



ANNUAL SECURITY REPORT

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Atlanta, GA 30328

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June 2023

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Campus Security and Crime Prevention Information

The Institution prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Violence Against Women Act (VAWA). This report is prepared by Institution staff from the Ombudsman, Human Resources, and Regulatory Departments. Campus crime statistics are not reported for this online-only location; data for the Institution's physical campuses can be found in the ASR for each campus.

Nothing in the law shall be construed to permit a school to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of the Clery Act.

Campus Facilities

Access is available to students 24/7 through the Learning Management System. The Institution considers the safety of students when maintaining campus facilities and utilizes a regular maintenance schedule to minimize the potential for hazardous conditions. This includes ensuring that door locks and key card readers are operational, and the building is secure from unauthorized entry. Staff who identify maintenance needs that may pose a risk to safety should contact the mailroom to open a ticket.

Security Procedures and Preventing Crime

The Institution provides programs during new student and new employee orientation designed to inform students and employees about campus security procedures and practices, and about the prevention of crimes. These programs also encourage students and employees to be responsible for their own security and the security of others. Specifically, these programs:

- Describe the campus procedures for accessing various parts of the campus using the keycard security system and encouraging safe use of the keycard (e.g., do not prop open doors, prevent "piggyback" entries, etc.);
- Encourage students and employees to report incidents and suspicious activities to managers and/or security personnel;
- Promote skills for recognizing high-risk situations and how to look out for others;
 - Avoid walking alone at night. Travel with a friend or companion.
 - Avoid parking or walking in secluded or dimly lit areas.
 - Limit alcohol consumption, and leave social function that get too loud, too crowded, or that have too many people drinking excessively.

In addition, information about sexual assault primary prevention and awareness programs can be found in the Sexual Misconduct and Sexual Harassment Policy section of this document.

Reporting a Crime

[*\(click here for contact information\)*](#)

If a student or employee is aware that a crime has been, or is being, committed on Institution property or at a Institution-sponsored or recognized event off-campus during the hours that the Institution is open, a prompt and accurate report of the crime should be made as follows:

1. As soon as possible to the Vice President's Office when the victim of a crime elects to, or is unable (physically/mentally) to, make such a report. This office is located at 2200 East Germann Road, Suite 130, Chandler, AZ 85286 or 6600 Peachtree Dunwoody Road, Atlanta, GA 30328.
2. If the crime has been committed after regular business hours, it should be reported to the front desk, CSA, or security guard.
3. If the crime has been committed when the Institution is closed, it should be reported to the Vice President's Office or the CSA as soon as possible after school is open.
4. In addition to reporting the crime to the Vice President's Office, a prompt and accurate report of the crime should be made to the appropriate law enforcement authorities.
 - a. ATLANTA: The local police department for the Institution is the Sandy Springs Police Department, 7840 Roswell Road, Suite 301 in Sandy Springs. The local Police Department may be reached at (770) 551-6900.
 - b. CHANDLER: The local police department for the Institution is the Chandler Police Department, 250 East Chicago Street, Chandler, AZ 85225. The local Police Department non-emergency number is (480) 782-4130.
 - c. In an emergency, the local Police Department may be contacted by dialing 911.

Other emergencies should also be reported to the Vice President's Office.

Regular business hours for the Institution are 8:00 am to 8:00 pm Monday through Thursday and 8:00 am to 5:00 pm on Friday.

The security personnel have authority to determine whether individuals have lawful business at the Institution and may request identification to make that determination. In addition, they have the authority to ensure that the Institution's policies, such as parking and building access, are followed. They do not, however, have arrest authority. Security services are provided by Allied Universal, a third-party contract security company, who have jurisdiction over incidents that occur within property leased by the Institution. The Institution works with state and local law enforcement agencies and refers criminal incidents to the local police department having jurisdiction over such matters. DigitalCrafts does not have a written memorandum of understanding (MOU) with state or local law enforcement agencies to investigate alleged criminal offenses.

Certain institutional employees are designated as a CSA. The CSA may include any official of the institution who has significant responsibility for student and campus activities and who has the authority and duty to take action and respond to particular issues on behalf of the institution.

The primary CSA will work with local law enforcement, as appropriate, when a crime is reported. Crimes reported to the CSAs are included in the annual campus crime statistics.

