

ANNUAL SECURITY REPORT²⁰²⁰



Jeanne Clery *Disclosure of Campus Security
Policies and Campus Crime Statistics*
Revised October 1, 2020



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Introduction

Perry Technical Institute (PTI) is committed to providing a safe and secure campus environment. The safety and well-being of students, faculty, staff, and visitors are the foremost concern. PTI prohibits acts of violence, threats of violence, harassment, discrimination, intimidation, dating violence, domestic violence, sexual assault, stalking, and other disruptive behaviors. The best protection against campus crime is a strong security enforcement presence; an aware, informed, and alert campus community; and a commitment to reporting suspicious activities and using common sense when carrying out daily assignments.

PTI works diligently to reduce risk and the potential for crime. Safety and security are a shared responsibility. It is expected of all current and prospective community members to contribute to the safety and security of the campus.

History of the Clery Act

The Clery Act was advocated by Howard and Connie Clery after their 19-year old daughter, Jeanne, was raped and murdered in her dorm room at Lehigh University in 1986. Clery's parents lobbied Congress for legislation requiring colleges and universities to publish their crime statistics after learning about 38 violent crimes that had occurred on campus in the three years prior to Clery's murder.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act,) is a federal law requiring colleges and universities to disclose information about campus crime and security policies. All public and private institutions of post-secondary education participating in federal student aid programs are subject to the Clery Act. Campuses that fail to comply with the act can be penalized with large fines and may be suspended from participating in the federal financial aid program.

Annual Security Report

PTI's Facilities & Safety Department is responsible for collecting and reporting crime statistics on a daily and annual basis. These statistics are compiled into a daily crime log and reported annually to the U.S. Department of Education to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as well as state and federal (UCR; Uniform Crime Reports) laws.

The Facilities & Safety Department makes a good faith effort to obtain crime statistics from Campus Security Authorities (CSAs) and the Yakima Police Department.

The Annual Security Report is published on or before October 1st of each year by the Security & Facilities Coordinator. The report contains three years' worth of campus crime statistics and the required security policy statements including sexual assault policies which assure basic victims' rights, the authority of campus security personnel, and where students should go to report crimes.

The Annual Security Report is e-mailed to all current students and employees annually by the Security & Facilities Coordinator via their assigned PTI e-mail address. All prospective students and prospective employees are provided with materials that contain the exact website address to the current Annual Security Report.

The Annual Security Report website address is:

https://www.perrytech.edu/doc/annual_security_report.pdf

Printed copies may be obtained in person or by writing the Security & Facilities Coordinator at 2011 W. Washington Ave., Yakima, WA 98903, or by calling 509.453.0374 x 5767.

Campus Safety and Security

Prompt Reporting of a Crime or Emergency

Security is achieved through the cooperation and participation of all members of the institute. All staff, faculty, students, and visitors are expected to promptly and accurately report all crimes and public safety-related incidents to the Facilities & Safety Department or the appropriate local police agency.

Call 911 if the situation poses an immediate threat or if a criminal violation occurred.

Individuals on campus may also report crimes to a designated Campus Security Authority (CSA), which are all PTI employees and contracted security personnel. These designated individuals have significant responsibility for student and campus activities, and as such are provided notice and training by PTI as to the extent of their responsibility and how to report crimes to PTI.

Contact the following authorities to report a PTI related emergency or crime:	
Dial 911	Call to report an emergency or criminal violation
Dial 509.895.5790	Director of Facilities & Safety
Dial 509.834.0631	Campus Security Guard on Patrol
Dial 509.453.0374	Campus Security Authority, Any PTI Employee
Dial 509.895.5898	Campus Security Hotline
Email	security@perrytech.edu

Voluntary Confidential Reporting Options

Online Reporting

The Campus Incident Report form is for PTI students, employees, or visitors wishing to communicate information about an incident of sexual harassment or assault in violation of the Anti-Harassment Policy, the Drug and Alcohol Policy, or the Weapons and Violence Policy to the school on your own behalf or on behalf of another person. Reports can be made anonymously; however, it is encouraged for reporters to identify themselves to allow PTI to better follow-up and respond.

The Campus Incident Report form website address is:

<https://www.perrytech.edu/safety/incident-report.html>

Response to a Reported Crime

Reported incidents will be forwarded to the appropriate personnel to work with individuals reporting a crime to obtain information, identify potential witnesses, and if necessary, to conduct an investigation in an effort to come to a resolution. When appropriate, crime suspects will be adjudicated through the student conduct system, employee conduct system, or criminal justice system. Information reported to PTI is treated as confidential during the investigation phase, except as required by law. When major incidents occur, the Yakima Police Department, Union Gap Police Department, or Sherriff's Department may also respond.

Access to and Security of Campus Facilities

Perry Technical Institute is a private institution, open to the public Monday through Thursday from 6:30am to 5:00pm. After business hours campus is closed to the public. Access to the facilities is limited and controlled electronically via a card access system. The campus is monitored internally and externally by video surveillance.

All visitors are required to sign-in and out at the Admissions Office. Employees, students, and visitors are required to wear ID badges at all times while on campus. Employees and students are required to display parking permits in their vehicles while on campus. Security personnel patrol the campus on foot and by vehicle during business hours to monitor activity and ensure policy compliance. After hours, security personnel patrol the campus and perform door checks to ensure the campus is secure.

In order to protect the safety and welfare of students, employees, and PTI property, all persons on the property under the jurisdiction of PTI behaving in a suspicious or threatening manner will be asked to identify themselves by a PTI official. If any person refuses or fails upon request to present evidence of his/her identification and/or has no legitimate reason to be on campus, the person will be asked to leave and may be trespassed from the campus if their behavior poses a risk.

Persons who behave in a suspicious or threatening manner or are involved in suspicious or threatening activities must be reported to Campus Security immediately.

Maintenance of Facilities and Grounds

The facilities and grounds are maintained in a manner that minimizes hazardous conditions and improves security through environmental design. Proper lighting and building security are major features in reducing crime on campus. The Facilities and Safety Department routinely check all lighting, alarm systems, door locks, access control systems, panic & lock down buttons, and video surveillance systems to ensure they are functioning properly. Repairs are made as quickly as possible.

All members of the campus community must immediately report safety hazards or concerns to the Facilities & Safety Department. Monthly safety meetings are held with students and various employees in order to identify any above concerns and to create awareness.

