

**ATSU** | A.T. Still  
University

**2022**

Annual Security  
Report

San Ysidro  
Health Center  
Distance Site

San Diego, California

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## About the Annual Security Report

A.T. Still University (ATSU) Annual Security and Fire Safety Reports (ASRs) are published each year in compliance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), a federal statute codified at 20 U.S.C. Section 1092 (f), and updated in 2013. The law is named for Jeanne Clery, a 19 year-old Lehigh University freshman who was sexually assaulted and murdered in her campus residence hall in 1986. The Clery Act, signed in 1990, was originally known as the Crime Awareness and Campus Security Act. The Violence Against Women Act (“VAWA”) amended the Clery Act in 2013; it expanded the rights afforded to campus survivors of dating violence, domestic violence, sexual assault, and stalking. For more information on the Clery Act, please visit Clery Center at [clerycenter.org](http://clerycenter.org).

Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

ATSU is comprised of three campuses, Kirksville, Missouri, Mesa, Arizona, and Santa Maria, California. Other ATSU locations also meet Clery Act criteria and include ATSU-Missouri School of Dentistry & Oral Health (ATSU-MOSDOH) St. Louis Dental Center in ST. Louis, Missouri; and distance learning sites for ATSU-School of Osteopathic Medicine in Arizona (ATSU-SOMA). Separate ASRS are published for each of ATSU’s locations.

This ASR is prepared exclusively for the ATSU-SOMA distance site located at San Ysidro Health Health Center, 1601 Precision Park Lane, San Diego, California 92173 (“SYHealth”). Because the SYHealth distance site is an extension of SOMA, this ASR will sometimes reference services available through the Mesa campus, as this is where SOMA is housed.

ATSU ASRs include crime statistics reported to ATSU-designated campus security authorities (CSA) and local law enforcement. CSAs include deans, vice president and associate vice president for student affairs, assistant vice president for human resources, director of human resources, vice president & general counsel, and Title IX coordinator. In addition, CSAs have been designated specifically for the SYHealth distance site, and are identified later in this ASR. The crime statistics are collected by the Security supervisor for the Kirksville campus who relays them to the compliance manager for inclusion in the ASR.

ATSU ASRs contain statistics for reported crimes that occurred 1) on-campus, 2) in certain off-campus buildings or property owned, leased and/or controlled by ATSU, and 3) on public property adjacent to campus.

ATSU policies concerning safety, security, sexual offenses, and alcohol/drug use are also found in this 2022 ASR.

ATSU ASRs are prepared by ATSU Security department, in cooperation with local law enforcement authorities, University campus security authorities, and various other offices of the University. Questions about 2022 ASRs may be referred to Matthew Heeren, vice president & general counsel, at [mheeren@atsu.edu](mailto:mheeren@atsu.edu), 660.626.2004, or Michelle Gibson at [michellegibson@atsu.edu](mailto:michellegibson@atsu.edu), 660.626.2004.

## Law enforcement and jurisdiction

The San Diego Police, Southern Division, 1120 27<sup>th</sup> St., San Diego, California 92154 stands ready to assist anyone on the SYHealth distance site in any emergency or matter of crime reporting and crime investigation.

Emergency: Dial 911

Non-emergency number: 619.424.0400

ATSU does not have a Memorandum of Understanding (MOU) in place with local law enforcement for this location at this time.

## Security department

A security department (Presidential Security) employed by SYHealth promotes and maintains a safe and secure environment for the University community through security services, crime prevention, and education. The security department is not under the management of ATSU.

To contact Presidential Security:  
Dial 619.942.1532 or  
Facility Director at 619.410.7426

Security consists of a security supervisor and unarmed, uniformed security officers. While Presidential Security officers are not commissioned police officers and do not have arrest authority, they will provide assistance and/or contact local police and fire departments and other emergency personnel, as needed. Security's responsibilities are to ensure campus safety and security and to enforce rules and regulations established by SYHealth policies and procedures.

Services provided by Security include:

- Reporting and investigation of crimes;
- Observation, correction, and reporting of safety hazards;
- Foot and vehicular patrol of campus during all hours patients are present;
- Security checks of SYHealth's facilities and property;
- Emergency and nonemergency assistance to students, employees, and visitors; and
- Escorts of University community members on-campus, upon request."

## How to report a crime or emergency

*Dial 911 for any police, fire, or medical emergency*

Call quickly! Do not assume someone else has made the call. Provide the dispatcher with accurate, detailed information. Stay on the phone until the dispatcher tells you it is okay to hang up.

*Tell a Campus Security Authority (CSA)*

Although the University would like all criminal incidents to be reported to law enforcement and/or ATSU Security, individuals sometimes prefer to tell someone other than the police or Security. ATSU has designated individuals with significant responsibility for student and campus activities as CSAs to whom crimes may be reported.

Under the Clery Act, crimes are considered reported when they are brought to the attention of a CSA. When a CSA receives information about a Clery reportable crime believed to have been provided in good faith, the CSA will document the incident and submit a report to ATSU Security. The CSA's role is not to apprehend alleged perpetrators or conduct investigations. CSAs also are not responsible for trying to convince a victim to contact the police if the victim does not choose to do so. CSAs, however, do have a reporting responsibility. The reports enable any ongoing threats to the community to be assessed and for the incidents to be included in the reported crimes for the university.

Reporting to a CSA will aid in providing emergency notification and timely warning notices to the campus and/or community, when appropriate. Reporting crimes will ensure inclusion in annual crime statistics. Suspicious or inappropriate activities, conduct which is questionable for criminal activity, or non-emergency safety concerns occurring on-campus, should also be reported.

Campus Security Authorities at the SYHealth distance site are:

Steve Ritter, DO  
Regional Director of Medical Education  
619.662.4100, ext. 3279  
[steveritter@atsu.edu](mailto:steveritter@atsu.edu)

Janelle Pieros, DO  
Regional Director of Medical  
Education  
619.662.4100, ext. 3783  
[janellepieros@atsu.edu](mailto:janellepieros@atsu.edu)

The University has designated over 200 CSAs, including the following:

**Arizona campus**

Tonya Fitch  
Director of Human Resources  
480.219.6007  
[tfitch@atsu.edu](mailto:tfitch@atsu.edu)

**Arizona campus**

Michael Zajac  
Associate Vice President for Student Affairs  
480.219.6026  
[michaelzajak@atsu.edu](mailto:michaelzajak@atsu.edu)

**Missouri campus**

Donna Brown  
Assistant Vice President of Human Resources  
660.626.2790  
[dbrown@atsu.edu](mailto:dbrown@atsu.edu)

**Missouri campus**

Lori Haxton  
Vice President for Student Affairs  
660.626.2236  
[lhaxton@atsu.edu](mailto:lhaxton@atsu.edu)

John Gardner  
Title IX Coordinator  
660.626.2113  
[titleix@atsu.edu](mailto:titleix@atsu.edu)

**California campus**  
Ryan K. Jefferson, PhD  
Director, Student Affairs  
805-621-7681  
[ryanjefferson@atsu.edu](mailto:ryanjefferson@atsu.edu)

Other CSAs include designated staff members of Student Affairs and Human Resources, deans, assistant deans, vice president & general counsel, clinic directors, regional directors of medical education, advisors for registered student organizations, and ATSU Security officers. For a complete list of CSAs, contact Michelle Gibson, compliance manager, at 660.626.2004 or [michellegibson@atsu.edu](mailto:michellegibson@atsu.edu)

The primary reason ATSU encourages the reporting of all crimes is to protect the whole person – body, mind, and spirit – of its students, employees, and visitors. Any person who feels unsafe or threatened should be assured of the University's commitment to provide the actions, assistance, support, and resources needed to ensure their safety and wellbeing.

