

Commonwealth Technical Institute

at the

Hiram G. Andrews Center

**2020
ANNUAL SECURITY
REPORT
&
ANNUAL FIRE REPORT**

Crime and Fire Statistics Representing Calendar Years 2017, 2018, 2019

**727 Goucher Street Johnstown, PA
15905**

Published by the Hiram G. Andrews Center Security Department

November 2020

**Jeanne Clery Disclosure of Campus Security Policy and Campus Crime
Statistics Act (Clery Act), and the Safe and Drug-Free Schools and
Communities Act (DFSCA): Policies, Reporting, Warnings, Notifications, and
Sanctions**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, more commonly known as the Clery Act, is contained (along with other security-related disclosure requirements) in section 485 of the Higher Education Act, codified at 20 U.S.C. § 1092. It requires all postsecondary education institutions to keep records and report annually on the nature, date, time, and place of crimes occurring on campus, including hate crimes. It also prescribes a number of security-related protocols for emergency response procedures, timely notifications for on-campus crimes, etc.

For your information, a copy of the Commonwealth Technical Institute (CTI) at the Hiram G. Andrews Center (HGAC), Annual Campus Safety and Security Report (also known as our Annual Security Report, or ASR) is attached. This report is distributed in compliance with the Clery Act. Also included is a copy of information relating to the Commonwealth Technical Institute's Drug and Alcohol Abuse Prevention Programs. The ASR and Drug and Alcohol and Abuse Prevention programs information is available online at <https://www.dli.pa.gov/Individuals/Disability-Services/hgac/Pages/default.aspx>.

Commonwealth Technical Institute's commitment to safety and security includes:

- Providing a secure and crime free environment for students, faculty and staff.
- Performing regular evaluation of security programs.
- Monitoring and following up on each crime reported at the Commonwealth Technical Institute location.

We believe student, faculty, and staff behavior which promotes security awareness is important in all aspects of our lives and we encourage all students, faculty and staff to accept responsibility for their own security as well as the security of other members of the Commonwealth Technical Institute community.

As you read the following report, comments, questions or concerns may be addressed to:

Commonwealth Technical Institute
Attention: Matthew Raich
Chief of Security
727 Goucher St.
Johnstown, Pa 15905

STATEMENT OF CURRENT POLICIES REGARDING PROCEDURES FOR STUDENTS AND OTHERS TO REPORT CRIMINAL ACTIONS AND POLICES CONCERNING THE INSTITUTION'S RESPONSE TO SUCH REPORTS

Students, faculty or staff who wish to report criminal actions, should immediately contact the Campus Security Chief or SO3 or other responsible supervisory personnel at their campus. The criminal action should then be immediately reported by students, faculty or staff to the local law enforcement authorities for assistance and /or investigation. In an emergency, dial 911. The Commonwealth Technical Institute at the Hiram G. Andrews Center Incident Complaint Form is completed with the assistance of the person reporting the criminal action. The report should be filed as soon as possible with the Chief/SO3, Director, or Deputy Director who will follow up on the report personally or assign responsibility to another appropriate administrator to follow up and report on the outcome as well as any preventative or other actions taken to ensure the safety and security of all staff, faculty, and students.

Additional copies of the CTI Incident Report Form may be requested from the Security Office.

See <https://www.dli.pa.gov/Individuals/Disability-Services/hgac/Pages/default.aspx>.

Crime Reporting

Efforts are made to inform members of the campus community on a timely basis about campus crime and crime-related issues. These efforts include the following:

- Daily Crime Log – The Security Officer 3 maintains a daily crime log for the most recent 60 day-period that is available for inspection during normal business hours. (A request for crime log data older than 60 days is available within 2 business days of the request.) Exceptions to the availability of information may include cases such as where disclosure of such information may be prohibited by law, jeopardize the confidentiality of the victim, etc.
- Crime Alerts – Crime Alerts are published when a crime occurs on or near campus that potentially threatens the campus community. The crime alerts are distributed in a variety of methods, depending upon the incident. (See Timely Campus Warnings below.)

How to Report Crimes on Campus

Students and employees are cautioned never to attempt to apprehend or pursue a suspected criminal. Crimes or suspected criminals should be reported to the SO3 or other designated staff member, and then to local law enforcement at the non-emergency number, (814)255-6227. In an emergency, dial 911.

Immediately report any crimes or suspicious activity on campus by:

- Calling (814)254-0434 or 211
- Completing the Commonwealth Technical Institute Accident/Incident Report form and submitting to the SO3
- Stopping by the SO3's office.

The Hiram G. Andrews Center Security Department operates 24 hours a day, 7 days a week. To report a crime, suspicious activity, or emergency you can contact the Hiram G. Andrews Center Security Department in person or utilize one of the following phone numbers:

HGAC Security (Available 24/7)	(814) 255-8200 Ext. 0
HGAC Dormitory Counselors (Available 24/7)	(814) 254-0623 or (814) 254-0624
911 Non-Emergency	1 800-281-1680
911 Emergency (Emergency ONLY)	911
HGAC Fire Marshall – Gregory Tunstall	(814) 254-0526

The Hiram G. Andrews Center Security Department has an excellent working relationship with the local law enforcement. In many cases the local authorities can be contacted more quickly and efficiently through the Hiram G. Andrews Center Security Officers. Whenever possible, the Hiram G. Andrews Center Security Department strongly urges students and staff to contact the Security Office for assistance with communicating with the local authorities.

If you have any doubts about whether to report something that has occurred, report it. Victims of, or witnesses to, crimes may disclose them on a voluntary, confidential basis to the CSA, which can then determine whether the event constitutes a crime that has to be collected and statistically reported. Your cooperation in timely reporting assists the Commonwealth Technical Institute in issuing equally timely warnings to the campus community. All crimes must be reported immediately.

Always use your eyes, ears, and telephone to keep campus officials advised of what you see and hear. Call the Security Office when you see:

- Strangers loitering in office areas, hallways, classrooms, or lounge areas, etc.
- Unsecured doors or windows in campus buildings that are supposed to be locked
- Anyone tampering with a motor vehicle or loitering in a parking lot
- Persons publicly displaying a weapon
- Persons loitering in dark or secluded areas

- Suspicious persons carrying articles, equipment, luggage, or other packages out of campus buildings

STATEMENT OF CURRENT POLICIES CONCERNING SECURITY AND ACCESS TO CAMPUS FACILITIES

The security of the educational and work environment is a high priority at the Commonwealth Technical Institute. As an effort to demonstrate this, the school utilizes security cameras in appropriate public areas of the campus, both inside and outside the buildings. Access to the buildings is secured between the hours of 11:00 p.m. and 7:00 a.m. so that unauthorized individuals are not able to lawfully enter the building. During normal business hours and hours in which the building is accessible, visitors (including vendors, etc.) are required to sign in at the main campus entrance (the main lobby). Additionally, during the course of time on campus, students and staff should wear appropriate school-authorized IDs. (See the student and employee handbooks for additional information on this.) Visitors are provided a temporary identification tag, by the Security Officers at the front desk, using the BadgePass system.

PREPARING THE ANNUAL DISCLOSURE

The Security Officer 3, serving as the Campus Security Authority (CSA) for the school, has the responsibility of gathering the data used to prepare the annual campus crime statistics report. Campus crime data is gathered the same day that it is reported. The data is obtained from reports made to local law enforcement. Crimes are counted in the disclosure based upon the crime having been reported, not whether there was a conviction. Data is obtained annually from local law enforcement and compared with the data gathered at the Commonwealth Technical Institute. The resulting data is used to prepare the annual crime statistics report.

The ASR is published and distributed by October 1 of each year to current students and employees. A notice of the ASR's availability is also provided to prospective students and employees, with a notice that a paper copy is available upon request.

REPORTABLE OFFENSES UNDER THE CLERY ACT

The Clery Act requires reporting on the following offenses:

- murder;
- manslaughter (negligent and non-negligent)
- sex offenses, forcible and non-forcible;
- robbery;
- aggravated assault;
- burglary;
- motor vehicle theft;
- arson;
- arrests, or persons referred for campus disciplinary action for liquor law violations;
- arrests, or persons referred for campus disciplinary action for drug-related violations;
- domestic violence**
- dating violence**
- sexual assault**
- stalking**
- arrests, or persons referred for campus disciplinary action for weapons possession, carrying, etc., and
- hate crimes, [which for Clery Act purposes include any crime listed in the preceding points and, as of 2008, larceny-theft; simple assault; intimidation; and destruction, damage, or vandalism of property in which the victim is intentionally selected because of his or her actual or perceived race, gender, religion, sexual orientation, ethnicity, national origin, or disability.]

**On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA). Among other provisions, this law amended the Clery Act to require postsecondary institutions to include in their Annual Campus Security Report all instances of domestic violence, dating violence, sexual assault, and stalking; and instances of gender identity and national origin crimes which fall under the category of Hate Crimes. These new reportable items must be included in the ASR released by October 1, 2014, using a good faith effort to comply with the law until the

final regulations are published with an effective date of July 1, 2015 for the October 1, 2015 ASR reporting deadline.

GEOGRAPHICAL AREA

The Clery Act requires each institution to disclose crime statistics that occur on three types of property: campus, non-campus buildings or property, and public property areas.

“Campus” is defined as buildings or property owned or controlled by the institution within the same reasonably contiguous geographic area and used by the institution in a manner related to the institution’s educational purpose. It also includes property in that contiguous area owned by the institution but controlled by another person, if that property is used by students and supports institutional purposes (e.g. a food or retail vendor). Branch campuses and geographically disconnected administrative divisions or schools would be considered separate campuses for the purposes of reporting.

“Public property” is property that is located within the same reasonably contiguous geographic areas of the campus, like a sidewalk, street or public parking lot, that is adjacent to a facility owned or controlled by the institution for purposes related to the institution’s educational purposes. Crimes occurring on “public property” must also be reported in the crime statistics.

A “non-campus building or property” is one that is owned or controlled by a school recognized student organization, or one that is owned or controlled by the institution and used by students or by the institution for education-related purposes and that is not within the same reasonably contiguous geographic area of the campus. Crimes occurring on “non-campus property” must be reported. However, incidents occurring on public property adjacent to “non-campus buildings or property” do not have to be included. Our institution does not have such property in this category for which we must report.

TIMELY CAMPUS WARNINGS or ALERTS

A timely warning to the campus community is distributed regarding any of the above listed crimes (see Reportable Offenses under the Clery Act) which are deemed to represent a threat to the students and employees, and which are reported to campus officials or to local police agencies. The campus crime alert is issued in a manner that is timely and will aid in the prevention of similar crimes. The manner of dissemination to alert the campus community, is the RAVE alert system: e-mail, voice mail, and text messages. In addition, the Chief/SO3 or other campus officials will post relevant warnings, updates and advisories on the appropriate school Website (<https://www.dli.pa.gov/Individuals/Disability-Services/hgac/Pages/default.aspx>.) and may also utilize campus bulletin boards, its social media Web page, as well as on the emergency Tip Line, 814-410-9522. Campus officials may decide to issue an alert about a crime occurring off-campus but in a location frequented by students, even though such a crime would not be included in the annual report.

A STATEMENT OF CURRENT POLICIES CONCERNING CAMPUS LAW ENFORCEMENT AND POLICIES THAT ENCOURAGE PROMPT REPORTING OF ALL CAMPUS CRIME TO THE CAMPUS AUTHORITIES AND LOCAL POLICE

The Commonwealth Technical Institute at the Hiram G. Andrews Center is essentially a residential School and does not have a campus police force. Therefore, all crimes are reported to local authorities as described in the first section regarding policies and procedures to report crimes. All crimes should be reported immediately to enhance the opportunity for a quick resolution.

The Commonwealth Technical Institute at the Hiram G. Andrews Center’s Incident Complaint Form (referenced above) may be requested from the Chief/SO3, Dorm Counselor Office or

Administration Office to assist in the description and recording of an incident of crime or emergency.

Voluntary confidential reporting: As Commonwealth Technical Institute at the Hiram G. Andrews Center is essentially a residential school and does not have a campus police force; all crimes must be reported to local authorities. Local law enforcement will allow a victim or witness to report crime on a voluntary and confidential basis. All victims are encouraged to report all crimes to the appropriate campus Chief/SO3 and local law enforcement. In the event the victim is unable to make such a report, the campus Chief/SO3 or third-party witness is encouraged to report the crime promptly.

In very limited circumstances, an institution may remove from its crime statistics (but not from its crime log) reports of crimes that have been determined to be “unfounded” by law enforcement officials. The Commonwealth Technical Institute will report to the Department and disclose in the annual security report statistics of the number of crime reports that were “unfounded” and subsequently withheld from its crime statistics during each of the three most recent calendar years.

