



## 2023 ANNUAL SECURITY AND FIRE SAFETY REPORT

2020, 2021, and 2022 Statistics

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### **Your Right to Know**

As part of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified as 20 USC 1092 (f), on or by October 1 of each year, post-secondary educational institutions must publish and distribute their Annual Security and Fire Safety Report to current and prospective students and employees. This report is required to provide crime statistics for the prior three years, policy statements regarding various safety and security measures, campus crime prevention program descriptions and procedures to be followed in the investigation and prosecution of alleged sex offenses.

Additionally, the Campus Fire Safety Right-to-Know Act requires higher education institutions to annually report fire safety information to the U.S. Department of Education (ED). Specifically, campuses are required to publicly provide:

- A. Statistics for each on-campus student housing facility, including the number of fires and causes, number of injuries and deaths related to fires, and the value of property damage caused by fires;
- B. Descriptions of each on-campus student housing facility's fire safety systems;
- C. The number of mandatory, supervised fire drills;
- D. Policies or rules on portable electronic appliances, smoking and open flames, evacuation procedures, fire safety education and training programs provided to students, faculty and staff;
- E. Plans for future fire safety improvements, if needed; and
- F. An annual report to the campus community.

### **Campus Safety & Security Overview and Enforcement Authority**

The Office of Campus Safety & Security is committed to ensuring the safety and security of Cornish College of the Arts' campus community. Overseen by the Director of Operations & Creative Spaces & Event Services (CSES), the office has a staff which includes a Director of Campus Safety and Security, a Site Supervisor, and 10 Security Officers. The department is operational 24 hours a day, 7 days a week, all year round and has jurisdiction at all campus buildings.

Security staff are non-sworn, contracted through Allied Universal Security Services, and licensed through the State of Washington and have no law enforcement arrest authority. They receive training in the following subjects: criminal law, civil law, public relations, sexual violence, emergency response, interpersonal communication, crisis intervention, defense tactics, Title IX compliance and protection of persons and property.

Cornish College of the Arts (the College) vests in its Office of Campus Safety & Security (Campus Safety & Security) responsibility for overall campus safety and investigations of any alleged crimes. It is strongly requested that any office, department or employee of the College that receives information relating to alleged crimes immediately reports that information to Campus Safety & Security.

Criminal incidents may also be referred to the Seattle Police Department (SPD), which has jurisdiction on the campus. Campus Safety & Security maintains a highly professional working relationship with the Seattle Police Department and other law enforcement agencies. All crime victims and witnesses are strongly encouraged to immediately report any crime to Campus Safety & Security and the Seattle Police Department. Campus Safety & Security will facilitate and provide support to any student or employee desiring to report a crime to the Seattle Police Department. Prompt reporting will assure timely warning notices on campus and accurate disclosure of crime statistics. While the College works closely with the Seattle Police Department, as of the date of this publishing, an MOU is not in place.

Additionally, Campus Safety & Security personnel are obligated as representatives of the College to enforce institutional rules and regulations. They have the authority to ask persons for identification to determine whether individuals have lawful business at the College and to administer trespass notices to those who do not. Campus Safety & Security staff have the authority to issue parking tickets on behalf of the College.

### **Addressing Criminal Activity off Campus**

If a campus community member is involved in an off-campus offense, the College will cooperate, when requested, with local law enforcement concerning an investigation of reported crimes. There are no officially recognized student organizations with off-campus locations.

### **Alarm and Monitoring Systems**

The security, fire, supervisory, and trouble alarms across campus are monitored by a third-party vendor. The access control system is monitored by Campus Safety & Security. Campus Safety & Security works closely with the Facilities and Information Technology departments to identify and promptly repair any malfunctioning security devices, along with ensuring the grounds are well lit and free of safety hazards. Campus Safety & Security receives frequent reports from city, county, state and national agencies relating to criminal activities and/or environmental concerns that may affect the College.

### **Weapons on Campus Policy**

Cornish does not permit the use or possession of the following items on campus whether concealed or not: firearms, explosives, martial arts weapons, air-powered guns or rifles, or any other dangerous weapons, or replicas of any of the above. This includes storage of any such items in a vehicle parked on College property.

This prohibition, however, does not apply to weapons or replicas of weapons used as part of an academic and/or artistic activity supervised or assigned by members of the Cornish faculty. Such weapons or replicas of weapons used in academic activities must be approved by the relevant Department Chair in advance of their appearance on campus and must be stored in secure, designated spaces. Copies of the official approval of these items should be provided to the Director of Campus Safety and Security for review and ultimate approval. Proper training on the use of such items must be provided and documented.

### **Reporting Suspicious Activity on Campus**

Anyone with information relating to suspicious activity or objects on campus should report the circumstances to Campus Safety & Security, by outside phone (206) 726-5038 or via campus phone at extension (5038).

### **Daily Crime Log**

Crimes reported to Campus Safety & Security will be entered into the Daily Crime Log. This crime log includes all crimes reported, not just Clery Act crimes. The crime log explains the nature of the crime, the date the crime was reported and the date and time it occurred, the general location of the crime, and disposition of the complaint, if known. The crime log for the most recent 60-day period is open to public inspection, upon

request, during normal business hours. Any portion of the log older than 60 days will be made available within two business days of a request for public inspection.

### **Timely Warnings**

If a situation arises, either on or off campus, that the Director of Campus Safety & Security and/or Director of Operations & CSES judges to constitute an ongoing or continuing threat to students and employees, a campus wide “timely warning” will be issued. The warning will be issued through the College e-mail system to students, faculty and staff and/or via the College’s mass cell phone text emergency communication system.

### **Emergency Notifications**

In the event of an emergency, information will be issued via the College’s mass text emergency communication system and through the College e-mail system to students, faculty and staff. A posted notice will also occur on the College’s website (<http://www.cornish.edu/>) providing the College community with additional immediate notification. In instances relating to inclement weather, information will be posted on <http://www.flashalert.net/id/CornishCollege> along with the other identified communication resources.

To receive Cornish emergency text messages, visit the [Cornish Omnilert page](#) and sign up.

### **Reporting Emergencies**

Always dial 911 for emergencies that require police, fire, or medical response. Students, faculty, staff, and visitors should also notify Campus Safety & Security personnel of the situation after contacting 911. Campus Safety & Security can be reached by outside phone (206) 726-5038 or via campus phone at (5038). Several emergency phones are located throughout hallways on campus with the exception of resident housing. Reports may also be made in person at the Office of Campus Safety & Security or to uniformed Campus Safety & Security personnel while on patrol. Campus Safety & Security will assist community members in contacting the Seattle Police Department along with other law enforcement agencies when requested.

