



2018 ANNUAL
SECURITY REPORT

JEANNE CLERY DISCLOSURE OF
CAMPUS SECURITY POLICIES AND
CAMPUS CRIME STATISTICS



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Introduction

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

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

History of the Clery Act

The Clery Act was advocated by Howard and Connie Clery after their 19-year-old daughter Jeanne was raped and murdered in her dorm room at Lehigh University in 1986. Clery's parents lobbied Congress for legislation requiring colleges and universities to publish their crime statistics after learning about 38 violent crimes that had occurred on campus in the three years prior to Clery's murder. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal law requiring colleges and universities to disclose information about campus crime and security policies. All public and private institutions of post-secondary education participating in federal student aid programs are subject to the Clery Act. Campuses that fail to comply with the act can be penalized with large fines and may be suspended from participating in the federal financial aid program.

Annual Security Report

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

NCAD makes a good faith effort to obtain crime statistics from Campus Security Authorities (CSAs) and the Tacoma Police Department. The Annual Security Report is published on or before October 1st of each year. The report contains campus crime statistics for the prior three years and the required security policy statements including sexual assault policies which assure basic victims' rights, the authority of campus security personnel, and where students should go to report crimes.

The Annual Security Report is posted to NCAD's website and a printed copy is available upon request. All prospective students and prospective employees are provided with materials that contain the website address to the current Annual Security Report.

The Annual Security Report can be found on the NCAD website at: www.ncad.edu.

Printed copies may be obtained in person or by writing to NCAD, 1126 Pacific Ave, Suite 101, Tacoma, WA 98402, or by calling 253.272.1126.

Campus Safety and Security

Prompt Reporting of a Crime or Emergency

Security is achieved through the cooperation and participation of all members of the college. All staff, faculty, students, and visitors are expected to promptly and accurately report all crimes and public safety-related incidents to NCAD and/or the appropriate local police agency. Call 911 if the situation poses an immediate threat or if a criminal violation occurred. Individuals on campus may also report crimes to a designated Campus Security Authority (CSA).

Contact any of the following CSAs to report a NCAD related emergency or crime:

Dial 911	To report an immediate threat or criminal violation
Dial 360.731.6651	Kim Perigard, Director of Operations
Dial 360.697.8132	Susan Ogilvie, Director of Education
Dial 360.697.8133	Julie Perigard, Title IX Coordinator
Dial 253.272.1126	Mike Perigard, Facilities Manager
Dial 253.272.1126	Ashley Jones, Registrar
Dial 253.272.1126	Kathryn Lorz, Student Services Coordinator
Dial 253.272.1126	Derek Gundy, Career Services Coordinator
Dial 253.272.1126	Dan Rothrock, Director of Admissions
Dial 360.620.4266	Skye Carlson, Technology/Facilities Projects Administration
Email	titleix@ncad.edu

Voluntary Confidential Reporting Options

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

Response to a Reported Crime

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

Access to and Security of Campus Facilities

NCAD is a private institution, open to the public Monday through Thursday from 7:00am to 5:00pm. Access to the facilities is limited. The campus is monitored internally and externally by video surveillance. All visitors are required to sign-in and out at the front desk.

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

Persons who behave in a suspicious or threatening manner or are involved in suspicious or threatening activities must be reported to the Director of Operations or other Campus Security Authority (CSA) immediately.

Maintenance of Facilities and Grounds

The facilities and grounds are maintained in a manner that minimizes hazardous conditions and improves security through environmental design. Proper lighting and building security are major factors in reducing crime on campus. The Facilities Manager routinely checks all lighting, alarm systems, door locks, access control system, and video surveillance system to ensure they are functioning properly. Repairs, when needed, are made as quickly as possible. All members of the campus community must immediately report safety hazards or concerns to the Facilities Manager.

Campus Security Authority (CSA)

All NCAD administrative staff are considered to be a Campus Security Authority (CSA). These designated individuals have significant responsibility for student and campus activities, and as such are instructed by NCAD as to the extent of their responsibility and how to report crimes to NCAD officials.

Campus Security Personnel

NCAD does not have uniformed campus security personnel. Employees have the authority to detain individuals who break the law; however, they do not have the authority to arrest individuals. The Tacoma Police Department will be contacted to intervene and stabilize a situation, should the need arise. The Tacoma Police Department will assume full authority once on NCAD property, including the investigation of an alleged criminal offense. Therefore, NCAD does not have a written MOU in place with local law enforcement.

Timely Warnings

A timely warning will be issued to the campus if a crime is reported and poses a serious or ongoing threat to the safety of members of the campus community. The Director of Operations and Director of Education are responsible for issuing a timely warning when deemed necessary. Timely warnings will be distributed when there appears to be a threat to the safety and security of persons on campus for the following crimes:

Criminal Offenses:

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

- Motor Vehicle Theft
- Arson

Arrests or Disciplinary Referrals:

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

Violence Against Women Act Crimes:

- Sexual Assault
- Domestic Violence
- Dating Violence
- Stalking

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

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

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

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

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

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

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

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

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

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

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

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

- NCAD Email and/or Text Alerts
- Website and Social Media
- Local Media

Emergency Preparedness and Notification

NCAD's Safety & Emergency Preparedness Plan describes the responsibilities and duties of employees and students in event of an emergency or dangerous situation involving an immediate threat. The plan is designed to assist NCAD employees and students to respond appropriately when emergency conditions exist. To ensure emergency plans are appropriate, NCAD conducts at least one fire/ evacuation drill per year.

How to Report an Emergency

The campus community is encouraged to call 911 to report any situation on-campus that could constitute a significant emergency or dangerous situation involving an immediate or on-going threat to the campus community. Reports must also be made to the Director of Operations or other Campus Security Authority (CSA), as this is the best way to expedite an emergency notification to alert the rest of the campus community of the threat.