Our institution does not have a formal agreement, in regard to any procedures that encourage both professional counselors, at their discretion, to inform those they counsel of procedures for reporting crimes voluntarily and confidentially for inclusion in the institution’s annual security report and Web-based report to ED. It is an open-door policy in which students may speak to their Counselors regarding anything they feel is necessary, be that criminal or noncriminal issues or complaints.

The Commonwealth Technical Institute at the Hiram G. Andrews Center has a close working relationship with the Upper Yoder Township Police Department. A verbal memorandum of understanding is in place to allow them full access to investigate all criminal offenses that occur. In most campus policies, regarding serious criminal offenses, it is written that the police must be called.

Crime is a serious problem with no easy solutions. Therefore, all members of the school campus community are encouraged to assist one another by taking responsibility for personal safety and assisting with the security needs of others. While school staff and security measures may offer assistance regarding safety and security concerns, ultimately the primary responsibility for your personal safety rests with you.

Safety Tips

- Stay alert of your surroundings, wherever you are.
- If you feel uncomfortable in a place, leave right away.
- Keep eyes and ears open, hands free.
- Choose busy streets and avoid going through deserted areas.
- At night, walk in well-lit areas whenever possible.
- Try not to walk or jog alone. Take a friend or walk in group.
- Avoid carrying large sums of cash.
- When in public spaces, keep valuable items including jewelry, mobile phones and wallets out of sight.
- Carry a pepper or mace spray as a precautionary measure.
- Avoid returning to campus after dark, or walk in groups to and from buildings.
- Communicate suspicious behavior immediately to a staff or faculty.

A STATEMENT OF PROGRAMS AVAILABLE TO STUDENTS AND EMPLOYEES RELATED TO CAMPUS SECURITY, PERSONAL SAFETY, AND CRIME PREVENTION

The Commonwealth Technical Institute at the Hiram G. Andrews Center provides information on personal safety and crime prevention. The Center provides this information at new student and new employee orientation. During the orientation of students, faculty, and staff, procedures are also outlined to cover the reporting of all criminal acts.

Additionally, the Student Affairs office has a directory of services that are available, within the community, to assist those who have suffered from a criminal act. These services are usually free and are provided by organizations or agencies within the community. The Academic Support Office also has available resource materials that address Domestic Violence, Dating Violence, Sexual Assault and Stalking.

A STATEMENT ADVISING OF AVAILABILITY OF INFORMATION ON REGISTERED SEX OFFENDERS

The federal Campus Sex Crimes Prevention Act that became effective October 27, 2002 requires eligible institutions participating in the Title IV Federal Student Aid programs to issue a statement advising the campus community where the State law enforcement agency information concerning registered sex offenders/predators may be obtained. Sex offenders are required to be registered according to the State law in the State in which they reside and are also required to notify appropriate State officials of each postsecondary school at which the offender is employed or is a student. Any such offender is also required to give notice to the appropriate State authorities of any changes in enrollment or employment status at the postsecondary school.

In the State of Pennsylvania information concerning registered sex offenders and predators may be obtained from:

Pennsylvania State Police
Bureau of Records and Identification
Megan's Law Section
1800 Elmerton Ave.
Harrisburg, Pa. 17110
Phone toll free: 1-866-771-3170
<http://www.pameganslaw.state.pa.us/>.

Information is also available in the United States Department of Justice national sex offender registry at <http://www.nsopw.gov/Core/Portal.aspx>

TITLE IX POLICY STATEMENT

Title IX of the Education Amendments of 1972 ("Title IX") protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Commonwealth Technical Institute at the Hiram G. Andrews Center not only complies with the letter of Title IX's requirements but also endorses the law's intent and spirit. The Institution is committed to compliance in all areas addressed by Title IX, including access to higher education, career education, math and science, standardized testing, athletics, education for pregnant and parenting students, learning environment, and technology, as well as sexual harassment.

The purpose of this policy is to ensure that the Institution's policies are applied and interpreted in ways consistent with Title IX and other applicable law.

It is the policy of the Institution to provide educational, preventative and training programs regarding sexual or gender-based harassment; to encourage reporting of incidents; to prevent incidents of sexual and gender-based harassment from denying or limiting an individual's ability to participate in or benefit from the Center's programs; to make available timely services for those who have been affected by discrimination; and to provide prompt and equitable methods of investigation and resolution to stop discrimination, remedy any harm, and prevent its recurrence. Violations of this policy may result in the imposition of sanctions up to, and including, termination, dismissal, or expulsion, as determined by the appropriate officials at the Commonwealth Technical Institute.

Discrimination

The Commonwealth Technical Institute at the Hiram G. Andrews Center prohibits discrimination and harassment based on race, color, creed, religion, sex, gender, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, genetic information, veteran status, or any other status protected by applicable law to the extent prohibited by law.

Commonwealth Technical Institute TITLE IX Officer

The Commonwealth Technical Institute at the Hiram G. Andrews Center appoints Title IX Officers. The Institution's Title IX Officer is:

Amanda Prince
Vocation Rehabilitation Specialist
727 Goucher St.
Johnstown, Pa. 15905
(814)254-0617

Sexual Harassment

The Commonwealth Technical Institute at the Hiram G. Andrews Center defines sexual harassment as unwelcome behavior of a sexual nature that relates to the gender or sexual identity of an individual and that has the purpose or effect of creating an intimidating, offensive or hostile environment for study. This policy applies to all interactions between students and Center's faculty members and other faculty, staff, and administrative personnel, and other students.

Conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Repeated incidents or a pattern of harassing behavior may be cause for serious corrective action. However, a more serious incident, even if isolated, may be sufficient cause for action under this policy including referral to law enforcement when applicable.

Quid pro quo sexual harassment can occur whether a person resists and suffers the threatened harm, or the person submits and avoids the threatened harm. Both situations could constitute discrimination on the basis of sex. A hostile environment can be created by persistent or pervasive conduct or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. Sexual violence, including rape, sexual assault, and domestic and dating violence, is a form of sexual harassment. In addition, the following conduct may violate this policy:

1. Observing, photographing, videotaping, or making other visual or auditory records of sexual activity or nudity, where there is a reasonable expectation of privacy, without the knowledge and consent of all parties.
2. Sharing visual or auditory records of sexual activity or nudity without the knowledge and consent of all recorded parties and recipients.
3. Sexual advances, whether or not they involve physical touching.
4. Commenting about or inappropriately touching an individual's body.

5. Requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or continued employment.
6. Lewd or sexually suggestive comments, jokes, innuendoes, or gestures.
7. Stalking

Other verbal, nonverbal, graphic, or physical conduct may create a hostile environment if the conduct is sufficiently persistent, pervasive, or severe so as to deny a person equal access to the Commonwealth Technical Institute's programs or activities. Whether the conduct creates a hostile environment may depend on a variety of factors, including: the degree to which the conduct affected one or more person's education or employment; the type, frequency, and duration of the conduct; the relationship between the parties; the number of people involved; and the context in which the conduct occurred.

Unwelcome Conduct

Conduct is unwelcome if a person (1) did not request or invite it and (2) regarded the unrequested or uninvited conduct as undesirable or offensive. That a person welcomes some sexual contact does not necessarily mean that person welcomes other sexual contact. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion.

Whether conduct is unwelcome is determined based on the totality of the circumstances, including various objective and subjective factors. The following types of information may be helpful in making that determination: statements by any witnesses to the alleged incident; information about the relative credibility of the parties and witnesses; the detail and consistency of each person's account; the absence of corroborating information where it should logically exist; information that the Respondent has been found to have harassed others; information that the Complainant has been found to have made false allegations against others; information about the Complainant's reaction or behavior after the alleged incident; and information about any actions the parties took immediately following the incident, including reporting the matter to others.

In addition, when a person is so impaired or incapacitated as to be incapable of requesting or inviting the conduct, conduct of a sexual nature is deemed unwelcome, provided that the Respondent knew or reasonably should have known of the person's impairment or incapacity. The person may be impaired or incapacitated as a result of drugs or alcohol or for some other reason, such as sleep or unconsciousness. A Respondent's impairment at the time of the incident as a result of drugs or alcohol does not, however, diminish the Respondent's responsibility for sexual or gender-based harassment under this policy.

Gender-Based Harassment

Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from The Commonwealth Technical Institute's education or work programs or activities. For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this policy.

Investigations of Complaints

A complaint that a student, staff or faculty member has committed sexual harassment or engaged in nonconsensual sexual activity may be made to the Title IX Compliance Officer, or a staff or faculty member. The Commonwealth Technical Institute at the Hiram G. Andrews Center will conduct an investigation, as appropriate under the circumstances.

The investigative process involves interviewing the parties involved and any witnesses while gathering documentary or other evidence. In cases involving alleged criminal conduct, the complainant may file a criminal complaint with the local police department. A complainant need not pursue a criminal complaint in order to seek or to hold the accused responsible through the Commonwealth Technical Institute's Student Code of Conduct. As soon as possible, the complainant and the accused will be offered appropriate assistance, and our Education Department will be contacted if course adjustments are required.

Based on the outcome of the investigation, the Title IX Officer or their designee will determine if there is sufficient cause to proceed with the complaint. If so, the Title IX Officer or their designee will arrange for an informal resolution conference with the accused. (Complainants do not attend informal resolution meetings but are apprised of the meeting's outcome.) If the accused does not accept responsibility for the allegations and/or the proposed sanction, the Title IX Officer or their designee will determine if the evidence warrants a formal hearing before the designated Investigators

The exact nature of the responsive action depends on the circumstances but, may include discipline up to and including suspension or dismissal from the Institution for a student, staff or faculty who is found to have violated Institutional policies.

Implementing Provisions/Policies

The Commonwealth Technical Institute will take appropriate action (i.e., an investigation, adjudication, and disciplinary and remedial/corrective steps) in response to a complaint made pursuant to the complaint policies/procedures listed above. The Commonwealth Technical Institute will make every effort to handle complaints and investigations with sensitivity to both the rights of the person who complains and the rights of the accused.

The Commonwealth Technical Institute handles complaints discreetly and attempts to maintain privacy throughout the investigative process, to the extent practicable and appropriate under the circumstances. However, to conduct an investigation, it is generally necessary to discuss the allegations with the accused and other potential witnesses. Additionally, the institution may have legal obligations to disclose information to law enforcement or in the context of legal proceedings.

Complaints may be made anonymously. While the Commonwealth Technical Institute at the Hiram G. Andrews Center endeavors to investigate all complaints, including anonymous complaints, the nature of anonymous complaints makes investigation, determination, and remediation more difficult and, at times, impossible. Further, while the Commonwealth Technical Institute attempts to protect the identity of complainants who do not wish to be identified, this may not always be possible.

In appropriate cases as determined by the Commonwealth Technical Institute, conflict resolution may be possible. This is permitted only where both the complainant and accused voluntarily agree to participate, and either party may terminate informal resolution attempts and commence formal Grievance procedures at any time prior to reaching a mutually acceptable resolution. Depending on the circumstances, a mediated resolution may not necessarily involve face-to-face discussions between the complainant and the accused. Certain cases are not appropriate for conflict resolution, such as complaints of particularly egregious sexual harassment or cases involving sexual assault or violence.

Occasionally, an individual makes a complaint and later wishes to revoke or discontinue the investigation or adjudication process. Similarly, it may occur that someone other than the victim reports an incident, and the victim declines to participate in the investigation or adjudication process. In other instances, complaints may be received anonymously and/or the victim may not wish to be personally identified. The Commonwealth Technical Institute endeavors to respect the wishes of a victim to either not be identified and/or not participate in the process. In these situations, the Commonwealth Technical Institute attempts to investigate and address complaints in accordance with the victim's wishes.

If a victim wishes to talk about an incident with the assurance that the discussion will be confidential and will not result in an investigation or follow up action, the Commonwealth Technical Institute offers confidential resources through the Director. Contact with the Director that does not result in a complaint being filed with the institution or result in action being taken by the Commonwealth Technical Institute. Anyone wishing to have an incident investigated, mediated or adjudicated must make a complaint either orally or in writing in accordance with the procedures described above.

In determining whether sex discrimination, sexual harassment or sexual misconduct occurred, the Commonwealth Technical Institute at the Hiram G. Andrews Center does not apply the criminal standard of "beyond a reasonable doubt," nor do formal court rules of evidence apply. Instead, the Commonwealth Technical Institute uses a "preponderance of the evidence" standard, and the Commonwealth Technical Institute may consider any evidence it deems relevant. A "preponderance of the evidence" means the evidence which is of greater weight or is more convincing than opposing evidence such that it is "more likely than not" that an act occurred.

