

<b>Section:</b>	General Information
<b>Policy:</b>	Campus Security & Crime Statistics
<b>Policy #:</b>	90912SA-CA
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## Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act

### PURPOSE

To address Pinnacle Career Institute's (PCI) obligations pursuant to the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act," 20 U.S.C. § 1092(f) (the "Clery Act")

#### I. SCOPE

This policy applies to all members of the PCI community and the public.

#### II. POLICY

Pinnacle Career Institute (PCI) is committed to providing a safe and crime free environment for all students, faculty and staff by performing a regular evaluation of its security programs and monitoring and following up on each crime reported at a PCI location (campus).

Pinnacle Career Institute (PCI) shall comply with its obligations under the Jean Clery Disclosure of Campus Security Policy and Crime Statistics Act, and the Higher Education Opportunity Act of 2008 to report all Clery Act Crimes, to disclose crime statistics, to provide campus safety and security policy statements, and to notify the campus community regarding Clery Act Crimes and other serious incidents. Pinnacle Career Institute shall establish an Administrative Clery Committee to meet annually to review each campus' Clery Act compliance efforts. The President will appoint the organization's Clery Compliance Officer. The Clery Compliance Officer shall work with the Administrative Clery Committee to develop and implement policies and procedures regarding the campus's Clery Act obligations.

#### **Definitions**

- **Administrative Clery Committee:** A committee comprised of the following campus officials who meet to review PCI's Clery Act compliance efforts and make recommendations to the Clery Compliance Officer regarding PCI's Clery Act obligations: The President or his/her designee; Executive Vice President, the Human Resource Generalist, the Senior Compliance Officer, and the System Registrar/Title IX Compliance Officer.
- **Campus Security Authority ("CSA"):** Groups of individuals and organizations specified in the Clery Act and associated with the campus, including:
  - PCI is a non-residential school, and does not have an on-campus police force. Therefore, all crimes should be reported to local law enforcement.
  - Individual(s) who have responsibility for campus security, but who are not affiliated with local law enforcement (i.e. security guards that work for the property);
  - Any individual or organization specified in the campus safety and security policy statements as an individual or organization to which students and employee should report criminal offenses; and
  - Any official of the campus who has significant responsibility for student and campus activities, including, but not limited to, student discipline and campus judicial proceedings, and who has the authority and the duty to take action or respond to a particular issue on behalf of PCI and the campus.
- **Security Compliance Officer:** The official appointed by the President to coordinate the Clery Act compliance program for PCI.
  - **Dating Violence** - Violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship, (ii) The type of relationship, (iii) The frequency of interaction between the

- persons involved in the relationship.
- **Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.
- **Clery Act Crimes:** Certain crimes specified in the Clery Act on which each campus of PCI must compile statistics of reports made to the DPS, CSAs and local law enforcement, including, but not limited to:
  - **Murder** - The willful (non-negligent) killing of one human being by another.
  - **Negligent Manslaughter** - The killing of another person through gross negligence.
  - **Forcible Sex Offenses** - Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.  
Forcible sex offenses include:
    - **Rape** - Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person without consent of the victim.
    - **Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, with 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.
  - **Non-forcible Sex Offenses** - Any sexual act directed against another person without consent of the victim, including instances where the victim is incapable of giving consent.
  - Other sex offenses include:
    - **Incest** - Sexual intercourse between persons who are related to each other within the degrees where marriage is prohibited by law.
    - **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.
  - **Robbery** - The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person 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 where either the offender displays a weapon, or 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.
  - **Burglary** - The unlawful entry into a building or other structure with the intent to commit a felony or a theft.
  - **Motor Vehicle Theft** - The theft or attempted theft of a motor vehicle.
  - **Arson** - To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.
  - **Liquor Law Violations** - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of intoxicating alcoholic beverages.
  - **Drug Related Violations (Sale and Possession)** - The unlawful cultivation, manufacture, distribution, sale, purchase, possession, transportation, or importation of any controlled drug or narcotic substance; or, the unlawful manufacture, sale, purchase, possession, or transportation of equipment or devices used for preparing and/or taking drugs or narcotics (drug paraphernalia).
  - **Weapon Law Violations** - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
  - **Domestic Violence** - Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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. (See "Sexual Assault and Misconduct" section above for domestic violence definition in this jurisdiction.)

- **Annual Security Report:** A required annual report setting forth statistics for Clery Act Crimes and disciplinary referrals for drug, alcohol, and weapon offenses by type, location and year; campus security and policy statements; procedures for issuing to the campus community Timely Warnings of potentially dangerous criminal and emergency situations; campus evacuation procedures; and locations for obtaining information concerning registered sex offenders from state law enforcement agencies.
- **Clery Geography Map:** A map depicting the Core Campus and surrounding area that identifies on-campus property, non-campus property and public property.
- **Core Campus:** The same reasonably contiguous area of buildings or property owned or controlled by PCI that the campus and its students consider to be, and treat as, an integral part of the main campus; that are directly supported, or related to PCI's educational purposes; and that are covered by the same security and safety policies.
- **Crime Alerts/Emergency Notification:** Alerts that are published when a crime occurs on or near a campus that potentially threatens the campus community and which are reported to campus officials or to local law enforcement. The manner of dissemination to alert the campus community may include one or more of the following methods: email, voice mail and text messaging. In addition, the CSA or other campus official will post relevant warnings, updates and advisories on the appropriate campus bulletin board or social media web page.
- **On-Campus Property:** (1) Any building or property on the Core Campus; and (2) any building or property on the Core Campus that is owned by the campus, but is controlled by another person, is frequently used by students, and supports campus purposes.
- **Public Property:** All public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the Core Campus or immediately adjacent to and accessible from the Core Campus.
- **Timely Warning:** An announcement called a "Crime Alert" to inform the campus community of Clery Act Crimes and other serious incidents when a reported crime may pose a serious or continuing threat to the campus and surrounding community.

### III. THE ANNUAL SAFETY & SECURITY REPORT (ASR)

Each year PCI publishes a report containing crime statistics from the previous year that were reported to local police agencies or to campus security authorities (CSAs) that occurred at the following locations:

- On campus
- In certain off-campus buildings, owned, or controlled by PCI
- Public property within or immediately adjacent to and accessible from the campus.

The statistics in the report reflect the number of criminal incidents reported to the various authorities. The report also includes institutional policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault and other matters.

PCI's Annual Safety and Security Report (ASR) are attached. If, as you are reading the attached report, you find that you have any comments, questions or concerns, please address them to: Pinnacle Career Institute, ATTN: Security Compliance Officer, 10301 Hickman Mills Drive, Kansas City, MO 64137.

#### **Preparing the Annual Disclosure**

PCH has designated the Security Compliance Officer as the responsible party for compiling all data used to prepare the annual campus crime statistics report. Campus crime data is gathered the same day it is reported. The data is obtained annually from reports made to local law enforcement and compared to the data collected by the school. Crimes are counted in the disclosure based upon the crime having been reported, not whether there was a conviction resulting from the crime. The resulting data is used to prepare the annual crime statistics report.

The ASR is published and distributed annually 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. An electronic copy is available on PCI's website: <https://www.pctraining.edu>.

### IV. PROCESSES, PROCEDURES AND GUIDELINES

#### **Responsibilities**

##### **A. General Responsibilities**

1. All faculty, staff and students must promptly and accurately report all suspected Clery Act Crimes and significant emergencies or dangerous situations occurring on On-Campus Property, Non-Campus Property and Public Property to a member of the CSA at their campus
2. All visitors must promptly and accurately report all suspected Clery Act Crimes and significant emergencies or dangerous situations occurring on On-Campus Property, Non-Campus Property and Public Property to a member of the CSA at the applicable campus.

3. All campuses must maintain for seven (7) years all Clery Act-related documentation in accordance with the State Records Commission approved

**B. Security Compliance Officer's Responsibilities:**

1. Responsible for gathering the data used to prepare the annual crime statistics report.
2. Must attend mandatory training.
3. Provide training for other members of the Campus Security Authority.

**C. Campus Security Authorities (CSA's) Responsibilities:**

1. All members appointed must attend mandatory training
2. All members of CSA must report suspected Clery Act Crimes that are brought to their attentions or that they personally witness, regardless whether the victim or alleged suspect are associated with PCI.
3. All members of CSA must ensure that a completed PCI Accident/Incident Report Form is completed as soon as possible and then either follow up on the report personally, or assign responsibility to another appropriate administrator to investigate.
4. All members of CSA must take any and all preventative measures or actions to ensure the safety and security of all staff, faculty and students.

**D. Executive Director of Human Resources Responsibilities:**

1. Must provide all prospective employees with a copy of the Annual Security Report
2. Must ensure that all newly hired employees are informed of the policies and procedures for reporting a Clery Crime
3. Must provide refresher information and annual awareness training on the Clery Act Compliance measures annually.
4. Must provide the Security Compliance Officer with any liquor, drug or weapon violations resulting in discipline for employees on an annual basis.

**E. Admissions Office Responsibilities:**

1. Must provide all prospective students with a copy of the Annual Security Report
2. Must ensure that all newly enrolled students have a copy of the policy and understand the process for filing a report.

**2. Reporting Crimes on Campus**

Members of the PCI community are cautioned to never attempt to apprehend or pursue a suspected criminal. Crimes or suspected criminals should be reported to a member of the CSA or other designated staff member at the applicable campus, or, if appropriate, contact local law enforcement by dialing 9-1-1. Immediately report any crime or incident of suspicious activity by calling the reporting line for the applicable campus or visiting the Student Services Office.

PCI-Main Campus	816-331-5700
PCI-North Kanas City - Satellite Location	816-331-5700

If there are any doubts about whether to report an incident that has occurred, report it. Victims of, or witnesses to crimes may disclose them on a voluntary, confidential basis with a member of CSA, which can assist them in determining whether the event constitutes a crime that has to be collected and statistically reported. The cooperation of all community members to report in a timely manner assists PCI in issuing equally timely warnings to the campus community.

All members of the campus community should be aware of their surroundings at all times. All should use their eyes, ears and telephone to keep campus officials advised of what is seen and heard campus-wide. The campus should be notified if any of the following are observed:

- Strangers loitering in office areas, hallways, classrooms or lounge areas
- Unsecured doors or windows in campus buildings when they should be locked
- Any person tampering with a motor vehicle or loitering in the parking lot(s)
- Any person publicly displaying a weapon
- Any person loitering in a dark, secluded area
- Any suspicious person carrying articles, equipment, luggage or other questionable packages out of campus buildings.