Response Procedures for an Emergency or Dangerous Situation

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

Confirming a Significant Emergency or Dangerous Situation

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

Incident Command Team

- Kim Perigard, Director of Operations
- Susan Ogilvie, Director of Education
- Mike Perigard, Facilities Manager
- Dan Rothrock, Director of Admissions
- Skye Carlson, Technology/Facilities Projects Administration

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

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

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

Disaster: Any incident, potential or actual emergency, which affects the entire campus and which will seriously impair or halt the operation of the school. In some cases, mass casualties and severe property damage may be sustained. A coordinated effort of all campus and emergency resources are required to effectively help with response to this level of emergency. The entire campus will receive an emergency notification. After the Incident Command Team confirms and determines the significance of an emergency or dangerous situation, without delay and taking into account the safety of the campus community, they will determine the content of the notification and initiate the notification system. After the content of the notification has been determined the Incident Command Team will initiate the notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

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

- NCAD Email and/or Text Alerts
- Website and Social Media
- Local Media

Emergency Drills, Testing, and Evacuation Procedures

The Emergency Response Team is responsible for scheduling fire drills and/or other testing of emergency response, plans, and capabilities. After each drill or test, NCAD's Emergency Response Team meets to evaluate the effectiveness of the drill or test and identify areas needing improvement. The Emergency Response Team is responsible for implementing needed improvement.

All drills engage a process that tests our emergency communication pathways, fire alarms, emergency alerts, and emergency procedures. After every drill, the test is documented in a log located at the Registrar's desk. The details include a description of the drill, date, time, name of person recording the data, and whether the drill was announced or unannounced. These forms are kept on file for seven years.

NCAD contracts with local vendors to perform annual confidence testing of all fire suppression and alarm systems.

Student Housing Facilities

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

Pastoral and Professional Counselors

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

Campus Safety, Crime Prevention, and Security Awareness

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

Current Emergency Procedures are made available to all students, staff and faculty on or before October 1st of each year. The Student Services Coordinator and/or Title IX Coordinator are responsible for keeping these procedures up to date and will send a notice via e-mail to all current students, staff and faculty when changes are made to the procedures. The procedures outline detailed processes for various emergency situations that may arise. New faculty or staff review the procedures during their onboarding. Prospective current students, staff and faculty are provided a link

current required reports on the NCAD website. Additionally, all current students, staff and faculty receive annual training as required by law and explained later in this report.

Printed copies may be obtained in person or by writing to NCAD, 1126 Pacific Ave., Tacoma, WA 98402, or by calling 253.272.1126.

Drug-Free and Alcohol-Free Campus and Workplace Policy

Alcohol and Drug Policy

NCAD prohibits the irresponsible or unlawful possession, use, or distribution of alcohol and drugs by students, faculty, and staff on college premises or as part of any of its activities. This Alcohol and Drug Policy is intended to meet, at a minimum, the requirements of all applicable federal and state laws, including but not limited to the Drug-Free Schools and Communities Act of 1986, as amended, and the Drug-Free Workplace Act of 1988.

In accordance with federal law, this policy applies to (1) any student enrolled at the college in one or more courses for academic credit, regardless of the length of the student's program of study, and to (2) any regular or temporary faculty or staff of the college. The conduct prohibited by this policy includes, at a minimum, the unlawful possession, use, or distribution of alcohol and drugs by students or employees on college premises or as part of its activities. The college's "premises" include but are not limited to its campus, facilities, and vehicles. A college "activity" means any activity sponsored by the college, whether or not it takes place on college premises.

The term "alcohol" as used here means hard liquor, wine, beer, and any other alcoholic beverage. A "drug" is any "controlled substance" within the meaning of the Uniform Controlled Substance Act [RCW 69.50], including but not limited to marijuana, cocaine, crack, amphetamines, barbiturates, and hallucinogens. The possession, use, or distribution of alcohol or a drug is "unlawful" if such use is prohibited by federal or state law.

Drug-Free Schools and Communities Act Requirements

In compliance with Section 22 of the Drug-Free Schools and Communities Act Amendments of 1989, all students and employees of NCAD are expected to observe the following minimum standards of conduct relating to the use of alcohol and illicit drugs:

- This policy strictly forbids the unlawful manufacture, possession, distribution, or use of drugs on college premises or in connection with a college activity.
- Alcohol may not be furnished to anyone under age 21, and under aged persons may not possess or consume alcohol on college premises or in connection with any college activity.
- Opened containers of alcohol may not be possessed, and alcohol may not be consumed, on college premises (including but not limited to campus facilities, grounds, and adjacent streets) or in connection with a college activity.

Drug-Free Workplace Act Requirements

The college expects its faculty and staff to report to any work assignment unimpaired by the effects of alcohol or substance abuse and in condition to perform their duties safely and effectively. In addition, the unlawful manufacture, distribution, dispensation, possession, or use of alcohol or drugs is prohibited on college premises or as part of any college activity.

In compliance with the Drug-Free Workplace Act of 1988, an employee who is convicted in a court of law for a violation of criminal drug laws in the workplace must provide notice of the conviction within five days to the Director of Operations. As required by law, within 10 days of receiving such notice, the college will notify the

U.S. Department of Education (and any other federal contracting or granting agency as required) that the faculty, staff, or student employee has had a criminal drug statute conviction for a violation occurring in the workplace.

As required by law, each individual employed by the college is hereby notified that, as a condition of his or her employment, he or she must abide by these drug-free workplace requirements.

Information, Education, and Counseling

This policy emphasizes the importance of information and education in helping to prevent alcohol and drug abuse. In furtherance of this purpose, a copy of this policy will be distributed annually to students, faculty, and staff.

In case of an emergency, dial 911 to contact for Fire/Medical/Police response. If you are ever in doubt about your own health and safety or somebody else's, call for help.

