



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

**2019**

Annual Security  
& Fire Safety  
Report

Mesa, Arizona

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## About the Annual Security and Fire Safety 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).

The Higher Education Opportunity Act of 2008 and its accompanying regulations amend the Higher Education Act and specify new campus safety reporting requirements in the area of fire safety and fire statistics for on-campus housing. This information is included within the Fire Safety section of this annual report.

This ASR contains statistics for the three previous years concerning reported crimes that occurred 1) on campus, including student housing as a subset, 2) in certain off-campus buildings or property owned, leased, and/or controlled by ATSU, and 3) on public property adjacent to campus. It also contains statistics for fires in student housing facilities.

ATSU has two campuses. One is located in Kirksville, Missouri, and the second in Mesa, Arizona. This report is for the Kirksville, Missouri campus. In addition, ATSU-MOSDOH’s St. Louis Dental Education and Oral Health Center (St. Louis Dental Center) in St. Louis, Missouri, and the twelve A.T. Still University-School of Osteopathic Medicine in Arizona (ATSU-SOMA) distance sites meet Clery Act criteria. Separate ASRs are published for each of those sites.

This 2019 ASR includes crime statistics reported to ATSU Security, local law enforcement, and designated campus security authorities (CSAs), including but not limited to 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.

ATSU policies concerning safety, security, fire, sexual offenses, and alcohol/drug use are also found in the 2019 ASRs.

ATSU ASRs are prepared by Dawn Shaffer, compliance manager, in cooperation with local law enforcement authorities, University campus security authorities, and various other offices of the University. Questions about the 2019 ASRs may be referred to Matthew Heeren, vice president & general counsel, at [mheeren@atsu.edu](mailto:mheeren@atsu.edu), 660.626.2004, or Dawn Shaffer at [dshaffer@atsu.edu](mailto:dshaffer@atsu.edu), 660.626.2004.

## ATSU Security overview

ATSU Security (Security) exists at ATSU’s Kirksville, Missouri, and Mesa, Arizona, campuses to promote and maintain a safe and secure environment for the University community through security services, crime prevention, and education.

ATSU Security consists of a security supervisor and unarmed, uniformed security officers. While ATSU 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. ATSU Security's responsibilities are to ensure campus safety and security and to enforce rules and regulations established by ATSU policies and procedures.

Services provided by ATSU Security include:

- Report and investigation of crimes;
- Observation, correction, and reporting of safety hazards;
- 24 hours/day, 365 days/year, foot and vehicular campus patrol;
- Security checks of University facilities and property;
- Emergency and non-emergency assistance to students, employees, and visitors;
- Education and training in safety and emergency procedures;
- Escorts of University community members on campus, upon request;
- Parking enforcement; and
- Central lost and found.

## How to contact ATSU Security

5850 E. Still Circle (main building)  
Mesa, Arizona 85206

24 hours a day/seven days a week  
Dial: 480.341.9075  
or \*7 from a campus telephone

## Law enforcement & jurisdiction

Mesa Police Department stands ready to assist anyone on ATSU campuses. ATSU Security will make immediate contact with the respective police department in any emergency or matter of crime reporting and crime investigation.

Mesa Police Department  
130 N. Robson  
Mesa, Arizona 85201

911 (emergency)  
480.664.2211 (non-emergency)

See Appendix A for a campus map. ATSU has no non-campus locations owned or controlled by registered student organizations. ATSU does not have a Memorandum of Understanding (MOU) in place with local law enforcement for this location at this time.

## 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.

ATSU employees with access to the Rave Panic Button mobile app may use it to dial 911.

### Call ATSU Security

Any individual on ATSU's campus who is a victim of or who observes any criminal activity, should promptly notify ATSU Security. This will aid in providing 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 to ATSU Security.

In Mesa, Arizona, dial 480.341.9075, dial \*7 from any campus phone, or activate the blue "Emergency" phone outside on campus.

**Safety tip:** Students and employees are strongly urged to program the direct telephone number for their ATSU campus' Security into their mobile phones.

### *Tell a campus security authority*

Although the University would like all criminal incidents to be reported to law enforcement and/or ATSU Security, victims 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. 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.

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**

Beth Poppre  
Associate Vice President for Student Affairs  
480.219.6026  
[bpoppre@atsu.edu](mailto:bpoppre@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  
Director of Title IX & Training  
660.626.2113  
[titleix@atsu.edu](mailto:titleix@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 Dawn Shaffer, compliance manager, at 660.626.2004 or [dshaffer@atsu.edu](mailto:dshaffer@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](https://fraudhl.com) or through a 24-hour telephone service at 1.855.FRAUD.HL.

## 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 is available to escort University community members walking at night, upon request. 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 ATSU Security.

University facilities and grounds are patrolled by ATSU Security to make sure pathways are well-lit and egress lighting is working in hallways and stairwells. Any unsafe conditions are reported by ATSU Security to University Facilities for correction. ATSU facilities and grounds are maintained by ATSU Facilities to minimize hazardous conditions. Repairs to parking lots, sidewalks, and buildings are made as needed. A blue “Emergency” phone is located in the north

parking lot on campus, which dials directly into ATSU Security and the local law enforcement “911” system.

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. See [Appendix B](#) for more information.

## Facilities access

ATSU is a private campus, and as such, the grounds, administrative buildings, academic buildings, and student services facilities are open and accessible to the public only during regular business hours and at times when an event may be scheduled by ATSU after hours.

Only authorized personnel and students are allowed to enter University buildings after hours. Authorized personnel entering a building after hours should notify ATSU Security of his or her presence and location. ATSU Security should be notified if an unknown or suspicious person is observed on campus after hours.

Administrative, academic, and service buildings are generally secured when not in use during weekends and at night and are only unlocked during those times upon receipt by ATSU Security of a request from an authorized person. Limited exceptions to this rule permit students extended study hours in clearly defined areas. ATSU Security patrols ATSU’s campus and buildings around the clock.

## 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. 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

Art Matthews, MA, LPC  
480.219.6170  
[amattthews@atsu.edu](mailto:amattthews@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 offenses (rape, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft); 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 ATSU Security, CSAs, Mesa Police Department, and law enforcement agencies for other geographical locations.