If the applicable investigative or adjudication process allows for parties to offer witnesses and evidence, the complainant and the accused will have an equal opportunity to do so. The complainant and the accused will be informed in writing of the outcome of the complaint, to the extent permitted by law. An accused that is a student may appeal the outcome to an impartial decision maker. An employee who is deemed guilty shall have whatever rights granted under law. The particular method and grounds for appeal are explained in the student policies listed above.

The Commonwealth Technical Institute will, upon written request, disclose to the alleged victim of a crime of violence (see definition below), or a non-forcible sex offense, the results of any disciplinary hearing conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the Commonwealth Technical Institute at the Hiram G. Andrews Center will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

§ 16. Crime of violence defined. The term "crime of violence" means— (a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

The Commonwealth Technical Institute at the Hiram G. Andrews Center endeavors to resolve complaints promptly. Ordinarily, the investigative stage will take no longer than 60 calendar days from the time the complaint is received. In exceptional circumstances (including but not limited to especially complex cases or when the Institution is not in session), it may be necessary to extend these timelines. If that occurs, the parties will be informed of the expected timeline for completion.

The Commonwealth Technical Institute prohibits retaliation against any individual who in good faith makes a complaint of sex discrimination, sexual harassment, or sexual misconduct or participates as a witness in a proceeding under this or any other Commonwealth Technical Institute at the Hiram G. Andrews Center policy. Retaliation is also unlawful pursuant to Title IX and other laws.

Compliance with the provisions of the changes that VAWA made to the Clery Act does not constitute a violation of the *Family Educational Rights and Privacy Act (FERPA)*

A STATEMENT OF CURRENT POLICIES CONCERNING THE SEXUAL ASSAULT PREVENTION PROGRAM AND THE PROCEDURES THAT ARE FOLLOWED

The new Campus Sexual Violence Elimination Act of 2013 (SaVE Act) requires schools to educate students, staff, and faculty on the prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. As part of the Commonwealth Technical Institute at the Hiram G. Andrews Center's compliance with the SaVE Act requirements for prevention and awareness programs that address the specified areas above, the institution has several relevant brochures available on display in the Counseling Office and the evening Therapeutic Programming. These brochures are from nationally recognized organizations and include awareness and preventive information. These brochures also include help hotlines related to these specific topics.

Male Victims

While most victims of sexual assault are women, some men are also victims and will be treated the same as a female victim and have the same rights, resources and access to help.

Institutional Notice of Petitioner's Rights Under the Violence Against Women Act

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Commonwealth Technical Institute at the Hiram G. Andrews Center not only complies with the letter of Title IX's requirements but also endorses the law's intent and spirit. The Institution is committed to compliance in all areas addressed by Title IX including access to higher education, career education, math and science, standardized testing, education for pregnant and parenting students, learning environment, and technology, as well as sexual harassment.

Sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and include dating violence, domestic violence, sexual assault and stalking. As such should you report a form of sex-based discrimination, The Commonwealth Technical Institute wants to inform you of our policy and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus as well as your rights, and the institution's responsibilities.

As a petitioner of sexual assault, dating violence, domestic violence or stalking, you will receive a full copy of our institution's Title IX Policy. This policy has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking. These procedures include our right to inform you of your rights to file criminal charges as well as the availability of medical, counseling, and support services. We also offer additional remedies to prevent contact between a complainant and an accused party. The policy also addresses possible sanctions and interim and/or long-term protective measures that the Commonwealth Technical Institute may impose.

Definitions

Consent is defined in Pennsylvania as "intelligent, knowing, and voluntary consent and does not include coerced submission. Consent shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender." In Pennsylvania the age of consent is 16 years old. Individuals aged 15 or younger in Pennsylvania are not legally able to consent to sexual activity, and such activity may result in prosecution for statutory rape. Pennsylvania's statutory rape law is violated de-facto age of consent law in Pennsylvania is actually 18 (due to Pennsylvania's corruption of minors' statute). The law allows teens aged 17 and 16 to consent to each other, but not to anyone 18 or older. Teens between 13 and 15 may or may not be able to consent to a partner less than four years older than themselves. While they may not fall under PA's statutory rape laws, they could be prosecuted under other offenses such as; statutory Sexual Assault, Indecent Assault, Aggravated Indecent Assault, Involuntary Deviate Sexual Intercourse, Sexual Abuse of Children, or Sexual Exploitation of Children.

Sexual Assault is defined as an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Sexual violence includes any one incident of:

1. Sexual battery, as defined in a lewd or lascivious act, as defined in upon in the presence of a person younger than 16 years of age.
2. Luring or enticing a child, as described in PA crimes code **§ 2910**
3. Sexual performance by a child, as described in PA crimes code **§ 3125**
4. Any other forcible felony wherein a sexual act is committed or attempted regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, 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.

Domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member of another family or household member. A family or household member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Dating Violence means violence committed by a person—

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
 - a. The length of the relationship
 - b. The type of relationship
 - c. The frequency of interaction between the persons involved in the relationship

Dating violence means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

1. A dating relationship must have existed with in the past 6 months.
2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties.
3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time, and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who have engaged in ordinary fraternization in a business or social context.

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

“Credible threat” means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person

who is the target of the threat in reasonable fear for his or her safety, or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.

“Cyber stalk” means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose. A person who willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in **§ 2709 (f)**. A person who willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in **§ 2709 (a) (1)**.

Bystander Intervention: A bystander is someone other than the victim who is present when an act of dating violence, domestic violence, stalking, or sexual assault is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual assault, dating violence, domestic violence, or stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse.

Reporting sexual assault, dating violence, domestic violence, or stalking

After an incident of sexual assault or domestic violence, the victim should consider seeking medical attention as soon as possible at a local hospital that will supply a physical evidence recovery collection kit. In Pennsylvania, evidence may be collected even if you chose not to make a report to law enforcement. A victim’s name and identifying information will be withheld from the public and press in accordance with the Public Records Law. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence as may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to the Institution’s hearing boards/investigators or police. Although the institution strongly encourages all members of its community to report violations to law enforcement, it is the victim’s choice whether or not to make such a report, and victims have the right to decline involvement with the police.

To report an incident involving a sexual assault, domestic violence, stalking or dating violence, contact Amanda Prince, 727 Goucher St., Johnstown, PA 15905, (814)254-0617. The purpose and authority of the institution staff is limited to the enforcement of campus rules and regulations. Incidents that go beyond this scope are referred and investigated by the Upper Yoder Police Department.

A victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

1. A law enforcement officer who investigates an alleged sexual battery shall:
 - (a) Assist the victim in obtaining medical treatment, if medical treatment is necessary as a result of the alleged incident, a forensic examination, and advocacy and crisis-intervention services from a certified rape crisis center and provide or arrange for transportation to the appropriate facility.

- (b) Advise the victim that he or she may contact a certified rape crisis center from which the victim may receive services.
 - (c) Prior to submitting a final report, permit the victim to review the final report and provide a statement as to the accuracy of the final report.
2. The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available to a victim on a standard form developed and distributed in conjunction with the Upper Yoder Police Department. The notice will include the resource listing, including telephone number, for the area certified rape crisis center as designated by the State.

A person who is the victim of sexual violence or the parent or legal guardian of a minor child who is living at home who is the victim of sexual violence has standing in the circuit court to file a sworn petition for an injunction for protection against sexual violence on his or her own behalf, or on behalf of the minor child if:

1. The person has reported the sexual violence to a law enforcement agency and is cooperating in any criminal proceeding against the respondent, regardless of whether criminal charges based on the sexual violence have been filed, reduced, or dismissed by the state attorney; or
2. The respondent who committed the sexual violence against the victim or minor child was sentenced to a term of imprisonment in state prison for the sexual violence and the respondent's term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.

Further, the Commonwealth Technical Institute complies with State law in recognizing orders of protection for dating violence, domestic violence, repeat violence, and sexual violence. Any person who obtains an order of protection from the State or any reciprocal state should provide a copy to the Director and Counselor. A petitioner should then meet with Director and Counselor to develop a Safety Action Plan, which is a plan to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, or other measures to assist the petitioner.

Below are details on how to file a restraining order: (NOTE: details on filing a restraining order in the state of Pennsylvania are below, as well as, more information on what constitutes abuse)

Types of protection

Protection orders can tell the abuser to:

- Stop abuse, threats, harassment or stalking
- Leave your house and not enter your home, school, business or place of employment
- No longer contact you – no texting, calling, emailing or social media
- Relinquish weapons and/or gun permit
- Attend batterers counseling program
- Reimburse you for reasonable out-of-pocket expenses that were incurred as a result of the abuse
- Grant you temporary child custody/spousal support
- Allow the judge to grant any other relief deemed appropriate to stop the abuse

There are three kinds of protection orders:

1. A Protection From Abuse order, or PFA, protects someone who is being physically hurt, followed, threatened or sexually hurt by an intimate partner, dating partner or family member.
2. A Protection From Sexual Violence order, or SVP, is for someone who is a victim of sexual violence by someone they didn't have an intimate relationship with, like a friend, stranger, or co-worker, and is still at risk of being hurt by that person.
3. A Protection From Intimidation order, or PFI, is a little different because a PFI protects a minor from someone who is 18 or older who is harassing or stalking them who they do not have an intimate relationship with.

What is considered abuse under the law?

The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

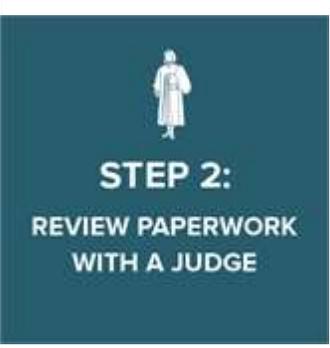
- Causing or attempting to cause bodily injury
- Placing someone in fear of imminent serious bodily injury
- Rape or sexual assault
- Stalking
- Physically or sexually abusing a child
- Repeatedly committing acts which place an individual in fear of bodily injury
- Interfering with an individual's freedom of movement

What if an abuser violates the protection order?

- **Call the police immediately.** The police can arrest the abuser and a contempt hearing will be held.
- If found in contempt of the PFA Order, the abuser can be **fined up to \$1,000.00** and/or **incarcerated for up to six months.**

How to file for a protection order in Pennsylvania.

Protection orders can be filed in four easy steps:

 <p>STEP 1: FILL OUT PAPERWORK AT YOUR LOCAL COURTHOUSE</p>	<p>The paperwork will ask for information about:</p> <ul style="list-style-type: none">• both you and the defendant• anyone else, including any children, who you want protected• why you're filing for a protection order <p><i>There is no cost to file for a protection order.</i></p>
 <p>STEP 2: REVIEW PAPERWORK WITH A JUDGE</p>	<p>This is done in an informal hearing called the <i>temporary hearing</i>.</p>
 <p>STEP 3: JUDGE GRANTS OR DENIES TEMPORARY ORDER</p>	<p>Temporary orders are valid until the final hearing.</p> <ul style="list-style-type: none">• After the order is granted, the defendant will be served the paperwork by the Sheriff or other law enforcement, including the petition, temporary order and date of the final hearing• The defendant will not be allowed to have contact with you• If the judge denies the temporary order, you will still have a final hearing where testimony and evidence is presented

 STEP 4: ATTEND FINAL HEARING TO OBTAIN FINAL ORDER	<ul style="list-style-type: none"> The final hearing is scheduled <i>within 10 business days</i> of the temporary order hearing You may bring witnesses, domestic violence advocates and/or lawyers with you Final protection orders last for up to three years
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Need help now? Dial 911 for law enforcement (after hours, weekends, holidays)
 Emergency Protection Orders

- Available if you need immediate protection and the courts are closed
- Call 911 for emergency protection orders/contact information for the on-call judge
- Only valid until the next business day at 5 p.m.

How does the protection order hearing process work?

	EMERGENCY	TEMPORARY	FINAL
LOCATION	Magisterial District Judge	Court of Common Pleas	Court of Common Pleas
PARTIES	only victim present	only victim present	defendant must have been served
LENGTH OF ORDER	end of next business day	up to 10 business days	up to 3 years
RELIEF AVAILABLE	<ul style="list-style-type: none"> no abuse no contact exclusion from victim's home 	<ul style="list-style-type: none"> no abuse no contact exclusion from victim's home no stalking weapons prohibitions custody 	<ul style="list-style-type: none"> no abuse no contact exclusion from victim's home no stalking weapons prohibitions custody child/spousal support damages other relief

The Hearing is considered a trial and is applicable to Pennsylvania rules. Non-authenticated statements and hearsay are not allowable at the hearing.

