



— ARKANSAS COLLEGES OF —  
**HEALTH EDUCATION**

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# 2021

Jeanne Clery

Disclosure of Campus Security Policy

Campus Crime Statistics Report

(Statistics for 2018, 2019 & 2020)

&

Annual Fire Safety Report

Prepared by the Office of Police and Security  
Arkansas Colleges of Health Education  
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## Arkansas Colleges of Health Education

### ACHE Mission Statement

To educate and train a diverse group of highly competent and compassionate health care professionals; to create health and research support facilities; and to provide healthy living environments to improve the lives of others.

### About ACHE

Arkansas Colleges of Health Education (ACHE) is a private, not-for-profit institution located on 573 acres in Fort Smith, Arkansas. ACHE's first college, the Arkansas College of Osteopathic Medicine (ARCOM) graduated its inaugural class of 145 osteopathic medical students on May 15, 2021. ACHE opened its second building, a 66,000 square foot facility that is the home to the School of Physical Therapy and the School of Occupational Therapy. ACHE School of Physical Therapy welcomed its first class in June 2021. ACHE recently announced a \$32.3 million gift to go to the renovations of the ACHE Research Institute Health & Wellness Center, as well as a variety of health and wellness programs that will take place in the 317,000 square foot facility.

ACHE is the first and only private institution in Arkansas that is dedicated solely to healthcare and wellness.

## Arkansas College of Osteopathic Medicine

### About ARCOM

The Arkansas College of Osteopathic Medicine (ARCOM) is the flagship building for the Arkansas Colleges of Health Education. ARCOM is the first in a series of projects on the ACHE campus that will seek to promote fitness and health consciousness in our community.

The Arkansas College of Osteopathic Medicine utilizes an innovative "helix" curriculum comprised of lecture, team-based, and interactive learning strategies. Each turn of the helix revisits biomedical concepts learned from the previous semester and applies this newly acquired knowledge in order to understand more complex system interactions.

ARCOM is focused on student success directed toward the development of competent, caring, and compassionate physicians who seek to serve the underserved. The entirety of the educational experience at ARCOM supports and encourages students to develop a pattern of individual responsibility and capacity for life-long learning and growth as competent, patient-centered, holistic osteopathic physicians.

### ARCOM Mission Statement

To educate and train compassionate osteopathic physicians, skilled in the science of patient-centered osteopathic medical care, dedicated to the ethical and social principles of osteopathic profession, committed to lifelong learning, and focused on service to the underserved. The mission will be accomplished at the undergraduate and graduate medical education levels through excellence in teaching, research, service, and scholarly activity.

## School of Occupational Therapy

### About the School of Occupational Therapy

The School of Occupational Therapy makes its home in the College of Health Sciences building located on the Arkansas Colleges of Health Education campus in Fort Smith, Arkansas. This state-of-the-art building features interprofessional learning spaces like the Live & Learn, Pediatric, and Neurology Labs that mirror “real world” practice. Students will enjoy all of the learning environments, the quiet study rooms, and so much more!

### School of Occupational Therapy Mission Statement

To educate highly skilled and compassionate occupational therapy professionals and to prepare them to advocate for those with limited opportunities for occupational engagement.

### School of Occupational Therapy Vision

The Arkansas Colleges of Health Education School of Occupational Therapy will be nationally and internationally recognized as a pioneer in innovative occupational therapy education and as a partner in practice and research to meet real world occupational needs.

## School of Physical Therapy

### About the School of Physical Therapy

The School of Physical Therapy is located in the College of Health Sciences building located on the Arkansas Colleges of Health Education campus in Fort Smith, Arkansas. This state-of-the-art building features beautiful lecture halls, a Splinting & Modality Lab, modern Physical Labs, a Rehabilitation Clinic, quiet study rooms, and so much more!

### School of Physical Therapy Mission Statement

To educate highly skilled and compassionate physical therapists who will exemplify through leadership, scholarship and clinical advancement, a dedication to the profession, society and the underserved.

### School of Physical Therapy Vision

The Arkansas Colleges of Health Education School of Physical Therapy will be recognized as a pioneer in innovative physical therapy education and practice by advancing the health of society through optimization of functional movement and activities.

## Clery Act

### Policy Statement

ACHE will comply with all requirements of Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Status Act (Clery ACT) and VAWA, which is a federal mandate requiring all institutions of higher education that participate in the federal student financial aid program to disclose information about crime on their campuses and in the surrounding communities. The Clery Act is enforced by the US Department of Education. Campuses that fail to comply with the act can be penalized with large fines and may be suspended from participating in the federal financial aid program.

## Application and Purpose

The purpose of this policy is to ensure ACHE's compliance with the Clery Act (Clery) and the Violence Against Women Act (VAWA) Amendments to the Clery Act. This policy sets forth guidelines and procedures intended to ensure ACHE's ongoing compliance with the Clery Act's crime and fire reporting and disclosure obligations, and its obligation to make available to the campus community and the public, campus security and safety policy statements as prescribed by the law.

## Procedures

- Pursuant to Clery and VAWA, ACHE is required, in part, to:
- Collect, compile, classify, and disclose statistics of reports of the types of crimes specified in Clery ("Clery Crimes") for its campuses, the adjacent public areas and public areas running through the campuses, remote classroom facilities and certain non-campus facilities without the inclusion of personally identifying information about the victim;
- Collect reports of Clery Crimes made to the Office of Police and Security, local law enforcement, school officials, and others associated with ACHE who have "significant responsibility for student and campus activities";
- Publish an annual report to the U.S. Department of Education with statistics of Clery Crimes for the last three years and College policy statements and procedures addressing campus security, safety, and programs to prevent dating violence, domestic violence, sexual assault and stalking (Annual Security Report);
- Submit crime statistics to the US Department of Education each fall via a web-based data collection;
- Issue timely warnings of Clery Crimes that may be an ongoing threat to the Safety of students or employees, or emergency notifications upon confirmation of a significant emergency or dangerous situation involving immediate threat to the health or safety of students or employees, so that individuals may take steps to protect themselves and to aid in the prevention of similar crimes;
- Maintain a daily crime log, available to the public, of all crimes reported to campus security without the inclusion of personally identifying information about the victim;
- Maintain a daily fire log, available to the public, of incidents occurring in on-campus student housing; and
- Conduct educational programs to promote awareness, to include primary prevention and awareness programs to prevent dating violence, domestic violence, sexual assault and stalking.

## Campus Security Authorities

- This policy applies to all ACHE personnel who have responsibility for an aspect of campus security, and offices and individuals with "significant responsibility for student and campus activities." Individuals responsible for student and campus activities and others who, as a result of their role at ACHE, may be classified as Campus Security Authorities ("CSA") under Clery and VAWA have specific crime reporting obligations under the law.
- The following is a non-exhaustive list of ACHE offices and individuals with an obligation to assist with the College's Clery compliance: Office of Police and Security; Office of Student Affairs; Human Resources; Admission Offices; Provost; Deans; Student organization faculty affiliates and advisors. ACHE's Office of Police and Security, or designee, informs individuals who are CSAs and conducts training.

## Responsibilities Under Clery

The Office of Police and Security collects and compiles statistics of Reported Crimes from CSAs and local law enforcement for ACHE's Annual Security Report. Office of Police and Security ensures that the Annual Security Report(s) are linked to the ACHE website in order to provide access to current and prospective employees and students.

The Office of Police and Security coordinates with ACHE divisions, departments, offices and individuals to identify individuals whose functions qualify as a CSA and informs the College and personnel of their Clery obligations, and the College's procedures for collecting information about Reported Crimes.

The Office of Police and Security maintains the Daily Crime Log and Fire Log.

The Office of Police and Security issues Timely Warnings and Emergency Notifications to the campus community.

The Office of Police and Security, the Office of Student Affairs and other specified individuals assist in the development of procedures for the ACHE community to follow when a VAWA related offense occurs or is alleged.

The Office of Police and Security provides the college community information concerning registered sex offenders that is available online.

The Office of Police and Security directly supports and advise appropriate college officials in developing procedures to disclose Missing Student Notification procedures pertaining to the college students residing in on-campus student housing facilities.

The Office of Police and Security ensure that required supporting records used in compiling the Annual Security Report are maintained for three years from the latest publication of the report to which they apply. Records to be kept include referrals for disciplinary action.

## Annual Security Report (ASR)

The ASR will be published and distributed by October 1st of each year.

The ASR will be provided to prospective students and prospective employees upon request. If the ASR is provided to prospective students and prospective employees by posting the report on an Internet site, the notice provided to each individual must include: the exact URL where the report is posted; a brief description of the report; and a statement that the institution will provide a paper copy of the report upon request.

Disclose crime statistics. This includes incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities including Greek housing and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement and other school officials who have "significant responsibility for student and campus activities." The Clery Act requires reporting of crimes in seven major categories, some with significant sub-categories and conditions:

1. Criminal Homicide:

a. Murder & Non-negligent manslaughter

- The willful (non-negligent) killing of one human being by another.

b. Negligent manslaughter

- The killing of another person through gross negligence, which is defined as the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.

2. Sex Offenses:

1. Forcible

- Defined as any sexual contact directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

2. Non-Forcible

- Defined as unlawful, non - forcible sexual intercourse.

3. Robbery:

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

4. Aggravated Assault:

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

5. Burglary, where:

1. There is evidence of unlawful entry (trespass), which may be either forcible or not involve force.
2. Unlawful entry must be of a structure - having four walls, a roof, and a door.
3. There is evidence that the entry was made in order to commit a felony or theft.

6. Motor Vehicle Theft:

The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.)

7. Arson:

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

Schools are also required to report statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made):

#### Liquor Law Violations:

Defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages. Does not include driving under the influence and drunkenness.

1. This involves the violation of laws or ordinances prohibiting:
  - a. Manufacture, sale, transporting, furnishing, possession of intoxicating liquor
  - b. Maintaining unlawful drinking places
  - c. Bootlegging
  - d. Operating a still
  - e. Furnishing liquor to a minor or intemperate person
  - f. Underage possession
  - g. Using a vehicle for illegal transportation of liquor
  - h. Drinking on a train or public conveyance
  - i. Attempts to commit any of the above
  - j. Drunkenness and DUI are not included in this definition

#### Drug Law Violations:

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

#### Illegal Weapons Possession:

Defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Hate crimes must be reported by category of prejudice, including race, gender, religion, sexual orientation, ethnicity, and disability. Statistics are also required for four additional crime categories if the crime committed is classified as a hate crime:

1. Larceny/Theft
  - a. The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
    - i. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
2. Simple Assault

- a. An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe lacerations, or loss of consciousness.
3. Intimidation
    - a. To unlawfully place another person in reasonable fear of bodily harm through the rise of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
  4. Destruction/Damage/Vandalism of Property
    - a. To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### Violence Against Women Reauthorization Act of 2013 (VAWA)

As of 2013, schools are also required to report statistics related to:

1. Domestic violence means a felony or misdemeanor crime of violence committed by:
  - A current or former spouse or intimate partner of the victim,
  - A person with whom the victim shares a child in common,
  - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
  - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under the VAWA],
  - 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
2. Dating violence means violence committed by a person:
  - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - The length of the relationship;
    - The type of the relationship; and
    - The frequency of interactions between the person involved in the relationship.
3. Stalking means 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.