If you are the victim of or witness to a crime and do not want to pursue action through the Institution or the criminal justice system, you may still consider voluntarily making a confidential report. 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. Reports filed in this manner are included in the annual crime statistics for the Institution. Students who wish to make a confidential report of a crime can do so by contacting the Campus Security Authority and informing that they wish to make a confidential report. The campus does not have any pastoral or professional counselors on staff and thus does not have any procedures to encourage such counselors to inform the persons they are counseling of the ability to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

The Institution does not tolerate violence or other threatening conduct against any members of the Institution's community. This includes criminal acts against persons or property, as well as harassment based on age, color, disability, genetic information, marital status, national origin, race, religion, sexual orientation, veteran status, or any other status protected by applicable federal, state, or local law. The Institution will impose strict disciplinary actions and appropriately involve law enforcement officials should any acts of violence or threatening conduct occur on Institution facilities or at Institution-sponsored events. This includes acts of violence against women.

In addition to any criminal sanctions, the Institution will impose appropriate disciplinary sanctions if the offender is a student or employee of the Institution. The Vice President's Office, Title IX Coordinator, and Responsible Employees should be contacted should one wish to file a complaint. The Institution will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the Institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for the purposes of this paragraph. However, note that, in cases of dating violence, domestic violence, sexual assault, and stalking complaints both the accuser and the accused are given the results without the need to make a written request.

Timely Warnings

In an effort to provide timely notice to the campus community in the event of a Clery Act Crime that may pose a serious or ongoing threat to members of the community, the

Institution issues “Timely Warnings.” The Institution may issue a Timely Warning for the following: arson; aggravated assault; criminal homicide; domestic violence; dating violence; robbery; burglary; motor vehicle theft; sexual assault; hate crimes; and stalking. The Institution may also issue a Timely Warning for alcohol, drug, and weapon arrests or referrals that may cause a continuing threat to the community. The Institution will distribute these warnings through a variety of ways, including but not limited to emails, posters, web postings, and media. The Institution also has the ability to send text message alerts to the cell phone number listed in the student and employee records.

The purpose of a Timely Warning is to notify the campus community of the incident and to provide information that may enable the community to take steps to protect themselves from similar incidents. The Vice President or designee will issue Timely Warnings considering on a case-by-case basis the following criteria: (1) one of the above listed crimes are reported; (2) the perpetrator has not been apprehended; and (3) there is a substantial risk to the safety of other members of the campus community because of this crime. The Vice President or designee may also issue an alert in other circumstances, which may pose a significant threat to the campus community.

Additionally, the Vice President or designee may, in some circumstances, issue Timely Warnings when there is a pattern of crimes against persons or property. The Vice President or designee will make the determination, in consultation with other campus offices, if a Timely Warning is required. For incidents involving off-campus crimes, the Institution may issue a Timely Warning if the crime occurred in a location used and frequented by students, staff, and/or faculty.

Emergency Response and Evacuation Procedures

The Institution maintains an Emergency Response Operations Plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health and safety of members of the campus community. Such situations include, but are not limited to tornadoes, bomb threats, chemical spills, disease outbreaks, fires, and active shooters. Emergency Response Guides are posted at the Institution in every classroom. The Emergency Response Guide provides guidelines and procedures for various emergency situations, including but not limited to medical emergencies, violent crime in progress, evacuations, fire, and weather emergencies. The Institution has also communicated with local police requesting their cooperation in informing the Institution about situations reported to them that may warrant an emergency response.

To report concerns that may require an emergency response, refer to the steps listed in [“Reporting a Crime”](#) section of this document.

If a potential emergency has been reported, the Vice President or designee will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the

institution's response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other Institutional departments may be involved in the confirmation process.

Once the emergency is confirmed and based on its nature, the Vice President or designee will consult with other appropriate Institution officials to determine the type and scope of the emergency (e.g., Institution-wide or limited to a particular program or time of day) in order to determine the appropriate segment or segments of the Institution community to be notified.

If it is determined that an impending or continuing threat to the health or safety of campus community members exists, Vice President or designee and others involved in reviewing the threat will, without delay, and taking into account the safety of the community determine the content of an emergency notification using an existing template or developing new language to ensure that the message accurately describes the situation. They will then initiate a campus safety alert by submitting the notification using the Institution's emergency notification system. The Institution may delay a notification if issuing the notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Vice President or designee is responsible for the issuance of an emergency notification/campus safety alert according to the notification system instructions. These alerts can be distributed in various ways, as deemed appropriate for the situation. Most commonly, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff, an announcement will be sent to the Institution's community in multi-modal format (e-mail, voice mail, or text using information listed in the student and employee records) with information and instructions. The Institution will coordinate with local law enforcement to communicate the threat to the larger community as necessary.