To the extent of the victim's cooperation and consent, all Institutional offices will work cooperatively to ensure that the petitioner's health; physical safety, work and academic status are protected, pending the outcome of a formal Institution investigation of the complaint. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. The Institution does not publish the name of crime victims nor publish any identifiable information regarding victims in the crime logs.

Disciplinary Procedures Following a Complaint

The investigative process involves interviewing the parties involved and any witnesses while gathering documentary or other evidence. In cases involving alleged criminal conduct, the complainant may file a criminal complaint with the local police department. A complainant need not pursue a criminal complaint in order to seek, or to hold the accused responsible through the Commonwealth Technical Institute's Student Code of Conduct. As soon as possible, the complainant will be offered appropriate assistance.

Based on the outcome of the investigation, the assigned Title IX Officer or their designee will determine if there is sufficient cause to proceed with the complaint. If so, the Title IX Officer or the designee will arrange for an informal resolution conference with the accused. Complainants do not attend informal resolution meetings but are apprised of the meeting's outcome. If the accused does not accept responsibility for the allegations and/or the proposed sanction, the Title IX Officer or their designee will determine if the evidence warrants a formal hearing before the designated investigators. The exact nature of the responsive action depends on the circumstances but, may include discipline up to and including suspension or dismissal from the Center for a student, staff or faculty who is found to have violated Institutional policies.

The Commonwealth Technical Institute will take appropriate action i.e., an investigation, adjudication and disciplinary and remedial/corrective steps in response to a complaint made pursuant to the complaint policies/procedures listed above. The Commonwealth Technical Institute will make every effort to handle complaints and investigations with sensitivity to both the rights of the person who complains, and the rights of the accused.

The Commonwealth Technical Institute at the Hiram G. Andrews Center handles complaints discreetly and attempts to maintain privacy throughout the investigative process, to the extent practicable and appropriate under the circumstances. However, in order to conduct an investigation, it is generally necessary to discuss the allegations with the accused and other potential witnesses. Additionally, the Commonwealth Technical Institute at the Hiram G. Andrews Center may have legal obligations to disclose information to law enforcement or in the context of legal proceedings.

Complaints may be made anonymously. While the Commonwealth Technical Institute endeavors to investigate all complaints, including anonymous complaints, the nature of anonymous complaints makes investigation, determination, and remediation more difficult and, at times, impossible. Further, while the Commonwealth Technical Institute attempts to protect the identity of complainants who do not wish to be identified, this may not always be possible.

In appropriate cases as determined by the Commonwealth Technical Institute at the Hiram G. Andrews Center, conflict resolution may be possible. This is permitted only where both the complainant and accused voluntarily agree to participate, and either party may terminate informal resolution attempts and commence formal Grievance procedures at any time prior to reaching a mutually acceptable resolution. Depending on the circumstances, a mediated resolution may not necessarily involve face-to-face discussions between the complainant and the accused. Certain cases are not appropriate for conflict resolution, such as complaints of particularly egregious sexual harassment or cases involving sexual assault or violence.

Occasionally, an individual makes a complaint and later wishes to revoke or discontinue the investigation or adjudication process. Similarly, it may occur that someone other than the victim reports an incident, and the victim declines to participate in the investigation or adjudication process. In other instances, complaints may be received anonymously and/or the victim may not

wish to be personally identified. The Commonwealth Technical Institute endeavors to respect the wishes of a victim to either not be identified and/or not participate in the process. In these situations, the Commonwealth Technical Institute attempts to investigate and address complaints in accordance with the victim's wishes.

If a victim wishes to talk about an incident with the assurance that the discussion will be confidential and will not result in an investigation or follow up action, the Commonwealth Technical Institute will also proceed in this regard.

In determining whether sex discrimination, sexual harassment or sexual misconduct occurred, the Commonwealth Technical Institute does not apply the criminal standard of "beyond a reasonable doubt," nor do formal court rules of evidence apply. Instead, the Commonwealth Technical Institute uses a "preponderance of the evidence" standard, and the Institution may consider any evidence it deems relevant. A "preponderance of the evidence" means the evidence which is of greater weight, or is more convincing than opposing evidence such that it is "more likely than not" that an act occurred.

If the applicable investigative or adjudication process allows for parties to offer witnesses and evidence, the complainant and the accused will have an equal opportunity to do so. The complainant and the accused will be informed in writing of the outcome of the complaint, to the extent permitted by law. An accused that is a student may appeal the outcome to an impartial decision maker. An employee who is deemed guilty shall have whatever rights the law grants. The particular method and grounds for appeal are explained in the student policies listed above.

The Commonwealth Technical Institute at the Hiram G. Andrews Center endeavors to resolve complaints promptly. Ordinarily, the investigative stage will take no longer than 60 calendar days from the time the complaint is received. In exceptional circumstances (including but not limited to especially complex cases, or when the Commonwealth Technical Institute is not in session), it may be necessary to extend these timelines. If that occurs, the parties will be informed of the expected timeline for completion.

The Commonwealth Technical Institute at the Hiram G. Andrews Center prohibits retaliation against any individual who in good faith makes a complaint of sex discrimination, sexual harassment, or sexual misconduct or participates as a witness in a proceeding under this or any other Institution policy. Retaliation is also unlawful pursuant to Title IX and other laws.

The Commonwealth Technical Institute at the Hiram G. Andrews Center engages in educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

1. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
2. Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
3. Defines what behavior and actions constitute consent to sexual activity in the State of Pennsylvania.
4. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
5. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.

6. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

This educational campaign will consist of but not be limited to the distribution of educational materials to new students, participating in and presenting information and materials during student/employee orientation and through newsletters among other means of distribution through the year. The Director also has a directory of services that are available to victims within the community to assist those who have suffered from a criminal act.

Risk Reduction/Warning Signs of Abusive Behavior

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warnings signs of abusive behavior and how to avoid potential attacks.

Warning Signs of Abusive Behavior

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

1. Being afraid of your partner.
2. Constantly watching what you say to avoid a “blow up.”
3. Feelings of low self-worth and helplessness about your relationship.
4. Feeling isolated from family or friends because of your relationship.
5. Hiding bruises or other injuries from family or friends.
6. Being prevented from working, studying, going home, and/or using technology (including your cell phone.)
7. Being monitored by your partner at home, work, or school.
8. Being forced to do things you don’t want to do.

Help Reduce Your Risk and Avoid Potential Attacks

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

1. Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
2. Consider making a report with the Campus Director and ask for a “no contact” directive from the Commonwealth Technical Institute to prevent future contact.
3. Consider getting a protective order or stay away order.
4. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
5. Trust your instincts—if something doesn’t feel right in a relationship, speak up or end it.

Sexual Assault Prevention (From Rape, Abuse and Incest National Network - RAINN)

- Try not to leave your drink unattended.
- Only drink from un-opened containers, or from drinks you have watched being made and poured.
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top or choose drinks that are contained in a bottle and keep your thumb over the nozzle.
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.
- If you suspect you have been drugged, go to a hospital and ask to be tested.

- Keep track of how many drinks you have had.
- Try to come and leave with a group of people you trust.
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours.

Traveling around campus

- Make sure your cell phone is easily accessible and fully charged.
- Take major, public paths rather than less populated shortcuts.
- Avoid dimly lit places and talk to campus services if lights need to be installed in an area.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- Carry a noisemaker on your keychain.
- Carry a small flashlight on your keychain.

The Commonwealth Technical Institute has a sexual assault prevention program that includes, but is not limited to the following:

- If an assault occurs, notify the Director immediately
- Do not disturb the crime scene
- Notify local law enforcement officials
- Secure counseling for the victim
- Change the academic schedule and/or living situation (on campus housing) if victim requests
- Disciplinary actions include dismissal from the CTI

The nature of sexual assault, particularly when perpetrated by an acquaintance, makes it difficult for many survivors to report their experience. For this reason, the local Shelters and Women's Help Centers are primary places where individuals may seek assistance in complete confidentiality.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES – STATEMENT OF POLICY

CTI has in place at each campus facility a campus response protocol. In an emergency or a dangerous situation, upon confirmation with the Center Director, or designee, of the need for mass notification, the Center Director or designee, will without delay, taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of the responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Emergency or dangerous situations may include, but are not limited to, gas leaks, tomadoes, contagious viruses, etc.

EMERGENCY NOTIFICATIONS

In the event of an emergency or a dangerous situation that poses an immediate threat to the campus community, CTI may utilize some or all of its mass notification capabilities to notify its campus community. These capabilities may include e-mail, voice mail and text messages to alert the campus community. In addition, members of the administration will post relevant updates and advisories on the appropriate school Website (<https://www.dli.pa.gov/Individuals/Disability-Services/hgac/Pages/default.aspx>) and bulletin boards, as well as on the emergency tip line (814)410-9522. The Director, or designee, will simultaneously use the local means at her disposal to notify the campus students, staff and faculty of the situation, as well as disseminate pertinent information to relevant public entities.

This emergency notification requirement does not replace the timely warning requirement described earlier. They differ in that the timely warning applies only to Clery Act reportable crimes

while the emergency notification requirement addresses a much wider range of threats (i.e., gas leaks, tornadoes, contagious viruses, etc.). However, an institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances or incident, but must provide adequate follow-up information to the community as needed.

Members of the community at large who are interested in receiving updates during an emergency can call the Commonwealth Technical Institute (814) 255-8200 or visit the website at <https://www.dli.pa.gov/Individuals/Disability-Services/hgac/Pages/default.aspx>.

Training, exercises and tests will be conducted annually by management on the campus level and by the individuals relevant to mass notification. Management will document each test conducted by all relevant entities.

Student Must Know – Emergency Information

The campus takes various precautionary measures to protect the students, staff, faculty, and campus visitors. Nevertheless, unavoidable emergencies may occur in extreme situations. Therefore, each campus has a Campus Security Chief/SO3 that implements and oversees the campus response to a crisis situation. The Security Chief/SO3 receives training in dealing with crisis situations and will primarily direct the immediate response to a crisis situation until the arrival of law enforcement and emergency response personnel.

In order to make this program effective, students are to familiarize themselves with the following emergency procedures.

Nothing herein precludes any student, staff or faculty from contacting the appropriate authorities directly in the event they feel in threat of physical harm or imminent danger.

Hiram G. Andrews Center Title IX Coordinator (Staff) – Amanda Prince	(814) 254-0617
Hiram G. Andrews Center Security	(814) 255-8200
Upper Yoder Township Police	911 or 9-911 on HGAC Phones
Hiram G. Andrews Center Counseling Department	(814) 254-0582
Hiram G. Andrews Therapists	(814) 254-0606
Victims Services of Johnstown	(814) 535-2551
Johnstown Women’s Help Center	1-800-999-7406

Department of Homeland Security:
“Active shooter awareness- options for consideration”

<http://www.dhs.gov/video/options-consideration-active-shooter-training-video>

Student Emergency Responses

There is potential for students to be involved in a variety of emergency situations for which appropriate actions must be taken. These possible situations include incidences that may require emergency evacuation, emergency lockdown, external lockdown, or to shelter in place.

Emergency Evacuation

Evacuation is the movement of campus occupants from a dangerous or potentially dangerous location to a safe location. There are two types of evacuation: fire evacuation and non-fire evacuation.

Fire evacuation:

- Evacuation is mandatory when a fire alarm is activated.
- Follow authorized personnel's (e.g., faculty, staff, or fire department personnel, etc.) instructions if given.
- Do not use the elevators.
- Assist people with disabilities, if possible.
- Ensure all doors and windows are closed as a room and building are evacuated. (Do not lock doors.)
- Do not attempt to reenter the facility unless and until directed to do so by authorized personnel.
- Evacuate to a safe distance and location from the building affected, away from fire hydrants, fire lanes, and not under power lines.

Non-fire evacuation

- A non-fire evacuation will be initiated by Campus Security Chief.
- Follow the Campus Security Chief's instructions if given.
- Do not use the elevators.
- Assist people with disabilities if possible.
- Do not attempt to reenter the facility unless directed to do so

Emergency Lockdown

Emergency Lockdown is used to dramatically and rapidly enhance the level of security of the campus. By locking all exterior, interior and classroom doors, staff can make it more difficult for dangerous person(s) in the vicinity of the campus and in the campus to gain access to staff and students;

- Lock or barricade doors of classroom and internal student areas of congregation.
- Close blinds and turn off lights.
- Remain quiet and out of sight.
- If gunshots are heard, lie on the floor and try to use available resources for additional cover and concealment.
- If you are outside when a lockdown is declared, seek shelter away from danger.
- If a fire alarm is activated during a lockdown, proceed with extreme caution.
- Do not open the door for people claiming to be public safety personnel unless you have an opportunity to view photo identification or are instructed to do so by a staff member whom you recognize.