### **Emergency Procedures Guide**

#### **Campus Emergency Procedures: Do’s and Don’ts**

##### **A. Reporting General Emergencies**

##### **WHAT TO DO:**

To report an emergency **OFF CAMPUS**, dial 911 (or 9-911 if using a campus phone). If the off- campus emergency involves a College activity, make a report to Campus Safety & Security when the emergency is over.

To report an emergency **ON CAMPUS**, members of the campus community should call 911 to reach the Seattle Police Department and then call Campus Safety & Security to alert them to the situation. Say “This is an emergency” and give the dispatcher the following information:

1. Your **name** and **location**
2. The nature of **your emergency**
3. **Phone number** from which you are calling
4. **Stay on the line** until you are sure no further information is required
5. After notifying emergency personnel, **notify Campus Safety & Security and any nearby staff**

## B. Medical Emergencies

### WHAT TO DO:

Report all medical emergencies to 911 (or 9-911 if using a campus phone) and Campus Safety & Security at (206) 726-5038 via a campus phone (5038)

1. If assisting someone, look for an emergency medical bracelet
2. Indicate **your location**, the nature of the **medical problem**, and **your name**
3. If assisting, remain with the victim until Cornish officials or emergency personnel arrive
4. If you have received proper and recent training, give first aid

### WHAT NOT TO DO:

If assisting, do not move the victim unless there is an immediate threat to their safety

## C. Hazardous Material Spill

### WHAT TO DO:

In the event of a chemical spill:

1. **Evacuate** the area Call 911 (9-911 on a campus phone)
2. Call Campus Safety & Security at (206) 726-5038, via campus phone (5038)
3. If a spill is discovered and actions have **not** been taken:
  - a. Keep people away from the area
  - b. Call Campus Safety and Security.

### WHAT NOT TO DO:

- Do not attempt to clean up a spill
- Do not touch or step in spilled materials

## D. Fire or Explosion

### WHAT TO DO:

If it is a **SMALL** fire (no larger than a wastebasket):

- Alert people to evacuate area
- Activate nearest fire alarm
- If possible, smother fire or use appropriate fire extinguisher
- Always maintain an accessible exit route
- Avoid smoke or fumes
- Be prepared to evacuate building, or seek an area of refuge, if the fire grows

If it is a **LARGE** fire (larger than a wastebasket)

- Alert people to **evacuate area**
- **Activate** nearest fire alarm
- **Evacuate** building, or seek an area of refuge, using the fire evacuation plan
- Close doors to contain fire
- Move people to a **safe distance**

#### WHAT NOT TO DO:

- Do not use elevators
- Do not ignore alarms or assume they are false alarms
- Do not return to your building until you are notified that it is safe to do so

### E. Earthquake

#### HOW TO PREPARE:

- Make sure you know the **designated evacuation site** where the occupants of your building are to assemble following an earthquake.
- Look at your surroundings and think about where you could seek shelter from falling objects.
- Consider keeping a few supplies in your desk - flashlight, emergency-contact phone numbers, a pair of comfortable walking shoes and a battery powered radio.
- Become familiar with **all the exits** in your building.

#### WHAT TO DO:

- If **indoors**, take **cover** under a freestanding desk or table and **hold** onto whatever you are under. Stay away (and face away) from glass and other items on the walls
- Do not leave cover until shaking has completely stopped
- If **outdoors**, stay in the open and **keep away** from buildings, trees and electrical poles and wires

#### WHAT NOT TO DO:

- Do not rush outside
- Do not use elevators
- Do not use the telephone and do not call 911, unless a real emergency exists (fire, injuries, or serious damage)
- Do not use matches, lighters, or other open flames and do not turn on lights or electrical equipment

#### WHAT TO DO AFTER:

- If **inside**: Evacuate the building. Remember, additional shocks or tremors may occur. Watch for falling debris or electrical wires when leaving the building.
- If **outside**: Do not enter buildings until it is determined that they are safe

### F. Armed Intruder

#### WHAT TO DO:

- Notify Campus Safety and Security if you are aware of **any threats** or have other information that makes you suspect an event involving an armed intruder **might be possible**. IF OCCURRING, determine what action below gives you the best chance to survive – quickly **evaluate** and then **act**.
- **ALERT. Use Plain and Specific Language:** The purpose of the ALERT is to inform as many people as possible within the danger zone that a potentially life-threatening situation exists. This can be facilitated via many different methods. No matter the method of delivery, the objective should be a conveyance of information, not an issuance of a command. The use of plain language, sent through as many delivery channels as



possible, is the best way to ensure awareness within the danger zone. The goal is to empower as many individuals as possible with the ability to make an informed decision as to their best option to maximize chances of survival.

- **LOCKDOWN. Barricade the Room. Silence Mobile Devices.** Attempt to locate a space that can be barricaded, provide concealment and, most importantly, create distance between the threat and you.
- **INFORM. Communicate the Shooter's Location in Real Time.** Information should always be clear, direct and, as much as possible, should communicate the whereabouts of the intruder.
- **COUNTER. Create Noise, Movement, Distance and Distraction with the Intent of Reducing the Shooter's Ability to Shoot Accurately.** Counter focuses on disruptive actions that create noise, movement, distance and distraction with the intent of reducing the shooter's ability to shoot accurately. Creating a dynamic environment decreases the shooter's chances of hitting a target and can provide the precious seconds needed in order to evacuate. Counter is a last-ditch and worst-case scenario option. Counter is about survival. It is about the last moments between a shooter and a potential victim; anything a person can do to gain control is acceptable. It is the opposite of passive response because every action taken is a proactive step towards survival.
- **EVACUATE. When Safe to Do So, Remove Yourself from the Danger Zone.** Evacuating to a safe area is always the number one option. If the opportunity exists – EVACUATE away from the threat and move toward a safe area.

#### WHAT TO DO AFTER:

- Attempt to stay calm.
- Keep your **hands visible** at all times.
- Avoid screaming, pointing, and/or yelling.
- Follow all instructions provided by Emergency Responders.
- If you witness any injuries or deaths, identify yourself to authorities as soon as it is safe to do so.

