



**PENNSYLVANIA GUNSMITH SCHOOL®**

812 Ohio River Boulevard • Pittsburgh, PA 15202

Phone (412) 766-1812 • Fax (412) 766-0855

<https://pagunsmith.edu>

**Annual Security Report  
Graduation, Placement, Crime Statistics and Emergency Response for the 2024-25 School Year**

Graduation and Placement rates for students enrolling between April 1, 2020 and March 31, 2021,  
and graduating or withdrawing on or before June 30, 2023

	<i>Population Base</i>	<i>Percentage</i>
Enrolled	36	100%
Withdrew	5	13.9%
Graduates	31	86.1%

	<i>Population Base</i>	<i>Percentage</i>
Total Graduates Available for Placement	29	100%
Plus Withdrawals Available for Placement	0	0%
<b>Employed in the Field or a Related Field</b>	<b>21</b>	<b>72.4%</b>
Employed in an unrelated field and/or unwilling to accept PGS placement assistance	4	13.8%
Unemployed	2	6.9%
Unknown	2	6.9%

	<i>Population Base</i>	<i>Percentage</i>
Graduates	31	100%
Further Education	1	3.2%
Unavailable (injury, military, etc.)	1	3.2%
Foreign	0	0%
<b>Total Graduates Available for Placement</b>	<b>29</b>	<b>93.6%</b>

**3-year Campus Crime Statistics at Pennsylvania Gunsmith School – January 1, 2021 – December 31, 2023**

The following chart lists the number (No.) of *occurrences* on campus and public property immediately adjacent to the PGS campus of criminal offenses reported to local police and/or officials of the Pennsylvania Gunsmith School.

<i>No.</i>	<i>Occurrences</i>
0	Murder and Non-negligent manslaughter
0	Manslaughter by negligence
0	Incest
0	Rape or Statutory Rape
0	Robbery
0	Aggravated assault
0	Simple assault
0	Burglary
0	Fondling
0	Motor vehicle theft

<i>No.</i>	<i>Occurrences</i>
0	Arson
0	Larceny-theft
0	Intimidation
0	Destruction/damage/vandalism of property
0	Hate Crimes based on race, religion, sexual orientation, gender/gender identity, disability, ethnicity or national origin for all occurrences listed
0	VAWA Offenses: Domestic/dating violence; stalking
0	Unfounded Crimes (reported; investigated by law enforcement; found to be false or baseless)

The following chart lists the number of: on-campus referrals to local police and/or officials by Pennsylvania Gunsmith School and arrests made by local police and/or officials on-campus and public property immediately adjacent to the PGS campus.

<i>Criminal Offense</i>	<i>No. Referrals</i>	<i>No. Arrests</i>
Liquor law violations	0	0
Drug abuse violations	0	0
Weapons: carrying, possessing, etc. (illegal)	0	0

**Emergency Response for the 2021-23 School Years**

The following report lists the date, time and occurrence involved in the Emergency Response system.

<i>Date</i>	<i>Time</i>	<i>Event</i>
9/27/2022	10:30 AM	Unannounced simulated drill for fire and smoke resulting in total school evacuation
9/28/2023	2:00 PM	Unannounced simulated drill for fire and smoke resulting in total school evacuation
9/19/2024	11:30 AM	Unannounced simulated drill for fire and smoke resulting in total school evacuation

I have read and understand the above statistics. I acknowledge that I can access the Annual Security Report (ASR), that includes the following Policy and Procedures for the following: Security Awareness, Emergency Preparedness, the Student Right to Know - Campus Security and Crime Prevention Programs, the Drug-Free School and Workplace Statement, Sexual Misconduct under Title IX, VAWA, Clery and XX-G at <https://pagunsmith.edu/consumer-information/> then Click the Annual Security Report (ASR).

\_\_\_\_\_  
Name Printed

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date



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### *Pennsylvania Gunsmith School®* *Annual Security Report*

#### Security Awareness and Crime Prevention Awareness Programs for Students and Staff

PGS is a self-contained campus of one building; students attend class 8 to 4:30 pm daily. Students are given information both verbally and in the Student Handbook at Orientation (first day of class) about the importance of securing property at both PGS and their apartments (Primary Prevention). Students and staff are reminded about this during dissemination of the Annual Security Report (ASR) each fall (Ongoing Prevention). PGS does not own or operate student housing of any type. Students secure housing independently and are encouraged to seek safety-conscious housing, purchase renters insurance and to bring a gun safe to Pittsburgh to safeguard their firearms and other valuables, via e-mails and hard-copy fact sheets when their starting date is confirmed several months prior to their start date (Primary Prevention).

#### EMERGENCY PREPAREDNESS PLAN

An emergency may be but is not limited to: classroom accidents, employee or student injury, power or utility failures, fire or smoke, weather, chemical spills or release, building evacuations, bomb or explosive threats, an active shooter and suspicious mail.

**Student Communication:** Depending on the incident, a school wide alert may be made either verbally through the public address system or through the “Remind” application that was set up on your day of enrollment or both. If you accidentally deleted the app, review the material given you on orientation day or ask Director of Instruction Jamey Wojtaszek for the information.

**Responsible Persons:** The following is a list of persons responsible for carrying out this process (not necessarily in any order):

Jamey Wojtaszek, Director of Instruction;  
Instructors Dave Crispin, Dennis Morris, Peter Warner  
G. Robert Thacker (Director);  
Carrie Wilson (Assistant Director /Financial Aid);  
Maria Bergman (Director of Career Services)

#### **Community Emergency Contacts:**

Avalon Police	911 (Allegheny County dispatch)
Avalon Fire Department	911 (Allegheny County dispatch)
Northwest Ambulance Service	412.331.2600
Sewickley Valley Hospital	412.741.6600
UPMC Passavant Hospital	412.367.6700
AHN Allegheny General Hospital	412.359.3131

When calling 911, have the following information ready:

Location of incident: PA Gunsmith School ® , 812 Ohio River Blvd., Pittsburgh, PA 15202  
Type of incident  
Injuries  
Dangers present  
Hazardous materials

**Basic Procedures (Accident, Injury, Power Failure, Suspicious Mail, etc.):**

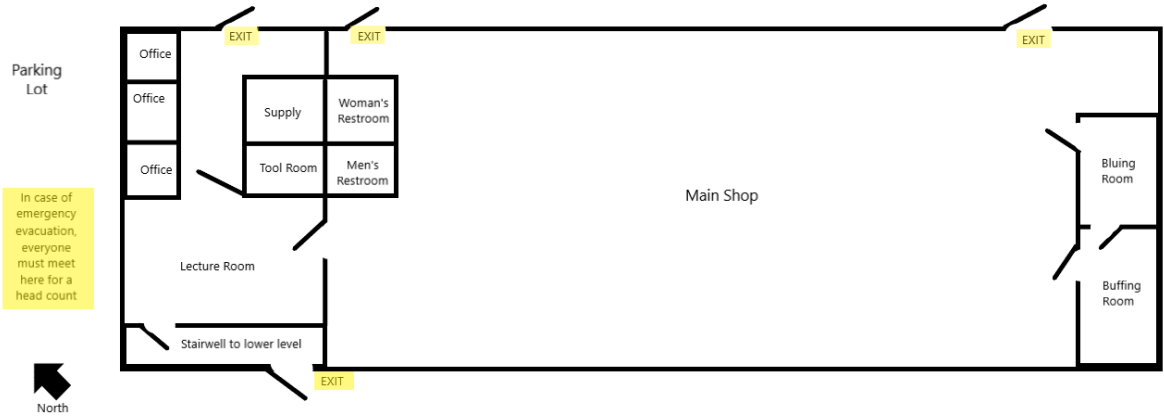
- A. If safely possible, immediately notify any PGS Staff Member upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees occurring on campus.
- B. A PGS staff member will immediately confirm that there is a significant emergency, determine who to notify, determine the content of the notification and initiate the notification system.
- C. PGS, without delay and taking into account the safety of the community, will determine the content of the notification and initiate the notification system unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to or otherwise mitigate the emergency.
- D. Methods of notification will include a public address announcement to the entire building; through the Remind Application; also notification of local police, fire and emergency personnel if warranted. If students returning to school from off-site appointments or errands would be endangered, PGS will contact local police for assistance in blocking entrances to school parking lots.
- E. PGS will determine upon notification if disseminating this information to the larger community is necessary. The emergency response procedures will specify which employee will call local police, who can best notify local media organizations.
- F. PGS will test on an announced or unannounced basis the emergency response and evacuation procedures on at least an annual basis.