Campus Security Authority (CSA)

All PTI employees and contracted security personnel are considered to be a PTI official and a Campus Security Authority (CSA). These designated individuals have significant responsibility for student and campus activities, and as such are provided notice and training by PTI as to the extent of their responsibility and how to report crimes to PTI officials.

Campus Security Personnel

PTI contracts campus security personnel through an outside agency. All security guards wear a uniform and patrol the campus in marked security cars. Security guards are Campus Security Authorities (CSAs), not sworn police officers. Campus security guards have the authority to detain individuals who break the law, however, they do not have the authority to arrest individuals. Campus security guards do not share jurisdiction with local police. Campus security guards will contact the Yakima Police Department to intervene and stabilize a situation, should the need arise. The Yakima Police Department will assume full authority once on PTI property, including the investigation of an alleged criminal offense. Therefore, PTI does not have a written MOU in place with local law enforcement.

Monitoring and Recording of Non-Campus Criminal Activity

PTI's non-campus location is monitored by campus CSA's on-site during school hours. All criminal activity is reported to the Facilities & Safety Department or obtained from the Yakima Police Department as Campus Security does not patrol non-campus locations.

Timely Warnings

A timely warning will be issued to the campus, without delay, if a crime is reported and poses a serious or ongoing threat to the safety of members of the campus community. The President, Director of Facilities & Safety, or Security & Facilities Coordinator are responsible for issuing a timely warning. Timely warnings will be distributed when there appears to be a threat to the safety and security of persons on campus for the following crimes:

Criminal Offenses:

- Murder / Non-negligent Manslaughter
- Manslaughter by Negligence
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

Arrests or Disciplinary Referrals:

- Liquor Law Violations
- Drug Law Violations
- Illegal Weapons Possession

Violence Against Women Act Crimes:

- Sexual Assault
- Domestic Violence
- Dating Violence
- Stalking

Hate Crimes: Evidence that shows the victim was intentionally selected because of the victim's actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability. If any of the following crimes occur due to bias, it will be counted as a Hate Crime.

- All Clery Criminal Offenses
- Larceny/Theft
- Simple Assault
- Intimidation
- Destruction, Damage, or Vandalism of Property

Decisions concerning whether to issue a timely warning will be made on a case-by-case basis using the following criteria:

- Nature of the crime
- Continuing threat to the campus community
- Possible risk of compromising law enforcement efforts

If the threat is sudden and serious, a timely warning will be issued as soon as possible, and will be continually updated until the threat is contained or neutralized. If a threat is less immediate, the warning will be fully developed and distributed after that point in time.

Crimes that could constitute a continuing threat include, but are not limited to:

- Serial crimes that target certain campus populations such as sex crimes or race-based crimes in which the perpetrator has not been apprehended, and
- Ongoing criminal activity in which there is no apparent connection between perpetrator and victim.

Crimes that would not constitute a continuing threat include, but are not limited to:

- Crimes in which the perpetrator has been apprehended, thereby eliminating the threat, and
- Crimes in which an identified perpetrator targets specific individuals to the exclusion of others, such as domestic violence.

The timely warning content will contain sufficient information about the nature of the threat to allow members of the campus to take protective action:

- A clear statement of the incident
- Possible connection to previous incident(s) if applicable
- Date, time, and location the incident occurred
- Description and image of the suspect, if available
- Risk reduction and safety tips
- Other relevant and important information

The timely warning will be disseminated using any of the following methods, which will ensure the entire campus is likely to receive the warning:

- Public Address System
- In person
- PTI E-mail
- FlashAlert - *Subscribe to FlashAlert via link below, or download FlashAlert Messenger iOS/Android app.* <http://www.flashalert.net/news.html?id=4960>
- Mongoose Cadence Texting Platform

Emergency Response and Notification

PTI's Emergency Procedures describe the responsibilities and duties of employees and students in the event of an emergency or dangerous situation involving an immediate threat. The Emergency Procedures are designed to assist PTI employees and students to respond appropriately when emergency conditions exist. To ensure emergency plans are appropriate, PTI conducts emergency response exercises quarterly. These tests are designed to assess and evaluate the emergency plans and response capabilities of the institution.

How to Report an Emergency

The campus community is encouraged to call 911 to report any situation on-campus that could constitute a significant emergency or dangerous situation involving an immediate or on-going threat to

the campus community. Reports must also be made to the Director of Facilities & Safety or PTI President, this is the best way to expedite an emergency notification to alert the rest of the campus community of the threat.

Response Procedures for an Emergency or Dangerous Situation

When a serious threat or disaster to the campus community occurs, PTI will coordinate with first responders, which may include the Yakima Police Department, Yakima Fire Department, and/or the Yakima County Sheriff's Department. Depending on the nature and magnitude of the incident, other local, state, and federal agencies may be called upon for assistance.

Confirming a Significant Emergency or Dangerous Situation

First responders and essential PTI personnel are responsible for initiating emergency warnings. Those responsible include, but are not limited to:

Incident Command Team

- Christine Cote, President
- Kaila Lockbeam, Director of Facilities & Safety
- Josh Phillips, Director of Information Technology
- Adam Rieker, Electrical Department Head
- Kay Curtsinger, Security & Facilities Coordinator

PTI works in close collaboration with agencies and departments both on and off campus to gather and assess information related to events that may pose an immediate threat or hazard to the campus. The Incident Command Team will investigate all reported incidents to determine if the incident poses an immediate threat to the institution. The Incident Command Team will use the following levels to confirm the significance of an emergency or dangerous situation, and to determine the appropriate segment or segments of the campus community to receive a notification.

Minor: Any incident, potential or actual emergency, which will not seriously affect the overall operations of the school. Only affected departments will receive an emergency notification.

Major: Any incident, potential or actual emergency, which affects a large portion of the campus and which will disrupt the overall operations of the school. All departments will receive an emergency notification.

Disaster: Any incident, potential or actual emergency, which affects the entire campus and which will seriously impair or halt the operation of the school. In some cases, mass casualties and severe property damage may be sustained. A coordinated effort of all campus and emergency resources is required to effectively help with response to this level of emergency. The entire campus will receive an emergency notification.

After the Incident Command Team confirms and determines the significance of an emergency or dangerous situation, without delay and taking into account the safety of the campus community, they will determine the content of the notification and initiate the notification system. A library of notification statements are scripted for anticipated emergencies and may be found in PTI's Facilities & Safety Department.