#### G. Bomb Threat

##### WHAT TO DO:

- Take all bomb threats seriously
- If suspicious packages or devices are found:
  - **Do not touch** the package or device
  - **Evacuate** the area immediately
- A person **receiving** a bomb threat via telephone should:
  - Remain calm
  - Keep the caller on the line
  - Obtain **as much information as possible**
  - Call 911 (9-911 on campus); if possible, have someone else report the call while you **keep the caller on the line**
  - Notify Campus Safety and Security at 206.726.5038 (ext. 5038 on campus)
  - To **avoid panic**, do not announce that it is a bomb threat
  - **Leave any search to police** and other trained people

### **WHAT NOT TO DO:**

- Do not assume a bomb threat is a prank; assume it's real
- Do not touch, move or cover a suspected bomb
- Do not use walkie-talkie devices or cell phones in the area
- Do not activate the building alarm
- Do not turn on/off electrical devices or switches
- Do not use elevators

### **Missing Student Notification Policy**

In compliance with the Missing Student Policy and Procedures (Higher Education Opportunity Act of 2008), it is the policy of the College to actively investigate any report of a missing student who is enrolled at the College as either a full or part-time student. Most missing person reports in the College environment result from students changing their routines without informing roommates and friends of the change. For purposes of this policy, a student will be considered missing if a roommate, classmate, faculty member, friend, family member or other campus person has not seen or heard from the person in a reasonable amount of time. In general, a reasonable amount of time is 24 hours or more, but may vary with the time of day and information available regarding the missing person's daily schedule, habits and reliability. Individuals will also be considered missing immediately if their absence has occurred under circumstances that are suspicious or cause concern for their safety.

*Investigation and Notification:* If a member of the College faculty or staff has reason to believe that a student is missing, that person is responsible for completing a Student of Concern report and marking the "Missing Student" option on the form. The Student of Concern report is located in the Student Life section of the Compass, under Faculty & Staff Resources. Students concerned for their peers or family members/friends that are not a part of the campus community, should call Campus Safety & Security at (206) 726-5038 and/or the Dean of Student Affairs at (206) 726-5174.

Any missing student report must be referred to the Office of Student Life. Campus Safety & Security will assist the Office of Student Life in locating the student. Housing & Residence Life staff will also assist in locating residential students. All efforts will be made immediately to locate the student to determine their state of health and well-being. Actions that will be taken by the College include (but are not limited to):

- Call or text to the student's home/cell phones or other numbers on record
- E-mail to the student
- Contact with the student's roommates and neighbors
- Conduct a wellness check with residential students by sending a resident assistant and/or professional staff member to the student's room to attempt to make contact with the student
- Contact with the student's faculty and/or department chair
- Contact with other student support offices to determine recency of interactions with College personnel
- Contact with any other on-campus or off-campus friends or contacts that are made known
- Review of the student's network print or email accounts to determine most recent activity
- Review of the student's building access and meal card usage
- Review of the student's Canvas usage to determine most recent activity
- Review of known profiles on the student's social media networking sites

If after investigation a student is verified to be missing for at least 24 hours, the appropriate law enforcement agencies and the student's appropriate emergency contact will be notified within 24 hours of the verification. If a student is under age 18 and not an emancipated individual, or has failed to designate an emergency contact, the College is required to notify a parent or guardian. If a student is over age 18, Cornish is required to notify the emergency contact the student identified to the College.

*Designating Emergency Contacts:* In order to accurately assess if a student is indeed missing, all students at the College are strongly encouraged to register contact information in two ways. The first contact listed in the student's record is denoted as the "emergency contact." The second contact is denoted as the "missing person contact." The privacy of this information is protected under Family Educational Rights and Privacy Act (FERPA.) In the instance of both the emergency and missing person contact, each student is solely responsible for the accuracy of the contact phone number and updating this information should the contact person(s) and/or number(s) change. The emergency contact and missing person contact for all students are maintained by the Office of Registration & Records. Students may make changes to their Emergency Contact Information by updating their information on Compass under [Academics - Review Personal Information](#).

### **General Access to Campus Facilities**

It is the policy of the College to operate all campus buildings through a card access control system. Access cards are issued to authorized members of the campus community. As a private institution, the College reserves the right to limit the use of its grounds and facilities as it deems fit. Campus facilities are restricted for use by the College's students, faculty, staff, authorized visitors, and guests. The general public may be granted limited access to campus facilities for specific purposes. The College reserves the right to limit access to any facility at any time without prior notice. All access to campus facilities is contingent on adherence to the College's policies. When the campus is closed, the College will admit only those with authorized 24/7 access. Emergencies may necessitate changes or alterations to posted building access schedules.

### **Access to Residential Facility (Cornish Commons)**

The main entrance to the residence hall is monitored by a trained desk worker and/or Campus Safety & Security. Only residents, authorized guests, and those employees or contract personnel authorized by the College are allowed access in residential areas. All guests must be registered at the Commons lobby desk and escorted by their host resident at all times.

### **Security Awareness and Crime Prevention Programs**

During New Student Orientation in August and January, students are informed of services offered by Campus Safety & Security. This information outlines ways to maintain personal safety and residence hall security. All students are informed about crime on-campus and in surrounding neighborhoods. Crime Prevention, Harm Prevention, and Sexual Assault Prevention Programs are offered on an introductory and continual basis for all students by the Office of Student Life via both passive and active programming, online and in-person.

### **General Crime Prevention Guidance**

The safety and security of students, faculty and staff are matters of great concern to the College. Every possible attempt is made to keep the campus both safe and secure; the success of the security program, however, depends upon the awareness and cooperation of every member of the campus community.

Campus Safety & Security informs the campus community about crime awareness and safety. When a report is received about a crime that may have an impact on the College community, a "General Advisory Report" is

distributed to the College community via broadcast email.

Campus Safety & Security is available to meet with individuals, groups, and departments to discuss safety, crime prevention methods and related issues. The key to a safe college begins with self-education, taking precautions and becoming aware of prevention methods. Most incidents on or off campus can be avoided by implementing basic precautions. The following tips are provided to the campus community as suggestions. This list is not exhaustive and all community members are encouraged to be aware of their surroundings at all times and contribute to the safety and security of our community.