**Emergency Evacuation Procedures (Fire, Smoke, Chemical Spill, etc.):**

- A. Emergency fire extinguishers are throughout the building and are clearly marked .
- B. In the case of Fire and Smoke, if the Fire Alarm has not been set off, pull the handle down on any fire alarm located immediately next to the building exit doors to engage the fire alarm. The fire department and police will be dispatched automatically. They cannot be recalled if accidentally pulled.
- C. Emergency evacuation exit maps and exit signs are posted conspicuously in the building. For students with hearing, vision or physical impairments, the instructor will be responsible for insuring the student is safely evacuated from the premises.
- D. ALL students, faculty and staff must exit the building and if safely possible, assemble in the adjacent lot that is immediately to the North of the building for a roll call to account for everyone. This is meant so that no one is left behind in the building.

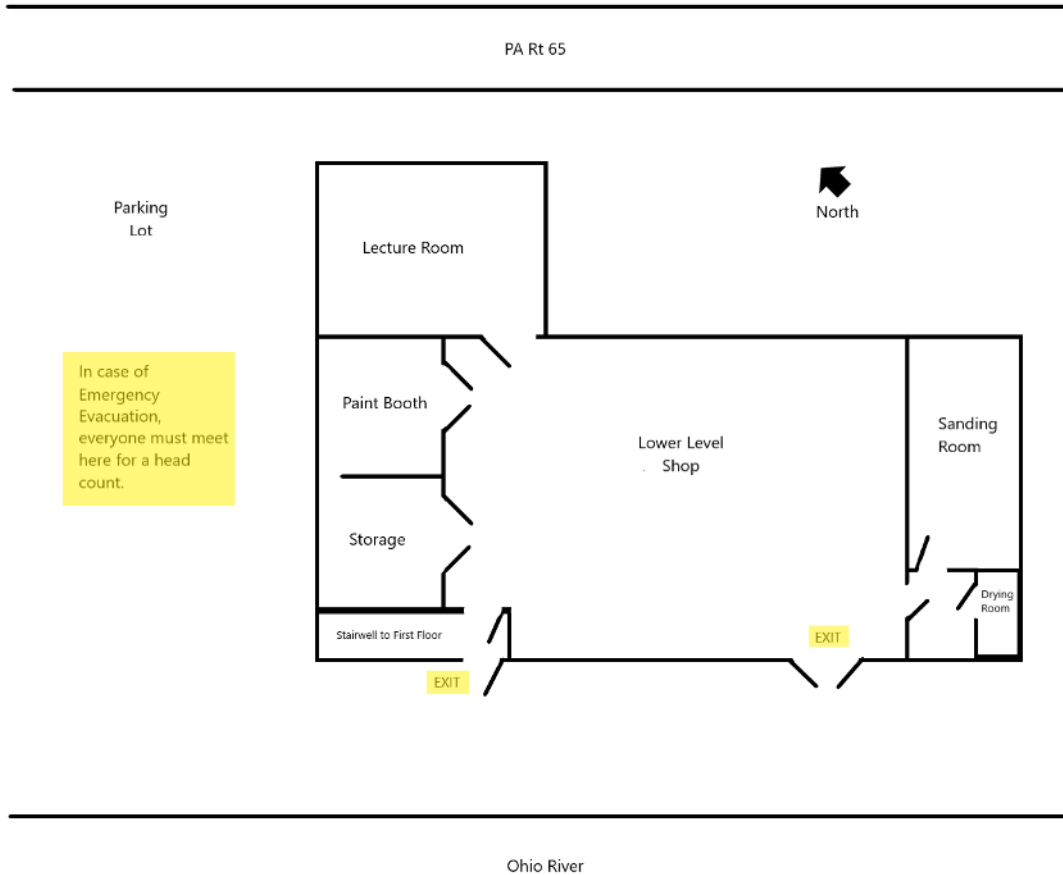
## Main Level (Upper Level) Exit Routes

PA Rt 65



Ohio River

## Lower Level Exit Routes



### Inclement Weather:

PGS monitors national and local forecasts for inclement weather for snow, ice, tornados, flash floods etc and will keep the PGS students and staff informed in case an evacuation is necessary. Communication will be either through the school public address system or the Remind App that was detailed in your orientation session.

Should PGS need to be closed because of a catastrophic event, communication will be thorough the Remind App.

### Hazardous Materials (Safety Data Sheets or Material Safety Data Sheets):

A safety data sheet, or SDS, is a standardized document that contains occupational safety and health data. The International Hazard Communication Standard (HCS) mandates that chemical manufacturers must communicate a chemical's hazard information to chemical handlers by providing a Safety Data Sheet.

Some individuals may have a reaction to various chemicals used by Gunsmiths. If you feel that you may have a reaction, please read the SDS sheets located in the school library. Immediately notify your instructor if you feel there will be a reaction to a chemical so appropriate measures can be taken.

An online resource SDS's can be found at: <https://chemicalsafety.com/sds-search/>

### **Active Shooter:**

#### **The Following information is from the U.S. Department of Homeland Security**

##### **A. Good practices for coping with an active shooter situation**

1. Be aware of your environment and any possible dangers
2. Take note of the two nearest exits in any facility you visit
3. If you are in an office, stay there and secure the door
4. If you are in a hallway, get into a room and secure the door
5. As a last resort, attempt to take the active shooter down. When the shooter is at close range and you cannot flee, your chance of survival is much greater if you try to incapacitate him/her.
6. CALL 911 WHEN IT IS SAFE TO DO SO!

##### **B. How to Respond when an Active Shooter is in your Vicinity**

It is important to quickly determine the most appropriate way to protect yourself and those around you in this situation. Remember that customers and clients are likely to follow the lead of employees and managers during an active shooter situation. There are three main courses of action that you can take: Evacuate, Hide Out, and Take Action against the Active Shooter.