The Student Services Coordinator and/or the Title IX Coordinator can provide general information about available resources. It also provides education to the campus community about alcohol and drug use and related health issues.

While NCAD strives to help members of the campus community learn about alcohol and other drugs, we realize that sometimes students may wish to seek off-campus help. Following is a list of contacts and resources:

Puget Sound Alcoholics Anonymous (AA)
3640 S. Cedar Street
Tacoma, WA 98409
253.474.8897
www.pugetsoundaa.org

Pierce County Area Narcotics Anonymous
P.O. Box 706
Tacoma, WA 98401
24-hour Helpline: 253.531.8792
www.pcana.org

Tacoma-Pierce County Health Department
3629 S. D Street
Tacoma, WA 98418
253.798.6500
www.tpchd.org

National Drug and Alcohol Treatment Referral Routing Service
1.800.662.HELP
www.samhsa.gov/find-help/national-helpline

U.S. Department of Justice
Drug Enforcement Administration
www.dea.gov

Sanctions

The college will impose disciplinary sanctions on students, faculty, and staff for violations of this Alcohol and Drug Policy. Sanctions will be imposed in accordance with the procedures of the Student Conduct Policy and the Employee Manual, as appropriate.

Sanctions that may be imposed by the college upon a student include but are not limited to (1) conduct reprimand, (2) conduct probation, (4) conduct suspension, (5) other corrective sanctions as appropriate, which may include participation in an approved chemical dependency education, assessment, counseling, or rehabilitation program, and (6) permanent expulsion. Students under the age of 21 who violate

the Student Conduct Policy while under the influence of alcohol (whether consumed on or off campus) may be charged with a violation of this policy.

Sanctions that may be imposed upon an employee include but are not limited to (1) conduct reprimand, (2) restrictions on participation in campus activities, (3) transfer, demotion, or forfeiture of promotion or salary increase, (4) suspension or mandatory leave of absence, (5) other corrective sanctions as appropriate, which may include participation in an approved chemical dependency education, assessment, counseling, or rehabilitation program, and (6) termination of employment.

As required by federal law, the college will also cooperate with law enforcement authorities in referring for prosecution the unlawful possession, use, or distribution of alcohol and illicit drugs by students or employees on college premises or as part of any of its activities.

Policy Review

As required by law, this policy will be reviewed biennially to assess the effectiveness of the college's alcohol and drug abuse prevention program and to ensure that disciplinary sanctions are consistently enforced.

The college reserves the right as permitted by FERPA to notify parents/guardians if their under 21 year-old son or daughter has been determined to have violated the college's Alcohol and Drug Policy.

Substance Abuse Health Risks

Medical research has demonstrated the following health risks associated with the abuse of alcohol or drugs: (1) liver disease, including hepatitis and cirrhosis of the liver, (2) digestion and nutrition problems, including pancreatitis, peptic ulcer, and vitamin deficiencies, (3) memory lapses, blackouts, loss of problem-solving abilities, and other serious neurological disorders, (4) congestive heart failure, hypertension, and stroke, (5) numerous forms of cancer, and (6) birth defects. Additional information about the health risks of alcohol and drug abuse may be obtained from Student Services.

Local and Federal Laws

The following is a brief summary of State of Washington and Federal laws pertaining to alcohol and drugs. This is not an exhaustive list and is subject to change. The law constantly evolves and is subject to different interpretations.

Washington State Crimes and Penalties – Alcohol Persons under 21 - Minor in Possession and Consumption

RCW 66.44.270

(1) It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control. For the purposes of this subsection, "premises" includes real property, houses, buildings, and other structures, and motor vehicles and watercraft. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter 9A.20 RCW.

(2)(a) It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter 9A.20 RCW.

(b) It is unlawful for a person under the age of twenty-one years to be in a public place, or to be in a motor vehicle in a public place, while exhibiting the effects of having consumed liquor. For purposes of this subsection, exhibiting the effects of having consumed liquor means that a person has the odor of liquor on his or her breath and either: (i) Is in possession of or close proximity to a container that has or

recently had liquor in it; or (ii) by speech, manner, appearance, behavior, lack of coordination, or otherwise, exhibits that he or she is under the influence of liquor. This subsection (2)(b) does not apply if the person is in the presence of a parent or guardian or has consumed or is consuming liquor under circumstances described in subsection (4) or (5) of this section.

(3) Subsections (1) and (2)(a) of this section do not apply to liquor given or permitted to be given to a person under the age of twenty-one years by a parent or guardian and consumed in the presence of the parent or guardian. This subsection shall not authorize consumption or possession of liquor by a person under the age of twenty-one years on any premises licensed under chapter 66.24 RCW.

(4) This section does not apply to liquor given for medicinal purposes to a person under the age of twenty-one years by a parent, guardian, physician, or dentist.

(5) This section does not apply to liquor given to a person under the age of twenty-one years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

(6) Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture shall not be a disqualification of that person to acquire a license to sell or dispense any liquor after that person has attained the age of twenty-one years

Drivers under the Influence of Alcohol or Drugs

RCW 46.61.502

(1) A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3) It is an affirmative defense to a violation of subsection (1) (a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(b) or (c) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if: (a) The person has four or more prior offenses within ten years as defined in RCW 46.61.5055; or (b) the person has ever previously been convicted of (i) vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), (ii) vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or (iii) an out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection.

Washington State Crimes and Penalties – Drugs

Possession of a controlled substance

RCW 69.50.4013

(1) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) Except as provided in RCW 69.50.4014, any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

Delivery of substance in lieu of controlled substance

RCW 69.50.40.12

(1) It is unlawful, except as authorized in this chapter and chapter 69.41 RCW, for any person to offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person and then sell, give, deliver, dispense, distribute, or administer to that person any other liquid, substance, or material in lieu of such controlled substance.