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 C](#) for definitions of Clery Act geography. 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 2016, 2017, and 2018 are found in [Appendix D](#). ATSU posts reportable crime statistics for public access at [ope.ed.gov/security/](http://ope.ed.gov/security/). Yearly disclosures of crime statistics to students and employees occur in accordance with the “Report distribution” section of this ASR.

### Daily Crime Log

A Daily Crime Log records all criminal incidents and alleged criminal incidents reported to ATSU Security. The Daily Crime Log may be viewed at ATSU’s campus security office during regular business hours. The Daily Crime Log includes the date the crime was reported, date and time the crime occurred, nature and general location of the crime, and disposition, if known. Entries and updates to the Daily Crime Log are recorded within two business days of reporting information to ATSU Security.

### 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 2019 Annual Security Report (ASR) may be located electronically at [atsu.edu/asr-mesa](http://atsu.edu/asr-mesa). All ATSU ASRs, including the MOSDOH-St. Louis Clinic and SOMA distance sites, may be located at [www.atsu.edu/security](http://www.atsu.edu/security). ATSU distributes the ASR annually to all potential and current employees and students, as follows:

- 1) Potential and current *employees*:
  - All job applicants receive an email or posted notice at the Human Resources office of the ATSU’s ASR existence, 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 employees receive annual notification of the ASR and its online location via email;
- All employees participate in annual training, which includes review of the ASR. Training completion is verified via the Qualtrics online survey platform; and
- All employees have unhindered access to the ASR on the University's website, and printed versions upon request.

1) Potential and current *students*:

- All applicants to ATSU receive notification on the electronic application of the ASR's existence, offering a copy upon request;
- All current ATSU students receive biannual notification (March and October) via email that includes a PDF attachment and ASR website link;
- Newly admitted students, transfer students, and students returning after a withdrawal are required to submit an acknowledgement form prior to the first day of class that includes directions on how to access the ASR;
- Directions on how to access the ASR are reiterated during new student orientation; and
- Information on how to access the ASR is included in every admission acceptance contract, which is signed by the student.

Printed copies of this ASR are available by contacting:

ATSU Student Affairs ([mostudentaffairs@atsu.edu](mailto:mostudentaffairs@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 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, overhead paging and campus digital signage may be utilized in addition to email and text messages.

**Important: To receive emergency notifications and timely warnings by text message, students and employees must register online at [atsu.edu/security](https://atsu.edu/security)** (scroll down to "ATSU Emergency Notification System - RAVE"). 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.

There are two options for initiating the emergency notification procedure. One, any ATSU student, faculty, or staff who witnesses a potential emergency should immediately call 911 and, also, call ATSU Security. Two, many employees have mobile phone access to an app purchased by ATSU called Rave Panic Button. Rave Panic Button is not available to students. When pressed, Rave Panic Button simultaneously dials 911 and alerts key ATSU personnel. ATSU personnel who receive the Rave Panic Button alert include ATSU Security personnel, senior vice president-university planning, vice president for finance and administration/CFO, vice president for student affairs, director of facilities, vice president & general counsel, deans and associate deans for the campus, and the President.

The ATSU Security employee on duty will confirm with the initiator 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 ATSU Security employee on duty, alone or in consultation with the above-named administrators, 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. The ATSU Security employee on duty will initiate the Rave Alert notification system, unless issuing a notification will, in his/her professional judgment compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The notification may provide details of the threat, action that should be taken, and other relevant information.

Emergency notifications are issued by email, and by text message to those who have opted into the text messaging system. The University uses the Rave Alert messaging system. Templates for various scenarios have been prepared and pre-installed in the Rave messaging system. The templates will be modified by the ATSU Security employee 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.

In addition to the processes described above, if the "Active Shooter" button is pressed on the Rave Panic Button mobile phone app, Rave will immediately and automatically send a message to all Panic Button app users at the campus/distance site stating the Active Shooter button has been activated and giving the name of the employee, and location and time the button was pressed. The standard confirmation and alert process described above will still occur.

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 ATSU Security employee on duty.

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

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.

## 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 email to the entire University community, and may be accompanied by text message to all University community members who have opted in to the texted messaging system. 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 warnings are issued by the ATSU Security employee on duty in consultation with ATSU's president or his/her designee. Whether the University will issue 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.

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 timely warning, should be reported to ATSU Security or to a CSA by employees, students, and citizens 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 (EOP) & evacuation procedures

## Arizona campus

ATSU developed a revised Emergency Operations Plan (EOP) for the Missouri and Arizona campuses, effective July 1, 2018, 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, as confirmed by the President or his/her designee, the ATSU Security officer on duty will immediately notify the executive in charge, as designated by the President's Office. The executive in charge will activate command staff members, as appropriate, and notify the President.

The Emergency Operations Committee (EOC) is responsible for developing, maintaining, and testing the EOP on an annual basis. Emergency response and evacuation drills, both announced and unannounced, 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 security supervisor and the director of facilities. 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 may be accessed online at [sites.google.com/a/atsu.edu/atsu-kirksville-emergency-notification/home](https://sites.google.com/a/atsu.edu/atsu-kirksville-emergency-notification/home).

## 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.

### Procedures for victims

Victims 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 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 may choose to be assisted by campus authorities in notifying law enforcement authorities, if they so choose. Victims may decline to notify law enforcement, if they so choose. Community rape crisis

counselors are available to assist; contact information may be found in the “Counseling and victim support” section of this ASR.

The Mesa Police Department is located at 130 N. Robson, Mesa, Arizona 85201. Their non-emergency telephone number is 480.664.2211. 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.

In Mesa, ATSU Security may be reached by dialing 480.341.9075 or \*7 on a campus phone. Student victims may contact the associate vice president for student affairs at 480.219.6026 for assistance in contacting local authorities and in seeking counseling. Employees may contact the director of human resources at 480.219.6007.

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

**Arizona campus**

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

**Arizona campus**

Beth Poppre  
Associate Vice President for Student Affairs  
480.219.6026  
[bpoppre@atsu.edu](mailto:bpoppre@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  
Director of Title IX & Training  
660.626.2113  
[titleix@atsu.edu](mailto:titleix@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 requests them, and if they are reasonably available, regardless of whether the victim 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 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.

## Procedures for disciplinary proceedings

Following a complaint, an investigation and/or disciplinary proceedings will take place in accordance with ATSU Policy 90-210, *Prohibition of Discrimination, Harassment, and Retaliation*.