## Reporting crimes confidentially

ATSU will make every effort to protect the confidentiality of victims, to the extent permitted under the law. Only those with a need to know for purposes of investigating the crime, assisting the victim, or disciplining the perpetrator will be notified of the victim's identity. Employees (other than ATSU behavioral health & wellness counselors) who become aware of sexual misconduct (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking) are required to report that information, including the identity of the parties, if known, to the ATSU Title IX Coordinator.

Victims of non-sexual crimes who do not wish to pursue University disciplinary action may make a confidential report to a campus security authority. In those instances, a report may be made without revealing the victim's identity. Such a confidential report allows the University to take steps to protect the victim and the campus community, yet still comply with the victim's desire for confidentiality. The report will enable the University to maintain records of crimes, note any patterns or trends, alert the campus community if there is danger, and report crime statistics as required under the Clery Act.

Throughout an investigation, the University will maintain any accommodations or protective measures provided to involved parties confidential, to the extent maintaining such confidentiality does not impair the University's ability to provide such accommodations or protective measures.

Reports made by students to ATSU behavioral health & wellness counselors will be kept confidential. See the section in this ASR titled "ATSU behavioral health & wellness counselors for students."

Anonymous crime reporting is available through a secure online reporting form at [fraudhl.com](http://fraudhl.com) or through a 24-hour telephone service at 1.855.FRAUD.HL. When prompted for a "company name" use "ATSU."

Any publically available recordkeeping, such as the Daily Crime Log and the Clery Act crime statistics included in Annual Security Reports, will not include personally identifiable information.

## Crime prevention and safety

University employees and students are encouraged to take an active role in their personal safety and security. Each individual is expected to take precautions and act responsibly concerning their personal safety, the security of their possessions, and the safety of others. Suspicious individuals or unusual incidents on campus should be reported to ATSU Security. Individuals should seek to avoid situations which leave them vulnerable to possible bodily harm. Walking alone at night on campus is discouraged. ATSU Security phone numbers should be programmed into individuals' mobile phones for ready access. Anyone on campus who notices malfunctioning lights or other repairs needed to ensure a safe campus should report the deficiency to their supervisor or to the SYHealth facilities department.

ATSU Security, Human Resources, and Student Affairs collaborate to offer training to new and current students and employees on emergency procedures. Security provides monthly emails to ATSU employees and students about campus security procedures and practices and to encourage students and employees to be responsible for their own security and security of others. The emails contain detailed, practical information on topics relevant to crime prevention and safety, including sexual assault awareness.

## Facilities access

SYHealth in San Diego, California, is a private distance site and, as such, the grounds and buildings are open and accessible to the public only during regular business hours and at times when an event may be scheduled by SYHealth after hours. Buildings have access control stations at all sites to limit access during working hours. These sites require a card key to access the controlled areas. Buildings are locked after regular business hours; only authorized personnel have access to enter SYHealth buildings after hours. Local police should be notified if an unknown or suspicious person is observed on the SYHealth distance site after hours.

## ATSU behavioral health & wellness counselors for students

ATSU behavioral health & wellness counselors are not considered CSAs and are not required to report crimes for inclusion in the annual disclosure of crime statistics. ATSU behavioral health & wellness counselors are encouraged, if and when they deem appropriate, to inform persons being counseled of the procedure to report crimes to a CSA or other University official on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

For purposes of this section, “behavioral health & wellness counselor” is defined as an ATSU employee whose official responsibilities include providing professional counseling to ATSU students and who is functioning within the scope of his or her license or certification. ATSU does not have pastoral counselors.

All ATSU students with relevant issues, including drug or alcohol abuse, or who have experienced sexual offenses, may seek help from ATSU Counseling Services.

### ATSU Counseling Services – Mesa, Arizona campus

Desirai Browning  
480.219.6170  
[desiraibrowning@atsu.edu](mailto:desiraibrowning@atsu.edu)

Sarah Thomas, MSW, LCSW  
660.626.2751  
[snthomas@atsu.edu](mailto:snthomas@atsu.edu)

## Crime statistics

ATSU complies with all Clery Act requirements to report and disclose crime statistics on a calendar-year basis, in accordance with the definitions of crimes provided by the FBI for use in the Uniform Crime Reporting system. Categories of crime statistics include certain criminal offenses: arson, criminal homicide (murder/non-negligent manslaughter, manslaughter by negligence), sexual assault (rape, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, and arson); arrests and referrals for disciplinary action for weapons, drug abuse, and liquor law violations; hate crimes; and offenses under the Violence Against Women Act (dating violence, domestic violence, and stalking). Crime statistics include those reported to Campus Security Authorities and local law enforcement.

The Clery Act identifies geographic categories for crimes, including 1) on-campus, with student housing as a subset, where applicable; 2) non-campus; and 3) public property. See [Appendix A](#) for definitions of Clery geography. The SYHealth distance site does not have student housing facilities. ATSU does not have any officially recognized student organizations with non-campus locations for which crime statistics must be reported.



## Disclosure of crime statistics

Crime statistics for the San Ysidro Health Center distance site for 2020, and 2021 are found in Appendix B of this ASR. ATSU posts reportable crime statistics for public access at [ope.ed.gov/security/](https://ope.ed.gov/security/). Yearly disclosures of crime statistics to students and employees occur in accordance with the “Annual Security Report Distribution” section of this ASR.

## Daily crime log

The Clery Act requires campuses with a campus police or security department to maintain a daily crime log. Since ATSU does not operate a security department on the SYHealth distance site, no daily crime log is kept by ATSU for the SYHealth distance site.

## Publicly available recordkeeping

The University will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the University, to the extent possible.