External Lockdown

External lockdown creates a physical layer of security between the internal and external dimensions of the campus. In addition to locked entrances, this may also include a supervised entry and exit to campus facilities, and/or barricade to campus property (e.g., barricades or chains restricting access to campus parking and grounds). This lockdown allows staff and students to continue activities while maintaining access control to the campus and remain in an elevated state of security.

- Remain in classroom.
- Follow faculty and staff instructions
- Remain attentive to any change in status.

Shelter in place

Sheltering in place procedures are traditionally utilized when:

1. A tornado has been spotted.
2. There has been a chemical or biological incident outside of, but in proximity to a campus and

available information indicates that there is no adequate time to evacuate building occupants to another safe location before the dangerous contaminants reach the facility.

- Follow staff and faculty instructions.
- Assist people with disabilities if possible
- If you are outside when a shelter in place is declared, immediately seek an interior room or hallway with no windows.
- Close windows and doors – do not lock doors.
- Remain in shelter until an all clear is given.

Staff and Faculty Must Know – Emergency Information

The campus takes various precautionary measures to protect the students, staff, faculty, and campus visitors. Nevertheless, unavoidable emergencies may occur in extreme situations. Therefore, each campus has a Campus Security Chief/SO3 that implements and oversees the campus response to a crisis situation. The Chief/SO3 receives training in dealing with crisis situations and will primarily direct the immediate response to a crisis situation until the arrival of law enforcement and emergency response personnel.

In order to make this program effective, all staff and faculty are expected to familiarize themselves with the following emergency procedures.

Nothing herein precludes any student, staff or faculty from contacting the appropriate authorities directly in the event they feel in threat of physical harm or imminent danger.

Staff and Faculty Emergency Responses

***** In case of emergency: dial 911 *****

There are a number of different potential situations that may occur that have capability to impact students or staff and faculty. The following possible scenarios are described below with steps to be taken.

- Emergency evacuation for a fire incident
- Emergency evacuation for bomb threat or other non-fire situation
- Emergency lockdown
- External lockdown
- Shelter in place

Emergency Evacuation for a Fire Incident

Definition

A fire emergency evacuation is initiated when a fire incident occurs. Depending upon the campus size, it may require an evacuation of a single particular building affected by the fire incident, rather than the entire campus.

The objective: all building occupants are safely evacuated to a safe distance and location from the building affected, away from fire hydrants, fire lanes, and not under power lines.

Staff Response

Staff/faculty responsible for the affected areas should conduct a sweep of the building(s) to ensure all students are aware of and appropriately responding to the fire alarm and safely evacuated.

Fire evacuation procedures:

- Evacuation is mandatory when a fire alarm is activated.
- Designated staff or faculty check the affected building(s) to ensure all personnel are appropriately evacuating.

- Do not use the elevators.
- Assist people with disabilities if possible.
- Ensure all doors and windows are closed as a room and building are evacuated.
- Do not attempt to reenter the facility unless and until directed to do so by authorized personnel.
- Evacuated persons are directed to a safe distance and location from the building affected, away from fire hydrants, fire lanes, and not under power lines.

Emergency Evacuation for Bomb Threat or Other Non-Fire Situation

Definition

Non-fire emergency evacuation is used for any emergency evacuation not related to a fire incident. It is important to remember that evacuation distances significantly expand, up to hundreds of yards, for suspicious object evacuations. Nevertheless, not all bomb threats will necessarily result in evacuation, depending upon the individual event circumstances.

The objective: move all campus occupants to a remote, predefined and controlled location.

Staff

Response

Team members who are designated to sweep evacuation routes and sites should locate a staff member to take responsibility for students under their supervision and should then sweep the evacuation route and evacuation site for secondary hazards. They should immediately report their findings to the lead administrator.

Note: The lead administrator will typically direct that this step be completed before making the general announcement for evacuation of the building.

Other staff:

1. Gather all students and visitors in your area of responsibility and evacuate using the route and site designated by the lead administrator or designee.
2. Ensure that all special needs persons are provided assistance by their designees as per the site evacuation plan.
3. Remain alert to your surroundings. Be particularly alert to any people or conditions that might pose a danger to evacuees. If you encounter a significant hazard, quickly evaluate the situation; adjust your evacuation route and attempt to notify the lead administrator or the appropriate public safety officials.
4. Once you reach the designated evacuation site, search the site for suspicious objects and adjust accordingly.
5. On evacuation site - develop a written list of all evacuees and provide the list to the lead administrator or his/her designee. Also indicate the presence or lack of any suspicious objects in your room/work area.
6. Supervise students under your care.
7. Do not attempt to reenter the facility unless the lead administrator or his/her designee directs you to do so.

Emergency Lockdown

Definition

Emergency Lockdown is used to dramatically and rapidly enhance the level of security in the facility. By locking all exterior, interior and class doors, staff can make it more difficult for dangerous person(s) in the vicinity or in the facility to gain access to staff and students.

Note – locking doors should not eliminate immediate egress possibilities from the facility.

The objective: create as many physical layers of separation between you and the potential aggression.

Staff Response:

1. Make sure entrance points to the building near your location are locked immediately.

2. If you are located in an area with a door that can be locked, gather all students in the vicinity into the room and lock the door.
3. Improvise additional door blocking if possible.
4. Close blinds and cover additional windows, e.g., with a shirt, up-turned table, paper, etc.
5. Turn off lights in the room.
6. If possible, report your status to the lead administrator or designee by telephone or intercom.
7. Do not open the door for people claiming to be public safety personnel unless you have an opportunity to view photo identification or are instructed to do so by a staff member whom you recognize.

Department of Homeland Security:

- **“Active shooter awareness - options for consideration”**
<http://www.dhs.gov/video/options-consideration-active-shooter-training-video>

External Lockdown

Definition

External lockdown creates a physical layer of security between the internal and external dimensions of the campus. By locking all exterior doors and supervising these doors, staff can make it more difficult for a possible external intruder or a potentially dangerous person in the vicinity of the facility to gain access to staff and students. In addition to locked entrances and supervised entry and exit to campus facilities, this step may include barricades to campus property (e.g., barricades or chains restricting access to campus parking lots and grounds). This lockdown allows staff and students to continue with productive activities while maintaining access control to the facility.

Objective: Create a physical layer of security between the external environment and internal campus operation while elevating the overall level of security.

Staff Response:

1. Make sure the designated entrance points to the building near your location are locked immediately.
2. If you are in an external classroom to the main building move students to alternative internal classrooms.
3. If possible, report your status to the lead administrator or designee by telephone or intercom.
4. Continue with normal activities as much as the situation allows.
5. If students or staff have a need to move about in the building, obtain permission first from the lead administrator or designee.
6. Be prepared to rapidly implement an emergency evacuation or emergency lockdown – if directed to do so or if circumstances indicate you should do so.

Shelter in Place

Definition

Sheltering in place procedures are traditionally utilized when:

1. A tornado has been spotted.
2. There has been a chemical or biological incident outside of, but in proximity to, a facility and available information indicates that there is no adequate time to evacuate building occupants to another safe location before the dangerous contaminants reach the facility.

Objective: seek immediate shelter away from doors and windows and remain there during an emergency

Staff Response:

1. All staff that is outdoors should quickly gather all students and adults in the area and instruct them to go inside the facility immediately. Once inside, if possible instruct everyone to move to an interior area without windows and doors.
2. Close all windows and doors.

3. In chemical spills / biological incident - if available, use tape to cover all windows and doors with sheets of plastic to help reduce airflow into the area. Wet towels can be used to reduce airflow under doors. Close all outside air vents. Turn off all heating or ventilation systems. Use damp towels or cloths to cover any openings in walls or doors. Tape can also be used to cover any cracks, crevices, electrical outlets, cable television connections or other openings that might allow air to flow into the shelter area.
4. Listen to local radio or television news for instructions from emergency management and public safety officials.
5. Review emergency evacuation protocols

Missing Student Notification Procedures (Mandatory for all institutions with on campus student housing facilities)

If a student who lives in on-campus student housing is determined to have been missing for 24 hours, you have only 24 hours after receiving the report in which to initiate specific notification procedures. Students, employees or other individuals should immediately report that a student has been missing for 24 hours to the CSA on your campus or in the absence of institutional police or a campus security department, to the local law enforcement agency. The local law enforcement agency will be notified regardless. The institution's policy should have a contact person that the student designated and that the institution advised would remain confidential. The school can notify that contact within 24 hours of the determination that the student is missing. If student is under age 18 and not emancipated the institution is required to notify a custodial parent or guardian within 24 hours of the determination that the student is missing in addition to notify the contact person that was designated by the student.

Fire Safety Log (Mandatory for all institutions with on-campus student housing facilities)

The institution maintains a fire log that records the date the fire was reported, the nature of the fire, the date and time of the fire, and the general location of the fire.

Fire Safety Statistics (Mandatory for all institutions with on-campus student housing facilities)

The institution collects statistics for reported fires in on-campus student housing facilities. The statistics are disclosed in the annual fire safety report and the annual web-based data collection. The statistics include the number of fires and the cause of each fire, the number of persons with fire related injuries for each fire, the number of fire related deaths for each fire and the value of property damage caused by each fire.

Annual Fire Safety Report (Mandatory for all institutions with on-campus student housing facilities)

This report will be distributed to all enrolled students and employees by October 1 each year. A report is available for all prospective students and employees.

The following must be addressed for all on campus student housing facilities:

1. A description of each fire safety system
2. Number of fire drills held during previous calendar year
3. Policy on the rules for portable electrical appliances, smoking and open flames.
4. Procedures for evacuation in case of a fire.
5. Policies in regard to fire safety education and training provided to students and employees including procedures to be followed in case of a fire.
6. A list of the titles of each person or organization that students or employees should report a fire so that it can be included in the annual fire safety report.
7. Any plans for improvement for fire safety if the institution feels necessary.

Annual Fire Safety Report For years 2017, 2018, and 2019

Hiram G. Andrews Staff perform a minimum of two (2) full building evacuation drills annually, and random drills, in different sections of the building, on all shifts, throughout the year.

All Center Staff and student receive building evacuation and fire safety training yearly.

Sprinkler fire suppression systems have been installed in Section #10 and the DHS Wing of the Hiram G. Andrews Center. All areas of the Center have smoke detector systems, heat detectors, activation pull stations, dust detectors, and approximately 326 fire extinguishers are placed in the hallways throughout the Center. The Simplex Fire Alarm System is monitored and maintained 24/7 365 days a year by the Simplex Grinnell Company, Center Boiler Operators, Center Security Officers, and Maintenance Staff (8:00AM to 4:00PM, Monday thru Friday). Exits are clearly marked and evacuation routes are posted on fire safety information boards in every section of the Center.

Hindering, tampering with, removing, or discharging any fire protection equipment, including the smoke detectors, without proper cause will result in disciplinary action. Setting off a false alarm or igniting a fire within the Center will result in disciplinary action and possible criminal prosecution. In addition, failing to leave the facility when a fire alarm is activated will result in disciplinary action.

For safety reasons, the burning of candles and incense is not permitted with in the Center. Smoking of tobacco (or other similar products) is not permitted anywhere within the Center. Students are not permitted to have any appliances (i.e. refrigerator), unless the item is prescribed by a physician.

Who to Contact in Case of a Fire

In order to ensure that the proper authorities are notified of a fire, when the opportunity arises once you are safe from imminent danger, call any of the following:

Cambria County 911	911 or 9-911 from HGAC phone
HGAC Security	(814) 255-8200

Fire Safety Precautions and Fire Systems Equipment

- ✦ Keep doorways, corridors and egress paths clear and unobstructed. Make sure that all electrical appliances and cords are in good condition and UL approved. Do not overload electrical outlets.
Use surge protected multi-outlet power strips and extension cords when necessary.
- ✦ Never store flammable materials in your room.
- ✦ Do not tamper with any fire system equipment such as smoke detectors, pull stations or fire extinguishers. Doing so is a criminal offense.
- ✦ Raising a false alarm is a criminal offense. It endangers the lives of the occupants and emergency personnel.