Upon receiving a report of sexual misconduct, dating violence, domestic violence, stalking, or sexual assault, the University will conduct a prompt, thorough, and impartial investigation.

Initial steps include a meeting between the investigator and the reporting party, and the implementation of reasonable interim measures, as requested. If it is determined no potential policy violations exist, the investigator will produce a report stating such conclusion. If it is determined any part of the policy may have been violated, a full investigation will be conducted. The parties will be regularly updated and timely notices of any meetings provided to both parties. Following written notice 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 will typically be concluded within ten (10) business days of the receipt of the report, but 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. Simultaneous written notice to the parties with findings, sanctions, and available appeal procedures will occur within five (5) business days of the completion of the investigation. The parties will have the right to appeal within five (5) business days of receiving the findings. The appellate panel will rule on the appeal within 15 business days of receiving a written request for appeal. Any extension beyond 15 business days will be communicated to both parties, along with an updated timeline. Written notice to the parties following the appeals process will occur within five business days of the appellate panel report.

Please refer to Policy 90-210 in Appendix E of this ASR for the full, authoritative description of steps, anticipated timelines, and decision-making processes. The disciplinary process described in Policy 90-210 will be prompt, fair, and impartial from the initial investigation to the final result. It will utilize the preponderance of evidence standard. Both the reporting party and respondent will have the same opportunities to have others present, including an advisor of their choice. Both the reporting party and respondent 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 reporting and responding party while promoting accountability. The training will include relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest.

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, probation, suspension with or without pay, and/or dismissal. Sanctions for students may include reprimand, a disciplinary warning to be added to the student's permanent file, probation, suspension, and/or dismissal.

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. Clery Act statistics disclosures will not include personally identifying information about the victim.

## Rights of the parties in disciplinary

During the course of the process described in the previous section, both the reporting and responding parties 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 reporting and responding parties of the delay and the reason for the delay.
  - Conducted in a manner:
    - Consistent with the University's policies and transparent to the reporting and responding parties.
    - Inclusive of timely notices for meetings at which the reporting and responding parties, or both, may be present; or
    - Providing timely access for the reporting party, responding party, 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 the reporting or responding parties.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to sexual misconduct, dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of reporting and responding parties while promoting accountability.
  - Training topics for these officials include relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, trauma informed interviewing and response, basic procedures including review of ATSU procedures, and avoiding actual or perceived conflicts of interest and bias. University officials have attending training programs offered by the Association of Title IX Administrators (ATIXA).
3. The same opportunities to have others present during any University disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. 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 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, probation, suspension with or without pay, and/or termination. Sanctions for students may include a reprimand, a disciplinary warning to be added to the student's permanent file, probation, suspension, and/or dismissal.

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

## Preserving evidence

ATSU strongly advocates victims 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 to file a police report, but it does help preserve evidence in the event the victim decides to file a report at a later time. Preserving evidence may be helpful in obtaining a protection order.

Victims 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 support

ATSU and the Mesa Police Department will work to assure victims have access to confidential counseling from counselors trained in sexual assault crisis intervention. ATSU has 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.

Victims may call the National Sexual Assault Hotline at 800.656.4673.

Victims also have access to the following resources:

Center for Prevention of Abuse/Violence, 602.254.6400  
Valley Crisis Center East, 480.969.2308  
Mesa Police Victim Service Unit, 480.644.4075  
Voices for Crime Victims, 602.207.2940  
Mesa Family Advocacy Center, 480.644.4075  
Maricopa County Justice Courts, 480.985.0188  
Arizona Coalition against Sexual and Domestic Violence, 602.279.2900 or 800.782.6400

## Orders of Protection

Victims may file an Order of Protection with the Maricopa County Superior Court or other applicable court.

The Maricopa County Superior Court's Order of Protection webpage may be found at:

*The Judicial Branch of Arizona, Maricopa County*  
[superiorcourt.maricopa.gov/SuperiorCourt/ProtectiveOrderCenter/oop.asp](http://superiorcourt.maricopa.gov/SuperiorCourt/ProtectiveOrderCenter/oop.asp).



A person who obtains an Order of Protection should provide a copy to ATSU Human Resources (employees) or Student Affairs (students), per the contact information contained in Policy 90-210 of this ASR. While ATSU Security officers are not commissioned police officers and do not have arrest authority, they will provide assistance and/or contact local law enforcement, as needed.

## Sexual Offense Victim Bill of Rights

In compliance with federal law, ATSU will adhere to the following Sexual Offense Victim Bill of Rights, addressing the rights of victims 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 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 have the right to choose not to notify law enforcement.
3. Victims shall be notified of counseling services available.
4. Victims 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.

## 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 90-210 (Prohibition of Discrimination, Harassment, and Retaliation) may be found in this ASR, and on the ATSU website at:

[atsu.edu/prohibition-of-discrimination-harassment-and-retaliation](https://atsu.edu/prohibition-of-discrimination-harassment-and-retaliation)

## Sexual Violence Prevention and Awareness programs

ATSU provides primary prevention and awareness programs for all incoming students and new employees, and ongoing prevention and awareness programs for all current students and employees.

ATSU primary and ongoing prevention and awareness programs are aimed at stopping dating violence, domestic violence, sexual assault, and stalking and are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness or outcome. Risk reduction strategies and safe and positive bystander intervention options are communicated to prevent the risk of dating violence, domestic violence, sexual assault, and stalking.

This ASR is included as one part of ATSU's sexual violence prevention and awareness program. The ASR contains:

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

The ASR is distributed to every student and employee by email twice yearly. The ASR is included in the information provided to new students and new employees. New students and employees are required to sign an acknowledgment stating they have received, read, and understood the ASR. All employees are expected to review the ASR annually as part of Required Employee Training.

See Appendix B for ATSU training events for students and employees in 2018 specifically focused on prevention and awareness related to dating violence, domestic violence, sexual assault, and stalking. The events are sponsored by the offices of ATSU Security, Student Affairs, Human Resources, and the Vice President & General Counsel.

## Risk reduction strategies

The following are strategies to reduce one's risk of sexual assault or harassment. This does not mean victims are to blame. 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.