The Institution tests emergency response and evacuation procedures annually through drills or exercises. The tests may be announced or unannounced and are scheduled by the Vice President, designee or the building management company. After the test is completed, these individuals will assess the effectiveness and identify opportunities for improvement, sometimes in consultation with the local agencies who performed the test. Contact the Vice President's Office for more information.

The Vice President maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test each year, the Institution will distribute to its students and employees information to remind them of the Institution's emergency response and evacuation procedures.

Registered Sex Offenders

The Jacob Wetterling Act requires states to obtain information concerning registered sex offenders' enrollment or employment at institutions of higher education. Those seeking to obtain information about registered sex offenders should visit the following websites:

State: <http://www.icrimewatch.net/index.php?AgencyID=55662>

National: <https://www.nsopw.gov>

Further, to the extent the State notifies an educational institution of information concerning registered sex offenders, the Family Educational Rights and Privacy Act (FERPA) does not prevent educational institutions from disclosing such information. The Institution currently does not receive information from local law enforcement about registered sex offenders who may be enrolled at or employed at the Institution.

Drug and Alcohol Abuse Prevention Information

In accordance with the requirements of the Drug-Free Schools and Communities Act of 1989 (Public Law 101-226), and the Drug-Free Workplace Act of 1988 (Public Law 101-690), the Institution provides all students and employees with the following information concerning Institutional policies and the consequences of the manufacture, distribution, possession, or use of any drug made illegal under federal, state or local law or the illegal possession and/or use of alcohol. In addition, the Institution conducts a biennial review of its drug and alcohol abuse prevention program to determine its effectiveness and ensure that sanctions are being consistently enforced. For more information about the biennial review, contact the Campus Security Authority. The Institution also enforces all federal, state and local drug laws, and enforces the state's underage drinking laws.

Marijuana use is not legal in Georgia at this time. In Arizona, both recreational and medicinal marijuana are legal with specific laws governing each area. However, because of its obligations under the federal Controlled Substance Act, the Institution will continue to prohibit marijuana possession and use for any purpose on campus. Employees and students who violate Institutional policy prohibiting the use or possession of illegal drugs, including marijuana, on campus will continue to be subject to disciplinary action.

Students must notify the Campus Security Authority, in writing, within ten days of being convicted of a criminal drug statute at the Institution. Disciplinary action will occur within 30 days of receipt of the written notification and may range from a letter of admonishment to dismissal from the Institution.

Policy Regarding the Possession, Use and Sale of Drugs and Alcohol

Students and employees are prohibited from unlawfully manufacturing, distributing, possessing, or using any drug made illegal as a matter of federal, state, or local law or illegally possessing or using alcohol while on the Institution's property or misusing alcohol while participating in any Institutional or work-related activity outside the Institution or workplace. Violation of this policy will subject students or employees to corrective action up to and including dismissal or termination of employment. In addition, a violation may result in local, state, and/or federal criminal charges.

Enforcement of State and Federal Laws Related to Alcohol, Tobacco, and Other Drugs

The Institution enforces all federal, state, and local laws related to alcohol, tobacco, and other drugs by referring individuals suspected of violating these laws to local law enforcement. This policy applies to all students, employees, and visitors. Many of the acts which violate this policy also violate criminal law and must be referred for prosecution.

Legal sanctions under local, state, and federal laws may include:

- suspension, revocation, or denial of a driver's license
- loss of eligibility for federal benefits
- property seizure

- mandated community service
- felony conviction that may result in 20-50 years imprisonment at hard labor without benefit of parole
- monetary fines

ARIZONA: State criminal offenses and associated penalties involving illegal drugs can be found in Chapters 34 and 34.1 of [Title 13](#) of the Arizona Revised Statutes (ARS).

The definitions associated with these drug statutes can be found in [ARS 13-3401](#) and [ARS 13-3451](#). Each specific statute will list the corresponding penalty for that offense.

In 2020 Arizona passed the Smart and Safe Act, legalizing the adult recreational use of marijuana. The definitions associated with the ARS statute can be found in [ARS 36-2850](#). Additional information regarding restrictions, violations, penalties and enforcement can be found in [ARS 36-2851](#), [ARS 36-2852](#), and [ARS 36-2853](#).

GEORGIA: A partial list of state laws, regulations, and sanctions is listed below.