**If you believe you are a victim of any of these situations you can and should seek out help and assistance from the following agencies:**

Contact Information:

ACHE Office of Police and Security (479) 308-2222

|                                   |                |
|-----------------------------------|----------------|
| Fort Smith Police Department      | (479) 709-5000 |
| Barling Police Department         | (479) 452-1550 |
| Sebastian County Sheriff's Office | (479) 783-1051 |

## ACHE Office of Police and Security

The ACHE Office of Police and Security is dedicated to providing professional service and protection to the students, faculty, staff and visitors of its campus. The ACHE Office of Police and Security employs full-time certified officers who are law enforcement officers of the State of Arkansas and are professionally trained and certified through the Commission on Law Enforcement Standards and Training. ACHE officers carry weapons and have full investigative and arrest authority on the campus, contiguous streets and highways, and throughout the state of Arkansas, when conducting official business of the College pursuant to A.C.A. §25-17- 305.

All ACHE officers have the authority to enforce orders of protection, no-contact orders and similar lawful orders issued by a criminal, civil, or tribal court, when necessary to protect the safety of the campus community.

All ACHE officers have the authority to ask persons for identification and to determine whether individuals have business at the college. ACHE officers have the responsibility and authority to investigate suspicious persons or circumstances on the ACHE campus. ACHE officers may issue a summons for traffic or criminal violations, which are referred to the City or County Prosecutor. The ACHE Office of Police and Security maintains a close working relationship with the Fort Smith Police Department, Barling Police Department and the Sebastian County Sheriff's Office.

## Reporting Crime and Other Emergencies

The responsibility to report crime or other emergencies lies with every member of the Arkansas Colleges of Health Education community. Students, faculty, staff, and guests should report all crimes, emergencies, or violations of college policies to the appropriate authorities. If a serious crime or emergency is witnessed or suspected, dial 9-1-1 immediately. If possible, the ACHE Office of Police and Security Office should be contacted as well at (479) 308-2222.

The Sebastian County Sheriff's Department, Fort Smith Police Department, Barling Police Department and/or ACHE officers will respond as quickly as possible to any request for assistance. Response time is based on current activity and the severity of the call. Crimes in progress have a higher priority than other types of calls. Certain crimes may also be reported to the Student Affairs Office (479) 308-2200, or to any individual designated as Campus Security Authority with whom the student is comfortable talking to about the crime. Members of the ACHE community are reminded it is important to report incidents immediately so an investigation can be conducted promptly and evidence preserved.

It is important to quickly and accurately report crime, no matter where it occurs. If a crime is not promptly reported, evidence can be lost and/or a suspect could get away. If a crime is not accurately reported, leads could be missed and an investigation could head the wrong direction. If one witnesses a crime or emergency, it should be immediately reported to the Fort Smith or Barling Police Department

and/or the ACHE Office of Police and Security. The investigation can only be as good as the information received.

ACHE campus police officers are primary responders to any emergency or criminal situation on campus. Direct radio and telephone communications with local police, fire, and emergency medical services ensures that campus officers can initiate and direct necessary emergency responders to any campus area.

## Crime Off-Campus

The ACHE Office of Police and Security maintains a working relationship with the Fort Smith and Barling Police Departments in reference to obtaining statistics for crimes that occur on the campus that may have been reported to their departments and not to the Office of Police and Security or off-campus in the vicinity of the campus. ACHE officers may respond and make proper documentation of any incident for Annual Security Report purposes.

## Crime Reporting

To report a crime, call the ACHE Office of Police and Security at (479) 308-2222, or visit the Security Office on the lower level of the ARCOM Building, Room #137. You may also contact a campus CSA to report a crime or request assistance with notifying law enforcement.

To report a life-threatening emergency to the Fort Smith Police Department or the Barling Police Department, call 9-1-1.

Criminal activity or security incidents should be reported immediately to the ACHE Office of Police and Security.

## Voluntary Confidential Reporting

If you are the victim of a crime and do not wish to pursue action within the ACHE system or the criminal justice system, you may still wish to consider making a confidential report. With your permission, a Campus Security Authority can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, ACHE can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

The ACHE Office of Police and Security encourages anyone who is the victim or witness to any crime to promptly report the incident to law enforcement or a Campus Security Authority. However, because police reports are public records under state law, law enforcement cannot hold reports of crime in confidence once an investigation is closed. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to ACHE campus security authorities as identified above. All reports submitted on a confidential or anonymous basis are evaluated for purposes of issuing a campus-wide “timely warning” as well as inclusion in the annual crime statistics.

## Alternatives to Immediately Filing a Police Report

- Report the crime at a later date to law enforcement.
- File a complaint to the Dean of Students. This type of complaint may be used for actions which include on-campus disciplinary proceedings.
- Make an anonymous report to the police.
- Make a complaint to the Title IX Coordinator.

## Daily Crime Log/Crime Notifications

The ACHE Office of Police and Security maintains a Daily Crime Log in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Members of the campus community can stay informed about criminal incidents at the Arkansas Colleges of Health Education by reading the Daily Crime Log, which is in the Office of Police and Security located in room #137 of the ARCOM Building. The Daily Crime Log and Fire Log is available any time upon request to the Office of Police and Security or during normal business hours at the main entrance reception desk of the ARCOM Building.

## Campus and Community Notification of Criminal Activity

If there are crimes occurring on the ACHE campus that will continue to endanger or affect the campus community, crime notifications/alerts will be published and posted on the campus web site, email, digital bulletin boards, text messages, Lynx Emergency Notification System and in posted print in various locations around campus. The bulletins will allow members of the campus community to know what is currently happening in order to provide better protection. Students and employees can also subscribe to Rave Alert, a free of charge text messaging and e-mail subscription service for notifying the ACHE community of emergency situations and campus closing announcements. Information about resources concerning safety and security can be obtained by contacting the ACHE Office of Police and Security by phone (479) 308-2222, or by visiting <http://acheedu.org/safety-security/>, or by e-mail at [security@acheedu.org](mailto:security@acheedu.org).

## Timely Warnings

The Office of Police and Security distributes a Timely Warning Notice in various ways dependent upon the circumstances. Timely warnings are generally issued in connection with the following crime classifications: arson, burglary, aggravated assault, criminal homicide, motor vehicle theft, robbery, hate crimes, dating violence, domestic violence, stalking and sex offenses. Timely warnings may also be issued for other crimes as deemed necessary for the safety of the ACHE Campus by the Chief of Police. Once the Office of Police and Security determines that a notice will be issued, the Dean of Students, the Chief of Police and other designees are responsible for ensuring that notices are dispatched to the ACHE campus community utilizing the most feasible method(s) possible. Typically, e-mail and/or text notices will be sent. Warning Notices by cell phones via text messages and e-mails are available. The ACHE Office of Police and Security may also post notices on electronic bulletin boards throughout buildings. In the event a serious crime occurs, the suspect remains at large and there is a potential threat to the campus community, specific messages called ACHE Alerts and Lynx Alerts will be published. ACHE Alerts and Lynx Alerts are also released for natural or manmade disasters, which could affect any significant

segment of the campus community. It should be noted that timely warnings issued by ACHE authorities will always withhold the names of victims as confidential.

## Emergency Preparedness

ACHE seeks to prepare for, prevent, respond to, and recover from emergency situations. In conjunction with local first responders, the college is prepared to respond to critical incidents. In case of any type of emergency, individuals making the discovery should move to a safe location then contact the ACHE Office of Police and Security at (479) 308-2222 and/or call 9-1-1 using a cell phone or campus phone, pull the fire alarm (in the case of a fire) or take other appropriate emergency actions. Initial civilian responders are asked to not intervene in any crime or dangerous event.

The officers of the ACHE Office of Police and Security should follow standard operating procedures while contacting additional civil authorities (Police Department, Sheriff's Department, Fire Dept., EMS, etc.) as necessary. If the emergency warrants, the officer should also communicate immediately with the Chief of Police who will assess the situation and direct the appropriate college officials to contact and summon other necessary ACHE officials and other resources required to contain and control the emergency. The ACHE Emergency Action Plan can be found at <http://acheedu.org/wp-content/uploads/2018/08/Emergency-Action-Plan-Revised-January-2018.pdf>.

## Emergency Notification

It is the policy of the Arkansas Colleges of Health Education to issue Emergency Notification Alerts (Rave & Lynx Alerts) about immediate emergencies on and around the campus. When a report of a potential emergency or dangerous situation occurs, appropriate college personnel will respond in order to assess the situation. If it is determined that an emergency or other dangerous situation involving an immediate threat to the health or safety of students or others on campus exists, immediate notification of the emergency or dangerous situation will be made to the campus community. Usually, such notification will be made by using the college's Rave and/or Lynx Alert notification system.

Notification may be accomplished using a variety of messaging methods that include text, telephone, and email. ACHE personnel authorized to issue such notifications will use their discretion to determine the specific method of notification. Upon confirmation of an emergency or dangerous situation, the Chief of Police, the Dean of Students, the President of the college, and/or their designee(s) are responsible for consulting on a case-by-case basis when information in the form of an alert is disseminated. The notification will be made without delay. Notification will only be withheld if in the professional judgment of responsible authorities, doing so would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

If the emergency information needs to be disseminated outside of the campus community, this will be accomplished utilizing various methods, which may include the college website, telephone information line, and/or by communicating with local news agencies. Campus evacuation and storm shelter information may be found in the ACHE Emergency Action Plan at <http://acheedu.org/wp-content/uploads/2018/08/Emergency-Action-Plan-Revised-January-2018.pdf>.

Evacuation route maps are posted in hallways throughout the campus buildings. A test of the Lynx Alert notification system is conducted once per month. The test is conducted through the college's information network system.

## Campus Facilities Security and Access

The Arkansas Colleges of Health Education is a private institution that allows controlled access for the general public during normal business hours. With the exception of essential personnel and as designated, access to the campus buildings, offices and facilities are locked and access permitted only with proper authorization and identification. The responsibility for securing campus buildings and offices rests primarily with the Office of Police and Security.

In order to protect the safety and welfare of students and employees of ACHE and to protect the property of ACHE, all persons on the property under the jurisdiction of ACHE, behaving in a suspicious manner will be asked to identify themselves. A person identifies himself/herself by giving their name, complete address, and stating truthfully his or her relationship with the college. A person may be asked to provide proof of identification which is subject to verification.

If any person refuses or fails to present evidence of identification or is found to have no legitimate reason to be on the campus or in the building, the person will be asked to leave and may be removed from the building or campus.

Persons who behave in a suspicious manner or are involved in suspicious activities, should be reported immediately to the Office of Police and Security.

## Identification Cards/Badges

Identification cards are required for employees, students and visitors. ID cards are issued during normal business hours in the Office of Information Systems & Technology. Employees and students must complete required paperwork and provide a form of picture identification to obtain a college ID card. ACHE issued ID badges must be worn and displayed at all times while on campus or in ACHE facilities. Badges should be worn in plain view and should not be defaced or obscured in any way. Employees and students must report any lost, found, or stolen card immediately to their supervisor and/or the Office of Police and Security. Cards cannot be duplicated or loaned to anyone. Any employee or student found in violation of this policy will be subject to disciplinary action. ID Cards must be returned upon termination of employment. Temporary visitor badges are issued at the main reception desk of campus buildings.