### 3. Safety Tips

Crime is a serious problem with no quick or easy solution. All members of the PCI community are encouraged to assist one another by taking responsibility for personal safety and assisting with the security needs of others. While PCI staff and security measures offer assistance with regards to safety concerns, ultimately, the primary responsibility for personal safety lies with the individual.

Below are some things that all members of the PCI community need to remember:

- Be aware of your surroundings at all times, no matter where you are
- If you feel uncomfortable in a place, leave right away
- Keep your eyes and ears open and your hand free
- Choose busy streets and avoid going through dark, deserted areas
- At night, walk in well-lit areas whenever possible.
- Never walk or jog alone. Always take a buddy
- 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.
- Walk in groups, to and from buildings, when leaving or entering buildings after dark
- Communicate any suspicious behavior immediately.

## V. SECURITY, PERSONAL SAFETY & CRIME PREVENTION

Pinnacle Career Institute provides information on personal safety and crime prevention. The Student Services office of each campus maintains a directory of services that available, with the community, to assist those who have suffered a criminal act. These services are usually free and are provided by the community. During orientation of students, faculty and staff, procedures are outlined to cover the reporting of all criminal acts.

### 1. Campus Sex Crimes Prevention Act

The Federal Camus Sex Crimes Prevention Act became effective on October 27, 2002 and requires all eligible institutions participating in 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 lay in the state in which they reside and are also required to notify appropriate state officials of each post-secondary school at which the offender is employed or 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.

#### ***Registered Sex Offender Information***

- **Campuses located in Missouri**

The Missouri Sex Offender Registry can be accessed through the Missouri State Patrol's website. Registered sex offenders throughout the State of Missouri are posted and information listed includes their name, address, date of birth and photo to identify the offender. Information about their offense is also listed.

<https://www.MSHP.DPS.MISSOURI.GOV>

A statewide hotline is provided for questions or concerns regarding a registered sex offender:

**1-888-767-6747**

Additional information in regards to registered sex offenders may be obtained contacting the applicable county:

Jackson County, Missouri	816-524-4302
Platte County, Missouri	816-858-2424
Cass County, Missouri	816-380-5200
Clay County, Missouri	816-792-7614

- **Search Nationwide**

To search for registered sex offenders anywhere in the United States, the National Sex Offender Registry can be accessed at: <https://www.nsopr.gov>

### 2. Campus Sexual Violence Elimination Act of 2013 (SaVE Act)

The Campus 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 PCI's compliance with the SaVE Act requirements for prevention and awareness, PCI has developed programs that address the specified areas above and provide resources for victims and their family members. All members of the PCI

community may find reference material in regards to these programs in the Students Services office at each campus or in Human Resources.

PCI has an established policy and process for Sexual Misconduct (please refer to the Sexual Misconduct Policy), that provides the framework to the organization's sexual assault prevention program. The following is not an all-inclusive list of some of the highlights of PCI's sexual assault prevention program:

- Always use the "buddy system" when entering or exiting the building(s) at night (i.e. parking lot)
- Leave the building in a group when classes are dismissed, especially after dark
- If an assault occurs, notify the Title IX or Deputy Title IX Coordinator immediately
- Do not disturb the crimescene
- Notify local lawenforcement
- Ensure that the victim is safe and seek medical attention, if necessary.
- Secure counseling for the victim, or offer a referral to one of the community based resources (list available in the Sexual Misconductpolicy)
- Provide accommodations to the victim, such as schedule changes, etc., if requested.
- Disciplinary actions implemented per policy

Please refer to the PCI's **Sexual Misconduct Policy** to review all procedures, resources and regulations in regards to sexual violence/misconduct. PCI does not tolerate sexual misconduct, in any form, against females or males, whether committed by a stranger or by an acquaintance. PCI attempts to protect all members of its community, including visitors, from any form of sexual misconduct and offers all members of the PCI community that subjected to any type of sexual misconduct within the context of the PCI community, the support necessary to enable them to continue and pursue their academic and career goals.

#### **Reporting the Sexual Assault/ Misconduct**

**All PCI employees, including faculty, staff, administrators and student employees who have a responsibility for student welfare are required to share with a member of the Title IX team any report of sexual assault/misconduct they receive or of any which they become aware.**

All PCI community members, even those who are not obligated by this policy, are strongly encouraged to report information regarding any incident of sexual misconduct to a member of the Title IX team.

The Title IX team/coordinator will ensure that the PCI responds to all reports in a timely, effective and consistent manner. The PCI Title IX team consists of the Title IX Coordinators and the Deputy Title IX Coordinators, the Executive Director of Human Resources, as applicable, the Executive Director of the campus, as applicable and the President. The team is charged with the review, investigation and resolution of all reports to ensure consistent responsiveness and the integrated provision of interim measures to support the individuals involved and to protect the campus community. It is only through this consistent and informed response that we create culture of accountability and break the culture of silence. The Title IX team is positioned to provide seamless support, assess campus safety and effectively respond to allegations of sexual misconduct.

PCI will promptly and thoroughly investigate and respond to all reports of sexual misconduct. PCI will respond to all reports in an integrated, consistent manner that treats each individual with dignity and respect. PCI will approach each report with an earnest intent to understand the perspective and experiences of each individual involved in order to ensure fair and impartial evaluation and resolution.

PCI is committed to providing a variety of welcoming and accessible means so that all instances of sexual misconduct will be reported. PCI also recognizes that the decision whether or not to report sexual misconduct is personal, and that there are many barriers to reporting, both individual and societal. Not every individual will be prepared to make a report to PCI or to law enforcement, and individuals are not expected or required to pursue a specific course of action.

An incident does not have to occur on campus to be report to PCI. Off-campus conduct that adversely affects PCI or the PCI community also falls under this policy.

An individual does not have to decide whether or not to request disciplinary action at the time the report is made. PCI recognizes that choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. PCI will respect an individual's autonomy in making these important decisions and provide support that will assist each individual in making that determination.

**FOR FURTHER INFORMATION ON REPORTING, RESOURCES OR INFORMATION ON PCI'S SEXUAL MISCONDUCT POLICY AND PROCEDURES, PLEASE REFER TO THE SEXUAL MISCONDUCT POLICY.**

### 3. Emergency Response and Evacuation Procedures

PCI has, in place at each campus, a campus response protocol. In an emergency or dangerous situation, upon confirmation from the President, or designee, of the need for mass notification, the Campus Executive 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, tornadoes, contagious viruses, etc.

#### A. Emergency Notifications

In the event of an emergency or a dangerous situation that poses an immediate threat to the campus community, PCI may utilize some, or all, of its mass notification capabilities to notify its campus community. These capabilities include email, voice mail, and/or text messaging to alert the campus community. In addition, members of the administration will post relevant updates and advisories on the appropriate school website (<https://www.pctraining.edu>) and campus bulletin boards. The President and Campus Executive Directors, or designees, will simultaneously use the local means at his/her/their disposal to notify all PCI community members 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 the Clery reportable crimes, while the emergency notification requirement, and addresses a much wider range of threats. However, an institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances, but must provide adequate follow-up information to the community, as needed.

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

#### B. Student "Must Know" - Emergency Information

Each PCI campus takes various precautionary measures to protect the students, staff, faculty and visitors. Nevertheless, unavoidable emergencies may occur in extreme situations. Therefore, each campus has a Campus Response Team (CRT) that implements and oversees the campus response to a crisis situation. The CRT 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 required to familiarize themselves with the following emergency procedures. Nothing herein precludes any student, staff or faculty from contacting the appropriate local authorities in the event they feel the threat of physical harm or imminent danger.

**\*\*\* In the event of an emergency - dial 9-1-1 \*\*\***

#### C. Student Emergency Responses

There is the 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: a fire evacuation and a 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 elevators
    - Assist people with disabilities, if possible
    - 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 any fire hydrants, fire lanes and not under any power lines.
  - Non-fire Evacuation
    - Will be initiated by campus personnel
    - Follow campus personnel's instructions, if given
    - Do not use 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 on a 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 office, classrooms and internal student/faculty areas of congregation
  - Close blinds, turn off lights
  - Remain quiet and out of sight
  - If gunshots are heard, lie on the floor and attempt to use available resources for additional cover and concealment.
  - If outside when a lockdown is declared, seek shelter away from the danger.
  - If a fire alarm is activated during the lockdown, proceed with extreme caution.
  - Do not open any 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 that 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 or 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 changes in status
- **Shelter in Place:** Sheltering in place procedures are traditionally utilized when: (1) a tornado has been spotted, or (2) there has been a chemical or biological incident outside of, but in the 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.

#### D. Staff and Faculty "Must Know" - Emergency Information

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

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

##### Staff Response:

- All staff located outdoors should quickly gather all students and individuals 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 or away from windows or doors.
- Close all windows and doors.
- In the event of a chemical spill / 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 the airflow under the doors. Close all outside vents. Turn off all heating and 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.

- Listen to local radio or television news for instructions from emergency management and public safety officials.
- Review emergency evacuation protocols

## **VI. DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM**

Pinnacle Career Institute (PCI) is committed to providing its students and employees with a drug and alcohol free workplace and learning environment. Toward that end, PCI prohibits the unlawful possession, use, manufacture, or distribution of unauthorized drugs and alcohol in the workplace, on campuses, or at any PCI sponsored activity. PCI will provide a safe, responsive environment for all students and employees.

There are many people whose job and academic performance and productivity are adversely affected by their dependence on drugs and alcohol. To address this issue, PCI strives to:

- Educate students and employees about alcohol and drug abuse in an effort to encourage responsible decisions around their use.
- Intervene on behalf of students and employees who have experienced negative consequences around alcohol and drugs so as to reduce the harm and manage the risks associated with their use.
- Support students and employees who are in recovery from substance abuse and addiction.
- Promote constructive lifestyles and norms that discourage alcohol and drug abuse, and
- Develop social and physical environments that facilitate alcohol and drug abuse-free lifestyles.

As a part of the commitment to the provision of high quality and effective service to our students, employees and the general public, PCI has a drug and alcohol abuse program in operation. The program is accessible to all members of the PCI community. PCI is committed to the dissemination of drug and alcohol awareness information to students, faculty and all employees.