Conditions/Quantity	Jail Term (Years)	Fine
MARIJUANA		
Possess: 1oz. or less	Up to 1	Up to \$1,000
Possess, manufacture, distribute, or purchase greater than 1 oz. but less than 50 lbs.	1-10	
Trafficking: 50-1,999 lbs.	5	\$100,000
2,000-9,999 lbs.	7	\$250,000
10,000 lbs. or more	15	\$1,000,000
SCHEDULE I CONTROLLED SUBSTANCES		
Purchase or possess: first offense	2-15	
Second or subsequent offense	5-30	
Manufacture, distribute, or possess with intent to distribute: first offense	5-30	
Second or subsequent offense	10-40 or life	
METHAQUALONE		
Trafficking: 200-399 g.	5	\$50,000
400 g. or more	15	\$250,000
SCHEDULE II CONTROLLED SUBSTANCES		
Purchase or possess: first offense	2-15	
Second or subsequent offense	5-30	
Manufacture, distribute, or possess with intent to distribute: first offense	5-30	
Second or subsequent offense	10-40 or life	
COCAINE		
Trafficking: 28-199 g.	10	\$200,000
200-399 g.	15	\$300,000
400 g. or more	25	\$1,000,000
MORPHINE, OPIUM, AND HEROIN		
Trafficking: 4-13 g.	5	\$50,000
14-27 g.	10	\$100,000
28 g. or more	25	\$500,000
METHAMPHETAMINE		
Trafficking: 28-199 g.	10	\$200,000
200-399 g.	15	\$300,000
400 g. or more	25	\$1,000,000
SCHEDULE III, IV, AND V CONTROLLED SUBSTANCES		
Possess: first offense	1-5	
Second or subsequent offense	1-10	
Manufacture, distribute, or possess with intent to distribute	1-10	

ANY		
Manufacture, distribute, or possess with intent to distribute within 1,000 feet of elementary or secondary school, park, playground, recreation center, housing project, or drug-free commercial zone: first offense	Up to 20	Up to \$20,000
Second or subsequent offense	5-40	Up to \$40,000

Enforcement of State Laws Related to Underage Drinking

The Institution enforces all state laws related to underage drinking by referring individuals suspected of violating these laws to local law enforcement. This policy applies to all students, employees, and visitors. State laws related to underage drinking prohibit persons under 21 years of age from possessing or consuming alcoholic beverages. Furnishing alcoholic beverages to underage persons is also prohibited. No person under legal drinking age or any obviously intoxicated person shall be furnished, served, or given an alcoholic beverage.

ARIZONA: A.R.S. § 4-244(9) makes it illegal in Arizona for a person under 21 to possess or consume alcohol.

GEORGIA: Per OCGA 3-3-23 it is unlawful to furnish, cause to be furnished, purchase or provide alcohol to a person under the age of 21 and unlawful for a person under the age of 21 to knowingly possess any alcoholic beverage.

Drug and Alcohol Abuse Prevention

In addition to local and state authorities, the federal government has four agencies (the Drug Enforcement Agency, U.S. Customs Service, Federal Bureau of Investigation, and the U.S. Coast Guard) engaged in combating illicit drugs. One should be aware that:

- it is a crime to hold someone else's illicit drugs
- it is a crime to sell fake "dope"
- it is a crime for being in a house where people are using illicit drugs, even if you are not using them
- it is a crime if drugs are in your locker, car, purse, or house which is considered "constructive possession"

Drug abuse, which can affect one's physical and emotional health and social life, is the utilization of natural and/or synthetic chemical substances for non-medical reasons to affect the body and its processes, the mind and nervous system, and behavior. Drugs can be highly addictive and injurious to the body.

Information regarding the effects of commonly abused drugs may be found on the internet at www.nida.nih.gov/DrugsofAbuse.html. Some common health risks include:

- Alcohol
 - Damage to the heart leading to cardiomyopathy, high blood pressure, and stroke.
 - Liver inflammation resulting in fibrosis, cirrhosis, or alcoholic hepatitis.
 - Pancreatitis
 - Weakened immune system.