(2) Any person who violates this section is guilty of a class C felony punishable according to chapter 9A.20 RCW.

Federal Drug and Crimes and Penalties

Federal law of controlled substances prohibits possession, use, distribution, manufacture or dispensing. Federal sanctions for drug felonies may include: Ultimate punishment for drug crimes generally depends on the quantity, classification, and purpose of possession of the drug. The most serious drug crimes are producing, manufacturing, or selling illegal drugs.

Federal Drug Possession Penalties

1. First violation, a minimum fine of \$1,000 but not more than \$100,000 and a maximum jail term of one year.
2. Second violation, a minimum fine of \$2,500 but not more than \$250,000 and/or minimum jail term of 15 days, but not more than two years.
3. Third or subsequent violation, a minimum fine of \$5,000 but not more than \$250,000 and/or a minimum jail term of 90 days, but not more than three years.
4. Federal penalties have special sentencing provisions for the possession of crack cocaine: a maximum fine of \$250,000 and/or a minimum five years jail term, but not more than 20 years if it is a first conviction and the amount of crack cocaine possessed exceeds 5 grams; second crack cocaine conviction, and the amount possessed exceeds 3 grams; third conviction and the amount possessed exceeds 1 gram.

Federal Drug Trafficking Penalties

Updated information about federal drug trafficking penalties for most drugs can be found at: http://www.dea.gov/sites/default/files/drug_of_abuse.pdf#page=30.

NCAD maintains a close relationship with the Tacoma Police Department to ensure it is notified of crimes that have occurred on or near the campus and non-campus property and public property which were reported directly to them.

Available Assistance Treatment Programs

Alcoholism and drug dependency are defined as illnesses that may interfere with a student's ability to perform assigned work satisfactorily or that adversely affect classroom behavior. Students are encouraged to voluntarily seek expert assistance for alcoholism, alcohol abuse, or drug dependency. Assistance is available through a variety of professional resources in the community.

Community Resources:

Pierce County Crisis Line	800.576.7764
WA Recovery Help Line www.warecoveryhelpline.org	866.789.1511
Substance Abuse & Mental Health Services Administration www.samhsa.gov	800.662.HELP (4357)
Tacoma Rescue Mission www.trm.org	253.383.4493
Tacoma-Pierce County Health Department www.tpchd.org	253.798.6500
Puget Sound AA www.pugetsoundaa.org	253.474.8897
Al-Anon Pierce County www.al-anon-pierce-wa.org	800.726.8094
Pierce County Area Narcotics Anonymous www.pcana.org	253.531.8792

Violence Against Women Act (VAWA) Preventing and Responding to Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Policy Statement

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

Primary Prevention and Awareness Programs

As required by the Clery Act, NCAD has implemented primary prevention and awareness programs for students and employees. NCAD has contracted with

SafeColleges training programs. These courses comply with important federal legislation, including Title IX, the Clery Act, Campus SaVE Act, the Violence Against Women Act, and more. Prevention programs seek to inform and educate individuals in an effort to stop dating violence, domestic violence, sexual assault, and stalking before they occur by promoting behavior that fosters healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in a healthy and safe direction. Awareness programs share information and resources to prevent violence, promote safety, and reduce perpetration. This training is required annually.

The following definitions are included in the training students and employees receive:

Consent: RCW 9A.44.010 Definitions: (7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

Dating Violence: "Dating relationship" has the same meaning as in RCW 26.50.010.

Domestic Violence: RCW 26.50.010 Definitions: (1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

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

Stalking: RCW 9A.46.110 Definitions:

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

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

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

(c) The stalker either:

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

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

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

Stalking Behaviors

- Non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on Web sites, written letters, gifts, or any other communications that are undesired and/or place another person in fear

- Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a victim
- Surveillance and other types of observation, whether by physical proximity or electronic means
- Trespassing
- Vandalism
- Non-consensual touching
- Direct physical and/or verbal threats against a victim or a victim's loved ones
- Gathering of information about a victim from family, friends, co-workers, and/or classmates
- Manipulative and controlling behaviors such as threats to harm oneself, or threats to harm someone close to the victim
- Defamation or slander against the victim

Active Bystander Intervention

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but, have the choice to intervene, speak up, or do something about the situation. NCAD promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

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

- Watch out for your friends and fellow students or employees. If you see someone who looks like they could be in trouble or need help, ask if he or she is ok.
- Confront people who seclude, hit on, or try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

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

Risk Reduction Tips

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

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

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

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

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

Ongoing Prevention and Awareness Campaigns

The Title IX Coordinator and various school personnel may distribute materials to students and employees; the content is focused on raising the awareness and understanding of what constitutes dating violence, domestic violence, sexual assault, stalking, changing social norms, and advancing prosocial behaviors of individuals and communities. Materials may include additional course content available through

SafeColleges, relevant statistics, videos, and resources specific to our campus community.

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

On an annual basis, all students and employees participate in mandatory training through SafeColleges to receive education about three federal laws, Title IX, the Clery Act, and the Violence Against Women Act.

Reporting

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

- Get to a safe place.
- Preserve all physical evidence to assist in proving an alleged criminal offense occurred or to assist in obtaining a protection order.
- Do not wash, douche, use the toilet, change clothing, or disturb the scene of the attack.
- Go to the local hospital emergency room immediately. Hospital personnel will treat the physical consequences of assault, such as injury, infection, disease and pregnancy. They can collect evidence that will be needed if the crime is reported. Many hospitals have a specialized examiner who can complete an exam for victims of sexual violence. Such an exam can help the victim receive an appropriate medical assessment and treatment and can preserve evidence for possible future action.
- File a police report. Victims have the option to notify local law enforcement authorities. The Campus Security Authority (CSA) receiving the report will assist in notifying local law enforcement authorities, if the victim chooses. Victims have the right to decline to notify such authorities.
- Report to a Campus Security Authority (CSA), Title IX Coordinator, or other Responsible Employee under Title IX:
 - All NCAD employees are Responsible Employees.
- Make an anonymous report. An anonymous report to the police notifies them that an act of sexual violence has occurred but gives no names or identification.