### **1. Operation of the Program**

PCI has established a drug-free and alcohol abuse awareness program to inform its faculty, staff and students about the dangers of drug and alcohol abuse and the penalties that may be imposed for drug and alcohol abuse violations. The Drug and Alcohol Abuse Prevention Program is available to all faculty, staff and students. As a part of the program, PCI has implemented the following:

- a. Annually, employees and students are made aware of PCI's Drug and Alcohol Abuse Prevention Program and Policy by means of email. Additionally, all new employees and students are informed of the program and the policy at new student/employee orientation.
- b. In addition to the annual notification, students and employees are offered written material including pamphlets and literature on drug and alcohol abuse. Such material is available in the Student Services office of each campus or in Human Resources.
- c. At least once per year, PCI conducts an event where the dangers and impact of drug and alcohol abuse are discussed. Such events are provided to both students and employees free of charge and may include, but are not limited to, wellness fairs, training sessions and workshops. These platforms develop the strengths and skills related to the effective management of drug and alcohol related problem areas.

### **2. Standards of Conduct**

PCI policy prohibits the unlawful possession, use, distribution or manufacture of illicit drugs and/or alcohol on campus or at any PCI sponsored event. The unlawful use of drugs or alcohol is inconsistent with the behavior expected of members of the PCI community. Violations of this policy may result in criminal action, as well as, disciplinary action.

This policy is in place to protect the students, employee and visitors of PCI.

#### **A. Students**

PCI is dedicated to providing a quality comprehensive educational program designed to meet and balance the diverse and changing educational, social, economic and cultural needs of the community while providing a safe and healthful environment. PCI is committed, not only to learning and to the advancement of knowledge, but also to the education of ethically sensitive and responsible persons. PCI seeks to achieve these goals through sound educational programs and through rules and regulations governing student life that encourage responsibility and respect for the rights and viewpoints of others.

Therefore, the use, sale, distribution, possession of alcohol, or any drug, including prescription medication used in an illegal manner is strictly prohibited and may result in disciplinary action up to, and including, expulsion.

PCI believes that as adult students, all should be responsible for their own actions and be free to pursue

their educational objectives in an environment that promotes learning, protects the integrity of the academic process and protects the learning community.

Each student shall have access to PCI's rules and regulations concerning student conduct. These rules and regulations are in effect when attending or participating in any class or activity sponsored by PCI or one of its affiliates or partners, either on campus or at an off-campus location.

For further guidance, students are encouraged to refer to the PCI Student Handbook.

#### **B. Employees**

While at work, each PCI employee has the responsibility to deliver service in a safe, efficient and conscientious manner. Therefore, the use, sale, distribution, possession of alcohol, or any drug, including prescription medication used in an unauthorized manner is strictly prohibited and may result in disciplinary action up to, and including, termination of employment.

An employee who is believed to be under the influence of alcohol or drugs while at work may be required to report immediately to a clinic to be tested to determine if he or she is under the influence of alcohol or drugs. As a condition of employment, an employee shall notify his or her supervisor of any conviction for an alcohol or drug related offense no later than five (5) days after such arrest/conviction. Failure to give this notification may result in disciplinary action, up to and including termination of employment.

Each employee has access to PCI's rules and regulations governing employee conduct in the PCI Employee Handbook and the PCI Faculty Handbook. These rules and regulations are in effect when on campus in any capacity and participating in any PCI sponsored activities, either on campus or at an off-campus location.

### **3. Health Risks**

#### **A. Alcohol**

Alcohol (beer, wine, liquor) has a high potential for physical and psychological dependence as well as resulting in increased tolerance. Possible effects include impaired memory, slurred speech drunken behavior slow onset, vitamin deficiency and organ damage. Overdose may result in vomiting, respiratory depressions, loss of consciousness, and possible death. Withdrawal may include trembling, anxiety, insomnia, vitamin deficiency, confusion, hallucinations, and convulsions. Females who drink alcohol during pregnancy may give birth to infants with Fetal Alcohol Syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics. Alcohol use is often related to acquaintance rape and failure to protect oneself from sexually transmitted diseases (STDs). Additionally, alcohol-related accidents are the number one cause of death in the 16 - 24-year-old age group.

#### **B. Narcotics**

Narcotics (including heroin, morphine, hydrocodone, oxycodone, codeine, and others) have a high potential for both physical and psychological dependence, as well as, resulting in increased tolerance. The possible side effects of using narcotics include euphoria, drowsiness, respiratory depression, constricted pupils and nausea. Overdose may result in shallow breathing, clammy skin, convulsions, coma and death. Withdrawal may include irritability, tremors, panic, nausea, chills, and sweating.

#### **C. Other Depressants**

Other depressants (including GHB or liquid ecstasy, valium, Xanax, Ambien and barbiturates) have a potential for physical and psychological dependence, as well as, resulting in increased tolerance. The possible side effects include slurred speech, disorientation, appearance of intoxication, and impaired memory. Overdose may result in shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma and possible death. Withdrawal may include anxiety, insomnia, tremors, delirium, convulsions, and possible death.

#### **D. Stimulants**

Stimulants (including cocaine, methamphetamine, and methylphenidate) have a possible risk of physical dependence and high risk for psychological dependence. Tolerance can develop with all stimulants. The possible side effects include increased alertness, excitation, euphoria, increased pulse rate and blood pressure, insomnia, and decreased appetite. Overdose may result in agitation increased body temperature, hallucinations, convulsions, and possible death. Withdrawal may result in apathy, long periods of sleep, irritability, depression and disorientation.

#### **E. Hallucinogens**

Hallucinogens (including MDMA, LSD, Phencyclidine, and others) are less likely to result in physical

dependence, with the exception of phencyclidines and analogs, and vary in terms of psychological dependence, ranging from none to moderate (MDMA) to high (phencyclidine and analogs). Tolerance can develop. Possible side effects include heightened senses, teeth grinding, and dehydration (MDMA and analogs) and hallucinations, altered perception of time and distance in other types of hallucinogens. Overdose may result in increased body temperature and cardiac arrest for MDMA and more intense episodes for LSD. Some hallucinogens may result in muscle aches and depression when in withdrawal (MDMA) or may result in drug seeking behavior.

**F. Cannabis**

Cannabis includes marijuana, tetrahydrocannabinol (THC), and hashish or hashish oil. All may result in moderate psychological dependence with THC resulting in physical dependence. Tolerance can develop in all forms. Possible effects include euphoria, relaxed inhibitions, increased appetite and disorientation. Overdose may result in fatigue, paranoia, and possible psychosis. Withdrawal may occasionally result in insomnia, hyperactivity and decreased appetite.

**G. Anabolic Steroids**

Anabolic steroids (including testosterone and others) may result in psychological dependence. Less is known as to their potential for physical dependence and increased tolerance levels. Possible effects may include virilization, edema, testicular atrophy, gynecomastia, acne and aggressive behavior. Effects of overdose are unknown.

Withdrawal may possibly include depression.

**H. Inhalants**

Inhalants (Including amyl and butyl nitrate, nitrous oxide, and others) vary in their level of psychological dependence, with less known about their potential for physical dependence and tolerance. Possible effects may include flushing, hypotension, and headache, impaired memory, slurred speech, drunken behavior, slow onset, vitamin deficiency, and organ damage. Overdose may result in methemoglobinemia, vomiting, respiratory depression, loss of consciousness, and possible death. Withdrawal may result in agitation, trembling, anxiety, insomnia, vitamin deficiency, confusion, hallucinations, and convulsions.

**4. Student and Employee Assistance Programs**

Through the resources of local, national and PCI based efforts, assistance is available for those individuals with alcohol and drug abuse problems. PCI offers the following drug and alcohol abuse information, counseling, assistance and services information:

**A. Locally Offered Programs for Locations in Missouri**

- In an emergency: call 9-1-1.
- First Call Alcohol and Drug Prevention & Recovery 633 E. 63<sup>rd</sup> Street, Kansas City, MO (913) 233-0747
- Alcoholics Anonymous  
3151 Olive Street, Kansas City, MO 64109 (816) 861-6678
- Northland Dependency Services  
3917 Broadway Street, Kansas City, MO 64111 (816) 472-4637

**B. Locally Offered Programs for Locations in Kansas**

- In an emergency: call 9-1-1
- Kansas Department for Children & Families  
24 Hour Help line for alcohol & drug abuse services 1-866-645-8216
- Alcoholics Anonymous  
801 Massachusetts St, Lawrence, KS (785) 842-0110
- Douglas County Citizens Committee on Alcoholism (DCCCA) 1739 E 23<sup>rd</sup> Street, Lawrence, KS 66046 (785) 830-8238

**C. National Resources**

- National Alcohol and Drug Abuse Help Line 1-800-821-4357
- Alcohol Abuse 24 Hour Hotline 1-800-950-7226
- Drug Enforcement Administration: Drug Fact Sheets  
<http://www.justice.gov/dea/druginfo/factsheets.shtml>

## 5. Disciplinary Sanctions

PCI's policy on prohibiting the unlawful possession, use, distribution or manufacture of illicit drugs and/or alcohol on any PCI campus or PCI sponsored event protects the employees, students and visitors of PCI.

### A. Sanctions Under the Law

All PCI students and employees are expected to comply with federal, state and local drug and alcohol laws, as well as, PCI policies and procedures. Any student or employee who violates any of these drug and alcohol laws will be reported to the appropriate law enforcement agency and will be subject to prosecution in accordance with the law. Legal sanctions for violation of local, state, and/or federal laws may include, but are not limited to fines, jail, or prison sentences up to ninety-nine (99) years of life. Students who violate the Code of Conduct and federal, state, local other applicable law may be accountable to both PCI and the civil or criminal authorities.

### B. School Sanctions

PCI shall, within the scope of applicable federal and state due process requirements, take such administrative or disciplinary action as is appropriate for violations of the Drug and Alcohol Abuse Prevention Policy, PCI Policy and applicable law. In the event that such violation is also a violation of federal, state or local law, PCI may decide to proceed or delay its own disciplinary processes.

#### 1. Students

- Any student demonstrating a violation of the Student Code of Conduct including, but not limited to, the prohibition of possession, use, or distribution of illicit drugs and alcohol, shall be subject to discipline, up to and including expulsion, in accordance with PCI policy and applicable law.
- PCI has adopted a zero tolerance policy regarding underage drinking.
- Students may be asked to participate in a drug and alcohol assistance or rehabilitation program.
- PCI shall vigorously pursue enforcement against students who fail to abide by its standards of conduct. Disciplinary action taken at any PCI campus shall be in effect at all PCI locations.