- Hallucinogens (LSD, mescaline, salvia, etc.) taken in high doses
 - Hallucinations.
 - Memory loss.
 - Physical distress, including dangerous changes in blood pressure, heart rate, respiration, and body temperature.
 - Psychological distress, including feelings of extreme panic, fear, anxiety, paranoia, invulnerability, exaggerated strength, and aggression.
 - Respiratory distress or arrest, resulting in death.
- Marijuana
 - Short term: Slowed reaction time, problems with balance and coordination, problems with learning and memory, anxiety.
 - Long term: Mental health problems, chronic cough, frequent respiratory infections.
 - With alcohol: Increased heart rate/blood pressure, further slowing of mental processing and reaction time.
- Methamphetamine
 - Short term: Increased wakefulness and physical activity; decreased appetite; increased breathing, heart rate, blood pressure, temperature; irregular heartbeat.
 - Long term: Anxiety, confusion, insomnia, mood problems, violent behavior, paranoia, hallucinations, delusions, weight loss, severe dental problems, intense itching leading to skin sores from scratching.
 - With alcohol: Masks the depressant effect of alcohol, increasing risk of alcohol overdose; may increase blood pressure.
- Prescription Opioids
 - Short term: Pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death.
 - Long-term: Increased risk of overdose or addiction if misused.
 - With Alcohol: Dangerous slowing of heart rate and breathing leading to coma or death.
- Tobacco and Nicotine
 - Short-term: Increased blood pressure, breathing, and heart rate. Exposes lungs to a variety of chemicals. Vaping also exposes lungs to metallic vapors created by heating the coils in the device.
 - Long-term: Greatly increased risk of cancer, especially lung cancer when smoked and oral cancers when chewed; chronic bronchitis; emphysema; heart disease; leukemia; cataracts; pneumonia.
 - With alcohol: Unknown.

Drug and alcohol abuse education programs are offered by local community agencies. Student services staff will provide information about such education programs.

In certain instances, students may be referred to counseling and/or a substance abuse help center. If such a referral is made, continued enrollment is contingent upon attendance and successful completion of any prescribed counseling or treatment. The cost of such assistance or treatment will be the responsibility of the student. Students who are seeking treatment for a substance abuse problem may contact the Campus Security Authority's Office. Confidentiality will be maintained. In addition, students who believe they have a substance abuse problem may find sources of treatment or

advice by referring to the section of the local telephone book headed "Drug Abuse & Addiction Information and Treatment."

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their manager or Human Resources to receive assistance or referrals to appropriate resources in the community. Employees may also contact the Employee Assistance Program (EAP) by calling 1-800-272-2727.

There are also national organizations that may be contacted for help, such as:

- The National Institute on Drug Abuse Treatment Referral Hotline 1-800-662-HELP (4357) or <http://findtreatment.samhsa.gov/>
- Al-Anon for Families of Alcoholics 1-888-425-2666 - www.al-anon.org

IMPORTANT

As stated in the institution's catalog students convicted of any criminal offense while enrolled must report that conviction to the Institution within ten (10) days of receiving the conviction.

Sexual Assault and Prevention Policy

Consistent with the Institution's Non-Discrimination Notice and the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX") (see 34 C.F.R. § 106 *et seq.*), the Institution prohibits Sexual Harassment that occurs within its education programs or activities. The Institution is committed to creating and maintaining a community in which students, faculty and employees work in an environment free from all forms of discrimination, harassment, or violence. The Sexual Harassment Policy prohibits sexual harassment including: Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Administrators, faculty member, staff, students, contractors, guests, and other members of the Institution's community who commit Sexual Harassment are subject to the full range of Institutional discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (that is, termination or dismissal); physical restriction from the Institution's property; cancellation of contracts; and any combination of the same.

The Institution will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the Institution's Education Programs or Activities.

Information about the scope of this policy as well as support services are available to complainants and respondents is provided in writing to students and employees within the Annual Security Report (this document). This information can also be accessed on the DigitalCrafts website.

Reporting Sexual Harassment to the Institution

Any person may report Sexual Harassment to the Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours. Contact information for the Title IX Coordinator can be found in the Contact Information section of this document, or by clicking [here](#).

In addition to reporting to the Title IX Coordinator, any person may report Sexual Harassment to any employee with managerial authority over other employees, including Vice President's cabinet members, deans, program chairs, department heads, supervisors, and other managers (collectively "Reporting Officials") who must promptly forward such report of Sexual Harassment to the Title IX Coordinator.