- Never leave personal belongings unattended, whether in an office, classroom, library, or studio. Wallets, backpacks, and pocketbooks are prime targets for the “hit and run” thief.
- If you must leave belongings in your car, lock them out of sight in the trunk.
- Even if you are going to be gone for “just a minute,” lock your residential room or office door.
- Don’t leave large sums of money in your room and write down the serial numbers of all valuables (stereos, TVs, computers) and keep the list in a safe place. This information is critical should valuables go missing in order to have an opportunity for property recovery.
- 911 should be contacted for all police/fire/medical emergencies which are immediately life threatening.
- Campus Safety & Security strongly encourages the reporting of all crimes that you witness or have information about, even minor crimes, incidents, and/or suspicious activity. It is your observation and willingness to help that makes a difference. Campus Safety & Security views a “false alarm” much more valuable than missing a real crime because someone felt it was not important to report. All reports will be investigated by the appropriate authorities. Reports made to licensed counselors are exempt from reporting requirements; however, if and when a counselor deems it appropriate, they may file voluntary, confidential reports with Campus Safety & Security.

## **Drug and Alcohol Abuse Prevention and Drug-Free Campus**

It is widely recognized that the misuse and abuse of drugs (controlled substances) and the abuse of alcohol are major contributors to serious health problems as well as to social and civic concerns. In response to these concerns, the U.S. Congress passed the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Amendments of 1989.

The College is committed to providing and maintaining a safe and healthy educational and work environment for its students, faculty, staff, and visitors. College policy prohibits: the unlawful manufacturing, distribution, possession, or use of alcohol, illegal drugs, or controlled substances; or inappropriate use of prescription drugs on campus or at College-sponsored events. This prohibition specifically includes, without limitation:

- Possession, use, sale, distribution, or furnishing of any controlled substance, including heroin, barbiturates, cocaine, LSD, methamphetamine, hallucinogens, and marijuana;
- Possession, use, sale, distribution, or furnishing of alcohol on campus, unless at a specifically authorized University activation.
- Possession, use, sale, distribution, or furnishing of alcohol to a person under the age of 21.
- Possession or use of alcohol by anyone less than 21 years of age.
- Sale of any controlled substance that is in violation of local, state, or federal statutes; and
- Any other conduct that involves an alcohol or drug-related violation of local, state, or federal ordinances.

In accordance with the Drug-Free Workplace Act of 1988 (Public Law 101-690), the College provides information and notices to employees and students of unlawful activities and the actions the College will take against an employee or student who violates these prohibitions. The workplace and campus are presumed to include all premises where activities of the College are conducted. Employees and/or students found in violation of this policy will receive disciplinary action and/or referral for prosecution according to local, state, and federal statutes.

In addition, and in accordance with the Drug-Free Schools and Communities Act (Public law 101-226), the College provides information to its students, faculty, and employees to prevent drug and alcohol abuse and resources for those seeking help for substance abuse. The College annually provides the following information via the Student Handbook and/or the Substance Abuse Prevention & Policies Handbook and via passive and active programming at the College throughout the academic year:

- Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of drugs and alcohol by students and employees on the school property, or as part of school activities.
- Descriptions of the sanctions under local, state, and federal law for unlawful possession, use or distribution of illicit drugs and alcohol.
- Descriptions of any drug and alcohol counseling, treatment, or rehabilitation programs available to students and employees.
- Descriptions of the health risks associated with the use of illicit drugs and alcohol.
- Clear statements that the school will impose sanctions on students and employees for violations of the standards of conduct (consistent with local, state, and federal law) and a description of these sanctions, up to and including expulsion, termination of employment, and referral for prosecution.

### **Hate Crimes Policy, Reporting Criteria and Resources**

Campus Safety & Security is responsible for collecting and reporting hate motivated statistics. Anyone receiving a report or information of hate violence is required to notify Campus Safety & Security to ensure that an appropriate report is completed, the perpetrator is held accountable (if possible), and statistics are collected/disseminated and the victim and/or affected communities are provided with assistance/referrals. Reports of hate motivated incidents are taken because there is a potential for recurrence and/or escalation into a criminal act. The key criterion in determining whether or not any crime or incident fits into the definition of a hate crime or incident is the motivation behind the incident.

The following criteria are to be used in determining whether or not an incident is motivated by bias based on race, ethnicity, gender/perceived gender, sexual orientation, religion or disability.

A criminal hate act may include, but is not limited to, any of the following:

- burning cross or religious symbol;
- explosives, bomb threats;
- assault, disorderly conduct;
- interrupting or disturbing religious, ethnic, cultural, political or other meetings;
- unlawful use of the telephone

A non-criminal act or incident, is considered to be motivated by bias if it is done with the apparent intention to harass, intimidate, retaliate, and/or create conflict because of any person's race, religion, ethnic background, etc. While these acts may not be criminal, they may be violations of College policy

### **Annual Disclosure of Crime Statistics**

Campus Safety & Security prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can also be located on the College's web site (<https://www.cornish.edu/campus/safety/>). This report is prepared with information provided by the Office of Student Life and local law enforcement agencies.

Campus crime and referral statistics include those reported to Campus Safety & Security, designated campus officials (including but not limited to directors, chairs, deans, HRL staff, et al) and local law enforcement agencies. These statistics may also include crimes that have occurred on public property and non-campus buildings. Counseling Services staff shall inform their clients of the procedures to report crime to Campus Safety & Security on a voluntary basis, should they feel it is in the best interest of the client. The College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report of the results of any investigation conducted by the College.

The College will make a good faith effort to collect crime statistics for all Clery Act crimes committed in applicable geographic locations from all police agencies with jurisdiction for the College. Each year, an e-mail notification is made to all employees and enrolled students providing access to this report. Copies of the report may also be obtained from Campus Safety & Security, 3rd floor MCC, and from Human Resources, 7th floor MCC.

### **Definitions of Crimes for Clery Act Reporting**

Definitions are established under the FBI's UCR and NIBRS and Department of Education. Where there is an absence of definition or legal threshold, the Revised Codes of Washington become the default codes from which the Clery Act requires consideration.

*Aggravated Assault:* An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury, if the crime were successfully completed.

*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, etc.

*Burglary:* The unlawful entry of a structure, to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with the intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

*Dating Violence:* Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, 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.

*Disciplinary Referrals:* Includes those individuals referred to the Office of Student Life for liquor law, drug law, and illegal weapons violations.

*Domestic Violence:* Felony or misdemeanor crimes of violence committed by: a current or former spouse, or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime or violence occurred or by any other person against an adult or youth victim under the domestic or family violence laws of the jurisdiction in which the crime or violence occurred.

*Drug Law Violations:* Violations of federal, state, and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: Opium or cocaine and their derivatives; marijuana; synthetic narcotics; and dangerous non-narcotic drugs.

*Fondling:* The touching of the private parts of another person for the purpose of sexual gratification, without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age, or because of his/her temporary or permanent mental or physical incapacity.