#### 2. Employees

- Upon receipt of information indicating a drug or alcohol related problem, employees shall be required to submit to a medical examination or drug testing, take leave without pay pending an investigation, and potentially, suffer immediate termination.
- In the event of confirmation of prohibited possession, use or distribution by an employee; administrative or disciplinary action may include, but is not limited to: reprimand, suspension, or termination of employment or a requirement that the employee participate in and/or successfully complete an appropriate rehabilitation program and/or arrest or referral to the appropriate law enforcement.
- Other sanctions may include, but are not limited to, employee counseling sessions, written reprimands, and formal discussions with supervisors, decision-making leave, and leave without pay.
- Any action taken by PCI may be taken immediately

#### 3. Visitors

- Any visitor engaging in any act prohibited by this Policy shall be called on to immediately cease such behavior and shall be subject to other sanctions including referral to law enforcement officials for arrest and prosecution.

### C. Federal Financial Aid Sanctions

Federal guidelines focus strongly on illicit drug use and distribution. The Higher Education Opportunity Act states that 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. If the potential student answers, "yes", the school is required to send a worksheet in to determine if the conviction will affect the applicant's eligibility for financial aid. Failure to answer the question will immediately disqualify the applicant from receiving federal financial aid. Answering the question falsely, could possibly result in fines up to \$20,000, imprisonment, or both.

#### Penalties for Drug Conviction

If the student was convicted of both possessing and selling illicit drugs, and the periods of eligibility are

different, the student will be ineligible for the longer period.

#### **Possession of Illicit Drugs**

- For a 1<sup>st</sup> offense, a student loses eligibility for federal financial aid for one year from the date of the conviction
- For a 2<sup>nd</sup> offense, a student loses eligibility for federal financial aid for two years from the date of conviction
- For a 3<sup>rd</sup> offense and subsequent offenses, a student has indefinite ineligibility for federal financial aid from the date of conviction

#### **Sale of Illegal Drugs**

- For 1<sup>st</sup> offense, a student loses eligibility for federal financial aid for two years from the date of conviction
- For 2<sup>nd</sup> offense and all subsequent offenses, a student has indefinite ineligibility from the date of conviction.

#### **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 record 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 2 unannounced drug tests; AND
  - Having 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 federal 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 PCI is not required to confirm the reported information unless conflicting information is determined.

#### **Convictions and Alcohol Counseling**

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

#### **6. Biennial Review of the Drug and Alcohol Abuse Prevention Program**

This program is the joint responsibility of PCI's Human Resources Department, Financial Aid Department and Compliance Department, as well as, local law enforcement. Notification of the program, including information about health risks and sanctions for violation of this policy will be provided annually to the students and employees of PCI.

The PCI Drug and Alcohol Abuse Prevention Program will be reviewed biennially. PCI is committed to monitoring and assessing the effectiveness of the policy and program and what changes need to be made. PCI ensures the uniform application of sanctions to employees and students. To perform this review, PCI uses both formal and informal assessments.

- Formally, PCI has a Drug and Alcohol Prevention Committee. This committee determines the effectiveness of this program and ensures the standards of conduct are fair and consistently enforced. The formal program review is conducted every two years.

- Informal assessment methods used in the review include administrative overview and informal student surveys.
- Modifications are made to the programs and the expected learning outcomes in an effort to evolve with changes in the student population.

A systematic prescriptive disciplinary process ensures each disciplinary referral is resolved appropriately, and the consequences or sanctions adequately address the nature of the issue. Emphasis is placed on student and employee development and a holistic approach to the student learning and staff development.

**Section:** General Information  
**Policy:** Sexual Misconduct  
**Policy #:** 90912SA-SMP  
**Revision Date:** September 24, 2018

## Sexual Misconduct Policy

### I. PURPOSE AND SCOPE OF POLICY

#### 1. **Statement of Institutional Values**

Sexual misconduct of any form is a violation of a person's rights, dignity and integrity. An act of sexual misconduct represents a fundamental failure by a community member to recognize and respect the intrinsic worth and dignity of another. Acts of sexual misconduct are harmful and illegal and will not be tolerated at Pinnacle Career Institute (PCI). Such acts corrupt the integrity of the educational process, are contrary to the mission and values of the PCI community and are against PCI policy.

All members of the PCI community should be free from sexual misconduct in the classroom, the social and recreational environment, as well as the workplace. PCI seeks to foster a climate free from sexual misconduct through a coordinated education and prevention program, the promulgation of clear and effective policies, as well as investigative and grievance procedures that are prompt, equitable, and accessible to all. In response to any reported sexual misconduct, PCI will take all appropriate steps to eliminate the misconduct, prevent its recurrence and address its effects.

In order to foster a climate of respect for oneself and for one another and provide for the safety and security of our community, PCI expects all community members to take action to prevent acts of sexual misconduct. Creating a safe campus environment is the responsibility of all members of the PCI community, both individually and collectively.

In order to achieve equitable results, PCI will carefully review and/or investigate all reports with an earnest intent to understand the perspective and experiences of each individual involved, and provide for fair and impartial evaluation and resolution.

#### 2. **Sexual Assault Prevention, Risk Reduction, and Awareness Programs**

PCI engages in comprehensive, intentional and integrated programming intended to respond to and prevent sexual assault, domestic violence, dating and stalking that:

- Is culturally relevant, inclusive of diverse communities and identities, sustainable, responds to community needs, and is informed by research or assessed for value, effectiveness, or outcome.
- Considers environmental risk and protective factors as they occur to the individual, relationship, institutional, community, and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention for students and employees that:

- Identify sexual assault, domestic violence, dating violence, and stalking as prohibited conduct.
- Define using definitions provided by the Department of Education, state law, and/or Code of Conduct, what behavior and actions constitute consent to sexual activity in the state of Missouri and explain consent by using the student Code of Conduct.
- Provide a description of safe and positive options for bystander intervention. **Bystander intervention** means safe, effective, and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of harm, including sexual assault, domestic violence, dating violence, or stalking. Bystander intervention includes recognizing situations of potential harm, evaluating the situations and options, and deciding what intervention is appropriate.
- Describe risk-reduction options. **Risk reduction** means options designed to decrease perpetration and bystander interaction and to increase empowerment for victims in order to promote safety

and to help individuals and communities address conditions that facilitate violence.

- Raise awareness of the prohibitive behavior and/or consent and healthy relationships. **Awareness programs** are those programs that raise awareness of the various offenses, behaviors, and/or prosocial behaviors in regards to prevalence, statistics, normative information, options, resources, services, or other areas of interest/or concern.
- Encourage primary prevention. **Primary prevention programs** are designed to prevent an offense from occurring. Such programs include information regarding consent, healthy relationships, and positive prosocial behavior.
- PCI's ongoing prevention awareness continues the ongoing goal of preventing and raising awareness of sexual assault, domestic violence, dating violence, and stalking; PCI's prevention and awareness campaign was discussed and developed in the fall of 2013 and early 2014 , with implementation of the ongoing campaign/program in the fall of 2014.

PCI has developed an annual educational campaign consisting of presentations that include distribution of educational material to new students; participating in and presenting information and materials during new employee orientation.

### 3. Purpose of the Policy

The purpose of this policy is to provide the PCI community with a clearly articulated set of behavioral standards, common understandings of definitions and key concepts, and descriptions of prohibited conduct. The policy applies to all PCI community members, including students, faculty, and staff. It is intended to protect and guide students, faculty and staff who have been affected by sexual misconduct, whether as a complainant, a respondent, or a third party.

When used in the policy, a complainant refers to the individual who believes that he/she/they have been the subject of sexual misconduct. A respondent refers to the individual who has been accused of sexual misconduct. A third party refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else. A report refers to any incident or concern regarding sexual misconduct that is reported to PCI. A complaint is an allegation of sexual misconduct filed against a faculty or staff member or student that initiates the appropriate disciplinary process.

In addition to defining sexual harassment and the forms of sexual misconduct that violate the standards of our community, this policy will also:

- Identify resources and support for all members of the PCI community;
- Identify the Title IX Coordinator, Deputy Coordinators and their roles;
- Provide information about where a PCI community member can obtain support or access to resources in a confidential manner;
- Provide information about how a PCI community member can make a report on-campus and off-campus, and;
- Provide information about how a report against a PCI community member will be investigated, evaluated and resolved.

### 4. Scope

As stated above, this policy applies to all members of the PCI community, including students, employees, visitors and independent contractors. When used in the policy, employees generally refer to both staff and faculty members, although there are separate complaint processes delineated for employees and students. Vendors, independent contractors, visitors and others who conduct business with PCI or on PCI property are also expected to comply with this policy.

All PCI community members are responsible for their actions and behavior, whether the conduct occurs on campus or in another location. Members of the PCI community have a responsibility to adhere to College policies and local, state and federal law.

As a result, this policy applies both to on-campus and off-campus conduct. In particular, off-campus behaviors that have an actual or potential adverse impact on any member of the PCI community or PCI, itself, fall under this policy.

Any individual may make a report alleging a violation of this policy. PCI will provide resource options and respond promptly and equitably to all allegations of sexual misconduct. PCI will engage in a Title IX review throughout which it is committed to maintaining fairness for all parties and to balancing the needs and interests of the individuals involved with the safety of the community as a whole.

## **5. Coordination with Non-Discrimination Policy**

Pinnacle Career Institute (PCI) recognizes harassment related to an individual's sex, sexual orientation, gender identity or gender expression can occur in conjunction with misconduct related to an individual's race, color, ethnicity, national origin, religion, age, military or veteran status or disability. Targeting individuals on the basis of these characteristics is also a violation of PCI community standards. Under these circumstances, PCI will coordinate the investigation and resolution efforts to address harassment related to the targeted individual's sex, sexual orientation, gender identity or gender expression together with the conduct related to the targeted individual's race, color, ethnicity, national origin, religion, age, military or veteran status or disability.

## **II. NOTICE OF NON-DISCRIMINATION**

PCI is committed to establishing and maintaining an environment free from all forms of harassment and discrimination for all PCI community members. PCI does not discriminate on the basis of race, color, ethnicity, national origin, age, sex, sexual orientation, gender identity or expression, physical or mental disability, religion, military or veteran status or any other protected class.