After the content of the notification has been determined a member of the Incident Command Team will initiate the notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Incident Command Team member will initiate any of the following emergency notification methods:

- Public Address System
- Phone
- PTI E-mail
- FlashAlert - *Subscribe to FlashAlert via link below, or download FlashAlert Messenger iOS/Android app.* <http://www.flashalert.net/news.html?id=4960>
- PTI Website - <https://www.perrytech.edu/students/status.html>
- Local Media
- Mongoose Cadence Text Messaging

Emergency Drills, Testing, and Evacuation Procedures

The President, Director of Facilities & Safety, and the Security & Facilities Coordinator are responsible for scheduling fire drills and ongoing exercises to test emergency response, plans, and capabilities. After each drill or exercise, PTI's Incident Command Team meets to evaluate the effectiveness of the drill and to identify areas of improvement. The Director of Facilities & Safety and Security & Facilities Coordinator are responsible for following through on the agreed upon recommendations for improvement.

All drills engage a process that tests our emergency communication pathways, fire alarms, public address systems, and emergency procedures. After every drill, the test is recorded using the emergency event record form located in every Emergency Procedures folder on campus. The details include a description of the drill, date, time, name of person recording the data, and whether the drill was announced or unannounced. These forms are collected annually and kept on file in the Facilities and Safety Department for seven years.

Current Emergency Procedures folders are located in every classroom and administrative department on the PTI campus, making them available at all times. The Director of Facilities & Safety and Security & Facilities Coordinator are responsible for keeping these procedures up to date, and will send a notice via e-mail to all current employees when changes are made to the procedures. Faculty will train students on changed procedures. The procedures outline detailed processes for various emergency situations that may arise. New employees review the procedures during their orientation with the Security & Facilities Coordinator. New students review the procedures during their first week of class with their instructor and during PTI 101.

Printed copies may be obtained in person or by writing the Security & Facilities Coordinator at 2011 W. Washington Ave., Yakima, WA 98903, or by calling 509.453.0374 x 5767.

PTI contracts with local vendors to perform annual confidence testing of all fire suppression and fire alarm systems. In addition, public address systems are tested by PTI's IT Department on a quarterly basis.

Student Housing Facilities

PTI does not offer student housing therefore, the institute does not have a policy pertaining to this area.

Non-Campus Property

During 2019 PTI owned property at 1004 S. 83rd Ave, located 5.4 miles from on-campus, in which students in various programs conducted on the job training daily. Due to the distance from the core campus, this property is considered non-campus. PTI non-campus locations are monitored by campus CSA's on site during school hours. All criminal activity is reported to the Facilities & Safety Department or obtained from the Yakima Police Department.

Pastoral and Professional Counselors

PTI does not have a pastoral or professional counselor therefore, the institute does not have a policy pertaining to this area.

Campus Safety, Crime Prevention, and Security Awareness

PTI takes a proactive approach to preventing crimes on campus. The goal is to eliminate or minimize criminal opportunities and to encourage students and employees to be responsible for their own safety and the safety of others.

During new student and employee onboarding, individuals are empowered to participate as active bystanders and are encouraged to be responsible for their own security and the security of others. Individuals also learn crime prevention tips, reporting options, and situational awareness strategies. Individuals receive a “Quick Connect” resource card which includes information about campus resources, a direct link to PTI’s current Annual Security Report, and incident reporting options. During PTI 101, students and employees are informed about the history of the Jeanne Clery Act, PTI’s responsibilities under the Jeanne Clery Act, the types of crimes that occur on campus, and prevention resources offered by PTI.

New students review the Student Handbook with their instructor at the beginning of their training; this includes reviewing the Emergency Procedures and the student’s responsibility to actively support and participate in the school’s effort to provide a safe and healthy environment. After reviewing the content, students are given an opportunity to ask questions and sign the acknowledgement form.

New employees meet with the Facilities & Safety Department at the beginning of their employment to review pertinent safety and security information; this includes reviewing the Emergency Procedures and the employee’s responsibility to participate in their security and the security of others. After reviewing the content, employees are given an opportunity to ask questions.

Throughout the year, the Facilities and Safety Department and Academic Support Services Department provides students and employees with information on crime prevention, campus security awareness, bystander intervention, and personal protection.

PTI conducts monthly safety meetings to ensure each department meets safety standards set forth by PTI, OSHA, Department of Labor and Industries, as well as local and state entities. An employee and student representative from each department attends the meeting to report safety concerns or recommendations. The Safety Coordinator follows through on the reports.

Printed copies of the meeting agendas, attendance sheets, and minutes may be obtained in person or by writing the Safety Coordinator at 2011 W. Washington Ave., Yakima, WA 98903, or by calling 509.453.0374 x 5791.

Life Safety Trainings

All students and employees receive a two-year First Aid, CPR, Blood Borne Pathogens, and Automated External Defibrillator certification during their first quarter of being at PTI. Employees maintain current certifications throughout the duration of their employment.

All students and employees receive Workplace Fire Safety Training during their time at PTI. This training covers topics like maintaining fire extinguishers, when to use a fire extinguisher, how to use an extinguisher, how to prevent fires, and other safe practices for fire response.

Drug-Free and Alcohol-Free Campus and Workplace Policy Statement

In accordance with federal law, Perry Technical Institute has adopted this Drug-Free and Alcohol-Free Campus and Workplace policy. Perry Technical Institute recognizes that students and employees have a right to a safe and secure campus and workplace and has implemented a drug and alcohol abuse prevention and assistance program. Furthermore, Perry Technical Institute recognizes that employers who hire students from its programs demand employees who are drug free. PTI has adopted this policy to encourage students to develop a healthy lifestyle and to ensure that graduates are able to meet the demands of employers.

The unlawful manufacture, distribution, dispensing, possession or use of any federally banned substance; prescribed medical drugs unlawfully obtained or are being unlawfully or abusively used; drug-related paraphernalia; or being under-the-influence of controlled substances are prohibited at Perry Technical Institute, in the workplace, on campus, while engaging in school business, and at any activities sponsored by Perry Technical Institute. Returning or arriving to school or the workplace after consuming drugs or alcohol is prohibited and will result in immediate dismissal.

PTI complies with section 120(a) through (d) of the *HEA* (Otherwise known as the Drug-Free Schools and Communities Act (DFSCA) of 1989). All required policies and program descriptions are published in the Student and Employee Handbooks. Handbooks are reviewed with new employees and students on or before their first day at PTI and emailed to them annually or as updates are required. PTI conducts an annual review of its Drug and Alcohol Abuse Prevention Program to determine effectiveness and the consistency of sanction enforcement, in order to identify and implement any necessary changes.