*Hate Crime:* A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias.

*Incest:* Non-forcible 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.

*Liquor Law Violations:* The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned (drunkenness and driving under the influence are not included in this definition.).

*Manslaughter by Negligence:* The killing of another person through gross negligence.

*Motor Vehicle Theft:* The theft or attempted theft of a motor vehicle.

*Murder and Non-Negligent Manslaughter:* The willful (non-negligent) killing of one human being by another.

*Rape:* The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent or 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, violence, and/or causing the victim fear.

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

*Simple Assault:* An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

*Stalking:* Engaging in a course of conduct, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

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

*Weapon Law Violations:* The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

### **Definitions of Clery Act Reporting Geography**

*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 residential areas; and any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes. Note: Statistics for Residential Housing are recorded and included in both the on- campus category and the on-campus residential only category.

*Non-Campus Building or Property:* 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:* All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The College crime statistics



do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus.

**CLERY ACT ON-CAMPUS STATISTICS**

<b>Criminal Offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	2	2
Motor Vehicle Theft	0	1	0
Arson	0	0	0
Liquor Law Arrests	0	0	0
Liquor Law Violations – Referred for Disciplinary Action	0	2	9
Drug Law Arrests	0	0	0
Drug Law Violations – Referred for Disciplinary Action	0	3	8
Illegal Weapon Possession Arrests	0	0	0
Illegal Weapon Possession – Referred for Disciplinary Action	0	0	0

\*There were no Hate Crimes or Unfounded Crimes to report for the years, 2019, 2020, and 2021. Statistics are combined with incidents reported to

Campus Authorities and/or the Seattle Police Department for 2019 and 2021. The Seattle Police Department did not provide statistics for 2020.

**CLERY ACT CAMPUS HOUSING STATISTICS**

<b>Criminal Offense</b>	<b>2020</b>	<b>2019</b>	<b>2022</b>
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	1	2
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Liquor Law Arrests	0	0	0
Liquor Law Violations – Referred for Disciplinary Action	0	2	9
Drug Law Arrests	0	0	0
Drug Law Violations – Referred for Disciplinary Action	0	3	6
Illegal Weapon Possession Arrests	0	0	0
Illegal Weapon Possession – Referred for Disciplinary Action	0	0	0

**CLERY ACT NON-CAMPUS STATISTICS**

<b>Criminal Offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	2
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Liquor Law Arrests	0	0	0
Liquor Law Violations – Referred for Disciplinary Action	0	0	0
Drug Law Arrests	0	0	0
Drug Law Violations – Referred for Disciplinary Action	0	0	1
Illegal Weapon Possession Arrests	0	0	0
Illegal Weapon Possession – Referred for Disciplinary Action	0	0	0

## CLERY ACT PUBLIC PROPERTY STATISTICS

<b>Criminal Offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	1	2
Burglary	0	2	0
Motor Vehicle Theft	0	1	0
Arson	0	0	0
Liquor Law Arrests	0	0	0
Liquor Law Violations – Referred for Disciplinary Action	0	0	0
Drug Law Arrests	0	0	0
Drug Law Violations – Referred for Disciplinary Action	0	0	0
Illegal Weapon Possession Arrests	0	0	0
Illegal Weapon Possession – Referred for Disciplinary Action	0	0	0

\*There were no Hate Crimes or Unfounded Crimes to report for the years, 2019, 2020, and 2021. Statistics are combined with incidents reported to

### **Confidential Reporting of Crimes for Purposes of Clery Act Reporting**

Victims of crime that do not want to pursue action within the College system or the criminal justice system may still want to consider making a confidential report. Campus Safety & Security can file a report on the details of the incident without revealing the victim's identity. The purpose of a confidential report is to comply with the victim's wish to keep the matter confidential, while taking steps to ensure the future safety of themselves and others. With such information, the College can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are only counted and disclosed in the annual crime statistics of the College.

### **Federal Campus Sex Crimes Prevention Act**

This act requires states to ask every registered sex offender if they are enrolled at or employed by a college or university. In addition, pursuant to Washington State law, any such adult or juvenile offender who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution. Students and employees can find out information about registered sex offenders in their area through the King County Sheriff's office website, <http://www.icrimewatch.net/index.php?AgencyID=54473>

### **Violence Against Women Act (VAWA) Definitions**

*Dating Violence:* Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

*Domestic Violence:* Felony or misdemeanor crimes of violence (including threats or attempts) committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim/survivor who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies. It should be understood that domestic violence/dating violence applies to any pattern of coercive behavior that is used by one person to gain power and control over a current or former intimate partner or dating partner. This pattern of behavior may include physical or sexual violence, emotional and psychological intimidation, threats, verbal abuse, stalking, isolation, and economic control. In compiling domestic violence figures, grantees should include grant funds directed at dating violence.

*Stalking:* 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.

*Sexual Assault:* Any conduct proscribed as sexual abuse by federal statute. Such proscribed behavior includes knowingly causing another person to engage in a sexual act by using force against that other person or by

threatening or placing that other person in fear. It also includes engaging in a sexual act with another person after knowingly rendering that person unconscious, or administering to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control sexual conduct. Sexual assault also includes knowingly engaging in a sexual act with another person if that other person is incapable of appraising the nature of the conduct or is physically incapable of declining participation in or communicating unwillingness to engage in that sexual act. Sexual assault also includes knowingly engaging in sexual contact with another person without the other person's permission. Finally, the statute proscribes any attempts to commit any of these acts.

#### **VAWA ON CAMPUS STATISTICS**

<b>VAWA Offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Dating Violence	0	0	0
Stalking	0	0	0
Domestic Violence	0	0	0

#### **VAWA CAMPUS HOUSING STATISTICS**

<b>VAWA Offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Dating Violence	0	0	0
Stalking	0	0	0
Domestic Violence	0	0	0

#### **VAWA NON CAMPUS STATISTICS**

<b>VAWA Offense</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Dating Violence	0	0	0
Stalking	0	0	0
Domestic Violence	0	0	0

## VAWA PUBLIC PROPERTY STATISTICS

VAWA Offense	2020	2021	2022
Dating Violence	0	0	0
Stalking	0	0	0
Domestic Violence	0	0	0

### Sexual Misconduct Policies and Procedures

Cornish College of the Arts is committed to creating and providing a learning, living, and working environment free from gender-based discrimination. Gender-based discrimination, including Sexual Misconduct, committed by members of our community, guests and visitors will not be tolerated. All members of our community, including guests and visitors, are expected to conduct themselves in a manner that does not infringe on the rights of others. The College complies with all applicable state and federal statutes, including Title IX of the federal Higher Education Amendment of 1972, which prohibits discrimination on the basis of sex under any education program or activity receiving federal financial aid. Sexual assault and sexual harassment are forms of sex discrimination prohibited by Title IX.

