **Final Appeal to Executive Administrator**
   - If the appellant or respondent is not satisfied with the decision received at the initial stage of the appeal process described above, the appellant may appeal the decision to the executive administrator responsible for the campus or department where the Disciplinary Procedure originated, unless the appeal is with the executive administrator, in which case, the appeal will be sent to the Chancellor or his/her designee.

   The appeal must be in writing and must include the formal appeal paperwork and decision, and the reason(s) the decision is not considered satisfactory. The appeal must be sent to all participants in the process to date. Any appeal that does not include these essential elements will be considered withdrawn. The appeal must be signed by the appellant or respondent or sent from the appellant’s or respondent’s PCC email account.

   This final appeal must be filed within seven calendar days of receipt of the initial appeal decision. The executive administrator or designee will take the steps he/she deems necessary to review and investigate the appeal and may meet with the appellant, respondent, and level one supervisor. The executive administrator or designee will document all steps taken in the investigation of the appeal. The executive administrator or designee will complete the review and investigation within seven calendar days of receipt of the appeal and will issue a written decision with justification to the participants. This decision is final.

M. **Appeal of Termination**

Employees may promptly appeal a recommendation of termination directly to the Governing Board, within seven calendar days from the date of the Chancellor’s written notice of decision to recommend termination. The Governing Board shall hear the appeal, normally within 21 calendar days of the Board’s receipt of the appeal. Within 21 calendar days after the hearing concludes, the Governing Board will render a written decision to the appellant.
If, upon appeal, the termination is upheld, the separation will be processed effective the date of the Board's decision. If, upon appeal, the termination is denied or reduces to a lesser action in lieu of termination (e.g., suspension without pay), the employee will be returned to duty and provided with back pay when appropriate and benefits for any period of erroneous or unwarranted unpaid suspension.

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.

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:

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

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

Domestic Violence Crisis Services:

- 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](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/](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/](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 relationship. 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 pre-disposition 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](http://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 re-pay 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.


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: http://www.pima.edu/dps. 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:
  - Students should write their names and ID numbers in several places in textbooks to help deter thieves who would attempt to resell the book.
  - 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.
  - 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 bookstores, 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, brief cases, 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:
  - All windows are closed and locked.
  - All valuable items are removed from the top of desks (radios, clocks, pens, etc.).
  - All desks and files are locked.
  - All doors are closed and locked.
  - 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
- **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.
  - **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.**
  - **Audience:** All students
  - **Method:** Table visit with PCC Police Officers and Community Service Officers
  - **Frequency:** Every January and September
  - **Primary Sponsor:** Pima Community College Police Department, Student Life
  - **Awareness and Prevention Targets:** Security procedures and practices

- **Campus Security Obligations Under Federal Law**
  - **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.
  - **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.**
  - **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.
  - **Method:** Web-based
  - **Frequency:** PCC encourages annual refresher.
  - **Primary Sponsor:** Organizational Effectiveness and Development
  - **Awareness and Prevention Targets:** Security procedures and practices

- **National Bullying Prevention**
  - **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.**
  - **Audience:** All Students
  - **Primary Sponsor:** Student Life
  - **Awareness and Prevention Targets:** Encourages the campus community to look out for themselves and one another
- **Spring Safety Fair**
  - Description: Encourage students to know how to be safe and protect himself or herself while celebrating or traveling.
  - Audience: All Students
  - Method: Information booths
  - Frequency: Every Spring
  - Primary Sponsor: Student Life
  - Awareness and Prevention Targets: Encourages the campus community to look out for themselves and one another

- **Campus Police Safety Training**
  - Description: Staff from the PCCPD will present strategies and suggestions to promote safety on campus. Discussions and suggestions from staff will be encouraged.
  - 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 Student Services Center. Summarizing and sharing information from the recent report on college safety and other new developments.
  - Audience: Student Services Staff
  - Method: Instructor led
  - Frequency: Available on request
  - Primary Sponsor: PCCPD
  - Awareness and Prevention Targets: Encourages the campus community to look out for themselves and one another.

- **Civilian Response to Active Shooter Events**
  - Description: Participants will receive instruction on how to prepare and respond to being in a building during an active shooter event. There are several simple steps which those trapped can take to increase the chance of survival for themselves and others.
  - Audience: All employees
  - Method: Instructor led
  - Frequency: Available at request of Campus Presidents or Department Leadership
  - Primary Sponsor: Organizational Effectiveness and Development
  - Awareness and Prevention Targets: Encourages the campus community to look out for themselves and one another.