**Evacuation** - If there is an accessible escape path, attempt to evacuate the premises. But keep the following things in mind:

1. Have an escape route and plan in mind
2. Evacuate even if others choose not to evacuate
3. Leave your belongings behind
4. Help others escape, only if it is easily possible
5. Prevent others from entering an area where the active shooter may be
6. Keep your hands visible
7. Follow the instructions of any police officers
8. Do not move wounded people
9. Call 911 when you are at a safe location

##### **C. Hiding Out**

**If evacuation is not possible**, find a place to hide where the active shooter is least likely to find you. Your hiding place should also:

1. Be out of the view of the active shooter
2. Provide cover if shots are fired in your direction (for example, a room with a locked door)
3. Not constrain your movement

**To prevent the shooter from entering your hiding place:**

1. Lock the door
2. Blockade the door with heavy furniture

**If the active shooter is nearby:**

1. Lock the door
2. Switch your cellphone to silent mode (don't even keep it on vibration mode)
3. Switch off any source of noise like TV or Radio
4. Hide behind large objects like cabinets and desks
5. Maintain Silence

**If it is not possible to either evacuate or hideout:**

1. Remain calm. In a tense situation, any slim chance of survival vanishes if you lose your calm.
2. Dial 911, to alert police to the active shooter's location. Try to ensure the shooter is not close enough to hear your call.
3. If the shooter is close enough that you cannot speak, leave the line open and allow the dispatcher to listen in on your call.

**D. Taking Action against the Active Shooter**

This should only be used as a last resort, only when your life is in imminent danger. You can try to disrupt and/or incapacitate the active shooter by:

1. Acting aggressively against the shooter
2. Throwing items and using other improvised weapons
3. Yelling at the shooter. This may cause disorientation and create an opportunity to incapacitate the shooter.
4. Committing to your action. Once you know your life is in imminent danger, you should remain committed to your decision to tackle the shooter.

**E. How to Respond when Law Enforcement Arrives**

Law enforcement's purpose is to stop the active shooter as soon as possible. Police officers will proceed directly to the area in which the last shots were heard. They will usually arrive in teams of four. Officers may be wearing external bulletproof vests on top of their regular patrol uniforms. They may also be equipped with Kevlar helmets and other tactical gear. They may be carrying rifles, shotguns, or handguns. Officers may use pepper spray or tear gas to take control of the situation. They may shout instructions and may push individuals to the ground for their safety.

**How to react when law enforcement arrives:**

1. Maintain calmness, and follow officers' instructions
2. Drop any items that you may be carrying
3. Immediately raise your hands and spread your fingers
4. Hands should be kept visible at all times
5. Avoid making quick movements toward officers such as holding on to them for safety
6. Avoid pointing, screaming and/or yelling
7. Do not stop to ask officers for help or direction when evacuating. Just move in the direction from which officers are entering your premises.

The first responders will not stop to help injured victims. Rescue teams comprised of additional officers and emergency medical personnel will usually perform this task. They will treat and remove any injured people. They may also call upon able-bodied individuals to assist in removing the wounded from the premises. So it is advisable to offer your cooperation.

Once you have reached a safe location, law enforcement personnel will hold you in that area till the situation is under control. All witnesses will be identified and questioned. Do not leave until law enforcement authorities allow you to leave.

**STUDENT RIGHT TO KNOW, CAMPUS SECURITY**  
**and CRIME PREVENTION EDUCATIONAL PROGRAMS**

- A. Any emergency or criminal act committed (including hate and sex crimes) on ® a Gunsmith School grounds should be reported immediately to the Avalon Police Department or to the school Director or Acting Director and they will forward this information to the Avalon Police. Information can be reported voluntary and in confidentiality. Crimes considered a threat to other students and employees also shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.
- B. Due to security and insurance reasons, no one other than Pennsylvania Gunsmith School ® staff and students is permitted in the classroom and lab areas without prior authorization.
- C. Pennsylvania Gunsmith School ® does not have security personnel on site due to the fact that it is a small school and we have an excellent relationship with the local police. Therefore, the school encourages prompt reporting of all crimes to the Avalon Police (911 or 412-761-0352). If the victim is unable to make such a report, the School Director or Acting Director will do so.
- D. Upon entrance into training, all students will be given annual crime statistics and the Annual Security Report. It will be distributed every year thereafter, and shall be compiled annually with the assistance of local law enforcement. Please be responsible for your own security and the security of your classmates. This also pertains to the security of your tools and guns, since the school is unable to insure the personal belongings of students.
- E. If you are interested in learning more about crime prevention, please contact the Allegheny County Sheriff's Crime Prevention Unit.
- F. Please refer to the memo regarding Graduation, Placement & Crime Statistics for the number of occurrences and arrests.
- G. PGS does not have recognized off-campus student organizations, or dormitory facilities; therefore, the school does not have any policy or statistics in this area.
- H. Please see the Drug-Free School and Workplace Statement below for our statement of policy on alcohol and drugs.
- I. Pennsylvania registered sex offenders can be found on line at <https://www.pameganslaw.state.pa.us>
- J. For current campus policies regarding emergency response and evacuation procedures, please see Emergency Response and Evacuation Procedures, A through I (section immediately preceding this one).



## DRUG-FREE SCHOOL AND WORKPLACE STATEMENT

Pennsylvania Gunsmith School ® is hereby declared a drug and alcohol free school and workplace.

- A. STUDENTS AND EMPLOYEES are prohibited from the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol anywhere on property belonging to Pennsylvania Gunsmith School ® including grounds, parking areas, anywhere within the building, or while participating in school-related activities. Students or employees who violate this policy will be subject to disciplinary action up to and including expulsion or termination of employment.
- B. As a condition of enrollment or employment, students and employees must abide by the terms of the policy or Pennsylvania Gunsmith School ® will take one or more of the following actions within 30 days with respect to any student or employee who violates this policy by:
  - 1. Reporting the violation to law enforcement officials.
  - 2. Taking appropriate disciplinary action against such student or employee, up to and including expulsion or termination of employment.
  - 3. Requiring such student or employee to participate in a substance abuse rehabilitation program approved for such purposes by a federal, state, local health, law enforcement or other appropriate agency.
- C. In conformance with the law, Pennsylvania Gunsmith School ® will make a good faith effort to maintain a drug and alcohol free school and workplace through implementation of the preceding policy and will establish and maintain a drug and alcohol free awareness program.
- D. In accordance with Pennsylvania law:
  - 1. The legal drinking age in Pennsylvania is 21; persons under the age of 21 may not consume, purchase or possess alcohol.
  - 2. It is unlawful to sell or furnish alcoholic beverages to persons under the age of 21.
  - 3. It is unlawful for persons under the age of 21 to misrepresent one's age for the purpose of purchasing alcoholic beverages.
  - 4. It is illegal to possess, consume, and or sell illicit drugs including marijuana, narcotics, hallucinogens, amphetamines and barbiturates.
  - 5. Illegal drugs include but are not limited to the following nonprescription substances:
    - a. Narcotics - opium, heroin, morphine and synthetic substitutes.
    - b. Depressants - choral hydrate, barbiturates and methaqualone.
    - c. Stimulants - cocaine (and derivatives such as crack) and amphetamines.
    - d. Hallucinogens - LSD, mescaline, PCP, peyote, psilocybin and MDMA.
    - e. Cannabis - marijuana and hashish.
  - 6. Alcohol includes: beer, wine, grain alcohol and liquor.
  - 7. See attachment for list of effects and health risks possible from use of controlled substances.
- E. Persons convicted for violations of the Drug-Free Schools and Communities Act, law #101-226, may have legal sanctions imposed against them that include any or all of the penalties listed in the attached DEA Chart "Federal Trafficking Penalties.
- F. Pennsylvania Gunsmith School ® is dedicated to the advancement and well-being of the population we serve. As such, all students and employees are encouraged to abstain from the use of illegal drugs and irresponsible use of alcohol.
- G. The school recognizes that drug and alcohol abuse and dependence can cause harmful effects to virtually every aspect of a person's life - relationships, family, job, school, physical and emotional health.
- H. Any student or employee who suspects they may be at risk or who knows someone who is, are invited to seek services, which can help.
- I. The school maintains drug and alcohol education information and a list of counseling, treatment and support services, which can be obtained in the office.
- J. Pennsylvania Gunsmith School ® has also designated a contact person who is available to hear concerns regarding drug and alcohol use, offer referrals, advice and information on drug and

alcohol education and services in the community. Issues discussed with the contact person will be kept confidential. The contact person is G. Robert Thacker.