## Annual Security Report (ASR) distribution

This 2022 Annual Security Report may be located electronically at [atsu.edu/asr-SanYsidro](https://atsu.edu/asr-SanYsidro). All ATSU ASRs, including the Kirksville/Mesa campus, MOSDOH St. Louis clinic, Santa Maria, California, and SOMA distance learning sites, may be located at [atsu.edu/security-and-emergencies](https://atsu.edu/security-and-emergencies). ATSU distributes the ASR annually to all potential and current employees and students, as follows:

- 1) Potential and current *employees*:
  - All job applicants receive notification of the ASR by email or posted notice at the Human Resources office, offering a copy upon request;
  - Newly hired employees receive an electronic version of the ASR and are required to return a signed statement within 30 calendar days of their start date indicating they have received, read, and understood the report;
  - All current employees receive biannual notification (March and October) via email that includes a PDF attachment, the website link to the ASR, and offers a paper copy upon request;
  - All employees participate in annual employee education, which includes review of the ASR. Completion is verified via the UltiPro Learning platform; and
  - All employees have unhindered access to the ASR on the University’s website, and printed versions are available upon request.
- 2) Potential and current *students*:
  - All applicants to ATSU receive notification through the electronic admissions application of the existence of the ASR. The notification offers a paper copy upon request;
  - All current ATSU students receive biannual notification (March and October) via email that includes a PDF attachment, the website link to the ASR, and offers a paper copy upon request;
  - Newly admitted students, transfer students, and students returning after a withdrawal are provided information on how to access the ASR as part of the admission acceptance agreement, which is signed by the student; and

- Directions on how to access the ASR are shared during new student orientation.

Printed copies of this ASR are available by contacting:

ATSU Student Affairs ([studentaffairs@atsu.edu](mailto:studentaffairs@atsu.edu); 660.626.2236); or  
Human Resources ([hr@atsu.edu](mailto:hr@atsu.edu); 660.626.2790).

## Emergency notifications/timely warnings

ATSU has developed procedures by which it will notify the campus community when there is a significant emergency or dangerous situation occurring on campus that involves an immediate or impending threat to health and safety (emergency notification) or when there is ongoing danger due to a crime (timely warning).

Students and employees will receive emergency notifications and timely warnings by email to their ATSU email account. Students and employees who have registered will receive emergency notifications and timely warnings by text message. When available, other means of communications such as overhead paging and campus digital signage may be utilized in addition to email and text messages.

Registration for text messages is mandatory for ATSU students and employees, with the exception of online students and remote employees. To opt out of text messages, email your department's vice president (or designee) justifying the request. The vice president (or designee) will review the request, make a recommendation, and forward the request to the president's office for a final determination. Students should submit their request to opt out of text messages to the vice president for student affairs.

**Important: To receive emergency notifications and timely warnings by text message, students and employees must register online at [atsu.edu/security-and-emergencies](https://atsu.edu/security-and-emergencies)** (click "Emergency Notification System" to learn more and register). There is no need to register separately for emergency notifications and timely warnings.

In the event ATSU issues an emergency notification, it is not required to also issue a timely warning based on the same circumstances.

In compliance with the Clery Act, detailed procedures for emergency notifications and timely warnings are below.

### Emergency notifications

ATSU will immediately notify the campus community upon confirmation of an emergency or dangerous situation. The University has identified a process by which it will: 1) be made aware of an immediate or impending threat to health and safety on campus; 2) confirm the threat; 3) determine whether or not an emergency notification is needed to institute emergency response and evacuation procedures; 4) determine the content of the notification and the appropriate segment(s) of the campus community to receive a notification; and 5) send the emergency notification by email and/or text message to students and employees. Examples of situations which would warrant an emergency notification include: outbreak of meningitis or other serious illness, approaching extreme weather conditions, gas leak, armed intruder, bomb threat, and significant hazardous waste spill.

To initiate the emergency notification procedure, anyone who witnesses a potential emergency should immediately call 911 and, as soon as possible, call a Regional Director of Medical Education (RDME) for their site, if the incident is occurring at or near the ATSU distance site. The RDME will confirm the known details of the threat. "Confirmation" of a threat means the University has verified a legitimate emergency or dangerous situation exists, regardless of whether the pertinent details are known or are even available. Local law enforcement and the National Weather Service are also resources in verifying the existence of an emergency or dangerous situation.

The RDME, alone or in collaboration with the ATSU director of safety & security, the vice president & general counsel, and/or the SOMA dean or associate dean, will, without delay, and taking into account the safety of the community, determine whether an emergency notification is needed, the segment(s) of the campus community to receive the notification, and the content of the notification. Rave is the default emergency notification system for ATSU. The RDME on duty will initiate the Rave Alert notification system and/or send a group text message, unless issuing a notification will, in their professional judgment, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. If the RDME is physically present with the students, they may provide the emergency notification verbally, rather than through Rave Alert or group text message. The notification may provide details of the threat, actions that should be taken, and other relevant information.

In other scenarios, a pre-designated administrator at the SOMA distance site may call or text the SOMA associate dean for clinical education and services who will work with Mesa Security or the RDME to send the emergency notification.

Emergency notifications are issued by email, and by text message to those who are registered for text messaging. The University uses the Rave messaging system. Templates for various scenarios have been prepared and pre-installed in the Rave messaging system. The template will be modified by the RDME on duty at the time of the emergency notification, as needed, to include the specific location of the threat, if applicable, and other incident-specific information. The Rave Alert messaging system is configured to allow ATSU to select the appropriate segment(s) of the campus community to receive an emergency notification.

For external audiences, University leadership and the on-site incident commander will work collaboratively with the University's public information officer to determine how and when the assigned University spokesperson will interact and communicate officially with members of the public, media, and other agencies with incident-related information. Methods of communication will be determined by the type and immediacy of the emergency.

The situation will continue to be assessed; follow-up and/or all-clear communications will be sent by the RDME.

The ATSU Security employee on duty for the Mesa campus will serve as backup for the RDMEs for all actions described.

Scheduled test/drills of ATSU's emergency notification system are performed at least annually.

The University's CHC partner at the distance site also has emergency notification systems in place and will pursue those systems, possibly simultaneous to the ATSU emergency notification progress.

All actions described in this section as the responsibility of the ATSU Security employee on duty may be undertaken, as necessary, by the director of safety & security, or the facilities director or their designees.

## COVID-19

ATSU will provide emergency notifications regarding COVID-19 through a banner at the top of ATSU's homepage (<https://www.atsu.edu>) informing students and employees about COVID-19 and necessary health and safety precautions, and encouraging them to obtain information from healthcare providers, state health authorities, and the Center for Disease Control's COVID-19 website.

## Timely warnings

Timely warnings will be issued in response to reported crimes committed on campus or, in some cases, off campus that, in the judgment of the University, constitute ongoing danger to members of the University community. Timely warnings are issued by text message to University community members who are registered for text messaging and by email to the entire University community. Timely warnings are not limited to violent crimes or crimes against persons. Timely warnings are not limited to crimes reportable under the Clery Act, but include any crimes for which a timely warning is deemed by University officials to be warranted.