- **Active Shooter - Campus**
  - 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.
  - Audience: Individuals in a higher education environment including faculty and administrative staff
  - Method: Web-based
  - Frequency: PCC encourages annual refresher.
  - Primary Sponsor: Organizational Effectiveness and Development
  - 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 Bystander

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.

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

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.

- **Rape Aggression Defense Program (R.A.D.)**
  - Description: The idea of Self-defense is that, the more prepared you are, the less likely you are to need it. When you can recognize and respond to potentially dangerous situations, you are less likely to become a target of crime.
  - The class takes place over two consecutive days and both sessions are required to complete the training.
  - For further details about the R.A.D. Program, please email dps-rad@pima.edu
  - Audience: For women only.
  - Method: The course includes lecture, discussion, and self-defense techniques suitable for women of all ages and abilities.
  - Frequency: Classes are made available throughout the academic year
  - Primary Sponsor: PCCPD
  - Awareness and Prevention Targets: Encourages the campus community to look out for themselves and one another.
  - Which Prohibited Behavior Covered?: Domestic Violence, Dating Violence, Sexual Assault

- **Resisting Aggression with Defense (R.A.D. for Men)**
  - Description: This course is intended to raise participants awareness of aggressive behavior, recognize how aggressive behavior impacts their lives, learn steps to avoid aggressive behavior and to consider how one can play a part in reducing aggression and violence. The class will explore techniques for identifying and avoiding aggressive behavior.
  - Participants practice hands-on self-defense skills and gain knowledge to make safe choices when confronted with aggression. The men’s program also takes place over 2 consecutive days and both sessions are required to complete the training.
  - For further details about the R.A.D. Program, please email dps-rad@pima.edu
  - Audience: For men only.
  - Method: The course includes lecture, discussion, and self-defense techniques suitable for women of all ages and abilities.
  - Frequency: Classes are made available throughout the academic year
  - Primary Sponsor: PCCPD
  - Awareness and Prevention Targets: Encourages the campus community to look out for themselves and one another.
  - Which Prohibited Behavior Covered?: Domestic Violence, Dating Violence, Sexual Assault

- **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 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

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 onboarding process for new employees throughout the year.
  - Primary Sponsor: Organizational Effectiveness and Development
o Which Prohibited Behavior Covered?: Sexual Assault

● Bullying and Hazing on Campus
  o 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.
  o 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
  o 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), 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://www.pima.edu/current-students/code-of-conduct/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 a 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 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,
  - 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:
  o 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 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;
o 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
o 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:

3. "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
  - 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
- 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, Tuscon
- 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 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 Park Way 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 Visa 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.
- 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 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 north property line of 6672 South Country Club Road.
  - East Medina Road from South Country Club Road to west properly 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

<table>
<thead>
<tr>
<th>West Campus</th>
<th>On-campus</th>
<th>Residential Facilities</th>
<th>Public Property</th>
<th>Noncampus</th>
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<tbody>
<tr>
<td>Murder/Non-Negligent Manslaughter</td>
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**Arrests**

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**Disciplinary Referrals**

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**VAWA**

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### Clery Act Hate Crimes

- 2018: No hate crimes reported.
- 2017: No hate crimes reported.
- 2016: No hate crimes reported.

### Unfounded Crimes

- 2017: One unfounded crime.
- 2016: Two unfounded crimes.

### Reports from Other Agencies

- 2018: Clery defined crimes reported by TPD are included in table.
- 2017: Clery defined crimes reported by TPD are included in table.
- 2016: No Clery defined crimes reported from requested jurisdiction.
<table>
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</table>

**Clery Act Hate Crimes**
- 2018: One on-campus vandalism incident characterized by Sexual Orientation bias, one on-campus vandalism incident characterized by racial bias.
- 2017: No hate crimes reported.
- 2016: No hate crimes reported.

**Unfounded Crimes:**
- 2018: Two unfounded crimes.
- 2017: One unfounded crimes.
- 2016: Two unfounded crimes.

**Reports from Other Agencies**
- 2018: Clery defined crimes reported by TPD are included in table.
- 2017: Clery defined crimes reported by TPD are included in table.
- 2016: No Clery defined crimes reported from requested jurisdiction.
<table>
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### Clery Act Defined Hate Crimes
- 2018: No hate crimes reported.
- 2017: No hate crimes reported.
- 2016: No hate crimes reported.