What to Do in Case of a Fire

1. Immediately pull the nearest fire alarm pull station as you exit the building.
2. When evacuating the building, be sure to feel doors for heat before opening them to be sure there is no fire danger on the other side.
3. If there is smoke in the air, stay low to the ground, especially your head, to reduce inhalation exposure. Keep on hand on the wall to prevent disorientation and crawl to the nearest exit.
4. Once away and clear from danger, call your report contact and inform them of the fire.
5. Go to your assembly area and await further instructions from emergency personnel.

Fire Safety Do's

- DO treat every fire alarm as an emergency. If the alarm sounds, exit the building immediately.
- DO become aware of your neighbors and note if they have not evacuated and tell authorities they are missing and may need assistance.

Fire Safety Don'ts

- DON'T assume that a fire alarm is a test or burned microwave popcorn. Any alarm could be the result of a dangerous fire.
- DON'T waste time collecting personal items. Take your keys and yourself to safety as soon as possible.

Life Safety Equipment

The misuse or abuse of any **life safety equipment** at the Hiram G. Andrews Center is a **serious violation** of the Student Code of Conduct.

Occupants of the Hiram G. Andrews Center are encouraged to use these extinguishers when warranted for fire safety. If you are uncertain how to properly use the extinguisher contact the HGAC Fire Marshall. If you suspect there is a problem with your extinguisher, contact the HGAC Fire Marshall or the HGAC Security Department immediately. If you have cause to discharge your extinguisher for fire control you must immediately advise the HGAC Fire Marshall or the HGAC Security Department to report the fire and use of the extinguisher.

False fire alarms and willful damaging of any life safety equipment is not only an inconvenience to fellow students but constitutes a real danger. Fire extinguishers, pull stations, alarm bells, smoke and heat detectors and alarm panels are in place for your safety. Use of these systems for other than fire emergencies; or abuse of these systems; or the intentional causing of a false fire alarm may result in a fine and possible dismissal from the Hiram G. Andrews Center.

Open fire is not permitted anywhere in the Hiram G. Andrews Center. The intentional setting of any fire will result in sanctions under the HGAC Student Code of Conduct and will be reported to the local police.

The use of extension cords and multiple outlet plug adapters is strictly prohibited. Such use must be approved by the HGAC Fire Marshall.

Reported Campus Fires (2016, 2017, and 2018):

YEAR	NUMBER	LOCATION	CAUSE	DAMAGE
2017	1	F-Dorm	Burnt food in the microwave	\$0.00 to \$100.00
2018	1	Erie Hall	Burnt food in the microwave	\$0.00 to \$200.00
2019	1	Franklin Hall	Student caught carpet on fire	\$1,742.00

Fire Safety Inspection

YEAR	NO.	LOCATION	ORGANIZATION
2017 (06-22-2017)	1	Center Wide	Simplex Grinnell Company Complete report results are available upon request
2018 (01-04-2019)	1	Center Wide	Simplex Grinnell Company Complete report results are available upon request
2019 (12-30-2019)	1	Center Wide	Simplex Grinnell Company Complete report results are available upon request

2018 Fire/Safety Drills

DATE	LOCATION	TYPE OF DRILL
01-31-2019	Grounds Wide	Water Line Break – Water Based Event
03-20-2019	Grounds Wide	Fire Drill – Third Shift
03-26-2019	Grounds Wide	Tornado Drill – Second Shift
04-04-2019	Grounds Wide	Fire Drill – First shift
04-08-2019	DHS	Fire Drill – Second Shift
05-23-2019	Grounds Wide	Tornado Drill – Third Shift
09-25-2019	Grounds Wide	Active Shooter Drill – Live Demonstration
10-17-2019	Grounds Wide	Earthquake Drill – Second Shift

There are no fire-related injuries to report.
Current Fire Logs and Fire Safety Inspection reports are available upon request.

Contact Gregory Tunstall –HGAC Fire Marshall for Fire Log / Fire Safety Inspection related inquiries at: (814) 254-0526

Lethal Weapons Enforcement Policy (001-18)

On Commonwealth of Pennsylvania property (Hiram G. Andrews Center), no person shall possess, use, handle, transmit, or control any object which might reasonably be considered as a weapon. While not meant to be all inclusive, examples of such objects are any gun, pistol or device designated or intended to propel a missile of any kind, explosive compounds, bowie knife, switch blade knife, ballistic knife, or any other type of knife, straight-edge razor, razor blade, spring stick, metal knuckles, black jack, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nunchuk, fighting chain, or any disc designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of any kind. (A prohibited offensive weapon is described in Pennsylvania Crimes Code #908.)

Crime Definitions from the Summary Reporting System (SRS) User Manual From the FBI's UCR Program

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.

Criminal Homicide—Manslaughter by Negligence

The killing of another person through gross negligence.

Criminal Homicide—Murder and Nonnegligent Manslaughter

The willful (nonnegligent) killing of one human being by another.

Rape

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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.

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. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

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 felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned— including joyriding.)

Weapons: Carrying, Possessing, Etc.

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.

Drug Abuse Violations

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations

The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Crime Definitions from the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program

Sex Offenses

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

A. 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.

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

C. Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.

Crime Definitions from the Hate Crime Data Collection Guidelines and Training Manual from the FBI's UCR Program

Larceny-Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

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 laceration, or loss of consciousness.

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.

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.

Campus Crime Report 2017, 2018, and 2019

Crimes reported to the Hiram G. Andrews Center Security Department. These reports are compiled in accordance with the provisions of the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act.

Offense	On Campus			On Campus **Dormitory			Public Property		
	Year	Year	Year	Year	Year	Year	Year	Year	Year
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses, Forcible	0	0	0	0	0	0	0	0	0
Sex Offenses, Non-Forcible	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	1	0	0	1	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Liquor Laws, Arrests	0	2	2	0	2	2	0	4	0
Liquor Laws, Referred for Disciplinary Action	1	1	2	1	1	2	0	0	0
Drug Law, Arrests	0	1	2	0	1	2	0	0	0
Drug Law, Referred for Disciplinary Action	1	3	0	1	3	0	0	0	0
Illegal Weapons Possession, Arrests	0	0	1	0	0	1	0	0	0
Illegal Weapons Possession, Referred for Disciplinary Action	0	0	1	0	0	1	0	0	0

In 2019 – Upper Yoder classified two possible cases unfounded.

**Crimes reported in the Dorms *On–Campus* Column is included in the On-Campus Category.

This report does not reflect a crime rate, which would depict the number of reports based upon the Hiram G. Andrews Center population. While crime rates provide comparable information, the number of crimes does not. All reports conform to the definitions stipulated by the Jeanne Clery Act.

Reported in compliance with the Jeanne Clery Disclosure of Security Policy and Campus Crime Statistics Act for calendar years 2016, 2017, and 2018. In all cases, the reports of crime follow the UCR (Uniform Crime Report) hierarchy of rule. For example, if a person is arrested and judicially referred, then the report appears as an arrest.

A STATEMENT OF POLICY REGARDING THE POSSESSION, USE, AND SALE OF ALCOHOLIC BEVERAGES AND ENFORCEMENT OF STATE UNDERAGE DRINKING LAWS, AND POSSESSION, USE, AND SALE OF ILLEGAL DRUGS AND ENFORCEMENT OF FEDERAL AND STATE DRUG LAWS

A DESCRIPTION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS

The Commonwealth Technical Institute publishes and distributes annually to all current students and employees a copy of the Drug and Alcohol Abuse Prevention Program. Below are the details related to this topic.

Drug and Alcohol Abuse Prevention

Drug abuse affects all aspects of American life. It threatens the workplace, our homes, our schools and our community. The U.S. Department of Education requires institutions of higher education to implement a drug prevention and awareness program for their students and employees through the **Safe and Drug-Free Schools and Communities Act**. All students are expected to conduct themselves as mature adults and as members of an academic community. The consumption of alcohol or drugs while attending class is prohibited and may be subject to disciplinary action.

Standards of Conduct

The School community must adhere to a code of conduct that recognizes that the unlawful manufacture, sale, delivery, unauthorized possession or use of any illicit drug is prohibited on property owned or otherwise controlled by the Commonwealth Technical Institute. If an individual associated with the School is apprehended for violating any drug- or alcohol-related law when on School property, or participating in a School activity, the School will fully cooperate with all law enforcement agencies. Underage possession or consumption of alcoholic beverages is not permitted on property owned or controlled by the School and the state laws will be enforced. Intentionally or knowingly selling, or intentionally or knowingly furnishing alcoholic beverages to persons under the age of 21, or to persons obviously inebriated, is not permitted on property owned or controlled by the School.

Health Risks Associated with the use of Illicit Drugs and the Abuse of Alcohol

Moderate to high doses of alcohol cause marked impairments in higher mental functions and the loss of memory. High doses of alcohol can cause respiratory depression and death. Long-term consumption, particularly when combined with poor nutrition, can also lead to dependence and permanent damage to vital organs such as the brain and the liver. Physical effects of drugs include increased heart rate, bloodshot eyes, dry mouth and throat, and increased appetite. The use of drugs may impair or reduce short-term memory and comprehension, alter sense of time, and reduce the ability to perform tasks requiring concentration and coordination. Motivation and cognition may also be altered making the acquisition of new information difficult. As one can see from the above, there are major health risks associated with the use of illicit drugs and the abuse of alcohol.

Federal Financial Aid Penalties for Drug Violations

Federal guidelines focus strongly on illicit drug use and distribution. The Higher Education Opportunity Act states students convicted of an illicit drug violation can be denied federal financial aid for a specific period, in addition to other legal penalties. The Free Application for Federal Student Aid (FAFSA) asks students if they have been convicted of a drug-related offense: "Have you ever been convicted of possessing or selling illegal drugs?" If you answer "yes," the School will send a worksheet in the mail to determine if your conviction affects your eligibility for aid. Failure to answer the question automatically disqualifies students from receiving federal financial aid. Answering this question falsely could result in fines up to \$20,000, imprisonment or both.

Penalties for Drug Convictions

If the student was convicted of both possessing and selling drugs, and the periods of ineligibility are different, the student will be ineligible for the longer period.

Possession of Illegal Drugs

- For a first offense, a student loses eligibility for federal financial aid for one year from the date of conviction.
- For a second offense, a student loses eligibility for federal financial aid for two years from the date of conviction.
- For a third offense and subsequent offenses, a student has indefinite ineligibility for federal financial aid from the date of conviction.

Sale of Illegal Drugs

- For a first offense, a student loses eligibility for federal financial aid for two years from the date of conviction.
- For a second offense and subsequent offenses, a student has indefinite ineligibility from the date of conviction.

Other Potential Federal Penalties for Drug Violations

Some other potential federal penalties and sanctions applicable to drug-related offenses include:

21 U.S.C. 844

1st conviction: Up to 1 year imprisonment and fined at least \$1,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5, or both.

Provisions relating to increased penalties in cases of certain serious crack possession offenses, making offenders subject to fines under Title 18 or imprisonment to terms not less than 5 years and no more than 20 years, or both.

Possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both after mixture or substance exceeds 1 gram.

21 U. S. C. 844a

Civil fine up to \$10,000

21 U. S. C. 847 Additional Penalties

Any penalty imposed for violation of this subchapter shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

21 U. S. C. 854 Investment of illicit drug profits

Whoever violates this section shall be fined no more than \$50,000 or imprisoned not more than 10 years, or both.

21 U. S. C. 862

- a. Drug Traffickers - Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 5 years for the first offense, up to 10 years for second and permanently ineligible for subsequent offenses.
- b. Drug Possessors – 1st offense is up to 1 year and 2nd and subsequent offenses are up to 5 years.
- c. Suspension of period of ineligibility (A) (B) (C)

21 U. S. C. 862a

Denial of assistance and benefits for certain drug related convictions, i.e., state program funded under the Social Security Act or food stamp program or state program under the Food Stamp Act.