Timely warning text messages are issued, or authorized by, ATSU Communication & Marketing. The content of timely warnings are determined by ATSU Communication & Marketing and approved by the President or his/her designee. The director of safety & security and the vice president & general counsel, may collaborate in determining the content of timely warnings. Whether or not the University issues a timely warning is determined on a case-by-case basis in light of facts surrounding a crime, including the nature of the crime, and whether there is continuing danger to the campus community, keeping in mind possible risk of compromising law enforcement efforts. The director of safety and security will document decisions to issue or not issue a timely warning. Actions described in this section as the responsibility of the ATSU Security employee on duty may be undertaken, as necessary, by the ATSU Security supervisor, assistant director of facilities, director of facilities, director of safety & security, or their designees.

Timely warnings are intended to enable people to protect themselves, and thus, they will be issued as soon as pertinent information is available. Even if the University does not have all the facts surrounding a criminal incident that represents a serious and continuing threat to students and employees, a timely warning will contain pertinent information available, including when and where the crime occurred, if known, as well as information to promote safety and aid in the prevention of similar crimes. Additional information may be provided as it becomes available.

Timely warnings are considered for incidents including, but not limited to, criminal homicide, sex offenses, robbery, aggravated assault, hate crimes, burglary, motor vehicle theft, arson, weapons offenses, or other reported crimes as deemed appropriate in an effort to prevent similar crimes from occurring. Conduct, incidents, or crimes, which may result in the need for a timely warning, should be reported to ATSU Security or to a CSA by employees, students, and visitors on campus. Timely warnings will usually withhold and keep confidential the names and other personally identifying information of victims. However, in appropriate emergency circumstances, personally identifiable information may be included.

All actions described in this section as the responsibility of the ATSU Security employee on duty may be undertaken, as necessary, by the director of facilities or his/her designee.

The University is not required to provide a timely warning with respect to crimes reported to an ATSU behavioral health wellness counselor.

## Emergency Operations Plan & evacuation procedures

### Distance sites

Students and employees at the SOMA distance sites function under the emergency operations procedures of the Community Health Center (CHC). The CHCs conduct emergency response and evacuation drills. Evacuation routes are posted by the CHCs in all buildings.

### Missouri and Arizona campuses

ATSU has an Emergency Operations Plan (EOP) for the Missouri and Arizona campuses which is consistent with the Incident Command System (ICS) and the National Incident Management System (NIMS). In the event of a campus emergency posing an immediate threat to the health or safety of employees and students, the ATSU Security employee on duty or the director of safety & security will immediately notify the President's Office, who will alert the "executive in charge." The President's Office designates "executives in charge" who serve on a rotating basis. The executive in charge will activate command staff members, as needed. The EOP is located on the ATSU website at <https://www.atsu.edu/security-and-emergencies> and is available on the ATSU portal and on desktops of ATSU employee computer work stations.

The Emergency Operations Committee (EOC) is responsible for reviewing the EOP on an annual basis. ATSU Security is responsible for emergency response and evacuation drills, both announced and unannounced, which are conducted periodically throughout the year. Drill monitors fill out drill evaluation forms and return them to ATSU Security. Records of drills and testing are available for review upon request at ATSU Security. The drill evaluation forms are reviewed by the director of safety & security. Deficiencies are noted and addressed.

Evacuation routes are posted in all campus buildings. Emergency procedure information is distributed to employees and students annually in conjunction with at least one evacuation drill per year.

Comprehensive ATSU emergency procedures are contained in appendices of the EOP, or may be accessed online at <https://www.atsu.edu/security-and-emergencies>

## Policies, procedures, and programs related to dating violence, domestic violence, sexual assault, and stalking

### Sexual violence policy statement

The University is committed to preventing sexual violence in all forms, including dating violence, domestic violence, sexual assault, and stalking, as those terms are defined for purposes of the Clery Act, and will take appropriate remedial action against any individual found responsible for acts in violation of this policy. Acts of sexual violence may also constitute violations of criminal or civil law, or University policies requiring separate proceedings. The definitions of local jurisdictions for the terms dating violence, domestic violence, sexual assault, and stalking are found in the definitions section of this ASR.

## Sexual violence awareness and prevention program/campaign

The following sections of this report discuss the University's educational program/campaign to: promote the awareness of dating violence, domestic violence, sexual assault and stalking; provide information concerning procedures students and employees should follow and the services available in the event they do become a victim/survivor of one of these offenses; and advise students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

ATSU conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the University prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

ATSU also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

### PPAP and OPAC Programming Methods

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the University. Methods may include online resources, distribution of written materials, periodic email blasts and social media posts, and presentations, workshops and guest speakers. Programming includes, but is not limited to, the following:

- New student orientation includes information on Title IX and sexual violence prevention.
- Students preparing to leave campus for medical, dental, and other health profession clinical rotations receive information on Title IX and sexual violence prevention.
- New employee orientation includes discrimination, harassment and sexual violence prevention training.
- All employees annually complete Required Employee Education, which addresses discrimination, harassment, and sexual violence prevention education.
- ATSU Human Resources offers educational presentations on sexual violence prevention education to employees through the Still Healthy program. These programs are often livestreamed and recorded so more employees have access to them. Because ATSU is a health sciences institution, such events often include a focus on recognizing and responding to sexual violence and domestic violence for those involved in providing healthcare.
- ATSU Student Affairs offers presentations, tabling events, and social media posts on sexual violence prevention training.
- While programming occurs throughout the year, ATSU Student Affairs offers educational sessions in coordination with nationally recognized observances such as Sexual Assault Awareness Month and Domestic Violence Awareness Month.
- A Behavioral Health & Wellness Resources link on the intranet portals offers access for students to make counseling appointments with ATSU behavioral health counselors.
- [Timely Care](https://www.timelycare.com/atsu) is a free resource for all residential students at ATSU. Visit [timelycare.com/atsu](https://www.timelycare.com/atsu) or download the TimelyCare app.

The PPAP and OPAC seek to be culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness or outcome.

This ASR is one part of the PPAP and OPAC. The ASR contains:

- a statement that ATSU prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking;
- information on risk reduction strategies;
- a description of safe and positive options for bystander intervention;
- response and disciplinary processes;
- definitions of dating violence, domestic violence, sexual assault, and stalking in the applicable jurisdiction; and
- the definition of consent in reference to sexual activity in the applicable jurisdiction.

The ASR is distributed to students and employees under the distribution policy described in this ASR. All employees are required to review the ASR annually as part of Required Employee Education.

## Risk reduction strategies

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you reduce your risk of being accused of sexual assault or another sexual crime:

1. Remember you owe sexual respect to the other person.
2. Don't make assumptions about the other person's consent or about how far they are willing to go.
3. Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
4. If your partner expresses a withdrawal of consent, stop immediately.
5. Clearly communicate your sexual intentions so the other person has a chance to clearly tell you their intentions.
6. Consider "mixed messages" a clear sign the other person is uncomfortable with the situation and may not be ready to progress sexually.
7. Don't take advantage of someone who is drunk or on drugs. Intoxication can be an indicator of incapacitation. Persons who are incapacitated cannot give consent for sexual activity. Further, don't be afraid to step in if you see someone else trying to take advantage of nearly incapacitated person.
8. Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc. Those who are incapacitated cannot give consent for sexual activity.