If you believe you are the victim of Sexual Assault, Domestic Violence, or Dating Violence, get to safety and do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. For those who believe that they are victims of Sexual Assault, Domestic Violence, or Dating Violence, the Institution recommends the following:

- Get to a safe place as soon as possible.
- Try to preserve all physical evidence of the crime – avoid bathing, using the toilet, rinsing one’s mouth or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Do not launder or discard bedding or otherwise clean the area where the assault occurred – preserve for law enforcement.
- Preserve all forms of electronic communication that occurred before, during, or after the assault.
- Contact law enforcement by calling 911.
- Get medical attention – all medical injuries are not immediately apparent. This will also help collect evidence that may be needed in case you decide to press charges. Local hospitals have evidence collection kits necessary for criminal prosecution should you wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.
- Contact a trusted person, such as a friend or family member for support.
- Talk with a professional licensed counselor, Institutional chaplain, or health care provider who can help explain options, give information, and provide emotional support.
- Make a report to the Title IX Coordinator.
- Explore this policy and avenues for resolution under the Title IX Grievance Process.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, electronic images, etc. rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Sexual Harassment investigations. Students and employees who report to the Institution that they have been a victim of dating violence, domestic violence, sexual assault, or stalking will receive a written explanation of their rights and options, whether the offense occurred on or off campus. The institution’s procedures for disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking are also provided in writing to students and employees.

Rights for Involved Parties

Complainants are encouraged to exercise their rights, if desired, including the following actions which are provided to the complainant in writing.

- Reporting offenses to local law enforcement, campus security authority, and/or health officials. Complainants also have the option to decline to notify authorities.
 - If requested by the complainant, the Institution will assist in notifying law enforcement
- Obtaining immediate medical attention, including a forensic examination (completing a forensic examination does not require the complainant to file a police report)
- The importance of preserving evidence of the crime or offense
- Receiving counseling referral information
- Receiving information on services for health, advocacy, legal assistance, visa and immigration assistance, and student financial assistance
- Completing crime reports
- Seeking supportive measures such as changing academic and work situations (e.g., student's course schedule; employee's work environment)
- Seeking a no-contact order from the Institution and information relating to judicial restraining and protective orders

The Institution strongly encourages the reporting of sexual harassment, sexual assault, dating violence, domestic violence or stalking in a timely manner. Complainants may report an allegation of the above to the Title IX Coordinator or designee by contacting them either in writing or in person. Complainants also have the option of notifying local law enforcement.

The Institution will:

- (a) Provide students, employees, complainants, and respondents with information about existing counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, student accounts, and other supportive measures available for both parties, within the Institution and in the community; and
- (b) provide complainants and respondents with written information about their options for, and available assistance in seeking supportive measures, such as changing academic, living, transportation and working situations if requested and reasonably available. Supportive measures will be available irrespective of whether the complainant chooses to report the offense to campus security or to local law enforcement or participate in informal or formal hearing proceedings.

In addition, the Title IX Coordinator or designee will provide the complainant with written information on off-campus organizations and agencies that provide services to victims of a sex offense. Specific contact information for the services identified in this section is listed on the last page of this document or by clicking [here](#).

Requests for supportive measures should be made to the individuals listed in the Contact

Information section of this document; these individuals are responsible for deciding what, if any, supportive measures will be implemented. When determining the reasonableness of such a request, the Institution may consider, among other factors, the following:

- The specific need expressed by the requester
- The burden, if any, of the supportive measure on both parties and the ability to reduce or mitigate those concerns for each party
- Alternative supportive measures available to accomplish the goal specified by the requester
- The severity or pervasiveness of the allegations
- Any continuing effects of the alleged misconduct
- Whether the parties share the same class or job location
- The age of the parties involved

The Institution will maintain as confidential any supportive measures provided to the extent that maintaining confidentiality would not impair the Institution's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the supportive measure. Such decisions will be made by the Title IX Coordinator in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the supportive measure is provided. In the event it is necessary to disclose information about a party in order to provide a supportive measure, the Institution will inform the impacted party of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

If either party informs the institution that they have an order of protection, no-contact order, restraining order or similar lawful order issued by a criminal, civil, or tribal court in effect, the institution will uphold the conditions of the order to the best of its ability. The institution does not issue orders of protection, but will assist parties in identifying available resources to assist them in filing for an order.

The order is a document obtained from a court, to order the abusive person not to contact the individual requesting the order and to prevent abusive behavior. In the United States, each state has its own restraining order laws covering areas such as domestic violence, sexual assault, harassment and stalking.

ARIZONA: Arizona Revised Statutes (A.R.S.) contains the following information for this location:

13-3602. Order of protection; procedure; contents; arrest for violation; penalty; protection order from another jurisdiction A person may file a verified petition, as in civil actions, with a magistrate, justice of the peace or superior court judge for an order of protection for the purpose of restraining a person from committing an act included in domestic violence. If the person is a minor, the parent, legal guardian or person who has legal

custody of the minor shall file the petition unless the court determines otherwise. The petition shall name the parent, guardian or custodian as the plaintiff and the minor is a specifically designated person. If a person is either temporarily or permanently unable to request an order, a third party may request an order of protection on behalf of the plaintiff. After the request, the judicial officer shall determine if the third party is an appropriate requesting party for the plaintiff. For the purposes of this section, notwithstanding the location of the plaintiff or defendant, any court in this state may issue or enforce an order of protection.