PTI's complete drug and alcohol policies and procedures can be found in the Student and Employee Handbooks.

The Student Handbook can be accessed online at <http://perrytech.smartcatalogiq.com/2020-2021/Student-Handbook> . Printed copies may be obtained in person or by writing the Institutional Effectiveness Coordinator 2011 W. Washington Ave., Yakima, WA 98903, or by calling 509.453.0374 x 5751.

The Employee Handbook can be obtained in person or by writing the Director of Human Resources at 2011 W. Washington Ave., Yakima, WA 98903, or by calling 509.453.0374 x 5755.

Violence Against Women Act (VAWA)

Preventing and Responding to Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Policy Statement

PTI prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking. PTI is committed to providing its community members with an environment conducive to the pursuit of knowledge. PTI carries with it the presumption that students and employees will conduct themselves as responsible members of the campus community, refraining from actions that would endanger the health, welfare, or safety of others. Conduct constituting a sexual offense, such as rape, sexual assault or sexual harassment, will not be tolerated. Students, staff, or faculty committing sexual offenses in any form can be prosecuted under Washington State criminal statutes. In addition, students can be disciplined under the Student Conduct Code and employees can be disciplined under the Employee Conduct Code.

Primary Prevention and Awareness Programs

Students: During their first quarter of training at PTI, students attend a one hour session during PTI 101 on the topic of “Your Campus – Your Safety.” The objective is to educate students about three federal laws, Title IX, the Clery Act, and the Violence Against Women Act. The training includes how these laws fit with PTI’s Anti-Harassment and Sexual Harassment Policies, and how they impact their experience at PTI. Content includes Washington State legal definitions for dating violence, domestic violence, sexual assault, stalking, and consent; as well as discussion about practical scenarios to raise awareness and equip students with prevention strategies. Content also includes tips to stay safe in social settings and on-campus. The training reinforces active bystander intervention and introduces key concepts to reduce inaction and encourage response. Upon completion, students should fully comprehend PTI’s stance on sexual assault, sexual harassment, gender-based discrimination, and the non-retaliation policy. Students will know about their rights under Title IX, the Clery Act, and the Violence Against Women Act; and know how to report if they have a complaint or become aware of an incident.

During the first quarter of training at PTI, students attend a one hour session during PTI 101 on the topics of substance abuse; which emphasizes the detrimental effects of substance abuse on work performance, safety, and overall employability. This training reinforces safety in social settings.

Employees: During onboarding, the Facilities & Safety Department presents an overview of the history of the Clery Act and the school’s obligation to comply. PTI’s Annual Security Report is reviewed and a handout is provided including a link to PTI’s Annual Security Report on the school’s website. Policies and procedures are reviewed as they pertain to VAWA, Campus Security Authority responsibilities, and reporting options.

During the first quarter of employment, employees attend a one hour session during PTI 101 on the topic of “Your Campus – Your Safety.” The objective is to educate employees about three federal laws, Title IX, the Clery Act, and the Violence Against Women Act. The training includes how these laws fit with PTI’s Anti-Harassment and Sexual Harassment Policies, and how they impact the experience at PTI. Content includes Washington State legal definitions for dating violence, domestic violence, sexual assault, stalking, and consent; as well as practical scenarios to raise awareness and equip employees with prevention strategies. Content also includes tips to stay safe in social settings and on-campus. The training reinforces active bystander intervention and introduces key concepts to reduce inaction and encourage response. Upon completion, employees should fully comprehend PTI’s stance on sexual assault, sexual harassment, gender-based discrimination, and the non-retaliation policy. Employees will know about their rights under Title IX, the Clery Act, and the Violence Against Women Act; and their responsibilities as a Campus Security Authority.

The following definitions are reviewed with new students and employees during their first quarter of being at PTI:

Consent:

[RCW 9A.44.010\(7\)](#) Definitions:

(7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

Dating Violence:

[RCW 26.50.010\(2\)](#) Definitions:

“Dating Violence” has the same definition as “Domestic Violence”, except the definition “Dating Relationship” is used instead of “Intimate Partner” to describe the relationship between the parties involved.

(2) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

Domestic Violence:

[RCW 26.50.010\(3\)](#) Definitions:

(3) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking as defined in RCW 9A.46.110 of one intimate partner by another intimate partner; or (b) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, or stalking as defined in RCW 9A.46.10 of one family or household member by another family or household member. ; or (c) stalking as defined in RCW [9A.46.110](#) of one family or household member by another family or household member.

Sexual Assault:

[RCW 9A.44](#)

The term sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent.

Stalking:

[RCW 9A.46.110](#) Definitions:

(1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and

(b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and

(c) The stalker either:

(i) Intends to frighten, intimidate, or harass the person; or

(ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(2)(a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person did not want the stalker to contact or follow the person; and

(b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person.

Stalking Behaviors

- Non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on Web sites, written letters, gifts, or any other communications that are undesired and/or place another person in fear
- Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a victim

- Surveillance and other types of observation, whether by physical proximity or electronic means (monitoring phone calls or computer use, GPS systems to track, or hidden cameras)
- Trespassing
- Vandalism
- Non-consensual touching
- Direct physical and/or verbal threats against a victim or a victim's loved ones
- Gathering of information about a victim from family, friends, co-workers, and/or classmates
- Manipulative and controlling behaviors such as threats to harm oneself, or threats to harm someone close to the victim
- Defamation or slander against the victim

Active Bystander Intervention

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 the situation. PTI promotes 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. 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.

Below is a list of some ways to be an active bystander:

- Watch out for your friends and fellow students or 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, or try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take 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 (pg. 20) for support in health, counseling, or with legal assistance.
- Report an incident to someone as it is happening or after the fact. Reporting is a way to follow-through and be an active bystander.

Bystander intervention training is provided to all students and employees. The goal of this training is to reduce risk factors that may increase the likelihood of perpetration, victimization, or bystander inaction.

Risk Reduction Tips

With the goal of empowering victims, no intent to victim blame, and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment.

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Consent can be given or removed at any time. You can always say "no" regardless if this is your initial answer or you change your mind after giving consent.