The following are strategies to reduce one's risk of sexual assault or harassment. The inclusion of risk reduction strategies is not intended to indicate any blame as it relates to victims/survivors. For another resource, see the Rape, Abuse, & Incest National Network at [rainn.org](http://rainn.org).

1. If you need to get out of an uncomfortable or scary situation:
  - a. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason.
  - b. Have a code word with friends or family so if you don't feel comfortable you can call and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you, or make up an excuse for you to leave
  - c. It's okay to lie. It is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse.
2. You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor "NO" clearly and loudly.
3. Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
4. Grab someone nearby and ask them for help.
5. Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
6. Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
7. Be aware of someone trying to slip you an incapacitating "rape drug" like Rohypnol or GHB.

## Bystander intervention information

If anyone suspects a friend, acquaintance, or stranger may be in a high-risk situation for becoming a victim, is being victimized, or has been a victim of any form of sexual offense, including dating violence, domestic violence, sexual assault, or stalking, it is important to decide as a bystander whether there is a safe and reasonable way to intervene effectively to assist a person before, during, or after an incident takes place.

While there is no legal obligation for a bystander to act or intervene, ATSU promotes a campus culture of respect and concern for others, creating a community of responsible citizens. The following are suggestions for safe and positive bystander actions.

1. Take steps to stop a friend who chooses to use violence.
2. Ask a friend, acquaintance, or stranger who is attempting to take sexual advantage of another to stop and leave the location.
3. Recruit help from others if necessary.
4. Take the initiative to help friends who are not thinking clearly to get to a safe location.
5. Don't leave a friend or acquaintance alone at a bar.



6. Prevent a friend or acquaintance from going to a private location with an intoxicated person.
7. Recognize dating or domestic partners who cause fear or physical pain to their partner, and voice your concerns, when appropriate.
8. Keep yourself safe.
9. If things get out of hand, don't hesitate to call the police.
10. Report the incident to ATSU's Title IX Coordinator.
11. Contact ATSU Security, Human Resources, Student Affairs, or another person of authority who can assist.
12. Encourage a friend or acquaintance to seek assistance from a counselor.

## Sexual Offense Victim/Survivor Bill of Rights

In compliance with federal law, ATSU will adhere to the following Sexual Offense Victim/Survivor Bill of Rights, addressing the rights of victims/survivors of dating violence, domestic violence, stalking, and sexual assault. Any disciplinary hearings described below refer to ATSU internal conduct proceedings only and do not relate to criminal or civil proceedings in any court of law. ATSU students and employees reporting as a victim of a sexual offense, including dating violence, domestic violence, sexual assault, and stalking, whether occurring on or off campus, shall be provided a written explanation of the student or employee's rights and options by the ATSU Title IX coordinator, including the following:

1. Victims/survivors shall be informed of their options to notify law enforcement. ATSU will assist with notifying law enforcement personnel, if the victim so desires.
2. Victims/survivors have the right to choose not to notify law enforcement.
3. Victims/survivors shall be notified of counseling services available.
4. Victims/survivors shall be notified in writing of options for changes to academic, living, transportation, working situations, or protective measures. The University will support any reasonable accommodations or protective measures requested by the victim, regardless of whether the victim chooses to report the crime to ATSU Security or local law enforcement.
5. Both the accuser and accused have the right to have an advisor of their choice present during any disciplinary proceeding conducted by ATSU.
6. Both the accuser and accused shall receive simultaneous notification, in writing, of: a) the result of any ATSU disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking; b) the procedures for appeal of the result of the disciplinary procedures, if such procedures are available; c) any change to the result; and d) when such results become final.

For more information, please see the "Procedures for disciplinary proceedings" section below in this ASR.

## Procedures for victims/survivors

Victims/survivors of sexual offenses should first get to a place of safety and then obtain necessary medical treatment. Any ATSU employee or student who has experienced a sexual offense is strongly encouraged to seek assistance immediately by dialing 911 from any telephone.

Victims/survivors are encouraged to report sexual offenses. The report may be made to local law enforcement, ATSU Security, ATSU Title IX coordinator, or another ATSU CSA. Victims/survivors may choose to be assisted by campus authorities in notifying law enforcement authorities, if they so choose. Victims/survivors may decline to notify law enforcement, if they so choose. Community sexual violence counselors are available to assist; contact information may be found in the "Counseling and victim support" section of this ASR.

The San Diego Police Department, Southern Division, is located at 1120 27<sup>th</sup> St., San Diego, California 92154. Their non-emergency telephone number is 619.424.0400. When you file a report, you will be asked for your name, address, phone number, and Social Security number and/or driver's license number. You will be advised you are making an official statement and asked to confirm everything you are about to say is true and correct to the best of your knowledge. You will then be asked to recount the incident in as much detail as possible.

Reports of dating violence, domestic violence, sexual assault, or stalking may be made to:

### **SYHealth distance site CSAs:**

Steve Ritter, DO  
Regional Director of Medical Education  
619.662.4100, ext. 3279  
[steveritter@atsu.edu](mailto:steveritter@atsu.edu)

Janelle Pieros, DO  
Regional Director of Medical Education  
619.662.4100, ext. 3783  
[janellepieros@atsu.edu](mailto:janellepieros@atsu.edu)

### **Arizona campus**

Tonya Fitch  
Director of Human Resources  
480.219.6007  
[tfitch@atsu.edu](mailto:tfitch@atsu.edu)

### **Arizona campus**

Michael Zajac  
Associate Vice President for Student Affairs  
480.219.6026  
[michaelzajac@atsu.edu](mailto:michaelzajac@atsu.edu)

### **Missouri campus**

Donna Brown  
  
660.626.2790  
[dbrown@atsu.edu](mailto:dbrown@atsu.edu)

### **Missouri campus**

Lori Haxton  
Assistant Vice President of Human Resources Vice President for Student Affairs  
660.626.2236  
[lhaxton@atsu.edu](mailto:lhaxton@atsu.edu)

John Gardner  
Title IX Coordinator  
660.626.2113  
[titleix@atsu.edu](mailto:titleix@atsu.edu)

### **California campus**

Ryan K. Jefferson, PhD  
Director, Student Affairs  
805-621-7681  
[ryanjefferson@atsu.edu](mailto:ryanjefferson@atsu.edu)

Following an allegation of domestic violence, dating violence, sexual assault, or stalking, the University will provide changes in academic, living, transportation, and working situations, or other protective measures, if the victim/survivor requests them, and if they are reasonably available, regardless of whether the victim/survivor chooses to report the crime to ATSU Security or local

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

Students and employees who report to the University that they are victims/survivors of dating violence, domestic violence, sexual assault, or stalking will receive from the University Title IX coordinator a written explanation of their rights and options, and information about counseling, health, mental health, and victim advocacy services available both within the University and in the community.