Any student, faculty or staff member, who has concerns about sexual discrimination, including any concerns pertaining to sexual misconduct, is encouraged to seek assistance from the Title IX Coordinator listed below.

The Title IX Coordinator provides information about resources for assistance and about options for addressing concerns. Those options may vary depending on the nature of the complaint, whether the complainant is a student, faculty or staff member, the wishes of the complainant regarding confidentiality, and whether the complainant prefers to proceed formally or informally. This process plays an integral role in fulfilling the College's commitment to provide a positive learning, teaching and working environment for the entire community.

The Title IX Coordinator for Cornish College of the Arts is:

Dean of Student Affairs

Dr. Brittany D Henderson

1st Floor, Cornish Commons 206-726-5174 [bhenderson@cornish.edu](mailto:bhenderson@cornish.edu)

Due to the sensitive nature of sexual misconduct concerns, as well as federal requirements, the following policies and procedures pertain specifically to sexual misconduct matters at the College.

### Sexual Misconduct Policy

#### Policy Statement:

Cornish expressly prohibits all forms of sex-based discrimination including sexual harassment, sexual violence, stalking, sexual exploitation, and intimate partner violence, (collectively, "sexual misconduct") committed by anyone on property owned or controlled by Cornish or at Cornish sponsored activities, events, or programs. This policy applies to all members of the Cornish community including faculty, staff, students, trustees,

contractors, volunteers, and guests. This policy applies regardless of sex, gender, gender expression, gender identity, and sexual orientation. Sexual misconduct and retaliation will be promptly and fairly addressed and remedied according to the applicable Cornish resolution process.

Jurisdiction:

This policy applies to conduct committed on property owned or controlled by Cornish and at Cornish sponsored activities, events, and programs. All allegations, regardless of where they are alleged to have occurred, will be assessed to determine whether the conduct falls within the context of Cornish employment or educational activities, events, or programs. This policy may also apply when the Title IX Coordinator determines the alleged conduct implicates a substantial Cornish interest.

Respondents who are not members of the Cornish community or not subject to Cornish resolution processes may be subject to restrictions for failing to comply with this policy.

Disciplinary Standard:

Conduct is subject to disciplinary action when it creates a hostile environment. A hostile environment exists where conduct is so severe, persistent, or pervasive and objectively offensive that it unreasonably alters the condition of, or substantially interferes with, an individual's employment or education benefits. Violations of this policy may result in sanctions up to and including, suspension, expulsion, or termination.

Allegations that do not rise to the level of a hostile environment may be addressed through various methods including, but not limited to, education, remedies, and/or training.

Requirement of Consent:

Consent is defined as clear, knowing, and voluntary permission by word or action to engage in sexual activity. As individuals may experience the same interaction differently, it is incumbent upon each party to determine that the other has consented before engaging in the activity.

Consent may, however, be ratified by word or action at some point during or after the interaction if consent is not clearly provided prior to engaging in the activity.

Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back without the need to explicitly obtain their consent to being kissed back.

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

Consent to some sexual activity cannot be presumed to be consent for other sexual activity. Further, a current or previous intimate relationship is insufficient to constitute consent.

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

Consent in relationships must also be considered in context. When parties consent to, for example,



Bondage/Discipline, Dominance/Submission, Sadism and Masochism (“BDSM”) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of kink and thus consensual. Accordingly, Cornish’s evaluation of communication in kink situations will be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

In Washington, consent to sexual activity cannot be granted by a person under the age of 16. Accordingly, sexual activity between an adult and a person under the age of 16 may constitute a crime and could require a report to applicable child welfare agencies.

Incapacitation is a state in which a person lacks the capacity to give informed consent because they are helpless, asleep, unconscious, unable to adequately process information, disoriented, and/or unable to make informed, rational, and reasoned decisions. Incapacitation is not synonymous with intoxication, impairment, blackout, brownout, being drunk, or being “high.”

Incapacitation is evaluated through consideration of all relevant indicators of a person’s state. Incapacitation may be the result of the consumption of alcohol or drugs, temporary or permanent physical or mental health conditions, or involuntary physical restraint.

A violation of this policy involves an inquiry into whether a responding party engaged in sexual activity with a person they knew, or should have known to be incapacitated. An assessment of whether a respondent should have known of the incapacitation of the complainant is assessed using the objective standard of whether a reasonable person, in the same or similar circumstances, exercising sober, good judgment would have known.

#### Types of Sexual Misconduct:

**Coercion** - unreasonable conduct employed to compel someone to engage in sexual activity.

**Sexual Harassment** - unwelcome sexual or sex/gender-based verbal, written, and/or physical conduct.

**Intimate Partner Violence (“IPV”)** - also known as domestic or dating violence, is a pattern of abusive behavior (including verbal, physical, emotional, or financial) used by those who are involved or have been involved in an intimate relationship, to gain or maintain power and control over another intimate partner.

**Non-consensual sexual intercourse** - any sexual intercourse, however slight, with any object, by a person upon another person, which is without consent and/or by force.

**Non-consensual sexual contact**- any intentional sexual touching, however slight, with any object, by a person upon another person, which is without consent and/or by force.

**Sexual Intimidation** - threatening a person with sex acts, with the intention to place them in fear of injury or death. The threat must be both specific and credible.

**Stalking** - repetitive and menacing pursuit, following, harassing, and/or interfering with the well-being and safety of another.

**Sexual Exploitation** - taking non-consensual or abusive sexual advantage of another for one’s own benefit or for the benefit of anyone other than the person being exploited, and does not otherwise constitute sexual

misconduct under this policy. Sexual exploitation includes, but is not limited to:

- Voyeurism - observing or allowing third-parties to observe the private sexual activity of others without consent or viewing another's intimate parts in a place where they have a reasonable expectation of privacy;
- Disseminating, recording, or transmitting private sexual images or audio without consent;
- Using, installing, or permitting the use or installation of a device for the purpose of recording another's sexual activity, intimate body parts, or nakedness in a place where the person would have a reasonable expectation of privacy without consent;
- Prostituting others;
- Exhibitionism - exposing one's intimate parts in non-consensual circumstances (excluding streaking);
- Unwelcome sexting;
- Engaging in sexual activity with another person while knowingly infected with a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection in advance;
- Administering alcohol or drugs to another person without their knowledge or consent for the purpose of engaging them in sexual activity.