## ACHE Firearms and Weapons Policy

### Policy Statement

The possession, carrying, storage, or use of any handgun, firearm, or weapon is prohibited on any property owned or controlled by ACHE which is used for academic purposes, except when specifically authorized by the President or the CEO (with notification to the ACHE Chief of Police and Security) to maintain the safety and security of the ACHE students, faculty, and staff.

## Application and Purpose

ACHE is committed to providing a safe, healthy learning and working environment and to making adequate provisions for the safety and health of its students, staff, faculty, and the public and will not permit its students or employees, as well as visitors, to act in ways that may endanger themselves or others.

This policy also covers employees of ACHE while they are on duty or while they are operating ACHE vehicles/equipment. Individuals are permitted to carry mace, pepper spray and pocketknives with blades no longer than four (4) inches as long as they are stored in a pocket, purse, briefcase or other personal belongings.

## Definitions

Weapons are defined as any object, device or instrument that is designed as a weapon; or through its use is capable of threatening or producing bodily harm; or which may be used to inflict self-injury.

## Procedures and Responsibilities

ACHE reserves the right, based upon reasonable suspicion of a violation of this policy, to search an office desk and other property under the control of the visitor, student, or employee, as well as the packages, backpacks, purses, lunch boxes, briefcases, and students' or employees' vehicles parked on its premises. Individuals may also be required to remove a jacket or sweater and to turn out their pockets. Reasonable suspicion enough to justify a search may be based on a clear and reasonable belief, through observation or information provided by a reliable and credible source, that an employee is in violation of this policy. Searches of ACHE property under the control of the visitor, student, or employee are subject to being conducted without notice, once the reasonable suspicion standard has been met. Violation of this policy may result in disciplinary action, up to and including expulsion or termination.

# Alcohol, Tobacco, Drug Free Campus and Workplace Policy

## Policy Statement

ACHE will maintain a safe and healthy environment for its students and employees. This ACHE policy prohibits the use, manufacture, possession, distribution, sale, or dispensing of drugs, ("controlled substances" as defined in the Controlled Substance Act, 21 U.S.C. 812) drug paraphernalia, alcohol, or tobacco products and vapor products on ACHE property, which is used for academic purposes or during ACHE activities by its students, staff, or faculty, regardless of the type of employment. The ACHE does not condone criminal activity on its property or on property under its direct control and will take appropriate actions up to and including termination or required participation in a drug abuse assistance or rehabilitation. It is a violation of the ACHE policy to arrive or participate in work under the influence of drugs or alcohol. Violation of this policy constitutes grounds for criminal action and/or disciplinary action. ACHE will comply with the Drug Free Schools and Communities Act of 1989 and supports the requirements of the Drug Free Workplace Act of 1988.

## Application and Purpose

The ACHE expects that all faculty, staff, students, contractors, and visitors will comply.

## Procedures and Responsibilities

**Notification:** Notification of the Alcohol, Tobacco, Drug Free Campus and Workplace Policy is provided to all students, faculty and staff annually, including during initial orientation.

**Exceptions:** With the approval of the President or the CEO in advance, alcohol may be permitted for special events or circumstances.

**Random Testing:** ACHE employees and students may be required to submit to drug and/or alcohol testing on a random basis or based upon reasonable suspicion, including, but not limited to:

- Direct observation of drug or alcohol use or possession
- Physical symptoms related to the influence of drugs or alcohol
- Abnormal or erratic behavior that is disruptive or a risk to others
- Arrest or conviction of a drug or alcohol related offense on or off campus
- Documented information from a credible source submitting a complaint
- Evidence that a previous drug or alcohol test was tampered with
- Possession of drug paraphernalia or
- Self-proclamation of use of drugs

Testing, including random testing, will be done at a qualified designated laboratory site by order of the Office of Human Resources. In general, the vendor will carry a forensic certified testing program certified by the College of American Pathologists for testing.

**Screening:** Any ACHE student may be required to submit a drug and/or alcohol test in order to participate in sanctioned/authorized clinical education experiences. The student should refer to their respective college/school/program for related procedures and timelines.

**Screening Failure:** Anyone who fails an alcohol or drug test will be subject to disciplinary action. Refusal to consent to testing may result in dismissal. All testing is performed in confidence and results are held in confidence, except where it is required for long term monitoring by the State Medical Board or other licensing boards.

Federal and state laws provide additional penalties for such unlawful activities, including fines and imprisonment. Local ordinances also provide various penalties for drug and alcohol-related offenses.

ACHE may take all appropriate actions against violations, which may include but is not limited to arrest, referral for legal prosecution, or requiring the individual to participate satisfactorily in an approved alcohol, tobacco, or drug abuse assistance or rehabilitation program.

Students may receive alternate or additional sanctions for violations of drug or alcohol related offenses. A student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or

work assistance under the 1998 Amendments to the Higher Education Act of 1965 during the period beginning on the date of such conviction and ending after the interval specified in the following table:

If convicted of an offense involving:

The possession of a controlled substance:

Ineligibility period is: 1st offense - 1 year, 2nd offense - 2 years, 3rd offense – indefinite

The sale of a controlled substance:

Ineligibility period is: 1st offense - 2 years, 2nd offense - Indefinite.

Students who have a conviction may not be allowed in certain hospitals to finish their rotations and therefore may not graduate from their respective program.

**Obligations to Report:** All employees of the ACHE are required to report criminal arrests, criminal charges, criminal convictions, or other dispositions, excluding misdemeanor traffic offenses punishable only by fine. An employee who fails to report may be subject to disciplinary action, including termination. Faculty, staff, students, contractors and/or visitors are required to report violations to the appropriate personnel in the following manner.

- a. Faculty and/or staff should report violations to their employee supervisor.
- b. Students should report violations to Chief Student Affairs Officer (as designee).
- c. Visitors should report violations to an ACHE Police and/or Security Officer.
- d. Contractors should report violations to the department for whom the contractor is working or to the Director of Buildings and Grounds, as applicable.
- e. Individuals who are paid funds from federal grants or contracts funds by ACHE from federal grants or contracts must notify their supervisor of any criminal drug statute and must report any known conviction for a violation occurring in the workplace within five (5) business days after such conviction. As a matter of policy, all employees must report to their supervisor, any criminal arrests, criminal charges, criminal convictions or its equivalent or other dispositions, excluding misdemeanor traffic offenses punishable only by fine.

Upon receiving notice of an employee's conviction of a criminal drug statute occurring in the workplace, the ACHE employee is required to notify the appropriate federal contracting or granting agency within ten (10) calendar days of receiving notification of conviction. For this purpose, a conviction means a finding of guilt, including a plea of nolo contendere (no contest), or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or state criminal drug statutes. The notice must include the convicted employee's position title and grant or contract identification number. The ACHE must notify the appropriate Federal contact regardless of how it is informed of the employee's conviction (i.e., by the employee, a co-worker, the newspaper, etc.). The directors of projects receiving external funds through grants or contracts shall be responsible for notifying the funding agency (after coordination with the Chief Academic Officer/Dean and obtaining approval from the Office of the President or the CEO) within ten (10) days of receiving notice

from an employee or otherwise receiving the actual notice of an employee's drug statue conviction for a violation occurring in the workplace.

**Resources:** Employees and their families seeking resources for preventing drug and alcohol abuse as well as treatment information or tobacco cessation programs should contact the EAP (Employee Assistance Program) by calling 1-800-624-5544 or visiting the EAP website [www.ndbh.com](http://www.ndbh.com). (login code is: achedu). The EAP is available 24 hours per day, 365 days a year. Information about the service as well as additional assistance may be obtained through the Office of Human Resources.

Students seeking drug or alcohol abuse treatment information, tobacco, or vaping cessation programs should contact The Guidance Center, 3111 So. 70th Street, Fort Smith, AR at (479) 452-6650. For Emergency/After Hours call 1-800-542-1031 or contact the Mercy Clinic at 7003 Chad Colley Boulevard, Barling AR 72923, Phone: (479) 431-3500. Students may also seek assistance, treatment or prevention information by utilizing the services of the Student Assistance Program by visiting WellConnect at [wellconnectforyou.com](http://wellconnectforyou.com). (login code: ACHE) or calling 866- 640-4777. WellConnect for students is available 24 hours per day, 365 days a year.

### Penalties for Common Drug and Alcohol Related Offenses

- Public Intoxication
  - A person commits the offense of public intoxication if he or she appears in a public place manifestly under the influence of alcohol or a controlled substance to the degree and under circumstances such that the person is likely to endanger himself or herself or another person or property; or the person unreasonably annoys a person in his or her vicinity. Public intoxication is a Class "C" misdemeanor which can result in a fine up to \$100 and incarceration up to 30 days.
  - For additional information, see Arkansas Code Annotated § 5-71-212 and related statutes.
- Minor in Possession of Alcohol
  - It is unlawful for any person under 21 years of age to purchase or have in his or her possession any intoxicating liquor, wine, or beer. For the purposes of this section, intoxicating liquor, wine, or beer in the body of a person under 21 years of age is deemed to be in his or her possession. A person 18 years of age or older violating this section is guilty of a violation and upon conviction shall be subject to a fine of not less than \$100 nor more than \$500 and suspension of driver's license for 60 days.
  - For additional information, see Arkansas Code Annotated § 3-3-203 and related statutes.
- Driving While Intoxicated
  - It is unlawful for a person who is intoxicated to operate or be in actual physical control of a motorboat on the waters of this state or a motor vehicle.
  - It is unlawful for a person to operate or be in actual physical control of a motorboat on the waters of this state or a motor vehicle if at that time the alcohol concentration in the person's breath or blood was 0.08 or more based upon the definition of alcohol concentration in § 5-65-204.
  - A person who pleads guilty or nolo contendere to or is found guilty of violating §

5-65-103 shall be fined no less than \$150 and no more than \$1,000 for the first offense; no less than \$400 and no more than \$3,000 for the second offense occurring within 5 years of the first offense; and no less than \$900 and no more than \$5,000 for the third or subsequent offense occurring within 5 years of the first offense.

- A person who pleads guilty or nolo contendere to or is found guilty of violating § 5-65-103, for a first offense, is upon conviction guilty of an unclassified misdemeanor and may be imprisoned for not less than 24 hours but no more than 1 year; or 7 days but no more than one 1 year if a passenger under 16 years of age was in the motor vehicle or motorboat at the time of the offense.
- For additional information, see Arkansas Code Annotated § 5-65-103 and related statutes.
- **Possession of a Controlled Substance**
  - It is unlawful for a person to possess a controlled or counterfeit substance. Penalties for violations of this statute could be up to a \$15,000 fine and up to 40 years imprisonment, depending on the type and amount of controlled substance.
  - For additional information, see Arkansas Code Annotated § 5-64-419 and related statutes.

Federal and state laws provide additional penalties for such unlawful activities, including fines and imprisonment (21 U.S.C., 84 et seq, Ark. Code. Ann. §5-64-401). Local ordinances also provide various penalties for drug and alcohol-related offenses. A list of federal penalties for drug violations may be viewed [Drug Information | DEA.gov](#).