## Preserving evidence

ATSU strongly advocates victims/survivors of dating violence, domestic violence, stalking, and sexual assault report the incident in a timely manner. Physical evidence is crucial in helping to prosecute assailants. Physical evidence must be collected in a timely manner by a certified medical facility. It is best practice to preserve evidence by not showering, bathing, brushing teeth, changing clothes, or cleaning or otherwise changing the scene, prior to a medical/legal exam. Police officers will provide guidance in preserving items necessary for investigation. Completing a forensic exam does not obligate a victim/survivor to file a police report, but it does help preserve evidence in the event the victim/survivor decides to file a report at a later time. Preserving evidence may be helpful in obtaining a protection order.

Victims/survivors should save evidence such as letters, notes, emails, phone calls, videos, photos, texts, social media postings (Facebook, Twitter, etc.), computer screenshots, voicemails, or any other form of evidence.

## Counseling and victim/survivor support

ATSU and the local police department will work to assure victims/survivors have access to confidential counseling from counselors trained in sexual assault crisis intervention.

Victims/survivors and others can find contact information for off-campus mental health services and support options online at: <https://sites.google.com/atsu.edu/wellness-safety/student-wellness-and-safety-resources>.

ATSU has behavioral health & wellness counselors on staff who are available to students. Please see the “ATSU behavioral health & wellness counselors for students” section in this ASR for more information.

[Timely Care](https://www.timelycare.com/atsu) is a free resource for all residential students at ATSU. Visit [timelycare.com/atsu](https://www.timelycare.com/atsu) or download the TimelyCare app.

## Orders of protection/temporary restraining orders

To obtain a Temporary Restraining Order (TRO), call or go to the San Diego Family Justice Center, 1122 Broadway, San Diego, 619.533.6000. In addition to help with a TRO, the Family Justice Center (FJC) may provide safety planning, risk assessment, assistance with emergency shelter, and additional services. There is no cost to obtain a TRO or other assistance at the FJC. The FJC also provides counseling for adults and juveniles.

Requests for TROs may also be made at any San Diego County court branch, except the Central branch and Hall of Justice in downtown San Diego. No fee is required and free legal

assistance is available. For more information go to [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov). Click on Family and then Restraining Orders.

A person who obtains an Order of Protection or Temporary Restraining Order should provide a copy to Human Resources (employees) or Student Affairs (students), per the contact information contained in Policy 90-210 of this ASR.

## Procedures for disciplinary proceedings

Following a complaint of discrimination or harassment, an investigation and/or disciplinary proceedings will take place in accordance with ATSU Policy 90-210, which may be found on the ATSU website at: [atsu.edu/prohibition-of-discrimination-harassment-and-retaliation](http://atsu.edu/prohibition-of-discrimination-harassment-and-retaliation).

The University will conduct a prompt, thorough, and impartial investigation and hearing (if called for by policy).

**ATSU Policy No. 90-210.** A formal complaint of sexual harassment, sexual misconduct, dating violence, domestic violence, stalking, or sexual assault is reviewed under ATSU Policy No. 90-210. A formal complaint will be initially reviewed to determine the appropriate grievance process. The complaint will be processed under the Title IX Grievance Process if it meets the appropriate definitions. If the complaint does not meet the Title IX Grievance Process definitions, it will be processed under the General Discrimination Grievance Process.

Under the Title IX Grievance Process, there will be notice of investigation provided to both parties, the Complainant and Respondent. Both parties will have opportunities for supportive measures. A formal resolution process will begin which includes an investigation by an impartial investigator(s), a hearing before an impartial hearing panel, the opportunity to present witnesses and evidence, the opportunity to cross-examine the other party's witness, and the opportunity to appeal. In the formal resolution process, the hearing panel decides on policy violation and sanctions. If an appeal has standing under the policy, an appellate panel will rule on the appeal. Written notice will be provided to the parties following the appellate panel report. The parties have the opportunity to move from a formal resolution process to an informal resolution process in some instances based on the nature of the formal complaint.

A complaint reviewed under the General Discrimination Grievance Process will follow the initial steps including a meeting between the investigator(s) and the Complainant, and the implementation of reasonable supportive measures, as needed. If it is determined no potential policy violations exist, the investigator will produce a report stating such conclusion. If a potential policy violation was determined, notice will be provided to the Respondent and appropriate supportive measures provided. An investigation by an unbiased investigator(s) would begin. The parties will be regularly updated and timely notices of any meetings provided to both parties. Written notice will be provided to both parties of the findings of the investigation, including determination of responsibility and sanctions, and available appeal procedures. Both parties have the right to appeal. If the appeal has standing under the policy, an appellate panel will rule on the appeal. Written notice will be provided to the parties following the appellate panel report.

The investigation for either process will be concluded within a reasonable timeframe of the receipt of the report. Some investigations may take up to 60 days or longer, based on factors such as the complexity of the investigation. The parties will be regularly updated as to the projected timeline for completion of the investigation. Timeframes for reviewing the investigative report and providing feedback will be consistent with policy. Any extension of timeframes will be communicated to the parties.

For the Title IX Grievance Process, timeframes for hearing panels will be maintained consistent with policy with any extension communicated to the parties.

For ATSU Policy No. 90-210, appeal timelines will be consistent with policy. The parties will have the opportunity to appeal in writing within a limited time period per the approved appeal rationale. Parties will have the opportunity to respond in writing to the other party's appeal. For the Title IX Grievance Process, a decision to dismiss is appealable.

Please refer to ATSU Policy No. 90-210 for the full, authoritative description of steps, anticipated timelines, and decision-making processes. The disciplinary process described in ATSU Policy 90-210 will be prompt, fair, and impartial from the initial investigation to the final result. The policy utilizes the preponderance of evidence standard. Both the Complainant and Respondent will have the same opportunities to have an advisor of their choice present. Both parties will receive simultaneous notification in writing of the results.

The process will be conducted by officials who receive annual training on the issues related to these policy violations and how to conduct an investigation and hearing process protecting the safety of the parties while promoting accountability. The training will include definition of sexual harassment, scope of the recipient's education program or activity, impartiality, how to avoid prejudging of facts, actual and perceived conflicts of interest, bias, issues of relevance as it relates to questions and evidence (specifically as how it relates to sexual predisposition or prior sexual behavior), basic procedural rules for conducting an investigation, hearing, appeal, and an informal resolution, ability to use the technology in a live hearing, writing of investigative reports, and writing of hearing and appeals decisions.

When University investigation determines a violation of its policies has occurred, sanctions for employees may include a disciplinary warning to be added to the employee's permanent file, performance management improvement process, required counseling, probation, additional training, suspension with or without pay, loss of annual pay increase, loss of oversight or supervisory responsibility, demotion, dismissal, and other context appropriate sanctions. Sanctions for students may include reprimand, a disciplinary warning to be added to the student's permanent file, educational sanctions, required counseling, limitations in activities, probation, suspension, dismissal, revocation of diploma, student organizational sanctions, and other context appropriate sanctions.