PCI does not discriminate on the basis of sex in its educational, extracurricular, athletic or other programs or in the context of employment. Sexual misconduct, including sexual harassment as defined by this policy, is a form of sex discrimination that unjustly deprives a person of equal treatment. It is prohibited under Title IX of the educational Amendments of 1972, a federal law that provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964.

This policy prohibits sexual misconduct against all PCI community members of any gender or sexual orientation. This policy prohibits gender-based harassment that does not involve conduct of a sexual nature.

## **III. PCI STATEMENT OF PRIVACY**

Pinnacle Career Institute is committed to maintaining the privacy of all individuals involved in a report of sexual misconduct. In any Title IX review of an allegation of sexual misconduct, every effort will be made to protect the privacy and interests of the individuals involved in a manner consistent with the need for a thorough review of the allegation. Such a review is essential to protecting the safety of the complainant, the respondent, and the broader campus community, and to maintaining an environment free from sexual discrimination.

At all times, the privacy of the parties will be respected and safeguarded. Information related to a report of misconduct will be shared only with those PCI employees who "need to know" in order to assist in the investigation and/or resolution of the complaint. All PCI employees who are involved in the Title IX review process have received specific training regarding the safeguarding of private information. Students and employees wishing to obtain confidential assistance through on-campus or off-campus resources without making a report to PCI may do so by speaking with professionals who are obligated by law to maintain confidentiality. These non-PCI professionals are identified in Attachment B.

When PCI has received a report of sexual misconduct, but the complainant requests that his/her identity remain confidential, or that PCI not pursue an investigation, PCI will balance this request with its responsibility to provide a safe and non-discriminatory environment for all PCI community members. PCI will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. At all times, PCI will seek to respect the request of the complainant, and where it cannot do so, PCI will consult with the complainant and keep him/her/them informed about the chosen course of action.

If a report of misconduct discloses an immediate threat to the PCI community, PCI may issue a timely notice of the conduct to the community to protect the health or safety of the broader campus community. This notice will not contain any biographical or other identifying information. Immediately threatening circumstances include, but are not limited to, recently reported incidents of sexual misconduct that include the use of force, a weapon, or other circumstances that represent a serious and ongoing threat to PCI students, faculty, administrators, staff or visitors. All resolution proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX and PCI policy. No information shall be released from such proceedings except as required or permitted by law and PCI policy.

## **IV. PROHIBITED CONDUCT AND DEFINITIONS**

Pinnacle Career Institute (PCI) prohibits sexual misconduct. Sexual misconduct is a broad term that includes, but is not limited to sexual harassment, sexual violence, sexual exploitation, stalking, cyber-stalking, bullying and cyber-bullying, aiding or facilitating the commission of a violation, and retaliation.

Consistent with the values of an educational and employment environment free from harassment based on sex, PCI also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereo-typing, even if those acts do not involve conduct of a sexual nature.

## 1. Definition of Sexual Harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work or participation in social or extracurricular activities.
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance by creating an intimidating, hostile humiliating, demeaning or sexually offensive working, academic or social environment. The effect will be evaluated based on the perspective of a reasonable person in the position of the complainant.

A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical.

## 2. Forms of Prohibited Sexual Harassment

Sexual harassment is prohibited. In some cases, sexual harassment is obvious and may involve an overt action, a threat or reprisal. In other instances, sexual harassment is subtle and indirect, with a coercive aspect that is unstated.

Sexual harassment can take many forms:

- It can occur between equals (e.g. student to student, staff to staff, faculty member to faculty member, visitor/contracted employee to staff) or between persons of unequal power status (e.g. supervisor to subordinate, faculty member to student)/ Although sexual harassment often occurs in the context of an exploitation of power by the individual with the greater power, a person who appears to have less power in a relationship can also commit sexual harassment (e.g. student harassing a faculty member).
- It can be committed by an individual or may be a result of the collective actions of an organization or group.
- It can be committed against an individual, an organization or a group.
- It can be committed by an acquaintance, a stranger, or someone with whom the complainant has a personal, intimate or sexual relationship.
- It can occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.
- It does NOT have to include intent to harm, be directed at a specific target, or involve repeat incidents.

Examples of behavior that might be considered misconduct include, but are not limited to:

- Unwanted or inappropriate sexual innuendo, propositions, sexual attention or suggestive comments and gestures, humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality or gender; insults and threats based on sex or gender; and other oral, written or electronic communications of a sexual nature that an individual communicates is unwanted and unwelcome;
- Written graffiti or the display or distribution of sexually explicit drawings, pictures or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; the circulation, display, or creation of emails or web sites of a sexual nature.
- Non-academic display or circulation of written materials or pictures degrading to an individual(s) or gender group (it is expected that instructors will offer appropriate warning regarding the introduction of explicit and triggering materials in the classroom);
- Inappropriate or unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body;
- Undue and unwanted attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures;
- Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances;

- Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex, gender identity/expression, or sexual orientation;
- Use of a position of power or authority to: (1) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (2) promise rewards in return for sexual favors.
- Sexual assault;
- Abusive, disruptive or harassing behavior, verbal or physical, which endangers another's mental or physical health, including but not limited to threats, acts of violence, or assault based on gender and/or in the context of intimate partner violence.
- Demeaning verbal or other expressive behavior of a sexual or gendered nature in instructional settings; and
- Acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping. Harassment for exhibiting what is perceived as a stereotypical characteristic for one's sex, or for failing to conform to stereotypical notions of masculinity and femininity, regardless of actual or perceived sexual orientation or gender identity or the harasser or target.

### 3. Additional Forms of Prohibited Sexual Misconduct

Sexual misconduct may vary in its severity and consists of a range of behaviors. The following descriptions represent sexual behaviors that violate PCI's community standards and a person's rights, dignity and integrity.

- **Sexual Violence:** Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This includes rape, sexual assault, battery and sexual coercion. Sexual violence may involve individuals who are known to one another or have an intimate and/or sexual relationship, or may involve individuals not known to one another. Examples include, but are not limited to:
  - Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object, or oral copulation by mouth-to-genital contact.
  - Having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching intimate parts of another, causing the other to touch one's intimate parts, or disrobing of another without permission. Intimate parts may include breasts, genitals, buttocks, mouth or any other part of the body that is touched in a sexual manner.
- **Sexual Exploitation:** An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses. Sexual exploitation may involve individuals who are known to one another, have an intimate or sexual relationship, and/or may involve individuals not known to one another. Examples include, but are not limited to:
  - Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
  - Non-consensual streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
  - Prostituting another individual;
  - Knowingly exposing another individual to a sexually transmitted disease or virus without his or her knowledge; and
  - Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.
- **Stalking:** A course of conduct involving more than one instance of unwanted attention, harassment, physical or verbal contact, or any other course of conduct directed at an individual that could be reasonably regarded as likely to alarm or place that individual in fear of harm or injury, including physical, emotional, or psychological harm. This includes cyber-stalking, a particular form of stalking in electronic media such as the Internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person. Stalking and cyber-stalking may involve individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals not known to one another.
- **Aiding or Facilitating:** Aids, facilitates, promotes or encourages the commission of a violation under this policy. Aiding or facilitating may also include failing to take action to prevent an imminent act when it is reasonably prudent and safe to do so. Taking action may include direct intervention, calling

campus security or local law enforcement, or seeking assistance from a person with authority.

- **Retaliation:** Acts or attempts to retaliate or seek retribution against the complainant, respondent or an individual or group of individuals involved in the investigation and/or resolution of an allegation of sexual misconduct. Retaliation can be committed by any individual or group of individuals, not just a respondent or a complainant. Retaliation may include continued abuse or violence, other forms of harassment, slander and libel.

#### 4. Statement on Consent, Coercion, Incapacitation, and Alcohol

**Consent to engage in sexual activity must be knowing and voluntary.** Consent to engage in sexual activity must exist from the beginning to end of each instance of sexual activity, and for each form of sexual contact. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact. For example, an individual may agree to kiss but choose not to engage in touching of the intimate parts or sexual intercourse. An individual should obtain consent before moving from one act to another.

**Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity.** Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. In the absence of an outward demonstration, consent does not exist. If, at any time, it is reasonably apparent that either party is hesitant, confused or uncertain, both parties should stop and obtain mutual verbal consent before continuing sexual activity.

**A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.** Even in the context of a relationship, there must be mutually understandable communication that clearly indicates willingness to engage in sexual activity each time such activity occurs.

**Consent may be withdrawn by either party at any time.** Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

**In the state of Missouri, consent can never be given by minors under the age of 17. In the state of Kansas, consent can never be given by minors under the age of 16.**

**Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual contact.** Coercion includes the use of pressure and/or oppressive behavior, including express or implied threats of harm, severe and/or pervasive emotional intimidation, which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amount to coercion if they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.

**An individual who is incapacitated is not able to make rational, reasonable judgments and therefore, is incapable of giving consent.** Incapacitation is the inability, temporarily or permanently, to give consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if he/she/they demonstrate that they are unaware of where they are, how they got there, or why or how they became engaged in sexual interaction. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason. An individual may experience a blackout state in which he/she/they appear to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. The relevant standard that will be applied is whether the respondent knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could consent to sexual activity.

PCI considers sexual contact while under the influence of alcohol to be risky behavior. Alcohol impairs a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct and does not excuse one from the responsibility to obtain consent.

## 5. Consensual Relationships

Amorous, dating, or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between a faculty member, supervisor, or other member of the PCI community and any person for whom he or she has a professional responsibility. These dangers can include: that a student or employee may feel coerced into an unwanted relationship because he or she fears that refusal to enter into the relationship will adversely affect his or her education or employment; that conflicts of interest may arise when a faculty member, supervisor, or other member of the PCI community is required to evaluate the work or make personnel or academic decisions with respect to an individual with whom he or she is having a romantic relationship; that students or employees may perceive that a fellow student or co-worker who is involved in a romantic relationship will receive an unfair advantage; and that if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.

Faculty members, supervisors, and other members of the PCI community who have professional responsibility for other individuals, accordingly, should be aware that any romantic or sexual involvement with a student or employee for whom they have such a responsibility may raise questions as to the mutuality of the relationship and may lead to charges of sexual harassment. For the reasons stated above, such relationships are strongly discouraged.