Confidentiality and Reporting of Offenses under this Policy

All school employees (faculty, staff, and student workers) are expected to report actual or suspected crime, discrimination, or harassment to appropriate officials immediately. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. The following describes the reporting options at NCAD:

Confidential Reporting Options

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

- Off-campus (non-employees):
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - Clergy/chaplains

All of the above-listed individuals will maintain confidentiality except in extreme cases of immediate threat or danger or abuse of a minor.

Formal Reporting Options

All NCAD employees have a duty to report. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared with the Title IX Coordinator. Employees must promptly share all details of the reports they receive. Generally, climate surveys, classroom writing assignments, or discussions do not provide notice that must be reported to the Coordinator by employees, unless the reporting party clearly indicates that they wish a report to be made. Remedial actions may result from such disclosures without formal school action.

If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. Note that NCAD's ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution to proceed with the Formal Reporting process.

In cases indicating pattern, predation, threat, weapons, and/or violence, the school will likely be unable to honor a request for confidentiality. In cases where the reporting party requests confidentiality and the circumstances allow NCAD to honor that request, the school will offer interim supports and remedies to the reporting party and the community but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have allegations taken seriously by NCAD when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: the Director of Operations, Director of Education and the Title IX Coordinator. Information will be shared as necessary with investigators, witnesses, and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy.

Failure of an employee to report an incident or incidents of sex/gender harassment or discrimination of which they become aware is a violation of NCAD policy and can be subject to disciplinary action for failure to comply.

Federal Timely Warning Obligations

Parties reporting sexual misconduct should be aware that under the Clery Act, NCAD administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The school will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

False Allegations

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Amnesty for Reporting Party and Witnesses

The NCAD community encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to school officials or participate in resolution processes because

they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that reporting parties choose to report to school officials, and that witnesses come forward to share what they know. To encourage reporting, NCAD offers reporting parties and witnesses amnesty from minor policy violations related to the incident.

Federal Statistical Reporting Obligations

Certain campus officials - those deemed Campus Security Authorities - have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously. NCAD's Annual Security Report is published each October and includes statistics for the previous three calendar years.

The Annual Security Report can be found on the NCAD website at: www.ncad.edu.

Protection Orders and Accommodations

A victim can file for applicable protection orders through the Pierce County Prosecuting Attorney's Office, located at 930 Tacoma Avenue S, Room 946, Tacoma, WA 98402. Forms can also be accessed on the following website: <https://piercecounitywa.org/5739/Protection-Orders>. If you wish to pursue a legal protection order and need help, please contact the Crystal Judson Family Justice Center at (253) 798-4166 or www.aplaceofhelp.com.

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

School Protective Measures

Students may seek protective measures without pursuing law enforcement or institutional investigations by the Title IX Coordinator. Protective measures will be approved if requested and reasonably available.

Employees may seek protective measures without pursuing law enforcement or institutional investigations by the Director of Operations. Protective measures will be approved if requested and reasonably available.

NCAD will implement initial remedial, responsive, and/or protective actions upon notice of alleged harassment, retaliation, and/or discrimination. Such actions could include, but are not limited to: no contact orders, counseling and/or medical services, academic support, providing a campus escort, altering academic or work schedule, assignment accommodations, safety planning, or referral to community support resources.

NCAD will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor, who has been found to engage in harassing or discriminatory behavior or retaliation.

Written Notification

NCAD will provide written notification to victims about existing counseling, health, mental health, victim advocacy, student financial aid, protective services, and other services available; both within the institution and in the community.

NCAD will provide written notification to victims about available options and assistance to change academic situations, transportation situations, or work study situations; including how to request these changes and who to contact.

Following a report of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, NCAD will provide the student or employee a written explanation of their rights and options.

Privacy Practices

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses, and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve the rights and privacy of the party bringing a grievance. Public records, including the Clery Act reporting and disclosures, will be completed without the inclusion of personally identifying information about the victim.

NCAD will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide accommodations or protective measures.

Registered Sex Offenders

Information about registered sex offenders in Pierce County can be obtained by accessing this website: <https://www.co.pierce.wa.us/1964/Sex-Offenders-in-Pierce-County>. Information is searchable by area, first and last name, city, or by non-compliant offenders.

Available Support Programs

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

For Emergencies call	911
24-hour Pierce County Crisis Line	800.576.7764
24-hour King County Crisis Line	866.427.4747
24-hour Suicide Prevention Lifeline	800.273.TALK (8255)
Abused Deaf Women's Advocacy Service	206.812.1001
API Chaya (Support for South Asian Domestic Violence Survivors and Families)	206.325.0325/877-92CHAYA
Asian Counseling and Referral Service	206.695.7600
Consejo Counseling and Referral Service	206.461.4880
Crisis Clinic Suicide Support 24-Hour Crisis Line	206.461.3222/TTY/TDD: 206.461.3219
Crystal Judson Family Justice Center	253.798.4166 or aplaceofhelp.com
Domestic Abuse Women's Network South King County	425.656.STOP (425.656.7867)

Jewish Family Service	206.461.3240
National Sexual Assault Hotline (RAINN)	800.656.HOPE (4673) or rainn.org
National Domestic Violence Hotline	800.799.7233 or thehotline.org
National Teen Dating Abuse Hotline	866.331.9474 or loveisrespect.org
Pierce County Domestic Violence Helpline	253.798.4166
Planned Parenthood	800.769.0045
Sexual Assault Center of Pierce County	800.756.7273 or sexualassaultcenter.com
Stalking Resource Center	202.467.8700 or victimsofcrime.org
Tacoma General Hospital	253.403.1000 (SANE nurse available)
Trevor Project	866.488.7386 or thetrevorreport.org
United Way Helpline	877.211.9274
Washington State Domestic Violence Helpline	800.562.6025
YWCA Pierce County	253.383.2593
YWCA Domestic Violence Services	206.461.4882