K. The following is a list of drug and alcohol rehabilitation centers in the Pittsburgh area:

1. Gateway Rehabilitation Center (Main Campus) 412-604-8900
2. Pittsburgh Drug Treatment Center (Addiction Hotline) 877-804-1531
3. <https://recovery.org> to research addiction recovery centers
4. <https://findtreatment.gov> for a directory of treatment centers/counseling services
5. Contact your health insurance company for treatment options

L. All campus crime, drug abuses and offenses should be reported immediately to G. Robert Thacker, Director, or in his absence to Carrie Wilson, Director of Institutional Quality/Financial Aid Administrator. In the case where both individuals are absent, contact Avalon Police (911 or 412-761-0352).

### **STUDENTS CONVICTED OF POSSESSION OR SALE OF DRUGS**

A federal or state drug conviction can disqualify a student for Federal Student Aid funds. The student self-certifies in applying for aid that he is eligible. Convictions only count if they were for an offense that occurred during a period of enrollment for which the student was receiving Federal Student Aid.

The chart below illustrates the period of ineligibility for FSA funds, depending on whether the conviction was for sale or possession and whether the student had previous offenses.

	Possession of illegal drugs	Sale of illegal drugs
1st offense	1 year from date of conviction	2 years from date of conviction
2nd offense	2 years from date of conviction	Indefinite period
3+ offenses	Indefinite period	

Pennsylvania Gunsmith School ® will provide each student who becomes ineligible for FSA funds due to a drug conviction a clear and conspicuous written notice of his loss of eligibility and the methods whereby he can become eligible again.

A student regains eligibility the day after the period of ineligibility ends or when he successfully completes a qualified drug rehabilitation program or passes two unannounced drug tests given by such a program. Further drug convictions will make him ineligible again.

Students denied eligibility for an indefinite period can regain it after successfully completing a rehabilitation program, passing two unannounced drug tests from such a program, or if a conviction is reversed, set aside, or removed from the student's record so that fewer than two convictions for sale or three convictions for possession remain on the record.

# DRUGS OF ABUSE / Uses and Effects

Drugs	CSA Schedules	Trade or Other Names	Medical Uses		Dependence		Duration Usual	Possible Effects	Effects of Overdose	Withdrawal Syndrome
			Physical	Psychological	Tolerance	Method				
<b>Narcotics</b>										
Heroin	Substance I	Diamorphine, Heroin, Smack, Black 'z', China Hagra (Black 'H')	None in U.S., Analgesic	Anitussive	High	High	Yes	Euphoria, drowsiness, respiratory depression, constipated pupils, nausea	Skin and shallow breathing, clammy skin, convulsions, coma, possible death	Itchy eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, rashes, chills and sweating
Morphine	Substance II	MS-Contin, Roxanol, Oramorph SR, MSIR	Analgesic	Anitussive	High	High	Yes			
Hydrocodone	Substance II, Product III, V	Hydrocodone bitartrate/naloxone, Vicodin, Vicoprofan, Tussionex, Lorab	Analgesic, Antitussive	Anitussive	High	High	Yes			
Hydromorphone	Substance II	Dilaudid	Analgesic	Anitussive	High	High	Yes			
Oxycodone	Substance II	Roxicodone, Oxycodone hydrochloride, Oxycodone ER, Percocet, Percodan	Analgesic	Anitussive	High	High	Yes			
Codeine	Substance II, Products III, V	Acetaminophen, Codeine, Tylenol, Tylenol with Codeine, Tylenol, Tylenol with Codeine	Analgesic, Antitussive	Anitussive	Moderate	Moderate	Yes			
Other Narcotics	Substance II, III, IV	Fentanyl, Demerol, Methadone, Duran, Stadol, Talwin, Propoxyphene	Analgesic, Antitussive, Antitussive	Anitussive	High-Low	High-Low	Yes			
<b>Depressants</b>										
gamma Hydroxybutyric Acid	Sub I, Product III	GHB, Liquid Ecstasy, Liquid X, Sodium Oxybate, Xyrem <sup>®</sup>	None in U.S., Anesthetic		Moderate	Moderate	Yes			
Benzodiazepines	Substance IV	Valium, Xanax, Halcion, Alavan, Restoril, Rohypnol (Rohibol, R-2), Klonopin	Anxiolytic, Sedative, Anticonvulsant, hypnotic, Muscle Relaxant		Moderate	Moderate	Yes			
Other Depressants	Substance I, II, III, IV	Ambien, Sonata, Methohexal, Citral Hydrate, Barbiturates, Methohexalones (Quaalude)	Anxiolytic, Sedative, Hypnotic		Moderate	Moderate	Yes			
<b>Stimulants</b>										
Cocaine	Substance II	Coke, Flava Snow, Crack, Coca, Blanca, Perco, Newz Soap	Local anesthetic		Possible	High	Yes			
Amphetamine/Methamphetamine	Sub II	Crack, Ice, Crystal Meth, Speed, Adderall, Dexamtrine, Dexedrin	Attention deficit/hyperactivity disorder, neurology, weight control		Possible	High	Yes			
Methylphenidate	Substance II	Ritalin (Rytal), Concerta, Focalin, Mefasite	Attention deficit/hyperactivity disorder		Possible	High	Yes			
Other Stimulants	Substance III, IV	Adipex P, Ionamin, Prel-2, Dorex, Provigil	Vasoconstriction		Possible	Moderate	Yes			
<b>Hallucinogens</b>										
MDMA and Analogs	Substance I	(Ecstasy, XTC, Adam), MDN (Love Drug), MDEA (Evel), MEG3S	None		None	Moderate	Yes			
LSD	Substance I	Acid, Microdot, Sunshine, Boomer	None		None	Unknown	Yes			
Phencyclidine and Analogs	Sub I, II, III	PCP, Angel Dust, Hog, Unibrot, Ketamine (Special K), PCE, PCP, TOP	Anesthetic (Ketamine)		Possible	High	Yes			
Other Hallucinogens	Substance I	Phenothiazine, Mescaline, Peyote Cactus, Ayahuasca, DMT, Dextrometorphan (DXM)	None		None	None	Possible 4-8			
<b>Cannabis</b>										
Marijuana	Substance I	Pot, Grass, Shivamilla, Bunts, Akwa, Yerba, Gafa	None		Unknown	Moderate	Yes			
Tetrahydrocannabinol	Sub I, Product III	THC, Marinol	Antinauseant, Appetite stimulant		Yes	Moderate	Yes			
Hashish and Hashish Oil	Substance I	Hash, Hash oil	None		Unknown	Moderate	Yes			
<b>Anabolic Steroids</b>										
Testosterone	Substance III	Depo Testosterone, Sustanon, Sten, Gyn	Hypogonadism		Unknown	Unknown	Unknown	14-28 days		
Other Anabolic Steroids	Substance III	Parabolan, Winstrol, Equipoise, Anadrol, Dianabol, Primobolan-Depo, D-Bal	Acemia, Breast cancer		Unknown	Yes	Unknown	Variable		
<b>Inhalants</b>										
Amyl and Butyl Nitrates		Puffs, Poppers, Rush, Locker Room	Angina (Amyl)		Unknown	Unknown	No	1		
Nitrous Oxide		Laughing gas, balloons, Whippets	Anesthetic		Unknown	Low	No	0.5		
Other Inhalants		Adhesives, spray paint, hair spray, dry cleaning fluid, spot remover, lighter fluid	None		Unknown	High	No	0.5-2		
Alcohol		Beer, wine, liquor	None		High	High	Yes	1-3		