GEORGIA: In Georgia, a civil restraining order is also known as a "Family Violence Protection Order" which must be requested from a judge (see [Contact Information](#) section for details). Restraining orders offer the victim legal protection from domestic violence, harassment, depletion of assets or trademark infringement. It prohibits the offender from having contact with the victim for a specified period of time. If the offender violates a restraining order, it is a crime and he or she could be jailed and charged with more than one crime.

Students and staff who reside in states other than Arizona or Georgia should review the laws of the applicable state for additional details.

Confidentiality

The institution will protect the privacy interests of the parties to the greatest extent practicable. Publicly available recordkeeping, such as mandatory Clery reporting, will be accomplished without the inclusion of identifying information, to the extent permitted by law.

Informing an Institution employee of alleged misconduct allows the Institution an opportunity to promptly take remedial action and to investigate so that the complainant may have an academic experience free from discrimination. The Institution can only address a specific situation if it is aware of it. However, the Institution understands that some individuals may feel more comfortable speaking with an off-campus resource in lieu of or in addition to an Institution employee.

Filing a Police Report

Although the procedure for filing a police report varies from city to city, there are basic steps to follow when you file a report.

- Contact the police department in the city where the crime occurred. Talk to a police officer as soon as possible after the crime took place so your memory of the incident and individuals involved is fresh.
- Know that you can file a police report at the police station or ask for an officer to come to your home. Some police jurisdictions allow you to file a police report online. Be prepared to answer questions such as the type of crime that transpired, items missing or damaged, name of the person who committed the crime (if known) and a description of the suspect along with the address and vehicle type (if known). Give your contact information so the officer can follow up with you on the case.

- Receive a case number for your police report. Refer to the number when you want an update on your case and if you would like a copy of the police report.
- Understand that there is no fee to file a police report. However, there is often a fee to get a copy of the police report.

ATLANTA: The local police department for the Institution is the Sandy Springs Police Department, 7840 Roswell Road, Suite 301, Sandy Springs, Georgia 30350; (770) 551-6900.

CHANDLER: The local police department for the Institution is the Chandler Police Department, 250 East Chicago Street, Chandler, AZ 85225; (480) 782-4130.

Investigation Procedures

The Institution is committed to undertaking prompt, thorough, impartial and fair investigations upon receiving formal notice or allegation of a complaint of sexual misconduct and/or sexual harassment. The Institution will make no determination regarding responsibility for the alleged conduct until the conclusion of the investigative and adjudicative process. From the initial investigation to the final result, the Institution will treat all involved individuals with respect and sensitivity. Depending upon the nature of the alleged or suspected policy violation, the relevant Institutional official (or his or her designee) will conduct an investigation either alone or with one or more other Institution officials as deemed appropriate by the Institution.

Commencement and Timing

After the written notice of Formal Complaint is transmitted to the parties, an investigator selected by the Title IX Coordinator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the Institution and not with the parties. The investigation will culminate in a written investigation report, specified in "Investigation Report," that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, the Institution strives to complete each investigation within sixty (60) days to ninety (90) days of the transmittal of the written notice of Formal Complaint.

Equal Opportunity

During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably

cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant, as specified in "Sexual History." The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

Documentation of Investigation

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

Access to the Evidence

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the Investigating Officer will transmit to each party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the Institution may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. Thereafter, the parties will have ten (10) days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

Investigation Report

After the period for the parties to provide any written response as specified in "Access to Evidence" has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

Training of Investigators

The official(s) designated to investigate and adjudicate the case shall be trained in the investigation of, and other issues related to Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, shall not have a conflict of interest or bias for or against any parties involved in the potential Policy violation, and shall have received at least annual training on issues related to these issues delivered by third-party providers with specialized expertise in this area. Topics include, but are not limited to: relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest. Training materials are available on the Institution's website; and additional documentation can be requested from the Title IX Coordinator.