More information about federal penalties and sanctions for unlawful possession, use, sale, and/or distribution of controlled substances is located at <http://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>

Legal Consequences of Substance Abuse in the State of Pennsylvania

The Hiram G. Andrews Center is committed to a drug-free campus for its students and employees. As part of that commitment, this document provides information pursuant to the *Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226)*. This act requires that as a condition of receiving funds, or any other form of financial assistance under any federal program, the school is committed to preventing the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

Legal Sanctions:

In Pennsylvania, the purchase, consumption, transportation, or possession of alcoholic beverages by a person younger than 21 is punishable by a loss of driving privileges and fines of up to \$300 for the first offense and up to \$500 for subsequent offenses. (18 Pa.C.S.A. § 6308; 18 Pa.C.S.A. § 6310.4.) Misrepresentation of age to procure or have furnished alcoholic beverages for oneself is a summary offense punishable by a fine of up to \$300 for a first offense and is a misdemeanor punishable by a fine of up to \$500 for a subsequent offense. All such violations are also punishable by a loss of driving privileges. (18 Pa.C.S.A. § 6307.) Misrepresentation of the age of another for the purpose of procuring alcoholic beverages for that person is a misdemeanor punishable by a fine of not less than \$300. (18 Pa.C.S.A. § 6309.) The intentional and knowing sale or furnishing of alcoholic beverages to a person less than 21 years of age is a misdemeanor punishable by a fine of not less than \$1,000 for a first offense and \$2500 for subsequent offenses. (18 Pa.C.S.A. §6310.1.) Manufacturing, making, altering, selling or attempting to sell a false identification card is a misdemeanor punishable by a fine of not less than \$1,000 for a first offense and not less than \$2500 for subsequent offenses. (18 Pa.C.S.A. § 6310.2.) The penalties for the unlawful possession, use, or distribution of illicit drugs are more diverse than those governing underage drinking and vary depending up the nature of the drug involved and the nature of the activity. For example, unlawful possession of 30 grams or less of marijuana or eight grams or less of hashish, for example, is a misdemeanor punishable by a term of imprisonment of up to 30 days and a fine of up to \$500 or both. (35 P.S. §780-113[a][31] and [g].) At the other end of the scale, the manufacture, delivery, or possession with intent to manufacture or deliver heroin or other narcotics is a felony carrying a penalty punishable by a term of imprisonment of up to 15 years or a fine of up to \$250,000 or both. (75 P.S. § 780-104; 35 P.S. §780-113[a][30] and [f][1].) A complete summary of penalties related to unlawful possession, use, or distribution of alcohol or illicit drugs can be found in the Campus Safety

Office. Individuals seeking advice regarding drug- or alcohol-related laws should consult legal counsel.

The following is a brief review of the legal sanctions under local, state, and federal law for the unlawful possession or distribution of illicit drugs and alcohol:

A. Drugs

1. The Controlled Substance, Drug, Device and Cosmetic Act, 35 Pa. C.S.A. 780-101 et seq., sets up five schedules of controlled substances based on dangerousness and medical uses. It prohibits the manufacture, distribution, sale or acquisition by misrepresentation or forgery of controlled substances except in accordance with the Act as well as the knowing possession of controlled substances unlawfully acquired. Penalties for first-time violators of the Act range from thirty days imprisonment, \$500 fine, or both for possession or distribution of a small amount of marijuana or hashish, not for sale, to fifteen years or \$250,000 or both for the manufacture or delivery of a Schedule I or II narcotic. A person over eighteen years of age who is convicted for violating The Controlled Substance, Drug, Device and Cosmetic Act, shall be sentenced to a minimum of at least one year total confinement if the delivery or possession with intent to deliver of the controlled substance was to a minor. If the offense is committed within 1,000 feet of the real property on which a university is located, the person shall be sentenced to an additional minimum sentence of at least two years total confinement.
2. The Pharmacy Act of 1961, 63 Pa. C.S.A. 390-8 makes it unlawful to procure or attempt to procure drugs by fraud, deceit, misrepresentation or subterfuge or by forgery or alteration of a prescription. The first offense is a misdemeanor, with a maximum penalty of one year's imprisonment, a \$5,000 fine, or both.
3. The Vehicle Code, 75 PA, C.S.A. 3101 et seq., which was amended effective July 1, 1977, prohibits driving under the influence of alcohol or a controlled substance, or both, if the driver thereby is rendered incapable of safe driving. A police officer is empowered to arrest without a warrant any person whom he or she has probable cause to believe has committed a violation, even though the officer may not have been present when the violation was committed. A person so arrested is deemed to have consented to a test of breath or blood for the purpose of determining alcoholic content, and if a violation is found it carries the penalties of a misdemeanor of the second degree, which includes imprisonment for a maximum of thirty days.
4. The Federal drug laws, The Controlled Substances Act, 21 U.S.C. 801 et seq., are similar to the Pennsylvania Controlled Substance, Drug, Device, and Cosmetic Act, but contain, for the most part, more severe penalties. Schedules of controlled substance are established, and it is made unlawful knowingly or intentionally to manufacture, distribute, dispense, or possess with intent to distribute or dispense a controlled substance. If the quantity of controlled substance is large (e.g. 1,000 kg of a mixture or substance containing marijuana), the maximum penalties are life imprisonment, a \$4,000,000 fine, or both. Lesser quantities of controlled substance (e.g. 100 kg of a mixture or substance containing marijuana) result in maximum penalties of life imprisonment, a \$2,000,000 fine, or both. The distribution of small amounts of marijuana for no remuneration or simple possession of a controlled substance carries a maximum of one year imprisonment, a \$5,000 fine, or both, with the penalties for the second offense doubling. Probation without conviction is possible for first offenders. Distribution to persons under the age of twenty-one by persons eighteen or older carries double or triple penalties. Double penalties also apply to the distribution or

manufacture of a controlled substance in or on or within 1,000 feet of the property of a school or college.

5. Students who have been convicted under state or federal law involving the possession or sale of a controlled substance are ineligible for federal student aid for specific periods (ranging from one year to an indefinite period depending on the nature of the offense and whether the student is a repeat offender).

B. Alcohol

1. The Pennsylvania Liquor Code, 47 Pa., C.S.A., 1-101 et seq., controls the possession and sale of alcoholic beverages within the Commonwealth. The Code as well as portions of the Pennsylvania Statutes pertaining to crimes and offenses involving minors, 18 Pa., C.S.A. 6307 et seq., provide the following:

2. It is a summary offense for a person under the age of twenty-one to attempt to purchase, consume, possess or knowingly and intentionally transport any liquor or malt or brewed beverages. Penalty for a first offense is suspension of driving privileges for 90 days, a fine up to \$500 and imprisonment for up to 90 days; for a second offense, suspension of driving privileges for one year, a fine up to \$1000, and imprisonment for up to one year; for subsequent offense, suspension of driving privileges for two years, a fine up to \$1000 and imprisonment for up to one year. Multiple sentences involving suspension of driving privileges must be served consecutively.

3. It is a crime intentionally and knowingly to sell or intentionally and knowingly to furnish or to purchase with the intent to sell or furnish, any liquor or malt or brewed beverages to any minor (under the age of twenty-one). "Furnish" means to supply, give or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged. Penalty for a first violation is \$1,000; \$2,500 for each subsequent violation; imprisonment for up to one year for any violation.

4. It is a crime for any person under twenty-one years of age to possess an identification card falsely identifying that person as being twenty-one years of age or older, or to obtain or attempt to obtain liquor or malt or brewed beverages by using a false identification card. Penalties are stated in (2) above.

5. It is a crime intentionally, knowingly or recklessly to manufacture, make, alter, sell or attempt to sell an identification card falsely representing the identity, birth date, or age of another. Minimum fine is \$1,000 for first violation; \$2,500 for subsequent violations; imprisonment for up to one year for any violation.

6. It is a crime to misrepresent one's age knowingly and falsely to obtain liquor or malt or brewed beverages. Penalties are as stated in (1) above.

7. It is a crime knowingly, willfully and falsely to represent that another is of legal age to obtain liquor or malt or brewed beverages. Penalty is a minimum fine of \$300 and imprisonment for up to one year.

8. It is a crime to hire, request or induce any minor to purchase liquor or malt or beverages. Penalty is a minimum fine of \$500 and imprisonment for up to one year.

9. Sales without a license or purchases from an unlicensed source of liquor or malt or brewed beverages are prohibited.

10. It is unlawful to possess or transport liquor or alcohol within the Commonwealth unless it has been purchased from a State Store or in accordance with Liquor Control Board regulations. The University will cooperate with the appropriate law enforcement authorities for violations of any of the above-mentioned laws by an employee in the workplace or student.

11. The use in any advertisement of alcoholic beverages of any subject matter, language or slogan directed to minors to promote consumption of alcoholic beverages is prohibited.

12. No advertisement of alcoholic beverages shall be permitted, either directly or indirectly, in any booklet, program, book, yearbook, magazine, newspaper, periodical, brochure, circular, or other similar publication, published by, for, or on behalf of any educational institution.

Act 24, which lowered Pennsylvania's legal limit of alcohol from .10 to .08, was signed into law on September 30, 2003. The new Driving Under the Influence (DUI) Law creates a tiered approach toward DUI enforcement and treatment, and includes many changes to the penalties, terms of suspension, fines and other requirements. The combination of an individual's Blood Alcohol Content (BAC) Level, and prior offenses determines the licensing requirements and penalties. The new law focuses on treatment for first-time DUI offenders, rather than strictly punishment and suspension.

There are now three levels of DUI:

1. General Impairment (.08 to .099% BAC)
2. High BAC (.10 to .159% BAC)
3. Highest BAC (.16% and higher)

Under the new DUI law minors, commercial drivers, school vehicle or bus drivers, and offenders involved in an accident that injures someone or causes property damage may be subject to the high BAC penalties even if their BAC is not in the high category. Offenders who refuse breath or chemical testing may be subject to the highest BAC penalties. The following charts show the penalties for each of the BAC categories:

General Impairment penalties (Undetermined BAC, .08 to .099% BAC)

No prior DUI offenses	<ul style="list-style-type: none"> • ungraded misdemeanor • up to 6 months' probation • \$300 fine • alcohol highway safety school • treatment when ordered
1 prior DUI offense	<ul style="list-style-type: none"> • ungraded misdemeanor • 12-month license suspension • 5 days to 6 months jail time • \$300 to \$2,500 fine • alcohol highway safety school • treatment when ordered • 1-year ignition interlock
2 or more prior DUI offenses	<ul style="list-style-type: none"> • 2nd degree misdemeanor • 12-month license suspension • 10 days to 2 years prison • \$500 to \$5,000 fine • treatment when ordered • 1-year ignition interlock

The new law creates a higher set of penalties for those having higher BAC levels. It allows for treatment at all levels and requires alcohol highway safety school for all first and second time offenders.

High BAC penalties (.10 to .159% BAC)

No prior DUI offenses	<ul style="list-style-type: none"> • ungraded misdemeanor • 12-month license suspension • 48 hours to 6 months prison • \$500 to \$5,000 fine • alcohol highway safety school • treatment when ordered
1 prior DUI offense	<ul style="list-style-type: none"> • ungraded misdemeanor • 12-month suspension • 30 days to 6 months prison • \$750 to \$5,000 fine • alcohol highway safety school • treatment when ordered • 1-year ignition interlock
2 or more prior DUI offenses	<ul style="list-style-type: none"> • 1st degree misdemeanor • 18-month license suspension • 90 days to 5 years prison • \$1,500 to \$10,000 fine • treatment when ordered • 1-year ignition interlock
3 or more prior DUI offenses	<ul style="list-style-type: none"> • 1st degree misdemeanor • 18-month license suspension • 1 to 5 years prison • \$1,500 to \$10,000 fine • treatment when ordered • 1 year ignition interlock

For those at the highest BAC levels, the new law has strict penalties, but also allows for treatment. This even-handed approach allows for individuals to receive counseling for their alcohol problem, while still penalizing those who choose to continue the dangerous practice of drinking and driving.

In addition, drivers under the influence of controlled substances and those who refuse breath or chemical testing are subject to the highest BAC category penalties.

Highest BAC penalties (.16% and higher) or Controlled Substance

No prior DUI offenses	<ul style="list-style-type: none"> • ungraded misdemeanor • 12-month license suspension • 72 hours to 6 months prison • \$1,000 to \$5,000 fine • alcohol highway safety school • treatment when ordered
1 prior DUI offense	<ul style="list-style-type: none"> • 1st degree misdemeanor • 18-month license suspension • 90 days to 5 years prison • \$1,500 to \$10,00 fine • alcohol highway safety school • treatment when ordered • 1-year ignition interlock
2 or more prior DUI offenses	<ul style="list-style-type: none"> • 1st degree misdemeanor • 18-month license suspension

	<ul style="list-style-type: none"> • 1 to 5 years prison • \$2,500 to \$10,000 • treatment when ordered • 1-year ignition interlock
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The following outlines specific components of the new law, and changes from the previous law that impacts DUI drivers.