### Health Risks Associated with the Use of Illicit Drugs and Alcohol

The scope and impact of health risks from alcohol and drug abuse are both alarming and well-documented, ranging from mood-altering to life-threatening, with consequences that extend beyond the individual to family, organizations and society at large. There are physical, emotional, spiritual, social and occupational risks involved with the use of alcohol and drugs. Some of the physical health risks of drug use include, but are not limited to, heart problems, infections, malnutrition, convulsions, respiratory paralysis, emphysema, high blood pressure, and possible death. Drug use can also lead to legal problems, financial hardships, and social and occupational difficulties. Some of the physical risks of using alcohol are chronic addiction, blood disorders, brain damage, cirrhosis, hepatitis, heart problems, lung infection and stomach ulcers. Mentally, there may be increased stress, depression, contemplation of suicide, impaired thought process, memory loss, and increased incidents of psychosis.

Additionally, ACHE acknowledges that long-term health hazards may impact individuals who use tobacco products or who are subjected to second-hand smoke. Understanding the addictive nature of tobacco products, ACHE will make every effort to assist those who wish to stop using tobacco.

### Program Review

The Office of Student Affairs will conduct a biennial review of the College's Alcohol, Tobacco, Drug Free Campus and Workplace Policy and associated prevention programs. This review will

be conducted to determine the effectiveness of the policy, the consistency of the disciplinary sanctions and recommend needed changes, if any, to the Assistant Dean of Student Affairs.

## Safety and Crime Prevention

New employee and student safety orientations are conducted at the beginning of each academic year or first day of employment. Employees and students are briefed on emergency procedures, campus police policies and other safety programs.

The college sponsors several programs for crime prevention, which include but are not limited to:

- Safety Escort Services:
  - Students, guests and employees may use the on-duty police officer as an escort to and from their auto or buildings on campus.
- ACHE Alert (Emergency Alert Notification System):
  - Students, faculty and staff are alerted via email, text, and phone calls for weather related emergencies, school closings, breach of security, or other emergencies. At registration, students provide emergency contact information for this system.
- Active Shooter on Campus Training:
  - Students, faculty and staff are to follow the United States Department of Justice recommended “Run, Hide, Fight” response plan to an active shooter on campus. This training may be done through video, publications, and actual scenario training. See the video at <https://www.cisa.gov/options-consideration-active-shooter-preparedness-video>
- Rave Guardian Personal Safety Smartphone App:
  - Students, faculty and staff have access to the Rave Guardian Smartphone App which provides immediate access to campus notifications, a virtual campus safety escort, two-way text communication with campus police, campus phone directory and one-click emergency dial options.
- Emergency Phones:
  - Emergency phones are located throughout the ACHE campus. The emergency phones allow the caller to communicate directly with campus police officers.
- Security Cameras:
  - Security cameras are strategically located throughout the ACHE campus. The security cameras are monitored by ACHE campus police 24/7.

## ACHE Sexual Harassment and Sexual Misconduct Policy

### Policy Statement

ACHE prohibits sexual discrimination, sexual harassment, and acts of sexual assault, domestic violence and stalking committed against students, employees, visitors, and other persons who use ACHE facilities. ACHE will comply with Title IX of the Education Amendments of 1972 and its implementing regulations, and Title VII of the Civil Rights Act of 1964, which prohibit discrimination based on sex.

Title IX also prohibits retaliation for asserting claims of sex discrimination.

## Application and Purpose

In compliance with Title IX of the Education Amendments of 1972, the ACHE prohibits discrimination on the basis of sex or gender in the ACHE's programs and activities. The ACHE will respond to complaints or reports about prohibited conduct with measures designed to stop the behavior, eliminate any such gender discrimination, prevent the recurrence of the prohibited conduct, and remediate any adverse effects of such conduct on campus or in any programs or activities.

This Policy shall not be construed or applied to restrict academic freedom at the ACHE, nor shall it be construed to restrict constitutionally protected expression.

## Definitions of Prohibited Conduct

### *Sexual Misconduct Definitions under Title IX of the Educational Amendments of 1972*

The following definitions are used for purposes of this policy under *Title IX* of the Educational Amendments of 1972. The definitions provided herein will control to the extent there is a conflict with any other ACHE policy.

Sexual Harassment: Under *Title IX* of the Educational Amendments of 1972, sexual harassment is conduct on the basis of sex that satisfies one of the following:

- "Quid Pro Quo" harassment is harassment by a school employee when the employee conditions an educational benefit or service on an individual's participation in unwelcome sexual conduct.
- Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access.
- Any instance of sexual assault, dating violence, domestic violence, or stalking, as defined by the Clery Act and the Violence Against Women Act, and as defined in this policy.

Sexual harassment may be subtle or overt. Some behavior that is appropriate in a social setting is not appropriate in the workplace or in an academic environment. Regardless of the form, verbal, non-verbal, or physical sexual harassment is inherently destructive, insulting, and demeaning to the recipient and will not be tolerated at ACHE.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim and the existence of such relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from the person's acts under the domestic or family

violence laws of the jurisdiction.” (See also, United States Code Annotated, 34 U.S.C.A. § 12291(a)(8)).

Sexual Assault: An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (See also, United States Code Annotated, 20 U.S.C.A. § 1092(f)(6)(A)(v)), including:

Sex Offenses, Forcible—Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

- Forcible Rape (Except Statutory Rape): The carnal knowledge of a person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.
- Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- Sexual Assault With An Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

#### Sex Offenses, Nonforcible (Except Prostitution Offenses) - Unlawful, Nonforcible Sexual Intercourse.

- Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Stalking: Stalking is 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.

#### Other Sexual Misconduct Definitions

The following definitions are used for purposes of this policy and for misconduct that does not qualify under the *Title IX* definitions but that define conduct that may otherwise rise to the level of sexual harassment or are relevant to the determination of sexual misconduct (e.g. consent). The definitions provided herein will control to the extent there is a conflict with any other ACHE policy.

Non-Consensual Sexual Contact: Non-consensual sexual contact is any intentional sexual touching, however slight, with any object by a male or female upon a male or a female that is without consent and/or by force. Sexual Contact includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Retaliation: Action taken by an accused individual or by a third party against any person because that person has opposed any practices forbidden under this Policy or because that person has filed a complaint, testified, assisted or participated in any manner in an investigation or proceeding under this Policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment or sexual misconduct. Retaliation includes intimidating, threatening, coercing or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy.

*For purposes of this Policy, Consent is defined as follows:*

Consent: Consent is a clear, knowing and voluntary decision to engage in sexual activity.

Because consent is voluntary, it is given without coercion, force, threats, or intimidation. It is given with positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions consist of an affirmative, unambiguous, conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is revocable, meaning consent can be withdrawn at any time. Thus, consent must be ongoing throughout a sexual encounter. Once consent has been revoked, sexual activity must stop immediately.

Consent can be limited, meaning consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Use of alcohol or other drugs will never function as a defense to a violation of this Policy. Further, previous relationships or prior consent cannot imply consent to future sexual acts.

Consent cannot be given when a person is incapacitated, such as when a person is physically or mentally unable to make informed, rational judgments, or lacks the ability to understand the "who, what, when, where and how" related to the sexual activity. States of incapacitation include, but are not limited to, unconsciousness and sleep. Where alcohol or drugs are involved, incapacitation

is determined by how the alcohol or other drugs have impacted a person's decision-making capacity, awareness of consequences, and/or ability to make fully informed judgments.

In sum:

- Silence does not equal consent.
- Lack of verbal resistance does not constitute consent.
- Lack of physical resistance does not constitute consent.
- There is no consent when there is force, coercion, intimidation, threats or duress.
- Consent may be withdrawn at any time, and sexual activity must cease when consent is withdrawn unless or until additional consent is given.
- Consent to one form of sexual activity does not indicate consent to another form of sexual activity.
- A prior sexual relationship does not indicate current or future consent.
- Minors cannot give consent.
- Physically or mentally incapacitated persons cannot give consent.
- Consent may be determined by whether the accused knew, or a reasonable person should have known, that the alleged victim was incapacitated.

Sexual Exploitation: Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include, but are not limited to:

- invading sexual privacy
- prostituting another person
- non-consensual video or audiotaping of sexual activity
- going beyond the boundaries of consent (e.g., allowing others to watch consensual sex without that party's knowledge or consent)
- engaging in voyeurism
- non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the intent or effect of disparaging, embarrassing, or ostracizing an individual who is the subject of such images or information
- knowingly transmitting a Sexually Transmitted Infection (STI), such as HIV, to another without disclosing STI status
- exposing one's genitals in non-consensual circumstances or inducing another to expose his or her genitals; or
- possessing, distributing, viewing or forcing others to view illegal pornography.
- sexually based stalking and/or bullying may also be forms of sexual exploitation

Sexual Harassment: Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal, or physical contact of a sexual nature. This conduct constitutes unlawful sexual harassment when:

- Submission to this conduct is explicitly or implicitly made a term or condition of an individual's employment or academic success.
- Submission to or rejection of this conduct is used as the basis for an employment or academic decision.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance by creating an intimidating, hostile, or offensive work environment.

Other forms of harassment may include:

- Verbal: Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, implied or explicit threats, and offensive or obscene language.
- Non-Verbal: Sexually suggestive objects, graffiti, cartoons, posters, calendars, writings, pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, stalking, staring, and making obscene gestures.
- Physical: Unwanted or unwelcome physical contact, including touching, pinching, grabbing, holding, hugging, kissing, brushing the body, assault, and rape. While sexual harassment usually involves members of the opposite sex, it also includes same sex harassment (i.e., males harassing males and females harassing females).

Sexual harassment may be subtle or overt. Some behavior that is appropriate in a social setting is not appropriate in the workplace or in an academic environment. Regardless of the form, verbal, non-verbal, or physical sexual harassment is inherently destructive, insulting, and demeaning to the recipient and will not be tolerated at ACHE.

Behavior that constitutes sexual harassment, which is a form of sexual discrimination prohibited by Title IX of the Education Amendments of 1972 and Title VII of the 1964 Civil Rights Act, includes but is not limited to unwanted sexual attention, requests for sexual favors and/or other verbal or physical contact of a sexual nature which negatively affects another person.

Sexual Misconduct: Sexual misconduct includes committing any sexual act or sexual contact without consent, sexual harassment, sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, voyeurism, exhibitionism, and dating and domestic violence.

## Procedures

### General Responsibilities

1. It is the responsibility of the Title IX Coordinator to coordinate dissemination of information and education and training programs to:
  - a. assist members of the ACHE community in understanding that sex discrimination and sexual harassment are prohibited by this policy;
  - b. inform students, employees, and applicants for admission and employment of his/her contact information;
  - c. ensure that investigators are trained to respond to and investigate complaints of sex discrimination and sexual harassment;
  - d. ensure that employees and students are aware of the procedures for reporting and addressing complaints of sex discrimination and sexual harassment; and

- e. implement the Complaint Resolution Procedures, or to designate appropriate persons for implementing the Complaint Resolution Procedures.
2. Allegations of sexual misconduct and/or sexual harassment involving students will be forwarded to the Title IX Coordinator. Allegations of sexual misconduct and/or sexual harassment involving employees of ACHE, and not regarding students, must be forwarded to the Director of the Office of Human Resources.
3. It is the responsibility of administrators, deans, department chairs, and other managers (i.e., those that formally supervise other employees) to:
  - a. Inform employees under their direction or supervision of this policy
  - b. Work with the Title IX coordinator to implement education and training programs for employees and students
  - c. Implement any corrective actions that are imposed as a result of findings of a violation of this policy
4. When ACHE is made aware that a member of the ACHE community may have been subjected to or may have been affected by conduct that violates this Policy, ACHE will take prompt action including a review of the matter and, if necessary, conduct an investigation carefully taking appropriate steps to stop and remedy the discrimination or harassment. ACHE will act in accordance with its Complaint Resolution Procedures.