For purposes of this policy, an individual is a "responsible employee" when they have responsibility for another individual at PCI by performing functions including, but not limited to: teaching, counseling, grading, advising, evaluating, hiring, supervising, or making decisions or recommendations that confer with benefits such as promotions, financial aid awards or other remuneration, or that may impact upon other academic or employment opportunities.

## V. RESOURCES

### 1. Overview

Pinnacle Career Institute is committed to treating all individuals with dignity, care and respect. Any individual affected by sexual misconduct, whether a complainant, respondent or a third party, will have equal access to support and counseling services through PCI. PCI recognizes that any individual involved in an incident of sexual misconduct may have questions and we encourage PCI community members to seek the support of campus and community resources. PCI can provide guidance in making decisions, obtaining information about valuable resources and assisting either party in the event that a report and/or resolution is pursued. Individuals are encouraged to use all available resources, regardless of whether the incident occurred recently or in the past.

Complainants, respondents and third parties can expect:

- The opportunity to meet with the Title IX or Deputy Title IX Coordinator to answer questions regarding PCI's complaint processes for students and employees.
- Notice of confidential resources, including both health care and mental health counseling services, on campus and in the local community.
- Notice of the option to pursue law enforcement action and to be assisted by PCI officials in accessing and communicating with law enforcement authorities. This notice will include a discussion of the importance of preservation of evidence.
- The opportunity to request that PCI take the steps to prevent unnecessary or unwelcome contact or communication with another member of the PCI community.
- The right to be free from retaliation. Any concerns of retaliatory behavior should be immediately reported to the Title IX or Deputy Title IX Coordinator.

### 2. Confidential & Community Resources and Support

PCI encourages all PCI community members to report an incident of sexual misconduct. PCI recognizes, however, that there are many barriers to reporting, both individual and societal, and not every individual will choose to make a formal report with PCI or with local law enforcement. For those individuals who are not prepared to make a report, there are several confidential resources available for students, faculty and staff. Individuals seeking to talk to someone about an incident of sexual misconduct in a confidential manner without making a report to PCI or triggering any investigation or action by PCI may utilize the following resources. These resources hold a statutorily protected confidentiality that prohibits the release of an individual's information without that individual's express consent (except under limited circumstances that pose an imminent danger to the individual or others.) The following off-campus resources are confidential:

- Metropolitan Organization to Counter Sexual Assault (MOCSA)

Main: (816) 931-4527  
Missouri Crisis Line: (816) 531-0233  
Kansas Crisis Line: (913) 642-0233

- SafeHome: 24-Hour Hotline: (913) 262-2868
- Kansas City Anti-Violence Project Main: (816) 561-2755  
Hotline: (816) 561-0550
- Safe at Home (866)-509-1409
- Synergy Services Main: (816) 587-4100  
Hotline: (816) 452-8535
- GaDuGi Safe Center  
Hotline: (785) 843-8985

### 3. Campus Resources

In addition to the confidential resources listed above, all PCI community members have access to a variety of resources provided by PCI that can provide crisis intervention services, counseling, academic support and medical services. All of the staff listed below are trained to support individuals affected by sexual misconduct and to coordinate with the Title IX Coordinator consistent with PCI's commitment to a safe and healthy educational and work environment. While not bound by confidentiality, these resources will nevertheless maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

#### **Title IX Coordinator (Staff and Faculty)**

Rebecca Clothier  
(816) 331-5700  
[rclothier@pcitraining.edu](mailto:rclothier@pcitraining.edu)

#### **Title IX Coordinator (Students)**

Rebecca Clothier  
(816) 331-5700  
[rclothier@pcitraining.edu](mailto:rclothier@pcitraining.edu)

#### **Deputy Title IX Coordinators (by campus)**

Pinnacle Career Institute  
Michaëlle Holland  
(816) 331-5700  
[mholland@pcitraining.edu](mailto:mholland@pcitraining.edu)

Pinnacle Career Institute-NKC Satellite Location  
Michaëlle Holland  
(816) 331-5700  
[mholland@pcitraining.edu](mailto:mholland@pcitraining.edu)

## VI. REPORTING

**All PCI employees, including faculty, staff, administrators and student employees who have a responsibility for student welfare are required to share with a member of the Title IX team any report of sexual misconduct they receive or of which they become aware.**

All PCI community members, even those who are not obligated by this policy, are strongly encouraged to report information regarding any incident of sexual misconduct to a member of the Title IX team.

The Title IX team/coordinator will ensure that the PCI responds to all reports in a timely, effective and consistent manner. The PCI Title IX team consists of the Title IX Coordinators and the Deputy Title IX Coordinators, the Executive Director of Human Resources, as applicable, the Executive Director of the campus, as applicable and the President. The team is charged with the review, investigation and resolution of all reports to ensure consistent responsiveness and the integrated provision of interim measures to support the individuals involved and to protect the campus community. It is only through this consistent and informed response that we create culture of accountability and break the culture of silence. The Title IX team is positioned to provide seamless support, assess campus safety and effectively respond to allegations of sexual misconduct.

PCI will promptly and thoroughly investigate and respond to all reports of sexual misconduct. PCI will respond to all reports in an integrated, consistent manner that treats each individual with dignity and respect. PCI will approach each report with an earnest intent to understand the perspective and experiences of each individual involved in order to ensure fair and impartial evaluation and resolution.

PCI is committed to providing a variety of welcoming and accessible means so that all instances of sexual misconduct will be reported. PCI also recognizes that the decision whether or not to report sexual misconduct is personal, and that there are many barriers to reporting, both individual and societal. Not every individual will be prepared to make a report to PCI or to law enforcement, and individuals are not expected or required to pursue a specific course of action.

An incident does not have to occur on campus to be report to PCI. Off-campus conduct that adversely affects PCI or the PCI community also falls under this policy.

An individual does not have to decide whether or not to request disciplinary action at the time the report is made. PCI recognizes that choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. PCI will respect an individual's autonomy in making these important decisions and provide support that will assist each individual in making that determination.

As outlined in the Resources section of this policy, there are confidential community resources available to individuals not wishing to make a report to PCI. Information shared with these resources will not be reported to PCI.

As outlined in the Statement of Privacy, PCI respects the privacy interests of students, faculty and staff. All information reported will be shared only with those employees who assist in the investigation and/or resolution of the complaint.

### **1. Emergency/Immediate Reporting Options**

PCI encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. PCI will assist any community member to get to a safe place and will provide transportation to the hospital, coordination of law enforcement and information about PCI's resources and complaint processes.

A medical provider can provide emergency and/or follow-up medical services, and the ability to discuss any health concerns related to the incident in a confidential medical setting may bring peace of mind. The medical exam has two goals: first, and foremost, to diagnose and treat the full extent of any injury or physical effect; and second, to properly collect and preserve evidence. There is a limited window of time (typically 72 - 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will remain confidential and preserve the full range of options to seek resolution through PCI's complaint processes or through the pursuit of criminal action.

### **2. Campus Reporting Options**

PCI recognizes that a student or employee may choose to report sexual misconduct to *any* trusted employee of PCI. For example, a student may choose to confide in a faculty member, who is considered a "responsible employee" and who must report the incident under this policy. An employee may choose to confide in a supervisor, also considered a "responsible employee." Under this policy, *any* employee who receives a report of

sexual misconduct must share the report with the Title IX Coordinator, as applicable, or a member of the Title IX team. The Title IX Coordinator and Title IX team are specifically charged with investigating and responding to allegations of sexual misconduct. Please refer to the Campus Resources section for a list of campus/Title IX contacts.

### **3. Anonymous Reporting**

Any individual may make an anonymous report concerning an act of sexual misconduct. An individual may report the incident without disclosing his/her name, identifying the respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, however, PCI's ability to respond to an anonymous report may be limited.

### **4. False and Malicious Accusations**

Members of the PCI community who make false and malicious complaints of sexual misconduct, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

### **5. Time Frame for Reporting**

Individuals are encouraged to report sexual misconduct immediately in order to maximize PCI's ability to respond promptly and equitably. PCI does not, however, limit the timeframe for reporting. PCI will not be able to pursue disciplinary action against an individual who is no longer affiliated with the institution.

### **6. Coordination with Law Enforcement**

PCI encourages complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes under Missouri/Kansas law. In every case of sexual violence, PCI, through the Title IX Coordinator, will notify the local law enforcement of the allegations. PCI will also assist a complainant in making a criminal report and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law. However, a complainant may also choose not to pursue criminal action, and under most circumstances, the local law enforcement agency will not force the complainant to pursue charges if he/she/they are not willing to do so.

PCI's policy, definitions and burden of proof may differ from Missouri/Kansas criminal law. A complainant may seek resolution through PCI's complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's determination whether or not to prosecute the respondent, nor the outcome of any criminal prosecution, are determinative of whether sexual misconduct under this policy has occurred. Proceedings under PCI's Sexual Misconduct Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

## **VII. Interim Measures**

Upon receipt of a report, PCI will provide interim support and reasonable protective measures to prevent further acts of misconduct, and to provide a safe educational and work environment. PCI will determine the necessity and scope of any interim measures. Even when a complainant or respondent does not specifically request that protective action be taken, PCI may choose to impose interim measures at its discretion to ensure the safety of any individual, the PCI community or the integrity of the review process.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. PCI will take immediate and responsive action to enforce measures previously ordered or implemented.

PCI may impose any remedy that can be tailored to the involved parties to achieve the goals of this policy, even if not specifically listed here. The range of interim measures may include:

- **No Contact Order:** A complainant or respondent may request, or PCI may impose, communication and contact restrictions to prevent further potentially harmful interaction. These communication and contact restrictions generally preclude in person, telephone, electronic or third party communications. In some cases, an individual may also wish to consider an Abuse Prevention Order or Harassment Protection Order from the local courts. This is a civil proceeding independent of PCI. If a court order is issued, PCI will, to the extent possible, assist the protected person in benefitting from the restrictions imposed by the court and will also facilitate on-campus compliance with the order.
- **Academic or Employment Modifications:** A complainant or respondent may request an academic or employment accommodation after a report of sexual misconduct. An individual who requests assistance in changing their academic situation after an incident of sexual misconduct will receive appropriate and reasonably available accommodations. These may include:

- Academic accommodations include changes in class schedule, taking an incomplete, dropping a course without penalty, attending a class online or other alternative means available or extending deadlines for assignments;
- Change in work schedule or assignment;
- Providing an escort to ensure safe movement between classes and activities.
- **Emotional Support:** PCI will provide referral services to off-campus agencies as detailed in the Confidential and Community Resources section of this policy.
- **Interim Support:** Where the report of sexual misconduct poses an ongoing risk of harm to the safety or well-being of an individual or members of the campus community, PCI may place an individual(s) on interim suspension or impose leave for an employee. Pending resolution of the complaint, the individual(s) may be denied access to the campus. When interim suspension or leave is imposed, PCI will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

## VIII. Title IX REVIEW

### 1. Role of the Title IX Coordinator

The President of Pinnacle Career Institute has appointed two Title IX Coordinators. One for employee related complaints and once for student related complaints. In their roles as Title IX Coordinators, they oversee PCI's centralized review, investigation and resolution for reports of sexual misconduct. They also coordinate PCI's compliant with Title IX. The two Title IX Coordinators are supported by several administrators at each campus that serve as Deputy Title IX Coordinators. Each is knowledgeable and trained in state and federal laws that apply to matters of sexual harassment, as well as PCI policy and procedure.