Sexual Misconduct Policy

Policy Overview

Northwest College of Art & Design (NCAD) is committed to ensuring a positive and safe environment for all members of the NCAD community, including students, faculty, and staff. NCAD expressly prohibits discrimination or harassment based upon race, sex, gender, gender identity, gender expression, national origin, ancestry, religion, physical or mental disability, veteran status, age or any other basis protected by federal, state or local law. NCAD also strives to provide a safe and respectful environment for its students, faculty, and staff. As such, sexual harassment or sexual misconduct of any kind, including sexual violence and nonconsensual sexual contact, is not tolerated within the NCAD community. Any student, faculty, or staff who violates this policy is subject to a number of consequences, including but not limited to verbal warning, removal from courses, or dismissal. NCAD reserves the right to sanction students, faculty, or staff based on the procedures discussed herein. NCAD encourages members of our community to report any instances of harassment or discrimination.

Definition of Terms

- **Consent:** Consent is a voluntary agreement to engage in sexual activity. Consent cannot be forced, coerced, and cannot be given by a person who is incapacitated, unconscious, unable to make rational decisions, or under the influence of drugs or alcohol. Consent is never implied, and thus past consent does not notate future consent. Silence or a lack of resistance does not imply consent. Consent to engage in one form of sexual activity does not imply consent for another sexual act. Consent is an active and dynamic agreement between cognizant partners and demands verbal communication as well as physical cooperation. Consent can be revoked at any time.
- **Sexual Violence:** Sexual violence is an umbrella term meant to encompass a wide variety of conduct violations, such as sexual harassment, unwanted sexual attention, nonconsensual sexual activity, creation of a hostile environment, intimate partner or domestic assault, and sexual assault/rape.
- **Sexual Harassment:** Sexual harassment is defined as any unwanted or nonconsensual sexual conduct, including but not limited to unwanted verbal or physical contact, physical or emotional intimidation, unwelcome sexual advances

or attention, inappropriate exposure of one's body, non-consensual photography or video of sexual activity, requests for sexual favors in exchange for some kind of benefit, unwelcome sexual innuendo or jokes, and stalking. It is important to note that conduct may be classified as harassment whether the conduct was implicit or explicit.

- Nonconsensual Sexual Activity or Rape: Nonconsensual sexual activity consists of any sexual contact which lacks consent. Rape consists of any sexual intercourse or penetration (oral, vaginal, or anal) to any degree with any body part and/or object without consent. Physical force or intimidation does not need to be present in these situations in order to be classified as nonconsensual sexual activity or rape, merely a lack of consent. This definition includes date rape, nonconsensual sexual activity that is perpetrated by an acquaintance, friend, or romantic partner, and includes the knowing and willful transmission of HIV/AIDS.
- Sexual Exploitation: Sexual exploitation refers to activity which involves nonconsensual sexual activity, but via behavior which may not be covered by the definition of other forms of sexual violence. Examples of sexual exploitation include inducing incapacitation with the intent to rape or sexually violate another, invading sexual privacy, allowing other parties to observe an otherwise consensual act without the consent of the partner, nonconsensual sexual voyeurism, or prostitution of a member of the campus community.

Reporting a Violation of Sexual Misconduct Policy

NCAD is committed to seriously investigating any and all incidents that are reported in possible violation of this policy. All students are strongly encouraged to speak with the Title IX Coordinator about any incident that causes them concern, including incidents in which the reporter is not the complainant. If the student is uncomfortable speaking with the Title IX Coordinator for any reason, speaking with the Director of Education or the Director of Operations is also encouraged.

It is important to note that all staff and faculty at NCAD are required to report to the Title IX Coordinator all the details of any incident that is reported to them. A report obligates NCAD to investigate the incident, through one of two investigation procedures. In order to best facilitate effective resolutions for students, there are two methods of reporting and investigation, depending on the individual preference of the reporter.

The first is a formal report, which will consist of a formal complaint filed in writing with the Title IX Coordinator, which will be reported to the Director of Education and the Director of Operations. The Title IX Coordinator will conduct an investigation and submit the findings of that investigation to the Title IX Investigatory Committee who will render a disciplinary decision. After the investigation of the incident, the Title IX Coordinator will prepare a comprehensive report detailing the investigation of the incident, the conclusion of that investigation, and the resolution and disciplinary action taken, if any. This report will be disseminated to the complainant and the respondent, as well as the Director of Education and Director of Operations.

The second manner of reporting is known as informal reporting. An informal report is reported verbally, with the Title IX Coordinator generating a written report of the informal complaint, which is kept confidential. The Title IX Coordinator may then offer advice on resolving the conflict outside of an official report and may consult further with other pertinent staff. An investigation will not proceed from an informal complaint, unless an official written report is consequently filed, or in the case that a student informally reports a complaint in which federal or state law was broken. For instance, if a student informally reports an instance which is judged to consist of nonconsensual sexual activity, this will immediately trigger a formal written report and investigation. Informal reporting is meant as an ulterior method of resolving smaller conflicts without necessarily incurring the oversight of a formal reporting. It

is up to the discretion of the Title IX Coordinator to judge if it is necessary for a complaint reported informally to be moved to a formal report.