## FEDERAL TRAFFICKING PENALTIES—

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	<b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture	<b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	400 grams or more mixture	<b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture	<b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	1 kg or more mixture	<b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture	<b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	50 grams or more pure or 500 grams or more mixture	<b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture	

PENALTIES		
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.  <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV)	1 gram	<b>First Offense:</b> Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Other Schedule III drugs	Any amount	
All other Schedule IV drugs	Any amount	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Flunitrazepam (Schedule IV)	Other than 1 gram or more	
All Schedule V drugs	Any amount	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

## FEDERAL TRAFFICKING PENALTIES – MARIJUANA –

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture  More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) marijuana plants;  1 to 49 marijuana plants;	Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual	Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

## **Title IX, Clery Act, VAWA and XX-G Act 55**

- PGS prohibits all Sexual Misconduct Violations as defined in this policy. This prohibited conduct can affect all genders, gender identities and sexual orientations. Some of these may also be crimes under PA or federal law.
- PGS will promptly and equitably respond to all reports of sexual misconduct in order to eliminate the misconduct, prevent its recurrence and redress its effects on any individual or the community.
- PGS prohibits any form of discrimination or harassment on the basis of sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital or family status, medical condition, genetic information, veteran status or disability in any decision regarding admissions, employment or participation in a PGS program or activity in accordance with the letter and spirit of federal, state, and local non-discrimination and equal opportunity laws.
- PGS also complies with the Jeanne **Clery** Disclosure of Campus Security Policy and Campus Crimes Statistics **Act**, as amended by the Violence Against Women Act (VAWA). **Title IX** prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. **VAWA** imposes additional duties on schools to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence – and to publish policies and procedures regarding how these reports are handled.
- PGS is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. Every effort will be made to protect the privacy interests of all individuals involved, to the extent allowable by law, including Clery Act reporting without the inclusion of personally identifying information about the victim.
- PGS promises discretion and dignity for victims of sexual harassment and sexual violence of all types.

### **Educational Programs**

In compliance with XX-G Act 55, PGS conducts education programs to prevent dating violence, domestic violence, sexual assault and stalking both annually and upon a student's entrance into the program. PGS has entered into a Memorandum of Understanding (MoU) with Center for Victims (CFV), a local rape crisis center and domestic violence program located at 3433 E. Carson Street in Pittsburgh. CFV has provided PGS with many written materials and access to videos, which are incorporated into the education program and made available to students.

The education program includes the topics enumerated in the 9/23/22 memorandum re: Higher Education Annual Institutional Reporting from the PA Department of Education.

PGS enrolls students on the first weekday of the month (except July and December) and provides this information at this time and in the PGS Handbook.

### **Reporting Incidents to Law Enforcement and Obtaining Counseling, Medical Help, etc.:**

Regardless of whether the incident occurs on or off campus, or during or outside of school hours, victims of any type of sexual assault, harassment, domestic or dating violence, or stalking are encouraged to immediately report incidences to the local police at 911, or 412-761-0352 if in the borough of Avalon.

**Making a Report to the PGS Title IX Coordinator:**

Any individual, including a third party, may make a report concerning sexual misconduct. Complainants and third-parties are encouraged to report sexual misconduct as soon as possible to allow the Institution to respond promptly and effectively. Students and employees should report any sexual offense to the Title IX Coordinator for appropriate action, or to the local police.

Individuals (whether the alleged victim or another person) can make reports in person, by mail, by telephone or by electronic mail using the contact information below for the Title IX Coordinator:

**Carrie Wilson**

**Title IX Coordinator**

[c.wilson@pagunsmith.edu](mailto:c.wilson@pagunsmith.edu)

**Pennsylvania Gunsmith School ®**

**812 Ohio River Blvd. Pittsburgh PA 15202**

**412-418-4180 PGS Work Cell**

**412-766-1812 PGS Main School Line**

Also:

**Jamey Wojtaszek**

**Director of Instruction**

**724-799-4632 Cell**

Reports can also be made anonymously through the mail or a non-identifying e-mail account.

The Title IX Coordinator will assist and encourage victims to contact local police (if not already contacted) and **Center for Victims (CFV) at 1-866-644-2882 24-Hour Crisis Hotline** for assistance in seeking medical attention, counseling, safe accommodations, and/or to pursue legal or protective actions.

PGS does not have on-campus police. Victims may decline to notify the above authorities.

PGS has entered into a Memorandum of Understanding with the **Center for Victims (CFV)**, which is both a local rape crisis center and domestic violence program located at 3433 E. Carson Street in Pittsburgh and maintains a 24-Hour Crisis Hotline: **1-866-644-2882**. Website:

<https://www.centerforvictims.org>

Victims can consult their website at <https://www.centerforvictims.org/victim-services/> for information about obtaining protections from abuse and sexual violence protection orders, victims' rights information, victims' compensation and assistance programs, etc.

Filing a police report will ensure the victim of a sexual assault 1) receives necessary medical treatment and tests, at no expense to the victim; 2) provides for the opportunity for collection of evidence helpful in prosecution (which cannot be obtained later); 3) assures the victim has access to free confidential counseling from counselor specifically trained in the area of sexual assault crisis intervention; and 4) may be helpful in obtaining a protection order.

Victims are encouraged to seek immediate medical attention to prevent the spread of STD's and possible pregnancy, preserve all physical evidence, and treat any physical injuries and internal trauma. To preserve physical evidence, do not change clothing or shower. In cases of oral contact, do not brush your teeth or eat prior to seeking medical attention.

In instances of sexual assault on school property during official school hours, victims and/or witnesses and bystanders should immediately notify staff, who will call 911 for assistance.

In regard to other instances, witnesses or bystanders to sexual assault should withdraw immediately to a

distance they consider safe and call the Avalon Police (911 or 412-761-0352). Survivors of sexual assault are encouraged to do the same; they have the right to refuse to press charges. CFV can facilitate access to information on protection orders such as restraining orders, no contact orders, etc.

PGS will provide information to students and employees about services that can be provided by CFV, including counseling, health, mental health, victim advocacy, legal assistance. PGS will assist students and employees in the area of student financial aid, and to the extent possible, visa and immigration services. PGS works with SEVIS (Student and Exchange Visitor Information System) to facilitate legal student entry into the U.S. for education purposes.

PGS will provide written notification to victims about options for and assistance in how to request changes to academic situations or protective measures. PGS must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement (see below).