The Title IX and Deputy Title IX Coordinators can be contacted by telephone, email or in person during regular office hours. Please refer to the Campus Resources section of this policy for specific contact information.

The duties and responsibilities of the Title IX and Deputy Title IX Coordinators include training, education and climate checks, as well as the oversight of procedures that promptly and equitably eliminate sexual harassment, prevent its reoccurrence and address its effects on individuals and the PCI community. The Title IX and Deputy Title IX Coordinators will:

- Oversee the investigation and resolution of all reports of sexual misconduct;
- Meet with any individual, whether a complainant, respondent or third party to discuss interim measures, resources and procedural options on and off campus;
- Ensure prompt and equitable resolutions that comply with all requirements and timeframes specified in the complaint process;
- Conduct on-going and annual climate checks, tracking, and monitoring of sexual misconduct allegations on campus; and,
- Coordinate all training, education and prevention efforts.

### 2. Initial Assessment

PCI will address all reports of sexual misconduct. The Title IX or Deputy Title IX Coordinator will oversee the Title IX review process.

In every report of sexual misconduct, PCI, through the Title IX team member will make an initial assessment of any risk or harm to individuals or to the campus community and will take the steps necessary to address those risks. These steps will include the interim measures to provide for the safety of the individual and the campus community.

### 3. Investigation

The Title IX team member may determine if an investigation of the report of sexual misconduct should be conducted. This determination is based on a variety of factors, such as the complainant's wish to pursue disciplinary action, the risk posed to an individual or the campus community by not proceeding, and the nature of the allegation. The Title IX team member may designate an investigator of its choosing. Any investigator used by PCI, whether internal or external, must have specific training and experience investigating allegations of sexual misconduct.

The investigator will coordinate the gathering of information from the complainant, respondent and any other individuals who may have information relevant to the determination. The investigator will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records, as appropriate. The investigator may also consider prior allegations of, or findings of responsibility for, sexual misconduct by the respondent. In gathering such information, the investigator will

comply with all applicable laws and PCI policies. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect.

Information gathered during the investigation will be used to evaluate the responsibility of the respondent, provide for the safety of the individual and PCI's campus community, and impose the remedies as necessary to address the effects of the alleged conduct. Any investigative report will serve as the foundation for all related resolution processes.

#### **4. Time Frame for Resolution**

The investigation and resolution (including appeal) of all reports will generally be completed within sixty (60) to ninety (90) working days. Extenuating circumstances including the complexity and severity of a complaint may arise that require the complaint process to extend beyond that. In general, a complainant and respondent can expect to receive periodic updates as to the status of the review or investigation.

In the event that the investigation and resolution exceed this time frame, PCI will notify all parties of the need for additional time and best efforts will be made to complete the process in a timely manner.

#### **5. Applicability of Procedures**

- a. These procedures are applicable to all PCI campuses and subsidiaries. PCI reserves the right to modify this policy or the procedures at anytime.
- b. The procedures are intended to provide guidance to the Executive Directors for implementing PCI's sexual misconduct policy; these procedures do not create any rights or privileges on the part of any others.

**Section:** General Information  
**Policy:** Non-discrimination  
**Policy #:** 90912SA-NDP  
**Revision Date:** September 24, 2018

## **Non-Discrimination Policy**

It is the policy of Pinnacle Career Institute (PCI) to provide, for all persons, equal educational and employment opportunities in a working and learning environment in which students and employees are able to realize their full potential as productive members of the PCI community. To this end, it is PCI's policy that its educational and employment programs will be administered without regard to race, color, national or ethnic origin, religion, gender, sexual orientation, gender identity, age, alienage or citizenship, disability, military or veteran status, marital status, legally registered domestic partnership status, or any other factors irrelevant to the productive participation in the programs of the college. Further, in keeping with local, state, and federal mandates and recognizing the many benefits that accrue from a community of diverse experience and cultural heritage, PCI pledges to act affirmatively in providing employment opportunities for qualified women, racial and ethnic minorities, veterans and individuals with disabilities. All PCI employees – administrators, members of faculty and staff – and students are expected to cooperate fully in meeting these legal and ethical mandates.

Sexual harassment, a form of sex discrimination, is prohibited under PCI's Sexual Harassment Policy.

Pinnacle Career Institute (PCI) adheres to all federal, state and city laws and regulations regarding non-discrimination to include, but not limited to Section 1324b of the Immigration and Nationality Act (INA), Executive Order 11246, as amended, Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, as amended and the Age Discrimination Act of 1975.

### **Statement of Non-Discrimination**

Pinnacle Career Institute (PCI) is an Equal Opportunity institution. PCI does not discriminate on the basis of age, gender, gender identity, sexual orientation, alienage or citizenship, religion, race, color, national or ethnic origin, disability, veteran or marital status in its student admissions, employment, access to programs and administration of educational policies.

### **Responsibility for Compliance**

PCI's President holds the ultimate responsibility for overseeing compliance with this policy for the institution, as a whole. The Executive Director of each campus is responsible for overseeing compliance of this policy for their respective campuses.

### **Discrimination Complaints**

Pinnacle Career Institute is committed to addressing discrimination complaints promptly, consistently and fairly. There shall be a discrimination complaint procedure administered at each campus for students. All employees should first report any instance of discrimination to their campus director. If this is not possible, the report should be made to the Executive Director of Human Resources.

Retaliation against any person who has made a complaint of discrimination is strictly prohibited.

### **Complaint Procedure**

#### **1. Discrimination Defined**

- a. Treating members of a protected class less favorably because of their membership in that class.
- b. Harassment is a type of discrimination involving oral, written, graphic or physical conduct relating to an individual's race, color, or national origin (including an individual's ancestry, country of origin, or country of origin of the individual's parents or other family member) or other protected characteristic that is sufficiently severe,

pervasive, or persistent so as to interfere with or limit the ability of an individual to work for, participate in or benefit from the educational institution's programs or activities.

## **2. Responsible Individuals**

### **a. Responsibilities of the Campus Executive Directors**

The Executive Director of each campus, along with the Executive Director of Human Resources, shall have the ultimate responsibility of overseeing compliance with the Non-Discrimination Policy (hereinafter the "policy") at each respective campus.

- The Executive Director of each campus will appoint a Title IX Deputy Coordinator to be the campus' first point of contact for all student related concerns or complaints in regards to discrimination, sexual harassment and/or misconduct, and 504/ADA compliance.
- The Executive Director of each campus will be the first point of contact for all employee related concerns or complaints in regards to discrimination, sexual harassment and/or misconduct, and 504/ADA compliance.
- The Executive Director of each campus will ensure that individuals appointed to handle allegations of discrimination/harassment, including sexual harassment, are fully trained and equipped to carry out their responsibilities.
- The Executive Director of each campus will annually disseminate to all employees the Non-Discrimination Policy, the Sexual Harassment Policy and the contact information and office locations for all officers and coordinators involved in the complaint procedure. Such information should be widely disseminated and included in all orientations, handbooks, newsletters and websites.

### **b. Responsibilities of the Executive Director of Human Resources**

- The Executive Director of Human Resources oversees compliance with the Policy for the entire institution.
- The Executive Director of Human Resources, as the Executive Director of each campus' designee, is responsible for providing confidential consultation, informal resolution and investigation of student discrimination/harassment complaints under applicable laws, rules, and/or regulation.
- The Executive Director of Human Resources is responsible for handling and providing a thorough investigation of all employee complaints of discrimination/harassment, as well as, the prompt and equitable resolution of those complaints under all applicable laws, rules, and/or regulations.

### **c. Responsibilities of Supervisory Personnel**

Supervisory personnel exercise authority on behalf of PCI. They include directors, academic chairs, officers, team leads, or other persons with supervisory responsibility. They must take steps to create a workplace free of discrimination and harassment, and must take each and every complaint seriously.

- Each supervisor must arrange for the posting and communication, in their area, of the organization's Non-Discrimination Policy with the names, titles and contact information of the Executive Director of the campus, the Executive Director of Human Resources, the Title IX Coordinators and the Title IX Deputy Coordinators.

### **d. Responsibilities of the Campus Community-at-large**

- Members of the campus communities, who become aware of allegations of discrimination including sexual harassment, should encourage the aggrieved individual to report the alleged act to the Executive Director of the campus or the Executive Director of Human Resources, as applicable.

## **3. Confidentiality**

The privacy of the individuals who bring complaints of discrimination, who are accused of discrimination, or who are otherwise involved in the complaint process should be respected, and information obtained in connection with the filing, investigation, or resolution of complaints should be handled as confidentially as possible. It is not possible, however, to guarantee absolute confidentiality and no promise of complete confidentiality should be made to an employee or student of PCI that are involved in the complaint process.

## **4. Making a Complaint of Discrimination**

Any applicant for employment or individual who is employed or enrolled at Pinnacle Career Institute (PCI) may file a complaint of discrimination. PCI places a strong emphasis on prompt action to resolve complaints alleging discrimination. Members of the PCI community who believe they have discriminated against or harassed are strongly encouraged to report allegations as promptly as possible. Delay in making a complaint may make it more difficult for PCI to investigate

the allegations. The complaint procedure that follows applies to all job applicants and employees, and in some instances, former employees of PCI. Students employed by PCI have the right to equal employment opportunity in their capacity as employees.

Sexual harassment, a form of sex discrimination, is prohibited under PCI's Sexual Harassment policy. Members of the PCI community who believe they have been sexually harassed are strongly encouraged to report their allegations as promptly as possible to the Executive Director of the campus, the Executive Director of Human Resources, The Title IX Coordinator or Deputy Coordinator, as applicable.