Retaliation:

The adverse treatment of an individual because of their participation in the reporting, investigation, or resolution of an alleged violation of this policy.

Interim Measures:

Interim measures are accommodations, agreements, arrangements, and services, afforded by Cornish after receiving notice of alleged policy violations but prior to the determination of formal outcomes. Failure to comply with interim measures is a violation of this policy.

Reporting:

All employees (except those whom Cornish has designated as confidential) who receive notice of a potential violation of this policy are expected to report all known details to the Title IX Coordinator within 24 hours of becoming aware of the report or incident.

Failure to Report:

Failure of a non-confidential employee to report potential violations of this policy may be subject to disciplinary action for failure to comply.

Approval and Implementation

This Sexual Misconduct Policy was approved on July 30, 2019.

**Procedures for Disciplinary Action**

These procedures apply in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

**Types and Descriptions of Proceedings & Steps Involved**

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, Cornish initiates a prompt initial assessment to determine the next steps Cornish needs to take. Cornish may initiate at least one of three responses: 1) offering supportive measures because the Complainant does not want to proceed formally; and/or an informal resolution; and/or a formal grievance process including an investigation and a hearing.

The investigation and hearing in a formal grievance process will determine whether or not the Policy has been violated. If so, Cornish will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

Informal resolution can include three different approaches: 1) when the parties agree to resolve the matter through an alternate resolution mechanism; 2) when the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or 3) when the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

Alternate Resolution is an informal process by which a mutually agreed upon resolution of an allegation is reached. All parties must consent to the use of Alternate Resolution. The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties: the parties' amenability to Alternate Resolution; likelihood of potential resolution, taking into account any power dynamics between the parties; the parties' motivation to participate; civility of the parties; cleared violence risk assessment/ongoing risk analysis; disciplinary history; whether an emergency removal is needed; skill of the Alternate Resolution facilitator with this type of complaint; complaint complexity; emotional investment/intelligence of the parties; rationality of the parties; goals of the parties; and/or adequate resources to invest in Alternate Resolution (time, staff, etc.)

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

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

### Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired. If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.

- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process. If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. No formal grievance process is initiated, though the Complainant can elect to initiate one later, if desired. If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in informal resolution. If a formal grievance process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX. If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address: an incident, and/or a pattern of alleged misconduct, and/or a culture/climate issue, based on the nature of the complaint. If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly. Please note that dismissing a complaint under Title IX is just procedural, and does not limit the Cornish’s authority to address a complaint with an appropriate process and remedies.

#### Informal Resolution Process

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator. It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. Prior to implementing Informal Resolution, Cornish will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the Cornish. Cornish will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution. The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above.

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

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented

in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

#### Formal Grievance Process

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

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

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

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official Cornish records, or emailed to the parties’ Cornish-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

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

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order): determine the identity and contact information of the Complainant; in coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures; identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated; assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation; commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties; meet with the Complainant to finalize their interview/statement, if necessary; prepare the initial Notice of Investigation and Allegation (NOIA); the NOIA may be amended with any additional or dismissed allegations; provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings; make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible; when participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose; interview all available, relevant witnesses and conduct follow-up interviews as necessary; allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions; complete the investigation promptly and without unreasonable deviation from the intended timeline; provide regular status updates to the parties throughout the investigation.

Prior to the conclusion of the investigation, the investigator will provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding; write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included; prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the Cornish does not intend to rely in

reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).

The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses. The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period. The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback. The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing. The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker—unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker(s) from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees will be directed to the appropriate Decision-maker(s) depending on the context of the alleged misconduct.

Cornish will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Chair, after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing.

If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than one day prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of



parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may explore arguments regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain arguments from the advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator

may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by an appropriate administrator and will recommend the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any recommendations.

This report typically should not exceed three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 7 business days of receiving the Decision-maker(s)' deliberation statement. The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Cornish records, or emailed to the parties' Cornish-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within 7 days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker will Chair the appeal. No Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

If any of the grounds in the Request for Appeal do not meet the grounds in the Policy, that request will be denied by the Chair and the parties and their Advisors will be notified in writing of the denial and the

rationale.

If any of the grounds in the Request for Appeal meet the grounds in the Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 7 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed for standing by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in 7 business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and the Chair will render a decision in no more than 7 business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which Cornish is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the Cornish is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' Cornish-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

### **Timelines**

All allegations are acted upon promptly by Cornish once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but Cornish will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in Cornish procedures will be delayed, Cornish will

provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by Cornish and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

### **How to File A Complaint**

File a complaint with, or give verbal notice to, the Title IX Coordinator. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.

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

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

### **Standard of Evidence**

An investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

During a hearing, any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent

committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming Cornish uses a progressive discipline system. This information is only considered at the sanction stage of the process.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

### **List of Possible Sanctions**

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any Cornish policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling:* A mandate to meet with and engage in either Cornish-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Cornish.
- *Expulsion:* Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Cornish-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript.
- *Withholding Diploma:* Cornish may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree:* Cornish reserves the right to revoke a degree previously awarded from Cornish for fraud, misrepresentation, and/or other violation of Cornish policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions:* Deactivation, loss of recognition, loss of some or all privileges (including Cornish registration) for a specified period of time.
- *Other Actions:* In addition to or in place of the above sanctions, Cornish may assign any other sanctions as deemed appropriate.

Responsive actions for an employee include:

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Loss of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with pay
- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, Cornish may assign any other sanctions as deemed appropriate

### **Supportive Measures**

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

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

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Cornish will inform the Complainant, in writing, that they may file a formal complaint with Cornish either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Cornish will maintain the privacy of the supportive measures, provided that privacy does not impair Cornish's ability to provide the supportive measures. Cornish will act to ensure as minimal an academic impact on the parties as possible. Cornish will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)

- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no communication orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Persona Non Grata (PNG)
- [Timely warnings](#)
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

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

### **Requirement of Fair, Impartial Process**

The Title IX Coordinator appoints the Pool for the Formal Grievance Process, which acts with independence and impartiality. While members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, Cornish can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

The Pool members receive annual training. This training includes, but is not limited to: the scope of the Cornish's Sexual Misconduct Policy and Procedure; how to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability; implicit bias; disparate treatment and impact; reporting, confidentiality, and privacy requirements; applicable laws, regulations, and federal regulatory guidance; how to implement appropriate and situation-specific remedies; how to investigate in a thorough, reliable, and impartial manner; how to uphold fairness, equity, and due process; how to weigh evidence; how to conduct questioning; how to assess credibility; impartiality and objectivity; how to render findings and generate clear, concise, evidence-based rationales; the definitions of all offenses; how to apply definitions used by Cornish with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy; how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes; how to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; any technology to be used at a live hearing; issues of relevance of questions and evidence; issues of relevance to create an investigation report that fairly summarizes relevant evidence; how to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations.