Upon request, the University will disclose the results of a disciplinary proceeding for a violent crime or non-forcible sex offense (incest or statutory rape) to the next of kin, if the victim is deceased.

The University will protect the confidentiality of parties. Any publically available recordkeeping, such as the daily crime log and the Clery Act crime statistics included in annual security reports, will not include personally identifying information about the victim.

## Rights of the parties in disciplinary proceedings

During the course of the process described in the previous section, both the Complainant and Respondent are entitled to:

1. A prompt, fair, and impartial process from the initial investigation to the final result. The process should be:
  - Completed within reasonably prompt timeframes designated by University

- policy, including a process that allows for the extension of timeframes for good cause, with written notice to the parties of the delay and the reason for the delay.
- Conducted in a manner:
    - Consistent with the University’s policies and transparent to the parties.
    - Inclusive of timely notices for meetings at which either party, or both, may be present; or
    - Providing timely access for the Complainant, Respondent, and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
  - Conducted by officials who do not have a conflict of interests or bias for or against either party.
2. Proceedings conducted by officials who, at a minimum, receive annual training definition of sexual harassment, scope of the recipient’s education program or activity, impartiality, how to avoid prejudging of facts, actual or perceived conflicts of interest, bias, issues of relevance as it relates to questions and evidence (specifically as how it relates to sexual predisposition or prior sexual behavior), basic procedural rules for conducting an investigation, hearing, appeal, and an informal resolution, ability to use the technology in a live hearing, writing of investigative reports, and writing of hearing and appeals decisions.
  3. The same opportunities to have an advisor of their choice at any meeting or proceeding. The University may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
  4. Have the outcome determined by the preponderance of the evidence standard.
  5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim, and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

## Possible sanctions or protective measures

Following a final determination of responsibility of the institution’s disciplinary proceeding by a member of the University community for sexual harassment, sexual misconduct, domestic violence, dating violence, sexual assault, or stalking, ATSU may impose a sanction depending on the mitigating or aggravating circumstances involved. Sanctions for employees may include a disciplinary warning to be added to the employee’s permanent file, performance management improvement process, required counseling, probation, additional training, suspension with or without pay, loss of annual pay increase, loss of oversight or supervisory responsibility, demotion, dismissal, and other context appropriate sanctions. Sanctions for students may include a reprimand, a disciplinary warning to be added to the student’s permanent file, educational sanctions, required counseling, limitations in activities, probation, suspension, dismissal, revocation of diploma, student organizational sanctions, and other context appropriate sanctions.

In addition, ATSU can make available to the Complainant or Respondent a range of protective or supportive measures. They may include modifications to academic assignments for class schedules, housing arrangements, implementing protective or restraining orders, issuing no-contact directives, excluding a party from areas of campus, and providing security escorts.

## Sexual harassment

ATSU is committed to creating and maintaining an environment free from sexual harassment. The University works to prevent harassment and will take immediate action when allegations of sexual harassment are made. Retaliation is prohibited against an individual who has brought forward a complaint of sexual harassment and/or has taken part in an investigation as a result of a sexual harassment complaint. ATSU Policy No. No. 90-210 (Prohibition of Discrimination, Harassment, and Retaliation) may be found on the ATSU website at: [atsu.edu/prohibition-of-discrimination-harassment-and-retaliation](http://atsu.edu/prohibition-of-discrimination-harassment-and-retaliation)

## Registered sex offenders

Under provisions of the Campus Crimes Sex Prevention Act of 2000, an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Wetterling Act), any person who is required to register under a state sex offender registration program must notify the state when he or she enrolls at an institution of higher education or is employed at an institution of higher education. Sex offender registration information is to be transmitted from each state to the law enforcement entities where the registered sex offender resides.

In California, this information may be accessed at the State of California Department of Justice at 916.227.4974 or on their webpage at: <http://meganslaw.ca.gov>

## Definitions - Violence Against Women Act (VAWA)

Definitions in this section are from the Violence Against Women Act of 1994 [42 U.S.C. 13925 (a)]

**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; where the existence of such a relationship shall be determined based on a consideration of the following factors: length of the relationship, type of relationship, and frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or threats of such abuse. If the act of violence meets the definition of domestic violence (below), then the act is classified as domestic violence, rather than dating violence.

**Domestic violence** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; is cohabitating or has cohabitated with the victim as a spouse or intimate partner, shares a child in common with the victim; or commits acts against a youth or adult against an adult or youth victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

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

For the purposes of this definition –

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

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## Definitions – California state law

**Dating Violence:** The institution has determined, based on good-faith research, that California law does not define the term dating violence.

**Domestic Violence (Cal. Pen. Code §§ 242 & 243(e)(1)):** Any willful and unlawful use of force or violence against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship.

### **Stalking (Ca. Pen. Code § 646.9):**

- a. Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking.
- e. For the purposes of this section, "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.
- f. For the purposes of this section, "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."
- g. For the purposes of this section, "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of "credible threat."
- h. For purposes of this section, the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

**Sexual Assault:** The institution has determined, based on good-faith research, that California law does not define the term sexual assault.



For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under California law are as follows:

- Rape (Cal. Pen. Code § 261):
  - a. Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:
    1. Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.
    2. Where it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
    3. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
    4. Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions:
      - a. Was unconscious or asleep.
      - b. Was not aware, knowing, perceiving, or cognizant that the act occurred.
      - c. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.
      - d. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
    5. Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
    6. Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
    7. Where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.
  - b. As used in this section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.
  - c. As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.

- Fondling: The institution has determined, based on good-faith research, that California law does not define the term “fondling.”
- Incest (Cal. Pen. Code § 285): Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.
- Statutory Rape (Unlawful sexual intercourse Cal. Pen. Code § 261.5(a)): Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

Other crimes under California law that may be classified as a “sexual assault” include the following:

- Sodomy (Cal. Pen. Code § 286(a)): Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.
- Oral copulation (Cal. Pen. Code § 288a(a)): Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person, which if committed with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

#### **Consent (as it relates to sexual activity):**

- Cal. Pen. Code § 261.6: In prosecutions in which consent is at issue, “consent” shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue.
- Cal. Pen. Code § 261.7: In prosecutions in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

## Other definitions

**Awareness programs** Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

**Bystander intervention** Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

Bystander intervention includes recognizing situations of potential harm and understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.

**Ongoing prevention and awareness campaign** Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for

addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

**Primary prevention programs** Programming initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

**Proceeding** All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or information meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

**Result** Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution.

**Risk reduction** Options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

**Unfounded crimes** An institution may withhold or subsequently remove a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime, and based on the results of this full investigation and evidence, have made a formal determination the crime report is false or baseless, and therefore, “unfounded.” Only sworn or commissioned law enforcement personnel may make this determination. The recovery of stolen property, low value of stolen property, refusal of the victim to cooperate with the prosecution, and failure to make an arrest do not “unfound” a crime report.