### Responsible Employees

ACHE has designated the following faculty and staff members as “Responsible Employees”, as defined by Title IX, who are required to report complaints to the Title IX Coordinator or other appropriate ACHE officials:

- Any employee who has the authority to take action to redress sexual violence;
  - Any employee who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or
  - Any employee whom a student could reasonably believe has this authority or duty.
1. The Responsible Employee designation applies to most ACHE employees, including, but not limited to, those with supervisory responsibilities, professors and other faculty, deans and department heads, Student Affairs personnel, ACHE Police Department personnel, and any other employee who meets any of the three elements above.
  2. Employees who hold a position not listed here should assume that he or she is a Responsible Employee and have a mandatory duty to report sexual misconduct, absent explicit instruction to the contrary from his or her supervisor. Any employee who is unsure whether he or she is a Responsible Employee should contact the Title IX Coordinator.
  3. Any Responsible Employee who fails to promptly report a matter to the Title IX Coordinator, or other appropriate ACHE official, may be subject to discipline or personal liability for failing to do so.

## Complaint Resolution Procedures

### Informal Resolution Process

In recognition that a wide spectrum of behaviors can constitute violations of ACHE policies, ACHE may resolve reports informally and appropriately, based on the circumstances. Informal resolutions generally are pursued when the complainant, having been fully informed of all available options, has explicitly and independently made that choice without input from ACHE personnel. An informal resolution process is voluntary, but both parties must agree to pursue the informal resolution process. A complainant or respondent may ask to end the informal resolution process at any time before its completion. If an informal resolution process is ended by request, any information obtained may be used in a subsequent formal resolution process and hearing. Once a complaint has been resolved through an informal resolution process, the matter will be closed.

For some limited types of alleged violations of this policy an informal resolution may include mediation. Mediation is not an appropriate option for cases involving a complaint of sexual assault and/or relationship and interpersonal violence, nor for circumstances involving severe misconduct behavior.

In all cases, the Title IX Coordinator will have discretion to determine whether or not informal resolution or mediation is appropriate to the circumstances. **The informal resolution process is not available for complaints of misconduct under this policy brought by students against employees.**

### Formal Resolution Process<sup>1</sup>

Students and employees who are found responsible for violating this policy may be subject to disciplinary action. According to the circumstances of the case, possible sanctions for students may range from education to dismissal from ACHE and, for employees, from formal reprimand up to termination of employment.

### Investigation and Adjudication Process for Title IX Complaints<sup>2</sup>.

This process pertains to alleged acts of prohibited conduct under this policy by any member of the ACHE community, when the conduct occurs in ACHE's education program or activity against a person in the United States. ACHE's education program or activity includes locations, events, or circumstances over which ACHE exercises substantial control over both the potential respondent and the context in which the sexual harassment occurred. This includes programs and activities that occur both on and off-campus, and includes any building owned or controlled by a student organization that is officially recognized by ACHE.

Both the alleged victim and the respondent may be accompanied by one advisor/support person to assist them throughout the investigation and adjudication process. It is the party's responsibility to request and obtain the services of an advisor/support person. However, if during the live hearing, the party does not have an advisor, ACHE will provide one for the party.

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<sup>1</sup> Any potential action taken by the ACHE Student Progress Committee will be stayed pending formal resolution under this Policy.

<sup>2</sup> This process will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

free of charge. The advisor will be permitted to speak on behalf of the party during the hearing including for purposes of cross-examination.

### Preliminary Investigation Process

Upon receiving a report of a possible violation of this policy, the Title IX Coordinator (and/or his or her designee) will first make an initial assessment of the reported information and to respond to any immediate health or safety concerns raised by the report. In this initial assessment, the Title IX Coordinator (and/or his or her designee) will:

- i. Assess the complainant's safety and well-being and ensure that immediate support and assistance is offered;
- ii. Inform the complainant of the right to contact law enforcement, if applicable;
- iii. Inform the complainant about ACHE and community resources, the right to seek appropriate and available supportive measures, including changes in academic or living arrangements and/or No Contact Orders, and how to request those resources and measures;
- iv. Inform the complainant of the right to file a complaint under these procedures, including the right to pursue an informal resolution;
- v. Explain the prohibition against retaliation and that ACHE will take prompt action in response to retaliation;
- vi. Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that personally identifies the complainant, the respondent, any witness, and/or any third part with knowledge of the reported incident;
- vii. Communicate with the appropriate ACHE officials to determine what additional resources and support may need to be provided (referral to Student Affairs) or whether the report triggers any Clery Act obligations, including entry of the report in the daily crime log and/or issuance of a timely warning.
- viii. Ensure that the complainant receives a written explanation of all available resources and options and is offered the opportunity to meet those resources and options. When a decision is reached to initiate an investigation or take any other action under these procedures that impacts a respondent, the Title IX Coordinator will ensure that the respondent is notified, receives a written explanation of all available resources and options, and is offered the opportunity to meet to discuss those resources and options., including but not limited to: mental health counseling services, academic or living arrangement changes, and/or No Contact Orders, and other available supportive measures.

### Initial Assessment

If the Title IX Coordinator (and/or his or her designee) determines that the report does not indicate a possible violation of this Policy, the matter will be documented and dismissed with any necessary referrals made to the appropriate ACHE officials. The Title IX Coordinator will send written notice of the dismissal and the reason for the dismissal to both parties. Both parties have the right to appeal a dismissal if one of the bases for appeal is met. If the Title IX

Coordinator (and/or designee) determines in the initial assessment, that that the report implicates a possible violation of this policy, the Title IX Coordinator (and/or his or her designee) or another appropriately trained individual will conduct an intake meeting with the complainant and/or the alleged victim (if different from the complainant).

#### Requests for Confidentiality, Investigation Not Be Pursued, or No Action Be Taken

If during the complainant/alleged victim intake, the complainant requests confidentiality or that no further action be taken and/or that no complaint be pursued, the Title IX Coordinator (and/or his or her designee) will inform the complainant retaliation is prohibited and that honoring the complainant's (or alleged victim's) request may limit the ability to fully respond to the incident. In the event the complainant (or alleged victim, if different from the complainant) stands firm on their request that no further action be taken, the Title IX Coordinator will evaluate whether the request can be honored while still providing a safe and non-discriminatory environment for all.

When the Title IX Coordinator determines that a complainant's request for confidentiality, that an investigation not be pursued, and/or no disciplinary action be taken can be honored, ACHE may still take other appropriate steps designed to eliminate the reported conduct, prevent its reoccurrence, and remedy its effects on the complainant and/or the campus community.

When the Title IX Coordinator determines that a complainant's request for confidentiality, that an investigation not be pursued, and/or that no action be taken cannot be honored, the Title IX Coordinator may initiate a formal investigation and resolution process, although ACHE's ability to investigate and respond to a report may be limited. The Title IX Coordinator will make reasonable efforts to protect the identity of the complainant. However, actions that may be required as part of the investigation will involve speaking to the respondent and others who may have relevant information, in which case the complainant's identity may have to be disclosed.

#### Filing a Formal Complaint

Upon receiving a formal written complaint, the Title IX Coordinator (and/or his or her designee) will be responsible for determining if the respondent is a person covered under this policy and whether the facts as set forth by the potential complainant, if substantiated, would constitute a violation of this policy.

The Title IX Coordinator will provide the complainant with a list of available remedies, including a list of potential sanctions against the respondent, including: probation, restriction or revocation of privileges, fines, restitution, and dismissal. If during the initial meeting, the complainant (or alleged victim, if different from the complainant) states a desire to file a formal written complaint, or if the Title IX Coordinator determines (based on the information gathered) that additional steps should be taken in the interest of providing a safe and non-discriminatory environment for all and that the matter should move forward, The Title IX Coordinator or designee will provide notice to both the complainant and the respondent that the matter has been referred to a full comprehensive investigation and identify potential violations of this policy. This notice must inform the respondent that he or she is presumed innocent throughout the grievance process, so that any finding of responsibility only comes at the conclusion of the

grievance process. After the parties have had sufficient time to review the notice and prepare, the Title IX Coordinator (and/or his or her designee) will next conduct an intake meeting with the respondent.

At the conclusion of the preliminary investigation, if the Title IX Coordinator or designee determines that a potential violation of this policy may have occurred, at their discretion, the Title IX Coordinator will request another appropriate designee for a full comprehensive investigation.

### Investigation

The Title IX Coordinator or trained investigator will provide status updates, including written notice of any investigative interviews, meetings, or hearings, to the complainant and respondent during the investigation, as appropriate or requested by either party.

The role of the investigator will be to gather additional information through interviews of the complainant, respondent, and witnesses and synthesize the information in a report that will be provided to the Title IX Hearing Officer. The investigator has the discretion to determine the relevance of any witness or evidence and may exclude information in preparing reports if the information is irrelevant, immaterial, or more prejudicial than informative. Both the complainant and respondent are permitted to provide names of potential witnesses to the investigator. The investigator will determine which of those potential witnesses, or other persons, may have relevant information.

At the conclusion of the investigation, the investigator will prepare a Draft Investigation Report summarizing the information gathered. The complainant and respondent will have an opportunity to review the Draft Investigation Report of at least 10 days and if they choose, meet with the investigator, submit additional comments and information to the investigator, and identify any additional relevant witnesses or evidence for the investigator to pursue. The investigator will designate a reasonable time for this review and responsible by the parties, which will be at least 10 days.

Unless there are significant investigative steps either requested by the parties or at the discretion of the investigator within five (5) days after receipt and consideration of any additional comments, questions, and/or information submitted by the parties, the investigator will prepare a Final Investigation Report, which will include a summary of the relevant evidence. The parties will have at least 10 days to review the Final Investigation Report before any next steps.

The complainant may request to withdraw a complaint at any time. ACHE reserves the right to approve or deny this request but will strongly consider the complainant's wishes.

### Title IX Hearing

The purpose of the Title IX Hearing is to review the information presented in the investigation report and determine if an individual or individuals violated this policy in a live-hearing format.

The ACHE President will appoint a standing pool of trained members of the ACHE community and, at the discretion of the ACHE President, trained external professionals. The Title IX Coordinator will select a Hearing Officer from this pool to oversee the hearing and make a

determination. Only individuals who have participated in in-person Title IX hearing panel training conducted by ACHE's Office of General Counsel, or comparable in-depth panel training will be permitted to serve as a Title IX Hearing Officer. Students are not permitted to serve as Hearing Officers.

The Hearing Officer is responsible for the administration of the hearing, including procedural matters and decisions leading up to the hearing, determinations about information that will be considered or not, appropriate and inappropriate lines of questioning, and overall decorum and conduct of the proceedings.

### Selection of the Hearing Officer

At the conclusion of the Comprehensive Investigation, the Title IX Investigator will provide the Final Investigation Report to the Title IX Coordinator. The Title IX Coordinator will select the Hearing Officer from the trained pool and will provide a copy of the Investigative Report to the selected Hearing Officer in advance.