### **What Happens After Sexual Misconduct is Reported?**

PGS will respond promptly to Title IX sexual misconduct complaints, including the following mandatory response obligations in writing:

- Offer supportive measures to the person alleged to be the victim, contacting this person confidentially to discuss the availability of supportive measures, inform of the availability of supportive measures with or without filing a formal complaint, and explain the process for filing a formal complaint. Supportive measures could be (but are not limited to) counseling, mutual restrictions on contact between the parties, change in bench location, etc.
- If protective measures are warranted or requested by the individual, PGS will work with the alleged victim and professionals from CFV and law enforcement (if appropriate) to implement them, assuming that the above supportive measures are not sufficient.
- Follow a grievance process that complies with the Final Rule before imposing any disciplinary sanctions or other actions that are not supportive measures, against a respondent.
- Investigate sexual harassment allegations in any formal complaint, filed by a complainant or signed by the Title IX Coordinator.
- Follow Final Rules provisions regarding a complainant's wishes with respect to whether the school investigates should be respected, unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of known circumstances.
- If allegations do not meet the definition of sexual harassment in the Final Rule or did not occur in the school's education program, PGS must dismiss such allegations for the purposes of Title IX but may still address the allegations in any manner the school deems appropriate under the school's own code of conduct.

### **Investigations and Proceedings:**

Investigations and Proceedings will be prompt, fair and impartial, and completed within a reasonably prompt timeframe allowing for extensions for good cause with written notice to both parties of delay and reason for the delay. Proceedings will be transparent to all parties and consistent with PGS policies, and conducted by school officials who do not have a conflict of interest or bias to any party involved. They will include timely notice of meetings at which accuser, accused or both may be present, and provides timely and equal access to the accuser, the accused and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings.



In summary, PGS will adhere to the Final Rule grievance process and general requirements, and make this information available to all parties to a sexual misconduct complaint.

The burden of gathering evidence and burden of proof is the School's responsibility. Equal opportunity is provided to all parties to present facts, expert witnesses and evidence. PGS will not restrict the ability of parties to discuss allegations or gather evidence. Parties both have an opportunity to select an Advisor of their choice (advisor could be an attorney). PGS will send written notice of investigative interviews, meetings or hearings. PGS will send parties and advisors evidence directly related to allegations, allowing at least 10 days for parties to inspect, review and respond.

PGS may, at their discretion, dismiss a formal complaint or allegations if the complainant informs the Title IX Coordinator in writing their wish to withdraw the complaint or allegations, or if the respondent is no longer enrolled or employed, or if circumstances prevent PGS from gathering sufficient evidence to reach a determination. PGS will provide both parties written notice of dismissal, and the reasons. The Final Rule respects the privacy of a party's medical, psychological or similar treatment records by stating that PGS cannot access or use such records unless the school obtains the party's voluntary, written consent.

PGS will provide for a live hearing with opportunities for each party's advisor to ask other parties and witnesses all relevant questions; the rules about relevancy still apply. Decision makers may now consider relevant information provided by absent or non-cross-examined parties or witnesses such as statements made during the investigation; emails or text exchanges between the parties leading up to the alleged act; statements about the alleged act that satisfy the relevant rules; and police reports, Sexual Assault Nurse Examiner documents, medical reports and other documents. PGS will provide for separate rooms with technology enabling parties to see one another, if requested.

The proceedings will provide the accuser and accused with the same opportunities to have others present during any school disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. PGS will not limit the choice of advisor or presence for either the accuser or accused in any meeting or school disciplinary proceeding; the school may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply to both parties.

PGS will provide an advisor without fee or charge to a party who does not have an advisor present. PGS will provide a record of the hearing (audio, audiovisual or transcript). The live hearings may be conducted with all parties present, or at the school's discretion, any or all parties, witnesses or other participants may appear virtually.

The (Title IX) Final Rule provides rape shield protections for complainants, deeming irrelevant questions and evidence about a complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.

**Standard of Evidence & Written Determination:**

PGS will use preponderance of the evidence standard. Parties accused of misconduct are presumed innocent until proven guilty.

PGS School Director Robert Thacker will serve as the decision maker and must issue a written Result (determination) to the accuser and accused regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rational for the result as to each allegation, disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. This will be sent simultaneously to both parties with information about how to file an appeal. PGS will follow Final Rule appeals provisions.

The School Director will follow PGS Standards of Conduct guidelines regarding the sanctions to be imposed, including disciplinary action or dismissal.

Criminal acts including sexual violence on PGS school property will be referred to local law enforcement for investigation and possible prosecution.

If the alleged assailant is a PGS staff member or student, PGS will cooperate with local law enforcement and the judicial system. Students will be dismissed from training upon information, indictment or conviction of a crime that would be firearm prohibitive (including sexual violence) on or off school premises. For other possible disciplinary actions depending on the severity of the offense include a warning to cease and desist, conduct probation, or referral to local law enforcement, if a serious offense, for further investigation, PGS will follow Title IX regulations.

During resolution of a formal or informal complaint, a Leave of Absence for one or both parties may be necessary, depending upon the circumstances of the complaint.

For victims of an alleged sex offense, PGS will assist with academic bench re-assignments or other reasonable accommodations. Requests should be submitted directly and confidentially to the School Director or Acting Director.

School employees or representatives may not retaliate, intimidate, threaten, coerce or otherwise discriminate against any individual for exercising their rights or responsibilities.

PGS does not maintain campus police or security. We do not have a campus health center, women's center, rape crisis center or on or off-campus victim services. PGS encourages students to seek pastoral and professional counselors through one of the professional resources below. PGS will earnestly help facilitate contact if requested.

In the instance of unfounded crimes (reported crimes that have been "unfounded" by law enforcement officials), PGS will withhold these unfounded crimes from our ASR when borough law enforcement, Allegheny County personnel (if notified) and PGS officials agree on such. If not all in agreement, the unfounded crime will remain in the ASR statistics and noted as such.

Below is contact information for the **Center for Victims (CFV)** and other area agencies that can help victims of sexual misconduct, including domestic violence and rape:

- **Center for Victims (CFV):** [www.centerforvictims.org](http://www.centerforvictims.org) ; local phone number: 412-482-3240; toll free 24-Hour Crisis Hotline is 1-866-644-2882 (**PGS Memorandum of Understanding Partner**)
- **Pittsburgh Action Against Rape (PAAR):** <https://paar.net>; 24-Hour Confidential Hotline: 1-866-END-RAPE (1-866-363-7273)
- **Women's Center and Shelter of Greater Pittsburgh:** <http://www.wcspittsburgh.org>; Hotline: 412-687-8005; Textline: 412-744-8445.
- **Crisis Center North:** <http://www.crisiscenternorth.org>; Hotline 24/7/365: 412-364-5556; Text Line 9 am to 9 pm: 412-444-7660.

### **Sexual Misconduct Definitions:**

**Consent** – A knowing and voluntary agreement to engage in specific sexual activity at the time of the activity communicated through clear actions and/or words that are mutually understood.

In order to be valid, Consent must be active, present and ongoing.

Consent is not present when it is the result of coercion, intimidation, force, or threat of harm.

Consent is not present when an individual is incapacitated due to alcohol, drugs, or sleep, or otherwise without capacity to provide Consent due to intellectual or other disability or other condition. Consent can be withdrawn at any time and consent to one form of sexual activity is not necessarily consent to other forms of sexual activity.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs impact each individual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide Consent, the Institution will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity.