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 really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don't be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
8. Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

## 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 aren't thinking clearly to avoid becoming targets of violence.
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.

## 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 Missouri, the sex offender list is maintained at the county level.

In Mesa, this information can be accessed at the Arizona Department of Safety Office at 602.223.2000 or on their webpage at: [azdps.gov/Services/Sex\\_Offender/](http://azdps.gov/Services/Sex_Offender/)

## 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** A felony or misdemeanor crime 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 cohabiting with or has cohabited with the victim under the domestic violence or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**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 – Arizona state law

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

**Domestic violence (A.R.S. § 13.3601 (A))** "Domestic violence" means any act that is a dangerous crime against children or an offense prescribed in section 13-1102 [negligent homicide], 13-1103 [manslaughter], 13-1104 [2d degree murder], 13-1105 [1<sup>st</sup> degree murder], 13-1201 [endangerment], 13-1202 [threatening or intimidation], 13-1203 [assault], 13-1204 [aggravated assault], 13-1302 [custodial interference], 13-1303 [unlawful imprisonment], 13-1304 [kidnapping], 13-1406 [sexual assault], 13-1425 [unlawful distribution of pictures depicting states of nudity or specific sexual acts], 13-1502 [criminal trespass 3<sup>rd</sup> degree], 13-1503 [criminal trespass 2<sup>nd</sup> degree], 13-1504 [criminal trespass 1<sup>st</sup> degree], 13-1602 [criminal damage] or 13-2810 [interference with judicial proceeding], section 13-2904, subsection A, paragraph 1, 2, 3 or 6 [disorderly conduct], section 13-2910, subsection A, paragraph 8 or 9 [intentional cruelty to animals], section 13-2915, subsection A, paragraph 3 [intentional interference or prevention of person making an emergency phone call] or section 13-2916 [use of electronic communication to

terrify, intimidate, threaten or harass], 13-2921 [harassment], 13-2921.01 [aggravated harassment], 13-2923 [stalking], 13-3019 [surreptitious photographing], 13-3601.02 [aggravated domestic violence] or 13-3623 [child or vulnerable adult abuse], if any of the following applies:

1. The relationship between the victim and the defendant is one of marriage or former or of persons residing or having resided in the same household.
2. The victim and the defendant have a child in common.
3. The victim or the defendant is pregnant by the other party.
4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.
5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.
6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:
  - a) Type of relationship
  - b) Length of the relationship
  - c) Frequency of the interaction between the victim and the defendant
  - d) If the relationship has terminated, the length of time since the termination

### **Stalking (A.R.S. § 13-2923)**

A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct causes the victim to:

1. Suffer emotional distress or reasonably fear that either:
  - a) The victim's property will be damaged or destroyed
  - b) Any of the following will be physically injured:
    - i. The victim
    - ii. The victim's family member, domestic animal or livestock
    - iii. A person with whom the victim has or has previously had a romantic or sexual relationship
    - iv. A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred
2. Reasonably fear death or the death of any of the following:
  - a) The victim's family member, domestic animal or livestock
  - b) A person with whom the victim has or has previously had a romantic or sexual relationship
  - c) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred

For the purposes of this section:

1. "Course of conduct":
  - a) Means directly or indirectly, in person or through one or more third persons or by any other means, to do any of the following:

- i. Maintain visual or physical proximity to a specific person or direct verbal, written or other threats, whether express or implied, to a specific person on two or more occasions over a period of time, however short.
    - ii. Use any electronic, digital or global positioning system device to surveil a specific person or a specific person's internet or wireless activity continuously for twelve hours or more or on two or more occasions over a period of time, however short, without authorization.
    - iii. Communicate, or cause to be communicated, on more than one occasion words, images, or language by or through the use of electronic mail or an electronic communication that is directed at a specific person without authorization and without a legitimate purpose.
  - b) Does not include constitutionally protected activity or other activity authorized by law, the other person, the other person's authorized representative, or if the other person is a minor, the minor's parent or guardian.
2. "Emotional distress" means significant mental suffering or distress that may, but does not have to, require medical or other professional treatment or counseling.

### **Sexual assault**

1. **Sexual assault (A.R.S. § 13-1406(A))** A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.
2. **Violent sexual assault (A.R.S. § 1423)** A person is guilty of violent sexual assault if the offense involved the discharge, use, or threatening exhibition of a deadly weapon or dangerous instrument or involved the intentional or knowing infliction of serious physical injury, and the person has a historical prior felony conviction for a sexual offense under this chapter, or any offense committed outside this state, that if committed in this state, would constitute a sexual offense under this chapter.

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

- **Rape** The institution has determined, based on good-faith research, that Arizona law does not define the term rape.
- **Fondling** The institution has determined, based on good-faith research, that Arizona law does not define the term fondling.
- **Incest (A.R.S. § 13-3608)** Persons, who are eighteen or more years of age and are within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who knowingly intermarry with each other, or who knowingly commit fornication or adultery with each other, are guilty of a class 4 felony.
- **Statutory Rape** The institution has determined, based on good-faith research, that Arizona law does not define the term statutory rape.

Other crimes under Arizona law that may be classified as a "sexual assault" include the following:

- **Sexual abuse (A.R.S. § 13-1404)**
  - A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast.

- It is not a defense to a prosecution for a violation of this section that the other person consented if the other person was fifteen, sixteen, or seventeen years of age, and the defendant was in a position of trust.
- **Sexual conduct with a minor (A.R.S. § 13-1405(A))** A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age.

**Consent (as it relates to sexual activity) (A.R.S. § 13-1401(7))** "Without consent" includes any of the following:

- a. The victim is coerced by the immediate use or threatened use of force against a person or property.
- b. The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition, and such condition is known or should have reasonably been known to the defendant. For the purposes of this subdivision, "mental defect" means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another.
- c. The victim is intentionally deceived as to the nature of the act.
- d. The victim is intentionally deceived to erroneously believe the person is the victim's spouse.