## **5. Whom to Contact**

Any employee, applicant for employment, or student, may file a complaint of discrimination or sexual harassment.

Individuals who believe they are being, or have been, discriminated against or harassed in violation of PCI policy are encouraged to contact, as soon as possible, the Executive Director of the campus, the Executive Director of Human Resources, The Title IX Coordinator or Deputy Coordinator, as applicable.

At the time the individual makes his/her complaint, the appointed official that receives the complaint should provide the complainant with the complaint form (Attachment A) and with the information about the various internal and external mechanisms through which the complaint may be filed (Attachment B).

In the event that an employee on an assignment off campus files a complaint of discrimination, the appointed official receiving the complaint should investigate the complaint promptly, including coordinating, when necessary, with the off-campus entity. Students who participate in externship assignments should be informed, prior to reporting to the assignment, of PCI's procedures regarding complaints of discrimination while on the externship assignment.

## **6. Preliminary Review of Discrimination Complaint**

Individuals that believe they have been victims of discrimination/harassment may contact the appointed official, as applicable, to discuss the issues relating to the discrimination, with or without filing a complaint. This appointed official may conduct a preliminary fact-finding review. At its conclusion, the appointed official conducting the review shall inform the complainant of the options available. These include seeking informal resolution to the problems the complainant has encountered or asking that a full investigation be conducted. Based upon the facts of the case, the appointed official may also advise the complainant that his or her case is more suitable for adjudication by another entity with PCI.

## **7. Informal Resolution**

Individuals who believe they have been discriminated against may choose to resolve their complaints informally. Informal resolution is a confidential process where parties can participate in search for fair and workable solutions. Informal resolution requires the consent of both parties and suspends the complaint procedure for up to thirty (30) working days, which can be extended, at the discretion of the Executive Director of the campus, Executive Director of Human Resources or the Title IX Coordinator, whichever is applicable, upon consent of both parties. The appointed official will determine if informal resolution is appropriate in light of the nature of the complaint.

All complaints, whether formal or informal, should be made in writing. The parties may agree upon a variety of resolutions, including but not limited to modification of work assignment, training for the department, or an apology. Resolutions should be agreed upon, signed by, and provided to the complainant(s) and respondent(s). Once both parties reach an informal agreement, it is final. Because informal resolution is voluntary, sanctions may be imposed against the accused only for a breach of the executed voluntary agreement.

The complainant may advise the appointed official handling the complaint at any time during the informal resolution process that he or she wishes to withdraw the complaint.

The appointed official handling the complaint or either party may, at any time, prior to the expiration of thirty (30) working days, declare the attempts at informal resolution have failed. Upon such notice, the appointed official may commence a full investigation.

If no informal resolution of a complaint is achieved, the individual shall refer the matter to the appointed official to conduct a more thorough investigation of the complaint. Individuals must complete the form annexed as Attachment A.

## **8. Investigation of Discrimination Complaints**

- a. Full investigation of a discrimination complaint may occur when:
  - i. The appointed official, as applicable, determines, upon review of a complaint, that an investigation is warranted, or
  - ii. Informal resolution has failed
- b. It is recommended that the investigation include the following, to the extent feasible:
  - i. Interviewing of the complainant by the appointed official, as applicable.
  - ii. Informing the complainant that an investigation is being commenced, that interviews of the accused and possibly other people shall be conducted, and that the President shall determine what action, if any, to take after the investigation is completed.
  - iii. Interviewing of the accused by the appointed official, as applicable. The accused should be advised that a complaint of discrimination or harassment has been received, that an investigation has begun, which may include interviews with third parties, and that the President shall determine what action, if any, to take after the investigation is completed. The accused should be given a copy of the complaint (with any sensitive information such as the complainant's contact information redacted) and an opportunity to respond.
  - iv. Determining if, in addition to the complainant, the accused, and those persons named by them, there are others who may have relevant information regarding the events in question and whether there is documentary evidence that may be relevant to the complaint. Persons interviewed should be advised that information related to the complaint should be kept confidential and not disclosed further, except as necessary during the complaint process.
  - v. Informing the accused that retaliation against any person who files a complaint of discrimination or harassment, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited under PCI policy and federal, state, and city law. The accused should be informed that if retaliatory behavior is engaged in, he/she shall be subject to severe discipline, up to and including termination of employment or, if the accused is a student, permanent dismissal from the school.
  - vi. Informing the complainant of the right to file a complaint with the appropriate federal, state or city agency and requesting that the complainant advise the appointed PCI official, as applicable, if he or she has filed the complaint with an external agency. In the event that the appointed PCI official learns that the complainant has filed a complaint with an external agency, he or she should inform the President and coordinate the investigation accordingly.

### **c. Withdrawing a complaint**

- i. A complaint of discrimination may be withdrawn at any time. Only the complainant(s) may withdraw a complaint. Requests for withdrawals must be submitted to the appointed PCI official, as applicable in writing. The appointed official, prior to making the determination to end the investigation, will consider whether evidence has been found that may lead to the conclusion that PCI has an obligation to take action to correct unlawful discriminatory behavior. If there is such evidence, the investigation will continue.

In either event, the appointed PCI official will notify the respondent(s) in writing that the complainant(s) has withdrawn the complaint and whether it has been determined by appropriate PCI officials to continue the investigation for corrective action purposes.

- d. In the event that a complaint is anonymous, the complaint should be investigated as thoroughly as possible under the circumstances.
- e. Timeframe: While some complaints of discrimination or harassment may require extensive investigation, whenever possible, the investigation of most complaints should be completed within 60 days of the receipt of the complaint. In cases where the investigation is not completed within 60 days, a *Notification of Delay Letter* (Attachment C) should be sent to the parties and the reason for the delay should be noted in the file.

## **9. Action Following Investigation of Discrimination Complaints**

- a. Promptly following the completion of the investigation, the appointed PCI official, as applicable, shall report his/her findings to the President, and in the event that the accused is a student, the Executive Vice President.

- b. Following such a report, the President shall review the complaint investigation report and authorize such action as he or she deems necessary to properly correct the effects of or to prevent further harm to an affected party or others similarly situated. The President's review of the report and authorization that action be taken shall be documented in writing, which may be issued electronically. Disciplinary action may include, but is not limited to, termination of employment and/or dismissal of a student from PCI's programs, demotion, reassignment, suspension, reprimand, training or granting a benefit to the wrongfully withheld.
- c. The complainant(s) and respondent(s) to an investigation should be apprised in writing of the outcome and action taken as a result of the complaint.
- d. For each investigation, the President will sign a form that that will go into the investigative file, stating: "I have reviewed the report of the investigation of the discrimination/harassment complaint file by [complainant] on [date] and authorize the appointed official, as applicable, to take appropriate action based on the findings in the report." The action authorized by the President shall be final.
- e. If the President is the accused, the Executive Director of Human Resources shall appoint an investigator who shall report his/her findings to the Executive Vice President. The Executive Vice President shall determine what action shall be taken. The Executive Vice President's decision shall be final.

**10. Immediate Preventative Action**

The President may, in extreme cases, take whatever action is appropriate to protect the college community.

**11. False and Malicious Accusations**

Members of the PCI community who make false and malicious complaints of discrimination, as opposed to complaints, which, even if erroneous, are made in good faith, shall be subject to disciplinary action.

**Attachment B****Section:** General Information**Policy:** Non-Discrimination / Sexual Harassment**Policy #:** 090912SA - NDP**Revision Date:** September 24, 2018

## List of Contacts & Resources

**Title IX Coordinator (Staff and Faculty)**

Rebecca Clothier  
816-331-5700  
[rclothier@pcitraining.edu](mailto:rclothier@pcitraining.edu)

**Deputy Title IX Coordinators (by campus)**

Pinnacle Career Institute  
Michaelle Holland  
(816) 331-5700  
[mholland@pcitraining.edu](mailto:mholland@pcitraining.edu)

**Title IX Coordinator (Students)**

Rebecca Clothier  
816-331-5700  
[rclothier@pcitraining.edu](mailto:rclothier@pcitraining.edu)

Pinnacle Career Institute - North Kansas City  
Michaelle Holland  
(816) 270-5319  
[mholland@pcitraining.edu](mailto:mholland@pcitraining.edu)

**Metropolitan Organization to Counter Sexual Assault (MOCSA)**

Main: (816) 931-4527  
Missouri Crisis Line: (816) 531-0233  
Kansas Crisis Line: (913) 642-0233

**SafeHome**

24-Hour Hotline: (913) 262-2868

**Kansas City Anti-Violence Project**

Main: (816) 561-2755  
Hotline: (816) 561-0550

**Safe at Home**

(866)-509-1409

**Synergy Services**

Main: (816) 587-4100  
Hotline: (816) 452-8535

**GaDuGi Safe Center**

Hotline: (785) 843-8985

**(RAINN) Rape, Abuse & Incest National Network**

Hot Line: (800) 656-4673

**Kansas City Commission on Human Rights**

414 E. 12<sup>th</sup> Street, Kansas City, MO  
64106 816-513-1836

**Missouri Commission on Human Rights**

3315 W. Truman Blvd, Rm 212  
PO Box 1129  
Jefferson City, MO 65102-1129  
1-877-781-4236

**US Department of Justice**

Civil Rights Division  
Disability Rights Section  
Practices  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
(202)-514-0301  
(202)-514-0383 (TTY)

**US Department of Education  
Commission Office for Civil Rights  
Kansas City Office**

One Petticoat Lane  
905 1010 Walnut Street, 3<sup>rd</sup> floor, Suite 320  
66101 Kansas City, Missouri 64106  
816-268-0550

**Kansas Commission on Human Rights**

900 SW Jackson, Suite 568-S  
Topeka, KS 66612-1258  
785-296-3206

**US Department of Justice**

Civil Rights Division  
Office of Special Counsel for Immigration-Related Unfair Employment  
  
950 Pennsylvania Avenue, NW (NYA)  
Washington DC 20530  
Employer Hotline 1-800-255-8155  
Worker Hotline 1-800-255-7688

**US Equal Employment Opportunity  
Kansas City Area Office**

Gateway Tower II  
400 State Avenue, Suite  
Kansas City, Kansas  
1-800-669-4000  
1-800-669-6820 (TTY)