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are Cornish employees), and Chairs. All Pool members are required to attend these trainings annually. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

### **Right to An Advisor**

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

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

Cornish may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Cornish community.

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

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, Cornish will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

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

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

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

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and Cornish's policies and procedures.



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

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

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

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

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

If a party requests that all communication be made through their attorney Advisor, Cornish will comply with that request at the discretion of the Title IX Coordinator.

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

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

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

A party may elect to change Advisors during the process and is not obligated to use the same Advisor

throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

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

For representation, Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>)
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>

### **Fire Safety Policies and Procedures**

In accordance with the 2008 change to the Higher Education Opportunity Act, institutions that maintain on-campus housing, shall, on an annual basis, publish a fire safety report. Reporting a fire is everyone's responsibility. All fires that present a risk to persons or property both on and off campus should be reported immediately to 9-1-1 and the Campus Safety & Security (726-5038). Additionally, concerns that are not considered an emergency may be reported to Residence Life Staff, or Facilities Management in addition to the Campus Safety & Security.

Inspections of the fire extinguishers, smoke alarms and fire control monitoring systems are done as required by City regulations and College policies for all facilities. Because of the risk of burning incense or an open flame left unattended, the use of such is prohibited in residence halls. Candles or lanterns may not be used even in the event of a power outage. Residents are encouraged to have flashlights or similar devices to provide emergency lighting. Accessory heating or cooking units are prohibited in residence hall rooms. Smoking is prohibited in all Cornish facilities. Legitimate fire alarms save lives.

Engaging in behavior which constitutes a fire hazard is prohibited. These behaviors include, but are not limited to: starting a fire, cooking in an undesignated area and/or irresponsible fashion, causing a false alarm, discharging or removing a fire extinguisher or hose when there is no indication of a fire, tampering with or removing a battery from a smoke detector, breaking the safety glass on the fire extinguisher case, propping fire doors, decorating or hanging personal items to or within 12 inches of any fire safety equipment such as sprinklers, and possession of prohibited items.

As defined in the [Residential Policy Handbook](#) the below outlines prohibited Items. General Prohibited Items on this list are not comprehensive and residents are responsible for common sense in relationship to prohibited items.

- Candles/Incense

- Explosives/Fireworks 16
- Extension cords (except power strips)
- Flammable Liquids
- Halogen Lamps
- Hookahs
- Open Flame Devices
- Waterbeds and Other Water Furniture
- Weapons as defined in the [Student Code of Conduct](#).

**Prohibited Appliances** Appliances not permitted in the residence halls include but are not limited to the following.

- Any appliance with an exposed hot plate
- Any appliance exceeding 1200 watts and other high voltage equipment
- Any appliance that does not have an auto shut off function
- Air Conditioners
- Air Fryers ● Electric Grills
- Fixed Window Fans
- Freezers
- Microwaves
- Refrigerators
- Space Heaters
- Toasters/Toaster Ovens
- Washing Machines
- Wax Melters

**Prohibited Decorations**

- Anything hanging in or from windows
- Anything touching, hanging from, or blocking fire safety devices
- Anything hanging from the ceiling
- LED peel and stick strip lights
- Nails and Screws

In general, decorations can only be put up with blue painter's tape.

When activated, the alarm sounds in the entire building and everyone must evacuate immediately. Campus Safety & Security works with residence hall staff to conduct fire drills for each residence hall each semester. Students are instructed on evacuation procedures during this process.

All campus community members should become familiar with the fire evacuation route in their residence hall. Those students with disabilities are encouraged to report such to the College. In such matters, an individualized evacuation plan is created in conjunction with the student to ensure safety during a building evacuation. Scheduled and non-scheduled fire drills are conducted once each semester at the Cornish Commons.

**Fire Procedures (General): CORNISH COMMONS (2025 Terry Ave)** - Cornish Commons is a high rise building and that makes it more complex. High rise fires are more complex than many other occupancies because of: the number of people occupying the building and the distances they must travel to evacuate, the building's size and the physical challenges to firefighters in tackling the fire.

*Controlled evacuation with zoned alarm system* - The Commons has a zoned alarm system. This means the alarm will ring on only a few floors in the direct vicinity of the fire. The minimum number of floors that must go into alarm are the fire floor and the floor above. Persons on a floor where an alarm is sounding are to enter the exit stairwell, go down four (4) floors, and re-enter the building. If the alarm is sounding on this floor too, the persons are to evacuate the building and relocate to the Designated Meeting Location.

When instructed to do so by housing staff and/or when a fire alarm sounds, an individual may need to evacuate the building. If, after evacuating (4) floors and an alarm activation is still present, an individual must evacuate the building by following the illustrated evacuation routes (located on each floor near the elevators).CORNISH COMMONS –

### Evacuation Routes Per Floor



**IF UNABLE TO LEAVE THE BUILDING** - If guests or tenants are unable to leave the building, they should create an area of refuge: Seal the room. Use wet cloth to stuff around cracks in doors and seal up vents to protect against smoke. Do not break windows. Flames and smoke can come back in from the outside. If you need air, open the window a crack. Stay low under smoke. The freshest air is near the floor. Keep a wet cloth over your nose and mouth, breath through your nose only. Call for help by calling 911 and Campus Safety & Security at (206) 726-5038.

Stairwells may also be used as an Area of Refuge. The stairwells at the Commons are pressurized in order to keep smoke out. Emergency call boxes are located in both stairwells on floors 5, 10, 15 and 20. These call boxes once activated connect directly to emergency services. Note: call boxes are also located near all elevators on floors 2-20, though these locations are not suitable as areas of refuge.

### Fire Log

The College maintains a fire log that records any fire that occurs in an on-campus student housing facility. The fire log includes the date the fire was reported, time, and nature of the fire and general location of each fire.