## 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 or 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:

- a. 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;
- b. 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;
- c. All employees receive annual notification of the policy and its specific online location via email;
- d. All employees participate in annual training and review of the policy. Training completion is verified via the Qualtrics online survey platform; and

- e. 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 on the electronic application of the existence of the DAAP. This notification offers a copy of the policy upon request;
- All current ATSU students receive biannual notification (March and October) via email that includes a PDF attachment and the DAAP website link;
- Newly admitted students, transfer students, and students returning after a withdrawal are required to submit an acknowledgement form prior to the first day of class that includes directions on how to access the DAAP;
- Directions on how to access the DAAP are reiterated during new student orientation; and
- Information on how to access the DAAP is included in every admission acceptance contract, 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)

In Mesa, the use of alcoholic beverages on campus must be pre-approved by the president. All state and federal laws governing the use of alcohol must be obeyed, including the prohibition of possession of alcohol by persons under 21 years of age.

A complete list of drug and alcohol counseling and treatment programs is available on the Arizona Department of Mental Health, Division of Alcohol and Drug Abuse website at [azdhs.gov/index.php](https://azdhs.gov/index.php).

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

Center for Substance Abuse Treatment  
[findtreatment.samhsa.gov/](https://findtreatment.samhsa.gov/)

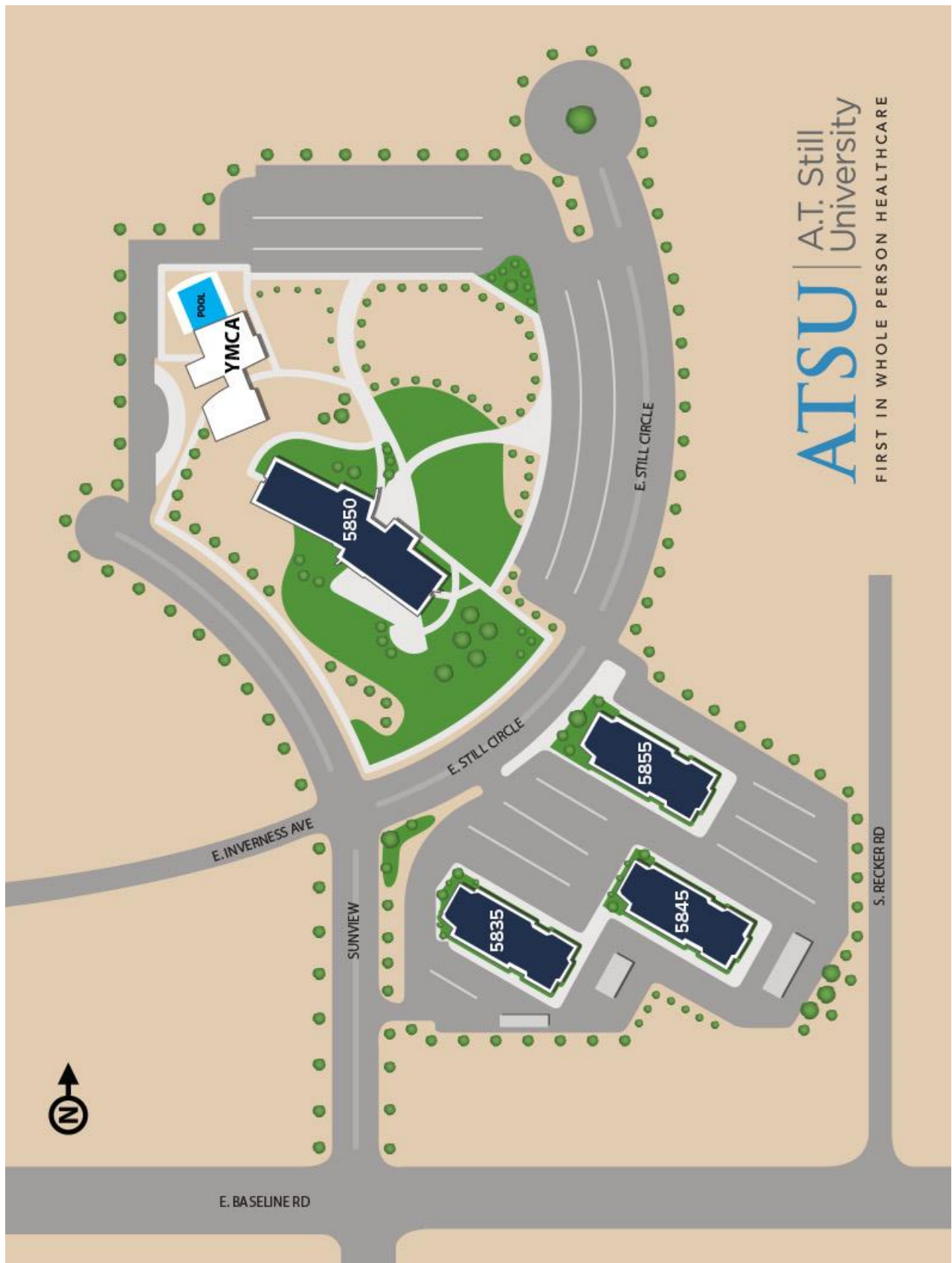
Alcoholics Anonymous (AA)  
[aa.org](https://aa.org)

Narcotics Anonymous (NA)  
[na.org](https://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 certified on-campus counselors both in Kirksville and Mesa.