- Make sure your cell phone is with you and charged and that you have money for transportation.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting headphones with music in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the event, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, call 911 immediately.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone and unaccounted for, get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At events, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
- If you suspect you or a friend has been drugged, call 911 immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

If you need to get out of an uncomfortable or frightening situation here are some things that you can try:

- Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: Needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Ongoing Prevention and Awareness Campaigns

The Facilities and Safety Department and various school personnel distributes materials to students and employees on an ongoing basis; the content is focused on raising the awareness and understanding of what constitutes dating violence, domestic violence, sexual assault, stalking, changing social norms, and advancing prosocial behaviors of individuals and communities. Materials include relevant statistics, videos, and resources specific to our campus community.

Various school personnel and outside presenters talk with students and employees on an ongoing basis on topics such as workplace ethics, anti-harassment and discrimination, and campus culture.

On an annual basis, all employees attend mandatory training to receive education about three federal laws, Title IX, the Clery Act, and the Violence Against Women Act, including how these laws fit with PTI's Anti-Harassment and Sexual Harassment policies, and how they impact the experience at PTI. Content includes Washington State legal definitions for dating violence, domestic violence, sexual assault, stalking, and consent; as well as participation in practical scenarios to raise awareness and equip employees with prevention strategies.

Reporting

A guiding principle in the reporting of domestic violence, dating violence, sexual assault, and stalking is to avoid possible re-victimizing of the reporting party by forcing the individual into any plan of action. It is recommended that anyone who has experienced dating violence, domestic violence, sexual assault, or stalking consider each of the following:

- Get to a safe place and call 911
- Preserve all physical evidence to assist in proving an alleged criminal offense occurred or to assist in obtaining a protection order.
- File a police report. Victims have the option to notify local law enforcement authorities. The Campus Security Authority (CSA) receiving the report will assist in notifying local law enforcement authorities, if the victim chooses. Victims have the right to decline to notify such authorities.
- Victims can receive a sexual violence exam without reporting to local enforcement authorities.
- Report to a Campus Security Authority (CSA), Title IX Coordinator, or other Responsible Employee under Title IX:
 - All PTI employees and security guards are Campus Security Authorities and Responsible Employees.
- Make an anonymous report. An anonymous report to the police notifies them that an act of sexual violence has occurred but gives no names or identification. The decision to report to law enforcement agencies is entirely the victims'.

Steps to Preserve Evidence

- As soon as possible, write down, or have a friend write down, everything you can remember about the incident, including a physical description of the assailant. You should attempt to do this even if you are unsure about reporting the incident.
- Do not wash, brush your teeth, douche, use the toilet, change clothing, or disturb the scene of the attack.
- If you have changed your clothes, place your clothing and other items (sheets, blankets) in a brown paper bag (a plastic bag may destroy evidence).
- Go to the local hospital emergency room immediately. Hospital personnel will treat the physical consequences of assault, such as injury, infection, disease, and pregnancy. They can collect evidence that will be needed if the crime is reported. Many hospitals have a specialized examiner who can complete an exam for victims of sexual violence. Such an exam can help the victim receive an appropriate medical assessment and treatment, and can preserve evidence for possible future action.
- A SAFE (rape kit) can only be completed within five days of the assault. You have the right to refuse the entire exam or any part of it at any time.
- Evidence such as texts, emails, social media posts, chats, pictures, videos or other forms of electronic communication can be helpful in a college or criminal investigation. Download, save to a .pdf, take screen shots, or use other methods to preserve electronic evidence.

Confidentiality and Reporting of Offenses under this Policy

a. Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- Off-campus (non-employees):
 - Licensed professional counselors and other medical providers
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - Clergy/Chaplains
 - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

b. Mandated Reporters and Formal Notice/Complaints

All employees of PTI (with the exception of student employees or temp agency employees) are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from PTI.

Supportive measures may be offered as the result of such disclosures without formal PTI action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of sexual harassment or retaliation of which they become aware is a violation of PTI policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though PTI is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves. Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether PTI proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires PTI to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. PTI may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and PTI's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When PTI proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that PTI's ability to remedy and respond to notice may be limited if the Complainant does not want PTI to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing PTI's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow PTI to honor that request, PTI will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by PTI, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, PTI must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

PTI will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under PTI policy.

Amnesty for Complainants and Witnesses

PTI's community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to PTI officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of PTI's community that Complainants choose to report misconduct to PTI officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, PTI maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Students: Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to the Title IX Office).

PTI maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, PTI may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

Employees:¹ Sometimes, employees are hesitant to report sexual harassment or retaliation they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to PTI officials.

PTI may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

¹ This section is optional as most traditional policies only offer amnesty to students. If a PTI decides not to include this section, the "student" section can simply be merged into the amnesty section.

Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a) All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b) Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c) VAWA-based crimes,² which include sexual assault, domestic violence, dating violence, and stalking; and
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be shared with the Facilities and Safety Department regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: all PTI employees with the exception of student and temp agency employees.

Protection Orders and Accommodations

A victim can file for applicable protection orders through the Yakima County District Courthouse, located at 128 N. 2nd Street, Rm. 225, Yakima, WA 98901. Forms can also be accessed on the following website: <http://www.yakimacounty.us/223/Protection-Orders>. If you wish to pursue a legal protection order, the school is available to assist you through the process.

Victims must notify PTI of granted protection orders to allow the institution to comply. PTI may enforce an internal no-contact order or arrange for a security escort in an effort to protect a victim or witness when necessary, or when requested by the victim and reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.

Supportive Measures

PTI will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to PTI’s education program or activity, including measures designed to protect the safety of all parties or PTI’s educational environment, and/or deter sexual harassment and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, PTI will inform the Complainant, in writing, that they may file a formal complaint with PTI either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

² VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

PTI will maintain the privacy of the supportive measures, provided that privacy does not impair PTI's ability to provide the supportive measures. PTI will act to ensure as minimal an academic/occupational impact on the parties as possible.

PTI will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

Privacy

Every effort is made by PTI to preserve the privacy of reports.³PTI will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any

³ For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of PTI employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in PTI's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in PTI's Student Records Policy. The privacy of employee records will be protected in accordance with Human Resources policies.

Confidentiality exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. PTI has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 26. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential

individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

PTI reserves the right to determine which PTI officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: PTI Title IX Team, Safety and Security.

Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

PTI may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Available Support Programs

If you are sexually assaulted, resources are available on and off campus to help you. Talking with an advocate or a counselor is crucial to help explain your options, give you information, and provide emotional support. In addition to talking with a Campus Security Authority, other resource options include:

Emotional Care

Comprehensive Healthcare	509.575.4084
Aspen Victim Advocacy Services Hotline	509.452.9675
Lower Valley Crisis and Support Center Hotline	509.837.6689
Neighborhood Health Services	509.454.4143
Rape Crisis and Victim Services Hotline	817.927.2737
YWCA – Domestic Violence Support and Shelter	509.248.7796
Yakima County Sexual Assault Resource Center 24-Hour Line	509.575.4200 or 800.572.8122
Yakima Sexual Assault Unit Hotline	509.452.9675

Medical Care

Virginia Mason Memorial	509.575.8000
Planned Parenthood	1.866.904.721

Registered Sex Offenders

Information about registered sex offenders in Yakima County can be obtained by accessing this website: <http://www.icrimewatch.net/index.php?AgencyID=54495>. Information is searchable by area, first and last name, city, or by non-compliant offenders.

Sexual Harassment Policies and Procedures

Rationale for Policy

PTI is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from sexual harassment and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity,

PTI has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation sexual harassment or retaliation. PTI values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

Applicable Scope

The core purpose of this policy is the prohibition of sexual harassment and retaliation. When an alleged violation of this policy is reported, the allegations are subject to resolution using PTI's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of PTI's community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of PTI's community. This community includes, but is not limited to, students,⁴ student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, and invitees.

These procedures may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

Notice/Complaints of Sexual Harassment and/or Retaliation

Notice or complaints of sexual harassment and/or retaliation may be made using any of the following options:

- 1) File a complaint with, or give verbal notice to, the Title IX Coordinator. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.
- 2) Report online, using the reporting form posted at <https://www.perrytech.edu/safety/incident-report.html>. Anonymous reports are accepted but can give rise to a need to investigate. PTI tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as PTI respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows PTI to discuss and/or provide supportive measures.

⁴ For the purpose of this policy, PTI defines "student" as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with PTI.

3) Report to any PTI employee who will promptly notify the Title IX Coordinator.

A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that PTI investigate the allegation(s).

A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by PTI) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that PTI investigate the allegations.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

Online Sexual Harassment and/or Retaliation

The policies of PTI are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on PTI’s education program and activities or use PTI networks, technology, or equipment.

Although PTI may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to PTI, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of PTI’s community.

Policy on Nondiscrimination

PTI adheres to all federal and state civil rights laws and regulations prohibiting discrimination in private institutions of higher education.

PTI does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of race, color, religion, national origin, age, ancestry, sex, veteran or military status, sexual orientation, or disability in its programs and activities.

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the PTI community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of the PTI community, guest, or visitor on the basis of that person’s actual or perceived membership in the protected classes listed above is in violation of the PTI policy on nondiscrimination.

When brought to the attention of PTI, any such discrimination will be promptly and fairly addressed and remedied by PTI according to the appropriate grievance process.

Definition of Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Washington regard Sexual Harassment as an unlawful discriminatory practice.

PTI has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex or that is sexual that satisfies one or more of the following:

- 1) Quid Pro Quo:
 - a. an employee of PTI,
 - b. conditions⁵ the provision of an aid, benefit, or service of PTI,
 - c. on an individual's participation in unwelcome sexual conduct.
- 2) Sexual Harassment:
 - a. unwelcome conduct,
 - b. determined by a reasonable person,
 - c. to be so severe, and
 - d. pervasive, and,
 - e. objectively offensive,
 - f. that it effectively denies a person equal access to PTI's education program or activity.⁶
- 3) Sexual assault, defined as:
 - a) Sex Offenses, Forcible:
 - b) Any sexual act directed against another person,
 - o Without the consent of the Complainant,
 - o Including instances where the Complainant is incapable of giving consent
 - c) Sex Offenses, Non-forcible:
 - o Incest:
 - 1) Non-forcible sexual intercourse,
 - 2) between persons who are related to each other,
 - 3) within the degrees wherein marriage is prohibited by WA law.
 - o Statutory Rape:
 - 1) Non-forcible sexual intercourse,
 - 2) with a person who is under the statutory age of consent of 16.

⁵ Implicitly or explicitly.

⁶ Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

- 4) Dating Violence, defined as:
- a. violence,
 - b. on the basis of sex,
 - c. committed by a person,
 - d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - i. The existence of such a relationship shall be determined based on the Complainant'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—
 - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - iii. Dating violence does not include acts covered under the definition of domestic violence.

- 5) Domestic Violence, defined as:
- a. violence,
 - b. on the basis of sex,
 - c. committed by a current or former spouse or intimate partner of the Complainant,
 - d. by a person with whom the Complainant shares a child in common, or
 - e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
 - f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of WA, or
 - g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of WA.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- 6) Stalking, defined as:
- a. engaging in a course of conduct,
 - b. on the basis of sex,
 - c. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. Suffer substantial emotional distress.
- For the purposes of this definition—
- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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.
 - (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
 - (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Non-Fraternization Policy

Students should be assured that the relationships they develop with the PTI community will always be built upon the highest ethical precepts of the workplace and educational profession.

In order to promote the efficient and fair operation of PTI and to avoid misunderstandings, complaints of favoritism, supervision problems, security problems, morale problems, questions regarding academic achievement and possible claims of sexual harassment, fraternization between staff-student and faculty-student are strictly prohibited, including but not limited to:

- Dating
- Pursuit to date
- Romantic or sexual relationships with students
- Monetary transactions of any kind

PTI reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

c. Force, Coercion, Consent, and Incapacitation⁷

As used in the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

⁷ The state definition of consent is "at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact", which is applicable to criminal prosecutions for sex offenses in WA but may differ from the definition used on campus to address policy violations.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on PTI to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM⁸ or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so PTI’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

⁸ Bondage, discipline/dominance, submission/sadism, and masochism.

INTERIM RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON SEXUAL HARASSMENT (KNOWN AS PROCESS “A”)

1. Overview

PTI will act on any formal or informal notice/complaint of violation of the Policy that is received by the Title IX Coordinator⁹ or any other Official with Authority by applying these procedures, known as “Process A.”

The procedures below apply **only** to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members.

If a dismissal occurs under Process A, please see PTI Student and Employee Handbooks for a description of the procedures applicable to the resolution of such offenses, known as “Process B.”

Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the student and employee handbooks.

2. Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps PTI needs to take.