Promptly after the selection of the Hearing Officer, the Title IX Coordinator or designee will provide concurrent written notice to the complainant and the respondent of the name of the Hearing Officer. The parties may challenge the participation of the Hearing Officer by submitting a written objection to the Title IX Coordinator or designee within three (3) days of receipt of the notice of the selection of the Hearing Officer. Any objection must state the specific reason(s) for the objection. Failure to submit a timely and proper objection will constitute a waiver of any right of objection to the selection of the Hearing Officer. Any changes in the selection of the Hearing Officer will be provided in writing to both parties prior to the date of the hearing.

### The Hearing Procedure

The Hearing Officer will receive the Final Investigation Report at least five (5) days in advanced of the Hearing. The Title IX Hearing Officer will hold a live hearing to determine if there is a sufficient evidence to find the respondent violated this policy by a Preponderance of the Evidence and if applicable, determine any appropriate sanction(s) under this policy.

The hearing is an opportunity for the parties to address the Title IX Hearing Officer, in person, about issues relevant to the determination of the panel. The parties may address any information in the Final Investigation Report, supplemental statements submitted in response to the Final Investigation Report, and any impact or mitigation statements.

In determining the appropriate remedy and/or sanction, the Title IX Hearing Officer will act to end the discrimination, harassment, retaliation, or sexual misconduct, prevent its recurrence and remedy its effects on the victim and/or ACHE community. Sanctions will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation(s) of any campus policy, or both. Sanctions may include, without limitation, written reprimand, conduct probation, suspension or expulsion from the ACHE, expulsion from campus housing, mandated counseling and/or other educational sanctions as deemed appropriate. Imposition of the appropriate remedy and/or sanction will be imposed only after all appeals have been exhausted.

Each party has the opportunity to be heard, to identify witnesses for the Hearing Panel's consideration, and to respond to any questions of the Hearing Panel.

A typical hearing may include a brief opening statement by the complainant and/or respondent, with follow-up questions posed by the Hearing Officer; information presented by the parties or witnesses deemed relevant by the Hearing Officer, with follow-up questions by the Hearing Officer; cross-examination of parties and witnesses by the parties' advisors with questions deemed relevant by the Hearing Officer; and brief concluding remarks by the complainant and/or respondent. The Hearing Officer has the discretion to determine the specific hearing format.

Except as compelled by law or in the interest of fairness, just resolution or health and safety considerations, disclosure of information contained in complaints, their substance, procedures and the results of investigations will be limited to the immediate parties, witnesses and other appropriate officials. Limited disclosure may also be necessary to conduct a full and impartial investigation.

Standard of Review. ACHE will apply the preponderance of the evidence standard (more likely than not) when determining whether this policy was violated.

Timing of the Hearing. A hearing will be scheduled as soon as reasonably possible, but not sooner than 10 days after the conclusion of the investigative process.

Investigator or other witnesses. The Hearing Officer may request the presence of the investigator or any other witness it deems necessary to its determination. The parties may also request the presence of any witness they deem relevant to the Hearing Officer's determination.

Advisors/Support Persons. Both the complainant and the respondent must be accompanied at the Hearing by one advisor of their choosing. The advisor may be anyone, including an attorney, who is not otherwise a party or witness. If a party does not have an advisor present at the Hearing, ACHE will provide an advisor to that party free of charge. The Hearing Officer may disallow the attendance of any support person if he/she is also a witness or if, in the discretion of the Hearing Officer, such person's presence would be disruptive or hinder the orderly conduct of the hearing or otherwise warrant removal. All support persons must agree to keep any and all information presented in the hearing confidential in order to attend. Absent accommodation for disability, the parties may not be accompanied by any other individual (other than their support person) during the hearing process except as set forth in this policy.

Failure to Appear. If any party fails to appear before the Hearing Officer if requested to do so, and such party was provided proper notice of the hearing as set forth above, then absent extenuating circumstances, the Hearing Officer will proceed to determine the resolution of the complaint. However, the Hearing Officer will exclude all of that party's or witness's statements in its determination of the resolution of the complaint.

Procedural Questions. The Hearing Officer will resolve all questions concerning procedure or the admission of evidence or testimony, including the relevancy and

reliability of the evidence and testimony. ACHE officials, including the Hearing Officer members, may seek advice from ACHE's Office of General Counsel on questions of law and procedure at any time during the process, including assistance regarding the relevancy and admissibility of information.

Evidentiary Matters. The complainant and the respondent will have an equal opportunity to present evidence during their hearing. Formal rules of evidence will not be observed during the hearings.

Prior Sexual Conduct. Evidence of the prior sexual conduct of the complainant and the respondent with others will not be permitted at the hearings, with the following exceptions:

- Evidence is offered to prove that someone other than the respondent committed the alleged sexual harassment.
- Evidence relates to sexual behavior between the complainant and the respondent and is offered to prove consent.

Cross-Examination. The parties may not directly question or cross-examine one another or any witness. The parties' advisors may directly question or cross-examine the other party or witnesses, provided the Hearing Officer deems the question(s) relevant.

Participation by Parties. Live hearings may be conducted with all parties physically present in the same geographic location or, at ACHE's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. At the request of either party, ACHE must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other. Any party may choose not to testify or appear before the Hearing Officer; however, their exercise of that option will not preclude the Hearing Officer from making a determination regarding the complaint filed against the respondent.

Record of Hearing. ACHE will provide an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

### Decision of the Hearing Officer:

Following the conclusion of the hearing, the Hearing Officer will deliberate and determine whether the evidence (including the information provided in and by the Investigative Report, the parties' written statements, if any, the evidence presented at the hearings, and the testimony of the parties and witnesses) establishes that it is more likely than not that the respondent committed a violation of this policy. If the Hearing Officer determines that it is more likely than not the respondent committed a violation of this policy, the Hearing Officer will assign sanctions.

The Hearing Officer shall consider the following facts in determining the appropriate sanction:

- A. Whether or not the circumstances suggest there is an increased risk of the respondent committing additional acts of sexual violence or other violence or whether there have been other sexual violence complaints about the same

respondent, whether the respondent has a history of violence, whether the respondent threatened further sexual violence or other violence;

- B. Whether or not the circumstances suggest there is an increased risk of future acts of sexual violence under similar circumstances;
- C. Whether or not the sexual violence was perpetrated with a weapon or had other aggravating considerations;
- D. Whether the respondent upon return to campus would be likely to pose a threat to safety and/or well-being of the complainant and/or the ACHE community generally and, if so, the nature and extent of the threat and step to effectively mitigate the impact;
- E. the Impact of the conduct on the complainant;
- F. the impact of the conduct on the ACHE community, and the need for any sanction or remedies to eliminate, prevent, or address the existence of any hostile environment caused in the ACHE community or to maintain a safe and respectful environment conducive to learning, working and living; and
- G. Any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in the case.

#### Outcome Letter:

The Hearing Officer shall notify the complainant and respondent of the outcome (including the rationale) simultaneously, within 5 days of the hearing, or as soon as possible thereafter. Any sanction will be set to take effect upon the exhaustion of the appeal eligibility period.

#### Appeal

Once the Hearing Officer has rendered a final determination of responsibility and provided the Outcome Letter to both parties, the complainant and/or the respondent may be permitted the opportunity to file a written request to appeal the Hearing Officer's decision, within five (5) business days. The parties may only appeal for one of the following reasons:

- A procedural irregularity affected the outcome of the matter.
- New evidence has been discovered that was not reasonably available at the time of the determination of responsibility.
- A conflict of interest on the part of the Title IX Coordinator, an investigator who compiled evidence, or a member of the Hearing Officer, and the conflict of interest affected the outcome.

Any appeal will be decided by the ACHE President. If either party appeals, ACHE will notify the parties in writing that the appellate process is moving forward. Both parties will have an equal opportunity to submit a written statement supporting or challenging the dismissal or the outcome of the Hearing Officer within five (5) business days of receiving the notice of the appeal.

The President will consider the parties' written statements for the appeal. After consideration, the President will send written notice of his/her decision to the parties. In all other situations, the President's decision on appeal is final.

### Complaint and Investigation Procedure for Claims of Other Employee Sexual Harassment or Sexual Misconduct.

All employees must avoid any action that might be viewed as discriminatory harassment, whether sexual harassment or other. Approval of, participation in, acquiescence in, or failure to report conduct constituting such harassment is a violation of this policy. Employees may be disciplined for behavior which is not so severe as to independently violate this policy, or constitute a form of discriminatory harassment, but which is nonetheless offensive.

ACHE employees have the responsibility to bring any form of discrimination or harassment they experience, witness, or suspect to the immediate attention of their supervisor. Individuals should not first complain to the offending person. All complaints or reports of discriminatory harassment, including sexual harassment, must be direct to the Director of Human Resources.

A prompt, thorough, and fair investigation will be conducted based on the individual's statement of what has occurred. In an effort to protect the individual who reports or complains of discrimination or harassment, to encourage prompt reporting, and to protect the accused's interest during the pendency of an investigation, access to information related to the investigation will be maintained according to a strict, "need-to-know" basis.

ACHE will retain confidential documentation of all allegations and investigations and will take appropriate correct action, including interim actions, to remedy all alleged violations of ACHE Policy.

The Director of Human resources or his/her designee will oversee the investigation into allegations of employee discrimination or harassment. Investigations will normally include conferring with the parties involved and any named or apparent witnesses. Signed statements from the parties and witnesses will be requested. ACHE will ensure that all complainants and witnesses will be protected from coercion, intimidation, retaliation, interference, or discrimination for raising a complaint or properly assisting in an administrative investigation. If after a preliminary investigation, a valid complaint of discrimination or harassment is raised, prompt and appropriate correction action, designed to stop the discrimination or harassment, remedy its effects, and prevent its recurrence will be taken. While the Director of Human Resources is in charge of the complaint and reporting procedure, he/she may submit a full disclosure of facts along with a recommendation for resolution and corrective action, if any, to the appropriate supervisor, Vice President, college dean, or the President for approval.

ACHE recognizes that false accusations of sexual or other discriminatory harassment can have serious effects on innocent individuals. Therefore, if after investigating any complaint or report, ACHE determines the complaint or report is not legitimate and/or was made in bad faith or for an improper purpose or motive or that the employee has provided false or misleading information regarding a complaint or investigation, disciplinary action up to and including termination or suspension may be taken against the individual who filed the complaint or who gave false information.

Retaliation against any complaining individual, any witness, or anyone involved in a complaint is strictly prohibited. ACHE will follow up any complaint or investigation as appropriate to ensure that no retaliation occurs. Employees should immediately report any perceived retaliation to the Director of Human Resources. Whether a particular act or incident produces a discriminatory employment or academic effect or amounts to harassment, or whether it otherwise violates this policy, requires a factual determination based on all the facts and circumstances.

ACHE trust and expects that all employees will act responsibly and maintain a pleasant, professional, and respectful working environment, free of discrimination or harassment, for all faculty, staff, and students. ACHE has a zero-tolerance policy for sexual or other discriminatory harassment. Thus, employees are subject to discipline for any inappropriate behavior.

Questions or concerns about this policy, and how it relates to employees, or the complaint and reporting procedure should be directed to the Director of Human Resources.

### Consensual Relationships

ACHE prohibits intimate relationships between a faculty member and a student whose academic work, teaching, or research is being supervised or evaluated by the faculty member. "Faculty member" refers to anyone appointed by the ACHE as a teacher, professor, instructor, researcher, or academic administrator, including graduate and undergraduate students so appointed; "intimate" is defined as sexual and/or romantic.