## APPENDIX A



## APPENDIX B

### Sexual Violence Prevention and Education Programs

1/2018	Stalking Awareness Month – Slide show, brochures and resources on mobile cart (AZ campus)	Student Affairs	Students and employees
1/11/2018	Facebook posts on Intimate Partner Violence page	Student Affairs	Students and employees
2/2/2018	Facebook posts on Intimate Partner Violence page	Student Affairs	Students and employees
2/19-23/2018	Wellness Week – topics included were sexual violence and domestic violence (AZ campus)	Student Affairs	Students
2/22/2018	Title IX presentation at GCHS Winter Institute, “Power Imbalance” – Joe Vincent, ATSU Title IX Coordinator	Human Resources	Students and faculty
4/4/2018	Move for Mason – staffed information table with handouts on intimate partner violence (AZ campus)	Student Affairs	Students and employees
4/23/2018	Title IX presentation for transitioning KCOM students – Joe Vincent, ATSU Title IX Coordinator (MO campus)	Human Resources	Students
5/22/2018	Title IX presentation for SOMA Faculty Development, “Power Imbalance” – Joe Vincent, ATSU Title IX Coordinator (AZ campus)	Human Resources	Faculty
5/22/2018	Title IX presentation for MOSDOH transitioning students – Joe Vincent, ATSU Title IX Coordinator (MO campus)	Human Resources	Students
6/6/2018	Title IX presentation, new student orientation for ASHS PA program – Joe Vincent, ATSU Title IX Coordinator (AZ campus)	Human Resources	Students
6/6/2018	Sexual violence and domestic violence presentation for new student orientation, including spouses, partners, and families, exploring services available to spouses and partners	Student Affairs	Students
6/20/2018	Still Healthy Seminar, “Sexual Violence Prevention” – Joe Vincent, ATSU Title IX Coordinator	Human Resources	Students and employees
7/9/2018	Title IX presentation, new student orientation for ASDOH and SOMA students – Joe Vincent, ATSU Title IX Coordinator (AZ Campus)	Human Resources	Students
7/11/2018	Title IX presentation, new student orientation for ASHS students – Joe Vincent, ATSU Title IX Coordinator (AZ campus)	Human Resources	Students
7/9-13/2018	Welcome Week. New student orientation programs and information table at resource fair on local domestic violence shelters. Members of Community Alliance Against Family Abuse presented to spouses/partners orientation group. (MO campus)	Student Affairs	Students
7/13/2018	Title IX presentation, new student orientation for KCOM and MOSDOH students – Joe Vincent, ATSU Title IX Coordinator. (MO campus)	Human Resources	Students
7/26/2018	Engagement Week Table: passive education on behavioral health and wellness, substance abuse, and intimate partner violence (AZ campus)	Student Affairs	Students and employees

9/2018	Lifestyle medicine presentation on mental health, substance abuse, and domestic violence. Promoting self-care and care for patients. (MO campus)	Student Affairs	Students
11/2018	Presentation regarding sexual assault, sexual violence; how to support patients as a physician (MO campus)	Students Affairs	Students
Ongoing	Ongoing Facebook updates posted to ATSU Counseling page and ATSU Intimate Partner Violence webpage	Students Affairs	Students and employees
Ongoing	Required Employee Training – Video on Prohibition of Discrimination, Harassment, and Retaliation	Human Resources	Employees
Ongoing	“Discrimination Harassment Assault – Prevention & Resources” brochure – provided at new employee training	Human Resources	Employees

## APPENDIX C

### CLERY ACT REPORTING GEOGRAPHY

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 one 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)). Missouri campus has on-campus student housing; Arizona 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 D CRIME STATISTICS

<b>Mesa, Arizona campus crime statistics</b>					
<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	2016	1	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Criminal homicide: manslaughter by negligence	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Criminal homicide: murder and non-negligent manslaughter	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
<b>Sex offenses</b>					
Rape	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Fondling	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Incest	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Statutory rape	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Robbery	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Aggravated assault	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Burglary	2016	0	N/A	0	1
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Motor vehicle theft	2016	1	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0

<b>Mesa, Arizona campus crime statistics (cont.)</b>					
<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>
Domestic violence	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Dating violence	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Stalking	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Arrests: weapons (Carrying, possessing, etc.)	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Disciplinary referrals: weapons (Carrying, possessing, etc.)	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Arrests: drug abuse violations	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Disciplinary referrals: drug abuse violations	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Arrests: liquor law violations	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
Disciplinary referrals: liquor law violations	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0

There were no hate crimes reported in 2016, 2017, or 2018. 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 2016, 2017, or 2018 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 Mesa, Arizona, campus does not have on-campus student housing facilities.



# APPENDIX E

*This policy contains procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault, stalking, harassment, discrimination, and retaliation.*

## Policy 90-210 Prohibition of Harassment, Discrimination, and Retaliation

### PURPOSE

The purpose of this general order is to provide an employment and learning environment at A.T. Still University of Health Sciences (“ATSU” or “the University”) free from discrimination, harassment, and retaliation. Discrimination, harassment, or retaliation by anyone—managers, administrators, supervisors, co-workers, students, or non-University personnel including clients, vendors, and suppliers—on the basis of race, color, religion, ethnicity, national origin, sex (including pregnancy), gender, sexual orientation, gender identity, age, disability, veteran status, or any other status protected by applicable law is a violation of University policy and is prohibited by the University.

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### POLICY

ATSU does not discriminate on the basis of race, color, religion, ethnicity, national origin, sex (including pregnancy), gender, sexual orientation, gender identity, age, disability, or veteran status in admission or access to, or treatment or employment in its programs and activities. Dating violence, domestic violence, sexual assault (e.g. non-consensual sexual contact/intercourse), stalking, harassment, and retaliation are forms of discrimination prohibited by ATSU.

Any person who witnesses or has knowledge of incidents of discrimination, harassment, retaliation, or any other situation prohibited by this policy, should report such information to the persons listed in this general order. All reporting parties are protected from adverse action or retaliation under the provisions of this policy and by ATSU Policy No. 10-216: Whistleblower. Good faith reports, even if erroneous, will not result in punitive action. Deliberately false and/or malicious accusations of harassment are just as serious an offense as harassment and will be subject to appropriate disciplinary action.

To report violations of ATSU’s nondiscrimination policies, request information, or for assistance filing a police report, contact the following persons:

Employees, members of the public,  
or beneficiaries should contact:

#### **Arizona Campus**

Tonya Fitch  
Director of Human Resources  
Deputy Title IX Coordinator  
5850 East Still Circle  
Mesa, AZ 85206-3618  
480.219.6007  
[tfitch@atsu.edu](mailto:tfitch@atsu.edu)

#### **Missouri Campus**

Donna Brown  
Assistant Vice President of Human Resources  
Deputy Title IX Coordinator  
800 West Jefferson Street

Students should contact:

#### **Arizona Campus**

Beth Poppre  
Associate Vice President for Student Affairs  
Deputy Title IX Coordinator  
5850 E. Still Circle  
Mesa, Arizona 85206-3618  
480.219.6026  
[bpoppre@atsu.edu](mailto:bpoppre@atsu.edu)

#### **Missouri Campus**

Lori Haxton  
Vice President for Student Affairs  
Deputy Title IX Coordinator  
800 West Jefferson Street

Kirksville, Missouri 63501  
660.626.2790  
[dbrown@atsu.edu](mailto:dbrown@atsu.edu)

Kirksville, Missouri 63501  
660.626.2236  
[lhaxton@atsu.edu](mailto:lhaxton@atsu.edu)