Blood Alcohol Content (BAC) level for per se DUI is lowered to .08%.
 -Effective September 30, 2003

Penalties for DUI will be based on BAC and prior offenses.
 -Effective February 1, 2004

Accelerated Rehabilitative Disposition (ARD)
 Requires courts to impose suspensions for BAC ARDs based on the following BAC ranges:

- Less than .10% - no suspension,
- .10% to less than .16 - 30-day suspension, or
- .16% and above - 60-day suspension

-Effective February 1, 2004

License Suspensions
 Suspension will be imposed as follows:

- BAC below .10% and incapable of safe driving: No suspension for first offense if the driver meets certain criteria; 12-month license suspension for second or subsequent offense.
- BAC greater than or equal to .10% and less than .16%: 12-month license suspension for first and second offense. 18-month suspension for third or subsequent offense.
- BAC greater than or equal to .16%: 12-month license suspension for first offense. 18-month suspension for second or subsequent offense.
- Out-of-state DUI convictions: No suspension for first offense; 12-month license suspension for second or subsequent offense.

-Effective February 1, 2004

DUI Treatment and Evaluation
 Treatment and evaluation processes are geared to rehabilitation.
 -Effective - Phased-In Through 2009

Ignition Interlock
 Drivers who receive a second or subsequent DUI violation on or after September 30, 2003, can no longer serve an additional one-year suspension in lieu of obtaining an ignition interlock device. Drivers are required to install ignition interlock on all vehicles owned (including leased) before driving privileges can be restored.
 -Effective September 30, 2003

Additionally, the following exemptions and penalties have been added:

- Financial Hardship Exemption: Drivers may apply for an exemption from the requirement to install the ignition interlock device on all of their vehicles. If the exemption is granted, ignition interlock installation will only be required on one vehicle.
 -Effective February 1, 2004
- Employment Exemption: Under certain circumstances, ignition interlock restricted drivers may operate employer owned vehicles but only in the course and scope of employment. The employee must notify the employer of the ignition interlock restriction and carry proof of employer notification on a PennDOT form. The employer owned vehicle cannot be a school bus/vehicle or

large passenger vehicle.
-Effective February 1, 2004

- Ignition Interlock Violations: Individuals convicted of driving without or tampering with the ignition interlock device will have their ignition interlock period extended 12 month from the date of conviction for the first offense and will have their driving privileges suspended for 12 months for the second or subsequent offenses. Upon restoration they must comply with ignition interlock for 12 months. Individuals, whose driving privileges are suspended during the ignition interlock period for a non-ignition interlock violation, must complete the ignition interlock period upon restoration.
-Effective February 1, 2004

Occupational Limited Licenses (OLL's)
First time DUI offenders may be eligible for an OLL after serving 60 days of their suspension. Individuals whose licenses are suspended for 18 months (for DUI or refusing breath or chemical testing) and have no more than one prior offense may be eligible for an OLL with an ignition interlock after serving 12 months of their suspension. In addition, first time underage drinking violators may be eligible for an OLL.
-Effective February 1, 2004

Expungement of Accelerated Rehabilitation Disposition (ARD) Records
PennDOT will automatically expunge ARD records after 10 years providing a person's operating privileges were not revoked as a habitual offender and/or the person was not a commercial driver at the time of the violation.
-Effective February 1, 2004

Credit (Suspension)
Individuals suspended for driving a vehicle not equipped with an ignition interlock device or driving under a DUI-related suspension, with a BAC of .02% or greater cannot receive credit for their suspension until jail time has been served.
-Effective February 1, 2004

Implied Consent/Breath or Chemical Testing
Suspensions for individuals who refuse to submit to breath or chemical testing may be increased. Breath or chemical testing may now be required for individuals who are arrested for driving under a DUI-related suspension or driving without an ignition interlock device.
-Effective February 1, 2004

"Per se" is a Latin phrase that means "by itself." Evidence that a person drove, operated or was in control of a motor vehicle with a BAC of .08% or higher is enough by itself to convict the person of DUI. A person with BAC less than .08% might still be convicted of DUI if there is evidence that he or she imbibed enough alcohol to make him or her incapable of safely driving, operating or being in control of a motor vehicle.

Underage DUI – Zero Tolerance

Pennsylvania's Zero Tolerance Law carries serious consequences for those under 21 who are convicted of driving with any amount of alcohol in their blood. For example, those under 21 who are convicted of driving under the influence with a .02 blood alcohol content, or greater, face severe penalties, including a 12-to 18-month license suspension, 48 hours to six months in jail, and fines from \$500 to \$5,000.

A vehicle does not have to be involved in order for those under 21 to lose their driving privileges. It is against the law for an individual under the age of 21 to consume, possess or transport alcohol, or lie about their age to obtain alcohol and carry a fake identification card. If convicted, the minimum penalties are a fine of up to \$500, plus court costs; a 90-day license suspension for the first offense; a one-year suspension for the second offense; and a two-year suspension for the third and subsequent offenses.

How You Can Help Report Drunk Drivers

You can help by reporting suspected drunk drivers to your nearest State Police Headquarters. From your cellular telephone or citizens band radio, provide us with the following information:

- The location you are calling from.
- Time, location, direction of travel and a description of the suspected drunk driver.
- The make, color, and license plate number of the car.

Blood Alcohol Content Table

This table shows the effects of alcohol on a normal person of a given body weight. Please do not take this table as a license to drink irresponsibly. Everyone is different, and alcohol affects each person in a slightly different way. Only you know your limits. Please drink within them.

One drink equals:

Levels of Intoxication:

* 1 oz. 86 proof Liquor, or

BAC less than .05% - Caution

* 3 oz. wine, or

BAC .05 to .079% - Driving Impaired

* 12 oz. Beer

BAC .08% & up - **Presumed Under the Influence**

Number of Drinks

Body Weight	1	2	3	4	5	6	7	8	9
100	0.032	0.065	0.097	0.129	0.162	0.194	0.226	0.258	0.291
120	0.027	0.054	0.081	0.108	0.135	0.161	0.188	0.215	0.242
140	0.023	0.046	0.069	0.092	0.115	0.138	0.161	0.184	0.207
160	0.020	0.040	0.060	0.080	0.101	0.121	0.141	0.161	0.181
180	0.018	0.036	0.054	0.072	0.090	0.108	0.126	0.144	0.162
200	0.016	0.032	0.048	0.064	0.080	0.097	0.113	0.129	0.145
220	0.015	0.029	0.044	0.058	0.073	0.088	0.102	0.117	0.131
240	0.014	0.027	0.040	0.053	0.067	0.081	0.095	0.108	0.121

This table shows the effects of alcohol within one hour on a normal person of a given body weight.

Hiram G. Andrews Center Drug and Alcohol Policy

The students and staff of the Hiram G. Andrews Center are committed to an alcohol-free and drug-free environment. Illegal possession, use of, or involvement with such substances on Center grounds will not be tolerated. Students who violate local, state, federal laws, and/or the Student Code of Conduct will be subject to disciplinary action through the Hiram G. Andrews Center Judicial system.

A violation will occur when a student:

- Possesses, uses, or distributes illegal drugs and/or controlled substances
- Possesses, uses, or distributes paraphernalia containing evidence of such substances
- Drinks alcoholic beverages underage
- Possesses, uses, or distributes alcoholic beverages or non-alcoholic beverages such as O'Doul's and Coors cutter, etc..
- Drinks alcoholic beverages or uses drugs while on Hiram G. Andrews Center sponsored trips

Drug and Alcohol Procedure

- I. Students who participate in underage drinking, distribute alcohol to minors, possess, use, distribute or sell illegal drugs and/or controlled substances as stated above, will be reported to the local police department.
- II. The Chief of Security or a designee will conduct an investigation of the alleged violation and present the evidence to the Disciplinary Committee for review. The Disciplinary Committee will make a determination of guilt or innocence, based on the evidence presented. If a student is found guilty of drug or alcohol offenses, the student will be discharged from the Center for no less than one full term. During this time, the student will not be permitted on Hiram G. Andrews Center grounds. Students who are found guilty of selling or providing drugs on Center grounds, will be discharged for no less than one full year.

How to Regain Federal Student Aid Eligibility

1. A student can regain eligibility for federal student aid funds the day after the period of ineligibility ends or upon having a conviction reversed, set aside, or removed from the student's record so that fewer than two convictions for sale of illegal drugs or three convictions for possession remain on the record. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility.
2. A student may also regain eligibility upon successful completion of a qualified drug rehabilitation program that must:
 - Include the student passing at least two unannounced drug tests;

AND

 - Have received or is qualified to receive funds directly or indirectly under a federal, state or local government program, or
 - Be administered by a federal, state, or local government agency or court, or
 - Be qualified to receive payment directly or indirectly from a federally or state-licensed insurance company, or
 - Be administered or recognized by a federally or state-licensed hospital, health clinic, or medical doctor.
3. A student may further regain eligibility upon successful completion of two unannounced drug tests which are part of an approved rehab program (the student does not need to complete the rest of the program).

The student is responsible to certify that a rehabilitation program was successfully completed. As with

the conviction question on the FAFSA, the School is not required to confirm the reported information unless conflicting information is determined.

Convictions during Enrollment
Federal regulations require enrolled students convicted of a drug offense after receiving federal financial aid to notify ABC School immediately. The student will then become ineligible for further federal financial aid and must repay federal financial aid received after the conviction.

Drug and Alcohol Counseling
Students can call Kelly Dumm in the Student Affairs Office at (814) 254-0559 or Scott Fetterman in the Counseling Office at (814) 254-0577, to receive referrals to local resources and support for individuals who need drug and alcohol counseling. Local Alcoholics Anonymous, Area 60, Districts 41/43/44

- Johnstown – (814)533-5907
- Altoona – (888)202-9042
- Bedford – (888)202-9042
- Indiana – (724)349-4061
- State College – (814)237-3757

Peniel Drug and Alcohol Treatment Center, 760 Cooper Ave, Johnstown, PA, 15906. (814)536-2111

Institutional Sanctions for Alcohol and Drug Violations
Any member of the School community found consuming or selling drugs on School property shall be subject to discipline on a case-by-case basis.

- Discipline will be based on the seriousness of the situation.
- A case may result in dismissal from the School.
- In all cases, the School will abide by local, state and federal sanctions regarding unlawful possession of drugs and the consumption of alcohol.
- Additional state penalties and sanctions may also apply.
- The School has adopted a zero-tolerance policy regarding underage drinking.
- Successful completion of an appropriate rehabilitation program by an individual confirmed to have been in violation of alcohol or drug policies and/or laws who has since sought admission or readmission to the school will be considered on a case-by-case basis.

A DESCRIPTION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS

CTI publishes and distributes annually to all current students and employees a copy of the Drug and Alcohol Abuse Prevention Program. Below are the details related to this topic.

Drug and Alcohol Abuse Prevention

Drug abuse affects all aspects of American life. It threatens the workplace, our homes, our schools and our community. The U.S. Department of Education requires institutions of higher education to implement a drug prevention and awareness program for their students and employees through the **Safe and Drug-Free Schools and Communities Act**. All students are expected to conduct themselves as mature adults and as members of an academic community. The consumption of alcohol or drugs while attending class is prohibited and may be subject to disciplinary action.

The expectations set forth in the school's Standards of Conduct related to drug and alcohol use is discussed earlier. Those expectations, as well as the provision of the related risks and consequences with the penalties and possible sanctions being highlighted, are re-emphasized and distributed to students and employees at least annually. Additionally, drug and alcohol counseling resources are made known to all members of the school community.

Biennial Review of the Drug and Alcohol Abuse Prevention Program

Schools are required to conduct a biennial review of their drug and alcohol abuse prevention program. This review must include a determination of the number of drug and alcohol-related violations and

fatalities that occur on the institution's campus or as part of the institution's activities and the number and type of sanctions imposed by the institution as a result of drug and alcohol-related violations and fatalities that occur on the institution's campus or as part of the institution's activities.

The term "campus" is defined in the same manner as it is defined for campus safety reporting purposes. That is, the term campus encompasses any building or property owned or controlled by the school within a reasonably contiguous geographic area used in direct support of the school's educational purposes or used by students and supporting institutional purposes.

The effectiveness of CTI's prevention program is, in part, also measured by tracking the number of drug and alcohol-related disciplinary actions, treatment referrals, and incidents recorded by campus officials.

Additionally, to assist in the determination of the effectiveness of the Commonwealth Technical Institute's prevention program, the school considers, if and when the school is made aware, the number of students or employees attending self-help or other counseling groups related to alcohol or drug abuse. The school also conducts a survey to ascertain student, faculty, and employee attitudes and perceptions about whether there is a drug and alcohol problem on campus.

With the results gathered from the various points of information described above, the school writes its report giving the results of the biennial review and its determination of whether the program is being effective or must be modified. The school keeps the biennial review on file in case of a possible audit. Schools are not required to send their review to the U.S. Department of Education unless requested to do so. The Commonwealth Technical Institute conducts its biennial review every other year (even). The report from the review and documents related to it are retained for three years after the fiscal year in which the report was created.