The Title IX Coordinator will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to file a formal complaint; and/or
- 2) An informal resolution (upon submission of a formal complaint); and/or
- 3) A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

PTI uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, PTI will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, or their effects.

⁹ Anywhere this procedure indicates “Title IX Coordinator,” PTI may substitute a trained designee.

3. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator¹⁰ engages in an initial assessment, typically within one to five (1-5) business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
 - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
 - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
 - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in informal resolution.
 - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
 - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate concern, based on the nature of the complaint.
 - If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX and does not limit PTI’s authority to address a complaint with an appropriate process and remedies.

a. Violence Risk Assessment

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Title IX Coordinator as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

¹⁰ If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer PTI about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass order is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or others. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

b. Dismissal (Mandatory and Discretionary)¹¹

PTI must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by PTI (including buildings or property controlled by recognized student organizations), and/or PTI does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of PTI.¹²

¹¹ These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.

¹² Such a Complainant is still entitled to supportive measures, but the formal grievance process is not applicable.

PTI may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by PTI; or
- 3) Specific circumstances prevent PTI from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, PTI will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

4. Counterclaims

PTI is obligated to ensure that the grievance process is not abused for retaliatory purposes. PTI permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

5. Right to an Advisor

The parties may each have an Advisor¹³ of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.¹⁴

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

a. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses

¹³ This could include an attorney, advocate, or support person. The law permits one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally).

¹⁴ "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of PTI's community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from PTI, the Advisor will be trained by PTI and be familiar with PTI's resolution process.

If the parties choose an Advisor from outside the pool of those identified by PTI, the Advisor may not have been trained by PTI and may not be familiar with PTI policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

b. Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

PTI cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, PTI is not obligated to provide an attorney.

c. Advisors in Hearings/PTI-Appointed Advisor

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, PTI will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, PTI will appoint an Advisor who will do so, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing.

d. Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

PTI cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, PTI is not obligated to provide an attorney.

e. Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand

their role and PTI's policies and procedures.

f. Advisor Violations of PTI Policy

All Advisors are subject to the same PTI policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address PTI officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee¹⁵ during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

g. Sharing Information with the Advisor

PTI expects that the parties may wish to have PTI share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

PTI also provides a consent form that authorizes PTI to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before PTI is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, PTI will/will not comply with that request.

h. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by PTI. PTI may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by PTI's privacy expectations.

i. Expectations of an Advisor

PTI generally expects an Advisor to adjust their schedule to allow them to attend PTI meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

PTI may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

j. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with PTI policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. PTI encourages parties to discuss any sharing of information with their Advisors before doing so.

a. Informal Resolution

Informal Resolution can include three different approaches:

- When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- When the parties agree to resolve the matter through an alternate resolution mechanism as described below, including mediation, restorative practices, etc., usually before a formal investigation takes place; see discussion in b., below.
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation); see discussion in c., below.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, PTI will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by PTI.

PTI will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

b. Alternate Resolution Mechanism

Alternate Resolution is an informal mechanism, including mediation or restorative practices, etc., by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

c. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and PTI are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of PTI policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms

of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the sexual harassment or retaliation, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

d. Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and PTI. Negotiated Resolutions are not appealable.

7. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that PTI presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about PTI’s policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that PTI’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to PTI’s VAWA Brochure,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, or emailed to the parties’ PTI-issued email or designated accounts. Once mailed, emailed,

and/or received in-person, notice will be presumptively delivered.

8. Resolution Timeline

PTI will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

9. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Christine Galdston/T9Now Affiliated Consultant, to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed.

10. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process [including the Title IX Coordinator, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with PTI's President:

Christine Cote, President
2011 W. Washington Ave.
Yakima, WA 98902
509.453-0374
christine.cote@perrytech.edu

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

PTI operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

11. Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

PTI will make a good faith effort to complete investigations as promptly as circumstances permit and

will communicate regularly with the parties to update them on the progress and timing of the investigation.

12. Delays in the Investigation Process and Interactions with Law Enforcement

PTI may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

PTI will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. PTI will promptly resume its investigation and resolution process as soon as feasible. During such a delay, PTI will implement supportive measures as deemed appropriate.

PTI action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Campus Crime Statistics

Classifying and Disclosing Crimes:

PTI discloses campus crime statistics, gathered by the Facilities & Safety Department, from Campus Security, Campus Security Authorities, local law enforcement, and other school officials. The statistics are broken down geographically into "on-campus", "public property" such as public streets and sidewalks, or "non-campus". PTI does not own student housing facilities. The report also indicates whether any of the reported incidents, or any other crime involving bodily injury, was a "hate crime."

In some cases an incident that is reported as a crime may not be included in the Annual Security Report. The following standards must be met for an incident to be included.

1. **Reported to the Proper Authorities:** Incidents must be reported to law enforcement, Campus Security, or a Campus Security Authority (CSA). A person designated as a CSA does not mean a person employed by the Campus Security Department. A CSA can be any campus employee who a student reasonably believes that he or she can report a crime to and expect that the matter will be addressed.
2. **Qualifying Crimes:** The crime must be one of those listed under the Clery Act, VAWA, or listed as a reportable hate crime.

Criminal Offenses:

- Murder / Non-negligent Manslaughter
- Manslaughter by Negligence
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

Arrests or Disciplinary Referrals:

- Liquor Law Violations
- Drug Law Violations
- Illegal Weapons Possession

Violence Against Women Act (VAWA) Crimes:

- Sexual Assault
- Domestic Violence
- Dating Violence
- Stalking

Hate Crimes: Evidence that shows the victim was intentionally selected because of the victim's actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability. If any of the following crimes occur due to bias, it will be counted as a Hate Crime.

- Larceny/Theft
- Simple Assault
- Intimidation
- Destruction, Damage, or Vandalism of Property

3. **Reportable Area:** The crime must have occurred in one of the reportable areas. Every reportable crime occurring within the boundaries of campus is considered as the reportable area. The two remaining areas are more difficult to define. Perimeter streets are described in the following way: "Sidewalk – Street – Sidewalk." This means that a reportable crime occurring on the sidewalks on either side of a perimeter street is reportable, as are incidents occurring in the street. But an incident occurring in a building (a privately owned store) on the distant side of a perimeter street would not be included. With regard to non-campus buildings, crimes occurring in those buildings or on the property of that location are reportable. Incidents occurring on the sidewalk or on the streets in front of that building are not Clery Act reportable.