When determining whether Consent has been provided, all the circumstances of the relationship between the parties will be considered.

**Dating Violence** – (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act) includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; 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; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

Dating Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Dating Violence will be categorized as Non-Regulatory.

**Domestic Violence** – (as defined in the VAWA amendments to the Clery Act), includes any violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under Pennsylvania's domestic or family violence laws or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

Domestic Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Domestic Violence will be categorized as Non-Regulatory.

*Domestic Violence in the jurisdiction of PA involves the use of intimidation, threats or physical violence against another member of the same family. Domestic violence can be physical, sexual or financial. It can happen through different types of communication including written, telephone, fax, e-mail or voicemail. Examples include: child abuse, criminal trespass, domestic assault, endangering the welfare of children, kidnapping, sexual assault, stalking, violation of a protective order.*

**Sexual Assault** – (As defined in the Clery Act) includes any sexual act directed against another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent. Sexual Assault may be one of the following categories:

- **Sexual Penetration Without Consent** - Any penetration of the mouth, sex organs, or anus of another person, however slight by an object or any part of the body, when Consent is not present. This includes performing oral sex on another person when Consent is not present.
- **Sexual Contact Without Consent** - Knowingly touching or fondling a person's genitals, breasts, buttocks, or anus, or knowingly touching a person with one's own genitals or breasts, when

Consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when Consent is not present, to similarly touch or fondle oneself or someone else.

- **Statutory Sexual Assault** – The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to sexual activity. Minors aged 13-15 years old cannot consent to sexual activity with anyone who is 4 or more years older than they are at the time of the activity. Minors aged 16 years of age or older can legally consent to sexual activity, as long as the other person does not have authority over them as defined in Pennsylvania’s institutional sexual assault statute.

Sexual Assault is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Sexual Assault will be categorized as Non-Regulatory.

**Sexual Exploitation** – Engaging in sexual behaviors directed toward or involving another person or use of another person’s sexuality for purposes of sexual gratification, financial gain, personal gain or personal advantage when Consent is not present. This includes, but is not limited to, the following actions, including when they are done via electronic means, methods or devices:

- Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person’s Consent;
- Indecent exposure or inducing others to expose private or intimate parts of the body when Consent is not present;
- Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person’s Consent;
- Prostituting another individual; or
- Knowingly exposing another individual to a sexually transmitted disease or virus without that individual’s knowledge; and
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

### **Sexual Harassment**

**Regulatory Quid Pro Quo Sexual Harassment** – an employee conditioning the provision of aid, benefit or service of the Institution on an individual’s participation in unwelcome sexual conduct.

**Non-Regulatory Quid Pro Quo Sexual Harassment** - An Official, Volunteer or Student conditioning the provision of aid, benefit or service of the Institution on the individual’s participation in unwelcome sexual conduct.

**Regulatory Hostile Environment Sexual Harassment** - Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institution’s Education Program or Activity.

**Non-Regulatory Hostile Environment Sexual Harassment** - Unwelcome conduct, on the basis of sex, that a reasonable person would determine is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from any educational, employment, social or residential program in offered connection with the Institution.

**Stalking** – (as defined in the VAWA amendments to the Clery Act) means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- fear for their safety or the safety of others; or
- suffer substantial emotional distress.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property.

Stalking includes the concept of cyberstalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, email or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Stalking is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Stalking will be categorized as Non-Regulatory.

*Stalking in the jurisdiction of PA: 1) a person engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person or 2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.*

### **Additional Definitions:**

**Advisor:** Any individual who provides the accuser or accused support, guidance or advice.

**Complainant:** An individual who has reported being or is alleged to be subjected to conduct that could constitute covered sexual misconduct as defined in this document.

**Formal Complaint:** Document (including electronic submission) filed by a Complainant with a signature or other indication that the Complainant is the person filing the Formal Complaint, or signed by the Title IX Coordinator alleging sexual misconduct against a Respondent and requesting initiation of the process described in this document to investigate the allegation of sexual misconduct.

**Proceeding:** All activities related to a non-criminal resolution of an institutional disciplinary complaint, including but not limited to factfinding investigations, formal or informal meetings and hearings. Does not include communications/meetings between officials and victims concerning accommodations or protective measures.

**Respondent:** Any individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct as defined in this document.

**Result:** Any initial, interim and final decision by any official authorized to resolve disciplinary matters within the institution. Must include any sanctions imposed and the rationale for the result and sanctions.

**Supportive Measures:** Non-disciplinary and non-punitive individualized services to restore or preserve access to the school's education program without unduly burdening the other party.

### **Reducing Risk**

Responsibility for sexual misconduct rests with those who commit such acts. Risk reduction tips are not intended to blame the victim. The following are precautions to reduce exposure to situations which may result in non-consensual sexual acts.

- Clearly and firmly says "no" to a sexual aggressor.

- Communicate limits/boundaries and respect the limits/boundaries of others.
- If possible, leave the physical presence of a sexual aggressor or otherwise violently aggressive person.
- If someone is nearby, ask for help.
- Take responsibility for your alcohol/drug use. Acknowledge that alcohol/drugs lower sexual inhibitions and may make you vulnerable to someone who sees an impaired person as a sexual opportunity.
- Do not take advantage of someone's intoxication or altered state even if alcohol or drugs were consumed willingly.
- If you choose to share intimate images, pictures, videos or content with others, even those you trust, be clear about your expectations regarding how the information may be used, shared or disseminated. If such information is shared with you, do not share it with others.
- Take care of friends and ask that they take care of you.
- As a sexual initiator, clearly communicate your intentions and give your sexual partner the opportunity to clearly communicate the same.
- Do not make assumptions about consent, sexual availability, sexual attraction, how far an interaction can go or about physical and/or mental ability to consent.
- Remember that consent should be affirmative and continuous. If there is any question or ambiguity, you should proceed as if you do not have consent.
- Consider mixed messages from a partner to be an indication that sexual conduct should stop so that better communication can occur.
- Recognize the potential for a sexual partner to feel intimidated or coerced by you as a result of a power advantage, your gender, your demeanor or your physical presence. Do not use or abuse that power.

**Risk education, personal protection, pregnancy and sexual disease:** Risky sexual behaviors are defined by the increased risk of a negative outcome, which can take two pathways: risky sexual behaviors are those which increase the chance of contracting or transmitting disease, or increase the chance of the occurrence of unwanted pregnancy.

Risky Sexual Behaviors include:

- Having more than one sexual partner
- Changing sexual partners frequently
- Having oral, vaginal or anal sexual contact without a condom
- Using unreliable methods of birth control, or using birth control inconsistently

## **Background**

### **What is Title IX?**

Title IX (enacted in 1972) is a federal civil rights law that applies to educational institutions that receive federal funding, and prohibits these institutions from denying benefits or treating students differently based on their sex.

### **What is the Clery Act?**

The Clery Act (signed into law in 1990) is a federal law that requires higher education institutions to disclose information about certain crimes that occur on campus and report on policies, procedures and programs relating to criminal and fire safety.

### **What is VAWA?**

The original Violence Against Woman Act was passed in 1994 and was the first federal legislation acknowledging domestic violence and sexual assault as crimes; it amended the Clery Act to afford additional rights to campus victims of sexual assault, dating violence, domestic violence and stalking. It provides federal resources to encourage community-coordinated responses to combating violence against women. Reauthorized in 2022, it now includes groundbreaking provisions to strengthen and modernize the law including additional local programs, and resources for housing, legal assistance and prevention programming. It created an LGBTQ services program and strengthened non-discrimination laws.