Reporting, Investigation, and Resolution Procedure

1. Complainant contacts the Title IX Coordinator about a possible violation of sexual misconduct policy.
2. The Title IX Coordinator will make a decision as to whether or not the incident constitutes a violation of the policy and whether or not it mandates further investigation.
3. If it is determined that there may be a violation of the policy, the Title IX Coordinator will conduct an interview with the Complainant and issue forth a written summary of the complaint. The Complainant will review this written report, make any necessary revisions, and then affirm this report with a signature.
4. If the complaint is a violation of federal, state, or local law, such as an instance of rape or sexual assault, and the Complainant wishes to press charges, NCAD will help facilitate contact with police.
5. The Title IX Coordinator will coordinate an official investigation promptly. This investigation will be conducted independently of an official law enforcement investigation and may take up to 90 days to resolve. The respondent of the complaint will be notified in a private meeting as well as with an official written report. This investigation may comprise of a number of factors including but not limited to corroboration of complaint through witness accounts or security footage, conducting interviews with involved parties, and inspection of student, faculty, or staff files.
6. When the investigation is concluded, a written report of this investigation will be generated, then submitted to the Title IX Investigatory Committee, which consists of the Title IX Coordinator, the Director of Education, the Director of Operations, and NCAD's legal counsel. This report may list recommendations for resolutions and possible sanctions or disciplinary action.
7. After the investigation is presented to the Committee, the Committee votes on how to resolve the issue. The Director of Education, the Director of Operations, and the legal counsel will be the voting members of this Committee. The Title IX Coordinator will present findings of the investigation only and will not vote on resolutions, in order to maintain the neutrality of the decision-making process.
8. Once a resolution is decided, the complainant and the respondent are both informed with a written notice.
9. An official report which combines the details of the investigation, the conclusion of the investigation, and the resolution of the investigation is generated. This document is presented to the Director of Education, the Director of Operations, the complainant, and the respondent and will be kept in the Title IX Coordinator's official records.

Confidentiality

NCAD will take every reasonable effort to maintain the confidentiality of every individual and all information pertaining to a sexual harassment complaint. If at all possible, an individual's identity will not be disclosed. However, it is important to note that in order for NCAD to employ any disciplinary actions, the respondent of the complaint must be informed of the identity of the complainant.

Retaliatory Behavior

Retaliatory Behavior is any intentional action which harms a complainant or witness for participating in a report of sexual misconduct. Retaliatory behavior is strictly prohibited by NCAD. Examples of retaliatory behavior may include intimidation, threats, harassment, or any action which is taken against friends or family of a complainant or witness. It will be considered retaliatory behavior regardless of if the

respondent or a third party perpetrates it. NCAD will take strong, immediate responsive action if retaliatory behavior occurs. Such action may include dismissal from the program.

False Complaints

Knowingly reporting false or misrepresented complaints of sexual misconduct is expressly prohibited and will subject the offender to separate disciplinary action which may include dismissal from the program. It is important to note that a complaint made in good faith is not judged to be a false complaint because the evidence does not support a formal charge.

Rights of a Complainant in Cases of Sexual Misconduct

Individuals whose complaints of sexual misconduct are being investigated by NCAD can anticipate that:

- They will be treated with sensitivity, dignity, respect and in an unbiased manner by all involved administrators, investigators and adjudicators.
- They will be informed in writing that their complaint of sexual misconduct is being investigated, and of any other suspected related policy violations being explored through this investigation.
- They will be advised of NCAD's Sexual Misconduct Policy and procedures.
- They will be afforded the same rights and opportunities as the respondent throughout the investigation and adjudication process.
- They will be given periodic status updates throughout the investigation and adjudication process.
- They may access NCAD and/or external resources for medical and counseling services at any time.
- They may choose to pursue a formal complaint with external law enforcement authorities or other federal or state agencies at any time.
- They may meet with the Title IX Coordinator in person prior to the official determination of a finding.
- They will be informed in writing, concurrently with the respondent, of the finding issued by the Title IX Coordinator, as well as the outcome of any appeal, to the extent permitted by the Code of Student Conduct.
- They will have the right to appeal the outcome, provided they have participated in the investigation process.
- They may retain legal counsel at any time, although legal counsel is not permitted to participate in NCAD's investigation and adjudication process. Attorneys who wish to communicate about a case may contact NCAD's legal representation directly.

Rights of a Respondent in Cases of Sexual Misconduct

Students responding to complaints of sexual misconduct can anticipate that:

- They will be treated with sensitivity, dignity, respect and in an unbiased manner by all involved administrators, investigators and adjudicators.
- They will be informed in writing that a complaint of sexual misconduct against them is being investigated, and of any other suspected policy violations being explored through this investigation.
- They will be advised of NCAD's Sexual Misconduct Policy and procedures.
- They will be afforded the same rights and opportunities as the complainant throughout the investigation and adjudication process.
- They will be given periodic status updates throughout the investigation and adjudication process.
- They may meet with the Title IX Coordinator in person prior to the official determination of a finding.

- They will be informed in writing, concurrently with the complainant, of the finding issued by the Designated Officials, as well as the outcome of any appeal, to the extent permitted by the Code of Student Conduct.
- They will have the right to appeal the outcome, provided that they have participated in the investigation process.
- They may retain legal counsel at any time, although legal counsel is not permitted to participate in NCAD's investigation and adjudication process. Attorneys who wish to communicate about a case may contact NCAD's legal representation directly

Title IX Coordinator: Julie Perigard
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klorz@ncad.edu

Campus Crime Reporting

Classifying and Disclosing Crimes

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

In some cases, an incident that is reported as a crime may not be included in the Annual Security Report.

The following standards must be met for an incident to be included.

1. Reported to the Proper Authorities: Incidents must be reported to law enforcement or a Campus Security Authority (CSA). A CSA can be any campus employee who a student reasonably believes that he or she can report a crime to and expect that the matter will be addressed.
2. Qualifying Crimes: The crime must be one of those listed under the Clery Act, VAWA, or listed as a reportable hate crime.