On-Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the area identified in the aforementioned paragraph of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Non-Campus: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property: Any thoroughfares, streets, sidewalks parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

4. **Made in Good Faith:** For an incident to be included there must be a determination that the report is made in good faith. Supporting evidence makes this determination simple, but such evidence is not always available. In such a case, the creditability of the person making the report is considered. When the incident is reported to us through a law enforcement agency, we assume that this determination has already been made. If law enforcement determines that a particular reported incident could not have occurred or did not occur, i.e., a false report, then the crime is not included in the Annual Security Report. Only law enforcement can rule a crime as "unfounded."

APPENDIX A
CAMPUS CRIME STATISTICS

CRIMINAL OFFENSES:	2017		2018		2019		
	On-Campus	Public Property	On-Campus	Public Property	On-Campus	Public Property	Non-Campus
MURDER / NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0	0	0	0
RAPE	0	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0	0
INCEST	0	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0
BURGLARY	0	0	1*	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0

ARRESTS AND DISCIPLINARY REFERRALS:	2017		2018		2019		
	On-Campus	Public Property	On-Campus	Public Property	On-Campus	Public Property	Non-Campus
ARRESTS:							
LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0
DRUG LAW VIOLATIONS	0	0	0	0	0	0	0
ILLEGAL WEAPONS POSSESSION	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS:							
LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0
DRUG LAW VIOLATIONS	1	0	0	0	0	0	0
ILLEGAL WEAPONS POSSESSION	0	0	0	0	0	0	0

VAWA CRIMES:	2017		2018		2019		
	On-Campus	Public Property	On-Campus	Public Property	On-Campus	Public Property	Non-Campus
DOMESTIC VIOLENCE	0	0	0	0	0	0	0
DATING VIOLENCE	1*	0	0	0	0	0	0
STALKING	0	0	2	0	0	0	0

Perry Technical Institute does not own student housing facilities. Zero crime reports were considered “unfounded” by authorities, therefore zero reports were withheld from the crime statistics.

(*) Please Note: In 2017, according to Yakima Police records, after Perry Tech business hours a non-Perry Tech related male and female were involved in an act of dating violence as classified under the Violence Against Women Act and Washington State law

while on PTI property in an on-campus parking lot. No one from Perry Technical Institute was involved or connected with this act.

In 2018, according to Yakima Police records, after Perry Tech business hours a non-Perry Tech related male parked his vehicle in the Tahoma cemetery, cut-down a section of fencing, and walked on-site. The individual unlawfully entered the Maintenance building, which was under construction, and proceeded to take items from the site. No one from Perry Technical Institute was involved or connected with this act.

	2017		2018		2019		
HATE CRIMES:	On-Campus	Public Property	On-Campus	Public Property	On-Campus	Public Property	Non-Campus
MURDER / NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0
SEXUAL ASSAULT	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0
LARCENY / THEFT	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0	0
DESTRUCTION / DAMAGE / VANDALISM OF PROPERTY	0	0	0	0	0	0	0

Zero crimes have been classified as a hate crime during the 2017– 2019 calendar years. Should a hate crime occur, it will be indicated in the Hate Crimes chart and described in a narrative categorized by the following bias; *race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability*.

Perry Technical Institute does not own student housing facilities. Zero crime reports were considered “unfounded” by authorities, therefore zero reports were withheld from the Hate Crime statistics.

APPENDIX B
PERRY TECH CAMPUS MAP



ON-CAMPUS: All property shown, except for the public sidewalks and streets, are considered on-campus. Please see the following addresses for on-campus property:

- 2011 W. Washington Ave
- 1612 Perry Street
- 1620 Perry Street
- 1712-1718 South 16th Ave
- Yakima School District Bus Garage, 1802 Perry Street
 - The Agricultural Equipment Technician program utilized an equipment bay at the Yakima School District Transportation Center from January – May 2019; therefore, this area is included in our on-campus geography.

PUBLIC PROPERTY: (*Sidewalk – Street – Sidewalk*) Includes W Washington Avenue, S 16th Avenue, and Perry Street.

NON-CAMPUS: Please see the following address for non-campus property:

- 1004 S. 83rd Avenue (*5.4 miles from on-campus property*)
 - This is a Perry Tech owned property in which programs conducted on the job training daily. Due to the distance from our campus, this is not considered part of the core campus.

STUDENT HOUSING FACILITIES: PTI does not own any student housing facilities.

APPENDIX C

DEFINITIONS

ACQUAINTANCE RAPE: Assault or attempted assault that is ordinarily committed by a new acquaintance. It involves sexual intercourse without mutual consent. It is also referred to as date rape. The offender need not be the person dating with the victim, it may be his/her acquaintance or a stranger.

AGGRAVATED ASSAULT: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

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

BURGLARY: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: Unlawful entry with intent to commit a larceny or a felony; breaking or entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses.

DATING VIOLENCE: Violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. Where the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interactions between the persons involved in the relationship.

DESTRUCTION / DAMAGE / VANDALISM OF PROPERTY: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

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

DRUG LAW VIOLATIONS: The violation of laws prohibiting the production, distribution, and/or use of 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. Arrest for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

FONDLING: 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.

HATE CRIMES: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

ILLEGAL WEAPONS POSSESSION: 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. Include possession of deadly weapons; carrying deadly weapons, concealed or open; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

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

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

LARCENY-THEFT: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. 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.

LIQUOR LAW VIOLATIONS: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, furnishing, transportation, possession, or use of alcoholic beverages or intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the above. Not including driving under the influence and drunkenness.

MANSLAUGHTER BY NEGLIGENCE: The killing of another person through gross negligence.

MOTOR VEHICLE THEFT: The theft or attempted theft of a motor vehicle. (SUV's, automobiles, trucks, buses, motorcycles, motor scooters, golf carts, motorized wheelchairs, ATVs, and snowmobiles).

MURDER / NON-NEGLIGENT MANSLAUGHTER: The willful (non-negligent) killing of one human being by another.

RAPE: 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.

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

SEXUAL ASSAULT: Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

SEXUAL HARASSMENT: The term sexual harassment may include, without limitation, such behavior as unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct and expressive behavior of a sexual nature.

SIMPLE ASSAULT: 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 lacerations, or loss of consciousness.

STALKING: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a. Fear for the person's safety or the safety of others; or
- b. Suffer substantial emotional distress.

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

STATUTORY RAPE: Non-forcible sexual intercourse with a person who is under the statutory age of consent.