### Unfounded Crimes
- 2016: One unfounded crime.

### Reports from Other Agencies
- 2018: Clery defined crimes reported by TPD are included in table.
- 2017: Clery defined crimes reported by TPD are included in table.
- 2016: Clery defined crimes reported by TPD are included in table.
<table>
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</table>

**Clergy Act Defined Hate Crimes**

- 2018: No hate crimes reported.
- 2017: No hate crimes reported.
- 2016: No hate crimes reported.

**Unfounded Crimes**

- 2016: One unfounded crime.

**Reports from Other Agencies**

- 2018: Clergy defined crimes reported by the Pima County Sheriff's Department are included in table.
- 2017: No Clergy defined crimes reported from requested jurisdiction.
- 2016: No Clergy defined crimes reported from requested jurisdiction.
### Desert Vista Campus

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#### Arrests

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#### Disciplinary Referrals

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#### VAWA

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### Clery Act Hate Crimes

- 2018: No hate crimes reported.
- 2017: No hate crimes reported.
- 2016: No hate crimes reported.

### Unfounded Crimes

- 2018: One unfounded crime.
- 2016: Zero unfounded crimes.

### Reports from Other Agencies

- 2018: No Clery defined crimes reported from requested jurisdiction.
- 2017: No Clery defined crimes reported from requested jurisdiction.
- 2016: No Clery defined crimes reported from requested jurisdiction.
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**Arrests**

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**Disciplinary Referrals**

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**VAWA**

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**Clery Act Hate Crimes**

- 2018: No hate crimes reported.
- 2017: No hate crimes reported.
- 2016: No hate crimes reported.

**Unfounded Crimes**

- 2016: Zero unfounded crimes.

**Reports from Other Agencies**

- 2018: No Clery defined crimes reported from requested jurisdiction.
- 2017: No Clery defined crimes reported from requested jurisdiction.
- 2016: No Clery defined crimes reported from requested jurisdiction.
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**Clery Act Hate Crimes**
- 2018: No hate crimes reported.
- 2017: No hate crimes reported.
- 2016: No hate crimes reported.

**Unfounded Crimes:**
- 2016: Zero unfounded crimes.

**Reports from Other Agencies**
- 2018: No Clery defined crimes reported from requested jurisdiction.
- 2017: No Clery defined crimes reported from requested jurisdiction.
- 2016: No Clery defined crimes reported from requested jurisdiction.
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</table>

**Reports from Other Agencies**

- 2018: Clery defined crimes reported by TPD are included in table.
- 2017: No Clery defined crimes reported from requested jurisdiction.
- 2016: Tucson Police Department reports three (3) aggravated assaults at El Pueblo Center. Unable to determine if crime occurred within the El Pueblo on-campus or public property areas after the original reports were reviewed.
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</table>

**Clery Act Hate Crimes**
- 2018: No hate crimes reported.
- 2017: No hate crimes reported.
- 2016: No hate crimes reported.

**Unfounded Crimes:**
- 2016: Zero unfounded crimes.

**Reports from Other Agencies**
- 2018: No Clery defined crimes reported from requested jurisdiction.
- 2017: No Clery defined crimes reported from requested jurisdiction.
- 2016: No Clery defined crimes reported from requested jurisdiction.
### 29th Street Coalition Center - On-campus Security & Fire Safety Report

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#### Arrests

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#### Clery Act Hate Crimes
- 2018: No hate crimes reported.
- 2017: No hate crimes reported.
- 2016: No hate crimes reported.

#### Unfounded Crimes
- 2017: One unfounded crime.
- 2016: Zero unfounded crimes.

#### Reports from Other Agencies
- 2018: Clery defined crimes reported by TPD are included in table.
- 2017: No Clery defined crimes reported from requested jurisdiction.
- 2016: No Clery defined crimes reported from requested jurisdiction.
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**Clergy Act Hate Crimes**
- 2018: No hate crimes reported.
- 2017: No hate crimes reported.
- 2016: No hate crimes reported.

**Unfounded Crimes:**
- 2016: Zero unfounded crimes.

**Reports from Other Agencies**
- 2018: No Clery defined crimes reported from requested jurisdiction.
- 2017: No Clery defined crimes reported from requested jurisdiction.
- 2016: No Clery defined crimes reported from requested jurisdiction.
2019 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.

2019 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, Barbecues, 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 on 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 2019

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<td>Instructions included in lease</td>
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Fire Statistics Reporting Table for the Annual Safety Report 2016, 2017, and 2018

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