If an intimate relationship should exist or develop between a faculty member and a student, ACHE requires the faculty member to remove himself/herself from all supervisory, evaluative, and/or formal advisory roles with respect to the student. Failure to do so may subject the faculty member to disciplinary action.

## Bystander Intervention

Bystander intervention can play a key role in the prevention of dating, family and sexual violence. Bystanders are often in a position where they witness activities that may lead to dating violence, domestic violence or sexual violence. In these situations, intervening action by a bystander may safeguard victims from violence. Intervening action can be as simple as asking if someone needs help or reporting suspicious activity.

The ACHE Office of Police and Security provides a safe and anonymous way for a bystander to report activity or conditions that lead to violence by utilizing the "anonymous tip" function in the Rave Guardian Campus Safety smartphone application.

## Personal Safety Tips for Risk Reduction

- Use the personal safety features on the Rave Guardian Mobile Safety smartphone app.
- Always maintain situational awareness. Be aware of your surroundings.
- Be cognizant of your location, try to avoid unfamiliar, isolated areas.
- Walk with confidence and purpose, so as not to appear lost or confused.
- At unfamiliar social gatherings, go with a friend or someone you trust.

## Prevention and Awareness Program

The primary prevention and awareness program for all new students is the Student Wellness Panel during new student orientation. During this panel, students receive information on the legal requirements of Title IX, information on awareness and prevention of sexual assault, dating violence, stalking and sexual harassment.

All new employees are provided with the employee handbook, which details the college's policies on anti-harassment, sexual harassment, sexual violence and Title IX. Additionally, all new employees are also required to complete training courses on "Sexual Harassment Prevention for Employees" and "Title IX for Higher Education".

The Office of Police and Security, in conjunction with the college administration, continually reviews and modifies the college environment to enhance the overall safety and security of the campus. As an example, the location of security cameras, building access procedures, traffic flow and signage, emergency call-station locations, and campus lighting are just a few safety concerns that are constantly reviewed for effectiveness.

## CARE Team

The ACHE CARE Team is a multi-disciplinary team for the purpose of promoting and maintaining student safety and well-being across ACHE colleges. Students discovered to be in need of any assistance are referred to the appropriate resources by the CARE Team. The CARE Team serves as a resource for students and a referral source for campus community members who are concerned about any ACHE student.

## Special Guidance Concerning Complaints of Sexual Violence

If you are the victim of sexual violence, to include dating violence, domestic violence, sexual assault and stalking, do not blame yourself. Sexual violence is never the victim's fault. ACHE recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement, in addition to making a prompt complaint under ACHE policy. You also should do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Victims of sexual violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

Once a complaint of sexual violence is made, the complainant has several options such as, but not limited to:

- contacting parents or a relative
- seeking legal advice
- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- pursuing disciplinary action
- requesting that no further action be taken

For additional crime victim information and resources, see the AR Victim Rights section at <http://acheedu.org/wp-content/uploads/2018/08/ARVictimRights.pdf> and <http://acheedu.org/wp-content/uploads/2018/08/ACHE-Lauras-Card.pdf>.

## Retaliation and False Claims Policy

### Policy Statement

ACHE will protect all employees and students from retaliation and false claims. Retaliation, in any form, is prohibited. Alleged retaliation will be subject to investigation and may result in disciplinary action up to and including termination or expulsion.

Any person who knowingly makes false allegations of mistreatment, or who knowingly provides false information in a mistreatment investigation or proceeding, may be subject to disciplinary action and, in the case of students, could be considered a violation of ethical and professional standards.

### Application and Purpose

This policy applies to all ACHE faculty, staff, and students.

### Procedures

1. Reporting of Alleged Retaliation - Students are encouraged to report incidents of alleged retaliation to the Chief Student Services Officer, the appropriate program/college/school dean, or for employees the Human Resources Director.
2. These mechanisms can be used to report mistreatment by staff members of ACHE or affiliate institutions as well. If deemed appropriate, reports will be investigated by either the Chief Student Services Officer, the appropriate program/college/school dean, or the Human Resources Director.

## Campus Sex Crimes Prevention Act

The federal Campus Sex Crimes Prevention Act of 2000 was enacted on October 28, 2000 and became effective on October 28, 2002. This law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. In Arkansas, the information is available at <https://www.acic.org/> under the "Online Services" tab. This law also requires sex offenders already registered in a state to provide notice to the appropriate state agency, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student.

The Family Educational Rights and Privacy Act (FERPA) does not prohibit release of data on registered sex offenders under this law.

## Missing Student Policy

If a member of the ACHE community has reason to believe that a student is missing for 24 hours, he or she must immediately notify the Office of Police and Security at (479) 308-2222. A missing student is

defined as any currently registered student at ACHE who has not been seen by friends, family members or associates for a reasonable length of time, and whose whereabouts have been questioned and brought to the attention of a member of the College community. The Office of Police and Security will generate a missing person report and contact the Fort Smith Police Department, Barling Police Department or other appropriate police department within 24 hours to initiate a missing persons investigation. In addition, members of the ACHE community may choose to report information about missing students to other campus security authorities. Officers of the Office of Police and Security will provide all necessary assistance and information to the investigating police department.

If a student is determined to be missing for at least 24 hours by the Office of Police and Security, the Chief of Police, in coordination with the Dean of Student Affairs or their designees, will contact the student's designated emergency contact or legal guardian. Students have the option of providing emergency contact information in the Student Information System maintained by the Office of Student Affairs or the Rave Guardian system maintained by the Office of Police and Security. The emergency contact information provided by the student will remain confidential and may only be accessed by authorized campus officials. The emergency contact information may be released to law enforcement personnel in furtherance of a missing person investigation.

If a student is under 18 years of age and not emancipated, the Office of Police and Security, in coordination with the Dean of Student Affairs or their designees, will notify the custodial parent or guardian within 24 hours of the determination that the student is missing.

## Annual Crime Statistics Policy

To ensure its campus community is informed and aware of potential criminal activity or safety hazards, the Office of Police and Security strictly complies with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Higher Education Opportunity Act of 2008. The Office of Police and Security is responsible for the collection of crime statistics and production of the annual Jeanne Clery Disclosure of Campus Security Policy / Campus Crime Statistics Report and Annual Fire Safety Report. The Clery Report and Fire Safety Report is published on an annual basis, on or before October 1<sup>st</sup> of each year. The publication and dissemination of the Clery Report and Fire Safety Report is coordinated with the Office of Student Affairs to ensure the broadest dissemination and availability of the reports.

Crime and arrest statistics for the report are compiled from incident reports from the files of the Office of Police and Security, Fort Smith Police Department, and the Barling Police Department. Disciplinary referral statistics are provided by the Office of Student Affairs.

The Office of Police and Security posts incidents in the daily crime log within two business days of receiving a report of an incident, and, in accordance with Clery Act requirements, may exclude incidents from the log in certain circumstances, particularly those in which inclusion may compromise the investigation.

The Office of Police and Security will not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other non-campus official.

The Office of Police and Security may withhold or remove a reported crime from its crime statistics in the rare situation where law enforcement personnel have fully investigated the reported crime and, based on the results of the investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded”.

The Office of Police and Security will disclose the total number of crime reports that were “unfounded” and subsequently withheld from the annual Clery Report.

When compiling the statistics for the annual Clery Report, the Office of Police and Security will include statistics in accordance with the FBI’s UCR Program Summary Reporting Systems User Manual, the FBI’s UCR Program National Incident-Based Reporting System User Manual, the FBI’s UCR Program Hate Crime Data Collection Guidelines and Training Manual.

In instances where more than one crime is committed during a single incident, the Office of Police and Security will follow the requirements of the Hierarchy Rule in the “Summary Reporting Systems User Manual” from the FBI’s UCR Program. In instances where arson is committed, the Office of Police and Security will record the arson in its Clery Report annual statistics, regardless of whether or not it occurs in the same incident as another reportable crime. Additionally, where rape, fondling, incest, or statutory rape has occurred in the same incident as a murder, the Office of Police and Security will record both the sex offense and the murder in the annual Clery Report statistics.

## Clery Act Reportable Locations

### On-Campus

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area as previously defined in this section, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

### On-Campus Student Housing Facilities

Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

### Non-Campus Buildings or Property

Any building or property owned or controlled by a student organization that is officially recognized by the institution.

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

### Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.

## Arkansas Colleges of Health Education On-Campus and Non-Campus Properties

### Main Campus:

- Arkansas College of Osteopathic Medicine, 7000 Chad Colley Blvd., Fort Smith, AR
- Arkansas College of Health Sciences, 7006 Chad Colley Blvd., Fort Smith, AR

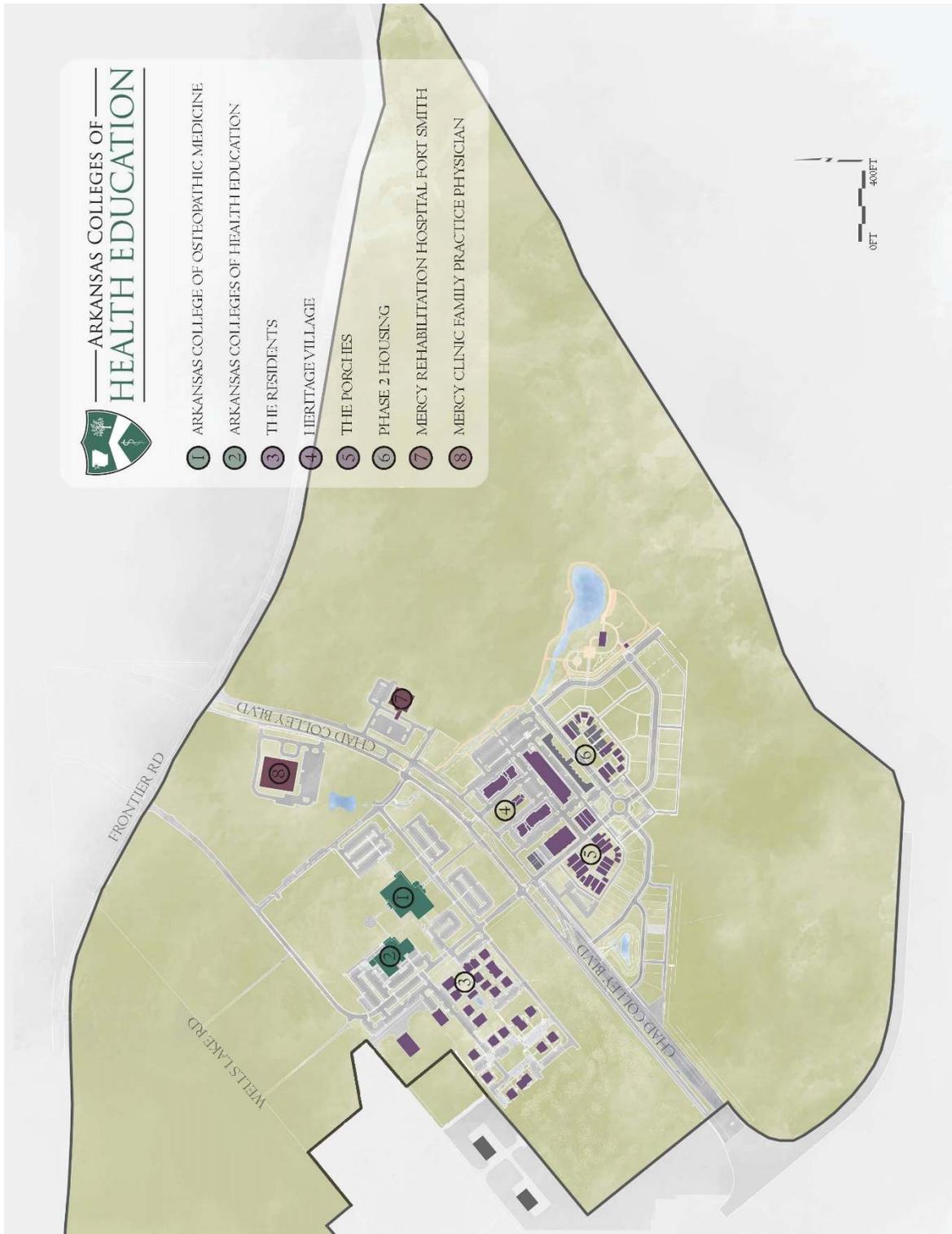
### Student Housing:

- Residents Apartments, 7010 Chad Colley Blvd., Fort Smith, AR
- Village at Heritage Apartments, 7309 Chad Colley Blvd., Barling, AR
- Village at Heritage Apartments, 7209 Chad Colley Blvd., Barling, AR

### Non-Campus:

- ACHE Research Institute Health & Wellness Center, 1000 Fianna Way, Fort Smith, AR

# ACHE Campus Map



## Clery Act Statistics

| Crimes Reported  | 2018        | 2019        | 2020        |
|--|-------------|-------------|-------------|
| <b>Location codes which should proceed the incident number(s)</b><br>OC=On Campus<br>OCH=On Campus Student Housing Facility<br>NC=Non-campus<br>NP= Non-campus Property<br>P=Public Area   |             |             |             |
| <b>Criminal Offenses</b>   |             |             |             |
| Notes:<br>#1 Also referred to as Primary Crimes<br>#2 Also referred to as Sex Offenses   |             |             |             |
| <b>Criminal Homicide #1</b><br>(these offenses are separated into 2 categories)  |             |             |             |
| • Murder   | 0           | 0           | 0           |
| • Non-Negligent Manslaughter   | 0           | 0           | 0           |
| • Manslaughter by Negligence   | 0           | 0           | 0           |
|  |             |             |             |
| <b>Sexual Assault #2</b>   |             |             |             |
| • Rape   | 0           | 0           | 0           |
| • Fondling   | 0           | 0           | 0           |
| • Incest   | 0           | 0           | 0           |
| • Statutory Rape   | 0           | 0           | 0           |
| Robbery  | 0           | 0           | 0           |
| Aggravated Assaults  | 0           | 0           | 0           |
| Burglaries   | 0           | 0           | 0           |
| Motor Vehicle Thefts   | 0           | 0           | 0           |
| Arson  | 0           | 0           | 0           |
|  |             |             |             |
| <b>Hate Crimes Reporting</b>   |             |             |             |
| Notes:<br>1. Any of the above –mentioned offenses & any of the following incidents<br>2. A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.<br>3. There are eight categories that are reportable: race, religion, sexual orientation, gender, gender identity ethnicity, national origin and disability |             |             |             |
|  | <b>2018</b> | <b>2019</b> | <b>2020</b> |
| Larceny-theft  | 0           | 0           | 0           |
| Simple Assault   | 0           | 0           | 0           |
| Intimidation   | 0           | 0           | 0           |

|  |             |             |             |
|--|-------------|-------------|-------------|
| <b>Destruction, Damage or Vandalism of Property</b>  | 0           | 0           | 0           |
| <b>Gender Identity</b>   | 0           | 0           | 0           |
| <b>Violence Against Women Act</b>  |             |             |             |
|  | <b>2018</b> | <b>2019</b> | <b>2020</b> |
| <b>Domestic Violence</b>   | 0           | 0           | 0           |
| <b>Dating Violence</b>   | 0           | 0           | 0           |
| <b>Stalking (including cyber-stalking)</b>   | 0           | 0           | 0           |
| <b>Rape &amp; Forcible Fondling</b>  | 0           | 0           | 0           |
| <b>Sex offenses - forcible</b>   | 0           | 0           | 0           |
| <b>Sex offenses - non-forcible</b>   | 0           | 0           | 0           |
| <b>Arrests and Disciplinary Referrals</b>  |             |             |             |
| <small>Note: this information also includes those individuals that were referred for campus disciplinary action for liquor law violations, drug law violations and illegal weapons possession.</small> |             |             |             |
| <b>Arrest:</b>   | <b>2018</b> | <b>2019</b> | <b>2020</b> |
| • Weapons- Carrying  | 0           | 0           | 0           |
| • Weapons Possession   | 0           | 0           | 0           |
| <b>Disciplinary Referrals:</b>   |             |             |             |
| • Weapons- Carrying  | 0           | 0           | 0           |
| • Weapons Possession   | 0           | 0           | 0           |
| <b>Arrest:</b>   |             |             |             |
| • Drug Abuse Violations  | 0           | 0           | 0           |
| <b>Disciplinary Referrals:</b>   |             |             |             |
| • Drug Abuse Violations  | 0           | 0           | 0           |
| <b>Arrest:</b>   |             |             |             |
| • Liquor Law Violations  | 0           | 0           | 0           |
| <b>Disciplinary Referrals:</b>   |             |             |             |
| • Liquor Laws Violations   | 0           | 0           | 0           |

## Annual Fire Safety Report

### Fire Safety Equipment

All student housing apartments are equipped with sprinkler systems, smoke detectors, fire extinguishers and emergency lighting for each common hallway. Tampering with fire safety equipment is against the law. It also endangers the lives of other residents. Any person who sets off a false alarm, interferes with the operation of the alarm system, damages or removes any part of the alarm/sprinkler system, fire extinguishers, or smoke detectors is subject to disciplinary action from the college, and/or criminal prosecution. If a smoke detector is detached from the wall or sprinkler head is damaged for any reason, it is the responsibility of the resident to report it immediately.

| Fire Safety Systems in Residential Facilities                                   |                  |                               |                 |                    |                                     |
|---|------------------|-------------------------------|-----------------|--------------------|-------------------------------------|
| Facility  | Sprinkler System | Supervised Fire Alarm Systems | Smoke Detection | Fire Extinguishers | # of Fire Drills Each Calendar Year |
| <b>Residents Apartments<br/>7010 Chad Colley Blvd.<br/>Fort Smith, Arkansas</b> | X                | X                             | X               | X                  | 0 In-Person<br>1 Virtual            |
| <b>Village Apartments<br/>7309 Chad Colley Blvd.<br/>Barling, Arkansas</b>      | X                | X                             | X               | X                  | 0 In-Person<br>1 Virtual            |
| <b>Village Apartments<br/>7209 Chad Colley Blvd.<br/>Barling, Arkansas</b>      | X                | X                             | X               | X                  | 0 In-Person<br>1 Virtual            |

### Fire Procedures

- If you observe a fire, call 9-1-1.
- Assist persons with disabilities.
- Extinguish the fire only if you have been trained and it is safe to do so.
- Be familiar with fire extinguisher locations.
- Follow mass notification messages.
- If the building is filled with smoke, stay low to the ground and crawl to the nearest exit. Feel any door before opening. When approaching a closed door, use the back of your hand to feel the lower, middle, and upper parts of the door (never use the palm of your hand or fingers to test for heat).
- If the door is hot, do not open. If the door is cool, open it slightly, if heat and heavy smoke are present, close it.
- If you are trapped, call 9-1-1 and report your exact location. Keep doors closed, seal cracks and vents if smoke comes into the room. Signal for help.
- If your clothing catches on fire, STOP, DROP and ROLL. Cover your face with your hands to protect your face and lungs.

- Evacuate the building using posted evacuation information and report to your designated evacuation location (listed below).
- Do not re-enter the building until authorized by emergency personnel or college administration.

### Building Evacuation

- Evacuation is mandatory when announced by alarm or emergency personnel.
- Exit the building in a calm and orderly manner.
- Evacuate using the nearest exit.
- Assist persons with disabilities.
- Take personal belongings, such as purses and briefcases, only if safe to do so.
- Follow direction given by emergency personnel or college administration.
- Occupants of the Residents (student housing) will evacuate to the dog park or basketball court.
- Occupants of the Village (student housing) will evacuate to the pavilion in the center of the complex.
- Survey evacuated personnel, report anyone believed to be missing to emergency personnel.
- Keep streets, fire lanes, hydrants, and walkways clear for emergency vehicles and crews.
- Do not re-enter the building until authorized by emergency personnel or college administration.

### Fire Drills

The purpose of the fire drill is to familiarize the residents with a swift and orderly means of exit during an emergency. Each apartment building will conduct an annual fire drill. All persons in the building are required to participate in the fire drills and evacuate the building.

### Flammable Materials, Explosives, Fireworks and Open Flames

The following is a list of items that are prohibited in student housing. This list includes, but is not limited to:

- Explosives, fireworks or dangerous/noxious chemicals
- Ammunition
- Candles or any open flame
- Halogen, lava lamps or sun lamps
- Tobacco products or electronic cigarette devices
- Hover boards or other similar devices
- Barbecue grills with open flames
- Gasoline, lighter fluid or any other highly combustible material
- Motorcycles, mopeds and any other gas or battery-operated vehicle may not be stored inside student housing.
- Only UL approved appliances with fully enclosed heating elements and/or electrical wiring are permitted.
- Only UL approved extension cords and surge protectors are permitted.

## Fire Log

The ACHE Office of Police and Security maintains a Fire Log that records, by the date an incident was reported, all fires that occur in an on-campus housing facility. The Fire Log is available for public inspection at the Office of Police and Security location in the lower floor of the ARCOM Building, room #137. The Fire Log includes the nature, date, time, and general location of each fire reported to the Fort Smith Fire Department or the Barling Fire Department. Fire incidents are posted in the Fire Log within two business days of receiving a report of a fire. The Office of Police and Security reserves the right to exclude reports from the log in certain circumstances.

| Statistics & Related Information Regarding Fires in Residential Facilities      |            |                    |                |             |               |                          |
|---|------------|--------------------|----------------|-------------|---------------|--------------------------|
| Facility  | # of Fires | Date/Time of Fires | Cause of Fires | # of Deaths | # of Injuries | Value of Property Damage |
| <b>Residents Apartments<br/>7010 Chad Colley Blvd.<br/>Fort Smith, Arkansas</b> | 0          | N/A                | N/A            | 0           | 0             | 0                        |
| <b>Village Apartments<br/>7309 Chad Colley Blvd.<br/>Barling, Arkansas</b>      | 0          | N/A                | N/A            | 0           | 0             | 0                        |
| <b>Village Apartments<br/>7209 Chad Colley Blvd.<br/>Barling, Arkansas</b>      | 0          | N/A                | N/A            | 0           | 0             | 0                        |

## Definitions

**Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Cause of fire:** The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

**Fire drill:** A supervised practice of a mandatory evacuation of a building for a fire.

**Fire-related injury:** Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

**Fire-related death:** Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or dies within one year of injuries sustained as a result of the fire.

**Fire safety system:** Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This system includes sprinkler systems or other fire

extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as alarms, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

**Value of property damage:** The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

ACHE is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. All fires (even if the fire has been extinguished) must be reported to the Office of Police and Security at (479) 308-2222.