Alternately, discrimination complaints, reports, or questions may be directed to the ATSU Title IX Coordinator:

John Gardner  
Director of Title IX & Training  
800 West Jefferson Street  
Kirksville, MO 63501  
660.626.2113  
[titleix@atsu.edu](mailto:titleix@atsu.edu)

**ATSU Campus Security** (<http://www.atsu.edu/security>)

Arizona campus:

Emergency – 911 (off-campus)  
Emergency – 911 (on-campus)  
Security Office – \*7 (on-campus)  
Non-Emergency Security – 480.341.9075  
660.349.9513

Missouri campus:

Emergency – 911 (off campus)  
Emergency – 9-911 (on-campus)  
Security Office – 33 (on-campus)  
Non-Emergency Security – 660.626.2380 /

Mesa Police Department – 480.644.2211, opt. 2 Kirksville Police Department – 660.785.6945

On-campus confidential resources are available for students through:

**ATSU Counseling Services** ([http://www.atsu.edu/counseling\\_services](http://www.atsu.edu/counseling_services))

Arizona campus – Art Matthews, 480.219.6170, [amatthews@atsu.edu](mailto:amatthews@atsu.edu)  
Missouri campus – Thom Van Vleck, 660.626.2424, [tvannleck@atsu.edu](mailto:tvannleck@atsu.edu)

To anonymously and confidentially report situations or behavior that compromises the University's integrity, call our 24-hour service at 1-855-FRAUD-HL or use our secure online reporting form at <http://www.fraudhl.com>. Reference our Company ID ("ATSU") when making a report.

Off-campus counseling and victim support is available through:

National Sexual Assault Hotline – 800.656.4673  
Victim Support Services, Inc. (Missouri) – 660.665.1617  
Mesa Victim Services Unit (Arizona) – 480.644.4075

Complaints regarding potential violations of Title IX, the Clery Act, or Title VII may be directed to:

**Title IX and Clery Act:**

U.S. Department of Education  
One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106  
816.268.0550  
816.268.0559 fax  
[ocr.kansascity@ed.gov](mailto:ocr.kansascity@ed.gov)

**Title VII:**

U.S. Equal Employment Opportunity Commission  
Robert A. Young Federal Building  
1222 Spruce Street, Room 8.100  
St. Louis, MO 63103  
800.669.4000  
314.539.7894 fax  
800.669.6820 TTY

**A. Anti-Harassment**

1. Prohibited conduct includes unwelcome conduct, whether verbal, non-verbal, physical, or visual, that is based on or relates to an individual's race, color, religion, ethnicity, national origin, sex (including pregnancy), gender, sexual orientation, gender identity, age, disability, veteran status, or any other status protected by applicable law, and
  - a. Has the effect of creating a hostile environment;
  - b. Has the effect of unreasonably interfering with an individual's work or student's performance;or
  - c. Otherwise adversely affects an individual's employment or education opportunities.
2. A hostile environment is any situation in which there is harassing conduct sufficiently severe, pervasive, or objectively offensive to alter the conditions of employment or limit, interfere with, or

deny educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (a reasonable person standard) viewpoint.

3. The determination of whether an environment is "hostile" will be based upon the circumstances, including:
    - a. The frequency of the conduct;
    - b. The nature and severity of the conduct;
    - c. Whether the conduct was physically threatening;
    - d. Whether the conduct was humiliating;
    - e. The effect of the conduct on the alleged victim's mental or emotional state;
    - f. Whether the conduct was directed at more than one person;
    - g. Whether the conduct arose in the context of other discriminatory conduct;
    - h. Whether the conduct unreasonably interfered with the alleged victim's educational or work performance;
    - i. Whether the statement is an utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness;
    - j. Whether the speech or conduct deserves the protections of academic freedom or the First Amendment of the U.S. Constitution.
  4. Examples of prohibited conduct include but are not limited to: jokes, epithets, slurs, insults, negative stereotyping, written or graphic material (including emails), or any threatening or intimidating acts, that denigrate or show hostility toward an individual and that relate to race, color, religion, ethnicity, national origin, sex (including pregnancy), gender, sexual orientation, gender identity, age, disability, veteran status, or any other status protected by applicable law.
  5. Prohibited behavior also includes any unwelcome behavior of a sexual nature such as sexual advances and propositions; requests for sexual favors; sexual jokes, comments, suggestions, or innuendo; foul or obscene gestures or language; display of foul, obscene, or offensive printed or visual material; unwelcome physical contact of a sexual nature, such as bodily contact with the breast, groin, or buttocks; patting, pinching, hugging, or brushing against another individual's body; and any other unwelcome verbal, non-verbal, physical or visual conduct of a sexual nature where:
    - a. Submission to such conduct is an explicit or implicit condition of employment or education; or
    - b. Submission to or rejection of such conduct is used as a basis for employment-related or academic-related decisions such as a promotion, discharge, performance evaluation, pay adjustment, discipline, work assignment, or any other condition of employment or career development or academic development; or
    - c. Such conduct has the effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, abusive, or offensive working or educational environment.
  6. Non-consensual sexual contact and non-consensual sexual intercourse are explicitly prohibited by this policy.
    - a. Non-consensual sexual contact is any unwelcome intentional sexual touching, however slight, with any object, by a man or woman upon a man or woman.
    - b. Non-consensual sexual intercourse is any unwelcome sexual intercourse, however slight, with any object, by a man or woman upon a man or woman, without consent and/or by force.
    - c. Consent is clear, knowing, and voluntary. It may be given by words or actions, but silence itself cannot be interpreted as consent. Consensual words or actions create mutually understood, clear permission regarding willingness to engage in sexual activity.
    - d. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation, and coercion that overcome resistance or produce consent.
    - e. Sexual activity with someone whom one knows to be, or based on the circumstances should reasonably have known to be, mentally or physically incapacitated, constitutes a violation of this policy.
  7. This policy applies universally to all University employees and students in their dealings with each other and to all University employees and students in their dealings with third parties. Any University employee or student who violates this policy will be subject to corrective action up to and including termination or dismissal. University employees or students may be disciplined, up to and including termination or dismissal, for engaging in behavior that is disrespectful, disruptive, or otherwise prohibited by this policy, regardless of whether that behavior constitutes harassment prohibited by law.
- B. Discrimination, harassment, and retaliation grievance procedures