## Alcohol and drug abuse policies

The University encourages a wellness model for the entire institution and recognizes its responsibility to support and promote activity that prevents disease and minimizes health risks. In addition, the possession, use, and sale of illegal drugs is prohibited by federal and state drug laws and enforced by the University by all appropriate means under the law. In order to meet this standard, ATSU established the Drug and Alcohol Abuse Prevention Program (DAAPP), which consists of ATSU Policy No. [90-324](#): Drug-Free and Alcohol-Free Workplace (employees), the Drug and Alcohol Abuse Prevention (DAAP) policy section of ATSU’s Student Handbook (students) and programming designed to educate students and employees of the health risks of alcohol and drug abuse and available resources for addiction. This program complies with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989. The University’s DAAPP follows the guidelines provided by the Education Department General Administrative Regulations (EDGAR), Part 86. EDGAR, Part 86 establishes three primary areas of compliance, which include annual notification, method of distribution, and biennial review.

The University conducts a biennial review of its DAAPP to determine its effectiveness, implement changes if needed, and ensure sanctions for violations are enforced consistently. The last biennial review report was completed by the ATSU DAAPP Biennial Review Committee in January 2019.

ATSU actively supports a drug and alcohol-free campus and workplace. The University’s standard of conduct prohibits all employees from possessing, reporting to work, or working under the

influence of intoxicants (non-prescribed drugs, narcotics, alcohol, etc.) or the illegal possession, manufacture of use of drugs or alcohol in the workplace. ATSU enforces federal and state drug laws and underage drinking laws. ATSU Policy 90-324 (Drug-free and Alcohol-free Workplace) is distributed to all ATSU employees, as follows:

- All job applicants receive notification via email or posted notice at the Human Resources office of the existence of ATSU's Drug-free and Alcohol-free Workplace policy. The notice offers a copy of the document upon request;
- Newly hired employees receive an electronic version of the policy and are required to return a signed statement within thirty (30) calendar days of the employee's start date indicating they have received, read, and understood the policy;
- All employees receive biannual notification (March and October) of the policy and its specific online location via email;
- All employees participate in annual Required Employee Education which includes review of the policy. Completion is verified via the UltiPro Learning platform; and
- All employees have unhindered access to the policy on the University's website, including access to printed versions upon request.

The DAAP policy addresses drug and alcohol issues as they pertain to students. The DAAP policy may be found at [atsu.edu/daapp](https://atsu.edu/daapp) and is distributed to all ATSU students, as follows:

- All applicants to ATSU receive notification through the electronic admissions application of the existence of the DAAP policy section of the ATSU Student Handbook. The notification offers a paper copy upon request;
- All current ATSU students receive biannual notification (March and October) via email that includes a PDF attachment, the website link to the DAAP policy section of the ATSU Student Handbook, and a paper copy upon request; and
- Newly admitted students, transfer students, and students returning after a withdrawal are provided information on how to access the DAAP Policy section of the ATSU Student Handbook as part of the admission acceptance agreement, which is signed by the student.

ATSU has an employee impairment intervention protocol described in ATSU Policy 90-324, which is also available on the ATSU portal. Employee disciplinary sanctions may include a disciplinary warning to be added to the employee's permanent file, probation, suspension with or without pay, and/or termination.

The Code of Behavioral Conduct of ATSU's Student Handbook addresses the prohibition and penalties for the unlawful use, possession, or distribution of illegal drugs and alcohol by students, along with inappropriate or unprofessional use of alcohol and drugs. Violations of the Code of Behavioral Conduct may result in reprimand, probation, suspension, dismissal, and disciplinary consultation, as well as other sanctions deemed appropriate by the University.. The Student Handbook is available on ATSU's website at: [atsu.edu/studenthandbook](https://atsu.edu/studenthandbook)

The possession, use, and sale of alcohol is prohibited on the SYHealth distance site.

Programs available for persons needing assistance with drug or alcohol counseling include:

Center for Substance Abuse Treatment (searchable by city and zip code)  
<https://findtreatment.samhsa.gov/>

Alcoholics Anonymous (AA)  
[www.aa.org](https://www.aa.org)

Narcotics Anonymous (NA)  
[www.na.org](https://www.na.org)

A list of drug and alcohol counseling and treatment programs is also available in Attachment 3 of ATSU Policy [90-324](#).

ATSU students also have access to a certified on-campus counselor in Mesa, Arizona.

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## Appendix A – Clery Act

Clery Act regulations (34 CFR 668.46) define geographic categories for crime reporting as follows:

### 1. On-campus.

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

*Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other retail vendor).*

Crimes at on-campus student housing facilities are also reported as a subset of on-campus crimes (34 CFR 668.41(a)). Kirksville campus has on-campus student housing; Mesa campus does not have on-campus student housing.

### 2. Non-campus.

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

### 3. 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.*

Public property refers to property owned by a public entity, such as a city or state government.

## Appendix B – Crime Statistics

### **SYHealth distance site – San Diego, California, crime statistics**

Since this distance site did not begin receiving students until August 2020, no crime statistics are required to be reported for 2019. Crimes reported August 2020 through December 2020 and 2021 are reported below. Local law enforcement did not respond to our request for crime statistics for 2021.

<b>Offense</b>	<b>Year</b>	<b>On-campus property</b>	<b>On-campus student housing facilities</b>	<b>Public property</b>	<b>Non-campus building or property</b>
Arson	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Criminal homicide: manslaughter by negligence	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Criminal homicide: murder	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
<b>Sex offenses</b>					
Rape	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Fondling	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Incest	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Statutory rape	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Robbery	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Aggravated assault	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Burglary	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Motor vehicle theft	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0

## SYHealth distance site – San Diego, California, crime statistics (cont.)

Since this distance site did not begin receiving students until August 2020, no crime statistics are required to be reported for 2019. Crimes reported August 2020 through December 2020 and 2021 are reported below. Local law enforcement did not respond to our request for crime statistics for 2021.

Offense	Year	On-campus property	On-campus student housing facilities	Public property	Non-campus building or property
Domestic violence	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Dating violence	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Stalking	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Arrests: weapons (carrying, possessing, etc.)	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Disciplinary referrals: weapons (carrying, possessing, etc.)	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Arrests: drug abuse violations	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Disciplinary referrals: drug abuse violations	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	N/A
Arrests: liquor law violations	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0
Disciplinary referrals: liquor law violations	2019	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0
	2021	0	N/A	0	0

There were no hate crimes reported in 2020, or 2021. A hate crime is a criminal offense that manifests evidence the victim was intentionally selected because of the perpetrator's bias against the victim. The following categories of bias are to be reported under the Clery Act: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability.

No crime reports from 2020, or 2021 were determined to be "unfounded." A crime is considered unfounded only if sworn or commissioned law enforcement personnel make a formal determination that a report is false or baseless.

The SYHealth distance site does not have on-campus student housing facilities.