### **What is XX-G Act 55?**

Article XX-G of the PA Public School Code requires all institutions of higher education and private licensed schools to establish and maintain a memorandum of understanding with at least one local rape crisis center and one local domestic violence program.

### **2024 U. S. Department of Education Additions to Title IX**

The 2024 regulations will help ensure that all persons, including students and employees, receive appropriate support if they experience sex discrimination in schools and that schools' procedures for investigating and resolving complaints of sex discrimination are accurate and fair to all involved. They provide clarity regarding: the definition of "sex-based harassment"; the scope of sex discrimination, including non-discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; and schools' obligations to provide an educational environment free from discrimination on the basis of sex.

#### **PGS will provide full protection from sex-based harassment.**

PGS prohibits all forms of sex-based harassment, including sexual violence and unwelcome sex-based conduct that creates a hostile environment by limiting or denying a person's ability to participate in or benefit from a school's education program or activity.

#### **PGS will take prompt and effective action to end any sex discrimination in the program or activity—and to prevent its recurrence and remedy its effects.**

The school will act promptly and effectively in response to information about conduct that reasonably may constitute sex discrimination, including sexual violence and other forms of sex-based harassment. The school will train employees to address sex discrimination, as well as their obligation to notify or provide contact information for the Title IX Coordinator.

#### **PGS will provide supportive measures to complainants and respondents affected by conduct that may constitute sex discrimination, including sexual violence and other forms of sex-based harassment.**

The school will offer supportive measures, as appropriate, to restore or preserve a party's access to the school's education program or activity or provide support during a school's grievance procedures or the informal resolution process. Supportive measures will not be unreasonably burdensome to a party and cannot be imposed for punitive or disciplinary reasons.

#### **PGS will respond promptly and effectively to all complaints of sex discrimination with a fair, transparent, and reliable process that includes trained, unbiased decision makers to evaluate all relevant and not otherwise impermissible evidence.**

The school will conduct reliable and impartial investigations of all sex discrimination complaints.

After a formal complaint has been filed, an informal resolution process can be pursued if: 1) PGS provides both parties with written notice of this option and 2) PGS obtains both parties' voluntary consent. (Informal resolutions cannot be pursued for a case related to an employee's sexual harassment of a student.)

PGS cannot force students or employees to participate in an informal resolution; parties can change their mind and go back to the formal process at any time prior to agreeing to a resolution.

To begin the process, the Title IX Coordinator will hold meetings with the complainant to review the process and options for resolution, and will provide verbal and written explanations of both (formal and informal resolution). If the complainant agrees to informal resolution as an option, the Title IX Coordinator can discuss this option with the respondent, and stressing to both parties that conversations will focus on the specific allegation, redirecting commentary that is not appropriate.

During the process, the Title IX Coordinator will provide information on options to facilitate indirect communication -- including using advisers to relay desired outcomes without conversing in the same room, avoiding direct contact between parties.

During the process, supportive measures are available to both parties including counseling, changes in bench location, no contact orders, etc. Terms of an informal resolution will include traditional PGS sanctions as well as other options including attending educational programs or restoring property, or legal and medical expenses.

When both parties have agreed to terms, a signed written resolution detailing the terms will be created. It will also include consequences if the agreement is violated, what school records will indicate, dismissal of the complaint if agreed upon and other specifics such as a no contact order in place between students, what happens after graduation or separation from PGS, and a retaliation actions policy.

If the parties are not able to resolve the complaint through informal resolution, it will be resolved through formal resolution.

The signed, written informal resolution will state both parties entered voluntarily, there are no appeal rights and the formal process cannot be restarted once the parties sign.

Violations of an informal resolution agreement should be communicated to the Title IX Coordinator, who will determine if a formal resolution process should be started or if further review is warranted.

For victims of an alleged sex offense, PGS will assist with .....

- PGS will treat complainants and respondents equitably.
- PGS Title IX Coordinators, investigators, decision makers, and facilitators of an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- PGS will include a presumption that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the school's grievance procedures.
- PGS will require adequate notice to the parties of the allegations, dismissal, delays, meetings, proceedings, and determinations.
- PGS will give the parties an equal opportunity to present and access relevant and not otherwise impermissible evidence, as well as provide a reasonable opportunity for each party to respond to that evidence.
- PGS' decisionmakers will objectively evaluate each party's relevant and not otherwise impermissible evidence.
- PGS has a process enabling the decision maker to assess a party's or witness's credibility when credibility is in dispute and relevant. For sex-based harassment complaints involving a student party at a postsecondary institution, this process must include either: questioning by the investigator or decisionmaker during individual meetings with a party or witness (including questions proposed by each party), or questioning by the decisionmaker during a live hearing (including questions proposed by each party and asked by the decisionmaker or the party's advisor).



- In evaluating the parties' evidence, PGS will use the preponderance of the evidence standard of proof unless the school uses the clear and convincing evidence standard in all other comparable proceedings, including proceedings relating to other discrimination complaints, in which case the school may use that standard in determining whether sex discrimination occurred.
- PGS will not impose disciplinary sanctions under Title IX on any person unless it determines at the conclusion of grievance procedures that sex discrimination for which the person was responsible has occurred.
- PGS has the option to offer an informal resolution process for sex discrimination complaints unless such a process would conflict with Federal, State, or local law.

**PGS will protect students, employees, and applicants from discrimination based on pregnancy or related conditions.**

The school will not discriminate based on pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery from these conditions. The school will provide reasonable modifications for students based on pregnancy or related conditions, allow for reasonable break time for employees, and access to a clean, private lactation space for students and employees.

When a student, a parent of a minor student, or other authorized legal representative informs a school employee of a student's pregnancy or related conditions, the employee will communicate with the Title IX coordinator which will in turn will provide the individual with information about the school's obligations to prevent discrimination and ensure equal access. PGS will not disclose personally identifiable information they obtain through complying with Title IX, including information about reasonable modifications for pregnancy or related conditions, with limited exceptions.

**PGS will prohibit discrimination against LGBTQI+ students, employees, and others.**

The school prohibits discrimination and harassment based on sexual orientation, gender identity, and sex characteristics.

**PGS will protect people from harm when they are separated or treated differently based on sex in school.**

The school will not-separate or treat people differently based on sex in a manner that subjects them to more than de minimis harm, except in limited circumstances permitted by Title IX. The final regulations further recognize that preventing someone from participating in school (including in sex-separate activities) consistent with their gender identity causes that person more than de minimis harm.

**PGS will protect students, employees, and others from retaliation.**

The school will not intimidate, threaten, coerce, or discriminate against someone in order to interfere with their Title IX rights or because they reported sex discrimination, including sexual violence or other forms of sex-based harassment, or participated in, or refused to participate in, the school's Title IX process. The school will protect students from peer retaliation by other students.

**PGS will support the right of parents and guardians to act on behalf of their elementary and secondary school children.**

The school will support the rights of parents and guardians to act on behalf of a minor student, including when seeking assistance under Title IX and participating in a school's Title IX grievance procedures.

**PGS will not share personal information.**

The school will not disclose personally identifiable information they obtain through complying with Title IX, with limited exceptions, such as when they have prior written consent or when the information is disclosed to the parent of a minor.