1. Any individual who feels he/she has witnessed or experienced behavior prohibited by this policy, or who has questions, concerns, or information regarding violations of this policy, should immediately report the circumstance(s) or incident(s) to his or her supervisor or one of the contact persons described in this policy.
2. Upon receipt of a report of discrimination, harassment, or retaliation, the University will conduct a prompt, thorough, and impartial investigation, evaluating all relevant information and documentation relating to the report.
  - a. If a report is made, an ATSU investigator will meet with the reporting party to discuss the allegations and/or circumstances. The objectives of this initial meeting will be to reduce the report to writing, stop the harassment, prevent its recurrence, and take steps to remedy its effects in the interim.
  - b. If, following this meeting, it is determined no potential policy violations exist, the investigator will produce a report stating such conclusion, including all elements of the initial meeting and interim remedial steps taken.
  - c. Interim remedial steps may include course or work adjustments, no contacts orders, temporary suspension of the alleged perpetrator, or any other reasonable measure to facilitate the end and prevention of harassment.
  - d. If, after an initial meeting between an ATSU investigator and a reporting party, it is determined any part of this policy may have been violated, a full investigation will be conducted. Investigators will be appropriately trained and will not have a conflict of interest or bias against the reporting party or respondent. Such investigation will be concluded promptly, typically within ten (10) business days of the receipt of the report by the appropriate personnel. Investigations may, however, take longer based on a number of factors and variables, such as: the nature and detail of the notice received, the complexity of the investigation, and the cooperation level of the parties and witnesses. In almost all cases, investigations will be completed within sixty (60) business days, though this timeline may be extended for appropriate cause as determined by the investigator.
  - e. The parties will be regularly updated as to the projected timeline for completion of the investigation. During the process, the reporting party and respondent will be given timely notice of any meetings at which either or both may be present, and will have equal opportunity to present witnesses, provide evidence, and have others present, including an advisor of their choice. The reporting party, respondent, and appropriate officials will be given timely and equal access to information to be used during informal and formal disciplinary meetings and hearings.
  - f. Investigators use the “preponderance of evidence” (more likely than not) standard when determining whether or not there is a violation.
  - g. Simultaneous written notice to the parties describing the findings of the investigation, including determination of responsibility and sanctions, and available appeal procedures, will occur within five (5) business days of the completion of the investigation.
    1. Sanctions for employees may include a disciplinary warning to be added to the employee’s permanent file, probation, suspension with or without pay, and/or termination.
    2. Sanctions for students may include reprimand, a disciplinary warning to be added to the student’s permanent file, probation, suspension, and/or dismissal.
  - h. The parties will have the right to appeal within five (5) business days of receiving the findings. If the appeal is not timely or substantively eligible, the original findings and sanctions will stand, and the decision will be final. If the appeal has standing, the documentation will be forwarded for consideration. The party requesting the appeal must show error as the original findings and sanctions are presumed to have been decided reasonably and appropriately. The only grounds for appeal are:
    1. A procedural (or substantive) error that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures).
    2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original findings or sanctions. A summary of this new evidence and its potential impact must be included.
    3. The sanctions imposed are substantially disproportionate to those previously imposed for similar violations. Right to appeal under this provision is for the responding party only. No other party has the right to appeal sanctions.
  - i. Upon receipt of a written appeal, an appellate panel consisting of three (3) members of the ATSU Equity Grievance Pool (EGP) will be selected to rule on the appeal.
    1. EGP members are appointed by the ATSU President.

2. EGP members include the Title IX administration team, two (2) faculty members nominated by ATSU Faculty Senate, two (2) students nominated by the University Student Association, and two (2) staff members nominated by the University Staff Council.
  - j. The appellate panel will rule on the appeal within fifteen (15) business days. Any extension of time beyond fifteen (15) business days will be communicated to both parties along with an updated timeframe for the ruling.
  - k. Any sanctions imposed at the conclusion of an investigation will remain in effect during the appeals process.
  - l. In the event an appeal is upheld by the appellate panel, the panel's report will be submitted to the investigators for redetermination based on the panel's findings. Written notice to the parties describing the revised findings of the investigation, including determination of responsibility and sanctions, will occur within five (5) business days of receipt of the appellate panel report.
- C. Anti-retaliation
1. The University will not retaliate against, nor permit retaliation against, any individual who opposes discrimination or harassment, makes a complaint of discrimination or harassment, and/or participates or cooperates in a discrimination or harassment investigation, proceeding, or hearing.
  2. Examples of retaliation:
    - a. After a whistleblowing incident, an employee may suddenly find herself being assigned to different duties or even moved into a different position. The new role often involves duties that are below the employee's capabilities or even demeaning in nature. The supervisor may make the new role as difficult as possible by harshly critiquing results or implementing unreasonable time constraints for completing projects. The supervisor may also limit access to resources the employee needs to complete her assigned tasks.
    - b. Employers may retaliate by excluding the employee from normal activities, attempting to create a sense of isolation. A supervisor may refuse to invite the employee to an important meeting or a social activity such as a group luncheon or outing. She may also exclude the employee from training sessions that could enhance the employee's job performance or opportunity for advancement. Exclusion can occur by relocating the employee to an area where she has little contact with other workers.
- D. Amnesty for drug/alcohol possession and consumption violations
1. ATSU strongly encourages students and employees to report potential violations of this policy. Therefore, good faith reporters to appropriate authorities regarding potential violations will not face University disciplinary action for their own drug/alcohol possession or consumption in connection with the reported incident.
  2. Amnesty for persons making a report in good faith does not include substance abuse counseling and/or rehabilitation which may be necessary for employees or students with clinical responsibilities or patient contact.

## RESPONSIBILITY

- A. The assistant vice president of human resources and the director of human resources are responsible for responding to and monitoring all complaints of discrimination, harassment, or retaliation from employees.
- B. The vice president for student affairs and the associate vice president for student affairs are responsible for responding to and monitoring all complaints of discrimination, harassment, or retaliation from students, members of the public, or beneficiaries.
- C. The Title IX coordinator is responsible for all sex- and gender-based harassment and discrimination awareness, prevention, training, monitoring, reporting, investigation, and resolution at ATSU.