Criminal Offenses:

- Murder / Non-negligent Manslaughter
- Manslaughter by Negligence
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Arrests or Disciplinary Referrals:
- Liquor Law Violations
- Drug Law Violations

- Illegal Weapons Possession
- Violence Against Women Act (VAWA) Crimes:
- Sexual Assault
- Domestic Violence
- Dating Violence
- Stalking

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

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

3. Reportable Area: The crime must have occurred in one of the reportable areas. Every reportable

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

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

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

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

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

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

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

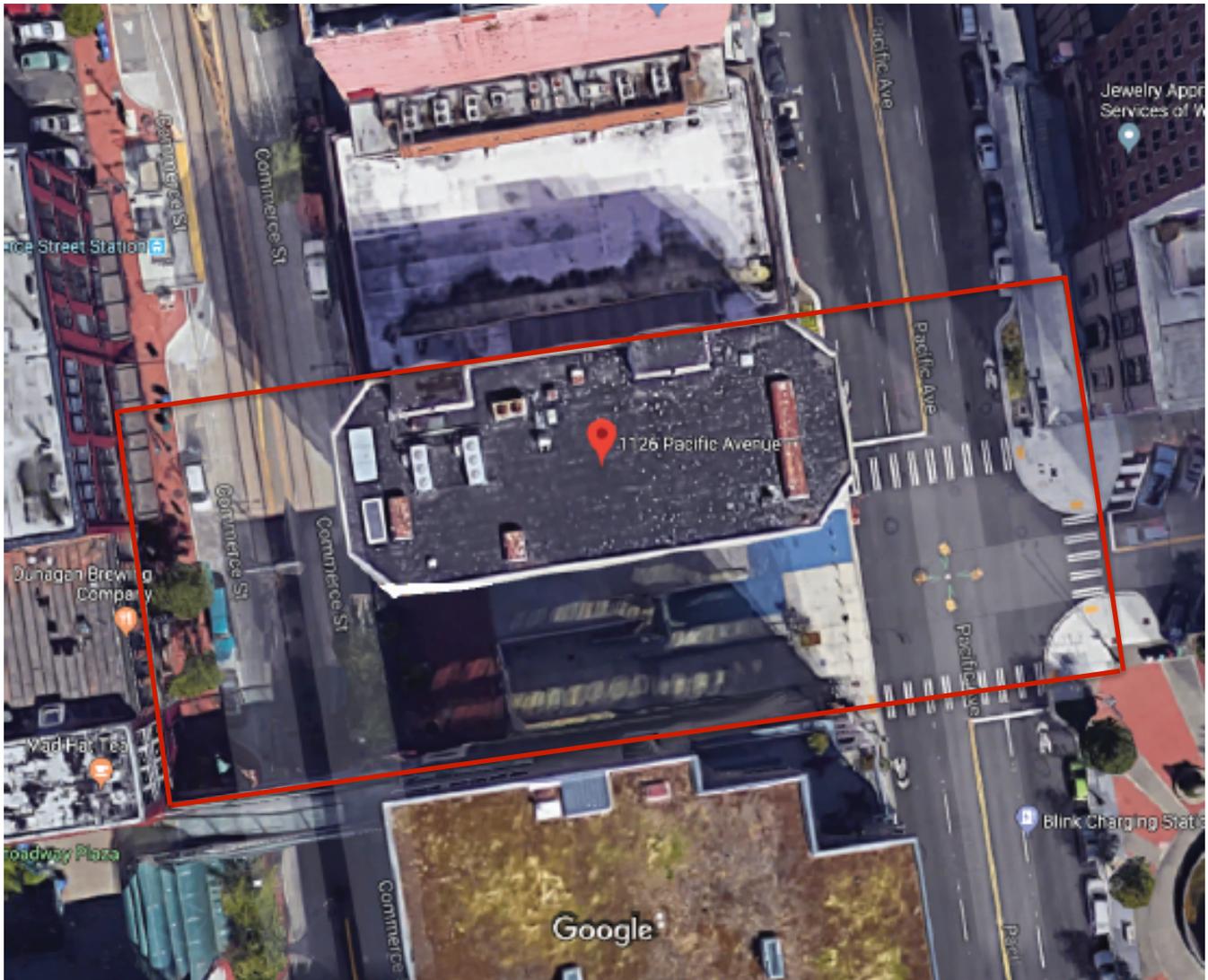
in the Annual Security Report. Only law enforcement can rule a crime as “unfounded.”

*NCAD does not own non-campus property or student housing facilities.

Campus Crime Statistics

	2016	2016	2017	2017	2018	2018
	On Campus	Public Property	On Campus	Public Property	On Campus	Public Property
CRIMINAL OFFENSES						
Murder and non-negligent manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
HATE CRIMES						
Hate Crimes	0	0	0	0	0	0
VAWA OFFENSES						
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
ARRESTS						
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0
Drug Abuse violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
DISCIPLINARY ACTIONS						
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0
Drug Abuse violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
UNFOUNDED CRIMES						
Unfounded Crimes	0	0	0	0	1	0

NCAD Campus Map



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

PUBLIC PROPERTY: (Sidewalk – Alley – Sidewalk) Includes Pacific Avenue, S 12th Street, and Commerce Street.

NON-CAMPUS: NCAD does not own any non-campus property.

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

Definitions

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

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

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

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

DATING VIOLENCE: Violence committed by a person:

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

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

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

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

FONDLING: The touching of the private body parts of another person for the purpose of sexual gratification, 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 because of his/her youth or because of his/her temporary or permanent mental incapacity.

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

ILLEGAL WEAPONS POSSESSION: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. Include possession of deadly weapons; carrying deadly weapons, concealed or open; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

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

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

LARCENY-THEFT: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.

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

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

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

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

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

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

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

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

SIMPLE ASSAULT: All assault and attempted assaults which are not of an aggravated nature and do not result in serious injury to the victim.

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.

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

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