Informal Resolution Process

At any time after the parties are provided written notice of the Formal Complaint as specified in "Notice of Formal Complaint," and before the completion of any appeal specified in "Appeal," the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution, the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. Administrative Adjudication as specified in "Administrative Adjudication" is a form of informal resolution.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another Institution official, or a suitable third-party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the Institution, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the Institution. Notwithstanding the foregoing, if the form of informal resolution is Administrative Adjudication as specified in "Administrative Adjudication," there shall not be an agreed resolution requiring the parties' signatures; instead, the determination issued by the administrative officer shall serve as the resolution and conclude the informal resolution process, subject only to any right of appeal. With the exception of a resolution resulting from the Administrative Adjudication process specified in "Administrative Adjudication," all other forms of informal resolution pursuant to this Section are not subject to appeal.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Other language in this Section notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

Administrative Adjudication

In lieu of the hearing process, the parties may consent to have a Formal Complaint resolved by administrative adjudication as a form of informal resolution. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator as specified in the "Adjudication Process Selection" of the Sexual Misconduct – Sexual Harassment Under Title IX policy. At any time prior to the issuance of the administrative officer's determination, a party has the right to withdraw from administrative adjudication and request a live hearing as specified in the "Hearing Process" section.

If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The Title IX Coordinator will see that the administrative adjudicator is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator as specified in the "Access to Evidence" section.

The administrative officer will promptly send written notice to the parties notifying the parties of the administrative officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. The administrative officer's meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this paragraph.

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified in the "Sexual History" section, or for any other reason;
- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

After reviewing the parties' written responses, the administrative officer will meet separately with each party to provide the party with an opportunity to make any oral argument or commentary the party wishes to make and for the administrative officer to ask questions concerning the party's written response, the investigative report, and/or the evidence collected during the investigation.

After meeting with each party, the administrative officer will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The administrative officer will take care to exclude from consideration any evidence that the administrative officer determines should be ruled inadmissible based on the objections and arguments raised by the parties in their respective written responses to the investigative report. The administrative officer will resolve disputed facts using a preponderance of the evidence (that is, "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

Thereafter, the administrative officer will consult with any Institution official and the Title IX Coordinator, in the manner specified in the "Deliberation and Determination" section and will prepare and transmit a written decision in the manner as specified in the

“Written Decision” section, which shall serve as a resolution for purposes of informal resolution.

Transmittal of the administrative officer’s written determination concludes the administrative adjudication, subject to any right of appeal as specified in the “Appeal” section.

Although the length of each administrative adjudication will vary depending on the totality of the circumstances, the Institution strives to issue the administrative officer’s written determination within twenty-one (21) days of the transmittal of the initiating written notice specified in this Section (“Administrative Adjudication”).

Other language in this Section (“Administrative Adjudication”) notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

Formal Resolution Process

The formal resolution process applies (a) when any party so requests in connection with a matter that is eligible for informal resolution; and (b) to all matters that are not eligible for informal resolution (i.e., matters involving alleged or suspected sexual misconduct as well as complaints of an employee violating this policy with a student. The Title IX Coordinator may also elect to use the formal resolution process in any matter when the Institution deems it appropriate, including when complaints are brought forward anonymously and/or the Title IX Coordinator has received reports of serious misconduct and no particular alleged victim wishes to sign a formal complaint. The Institution may consolidate formal complaints where the allegations of sexual harassment arise out of the same facts or circumstances. As part of the formal resolution process, the Institution may determine that further steps are required to complete the Institution’s investigation. Formal complaints may be filed with the Title IX Coordinator in person, by mail, or by e-mail. This process applies to both students and the Institution’s employees.

The following procedural protections apply to matters that are not resolved using the Informal Resolution Process described above:

- *Terminating a Formal Complaint.* The Institution may terminate the formal resolution process at any time during the investigation or hearing if: (a) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; (b) the respondent is no longer enrolled or employed by the institution; or (c) the institution is prevented from gathering evidence sufficient to reach a determination regarding the formal complaint or allegations therein. If this occurs, the institution will notify all parties in a timely manner. In some circumstances, such as those where there is an ongoing threat to the campus community, the Title

IX Coordinator may decide to pursue formal Title IX processes against an alleged perpetrator even if the complainant withdraws their formal complaint.

- *Standard for Determining Responsibility.* The standard used to determine whether this policy has been violated is whether it is more likely than not that the accused violated this policy. This is often referred to as a “preponderance of the evidence” standard. This standard is utilized in all investigations under Title IX for both students and employees.

Adjudication Process Selection

After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each party a notice advising the party of the two different adjudication processes specified in the Adjudication section of the Sexual Misconduct Policy. The notice will explain that the hearing process specified in the Hearing Process section of the policy is the default process for adjudicating all Formal Complaints and will be utilized unless both parties voluntarily consent to administrative adjudication as specified in the Administrative Adjudication section as a form of informal resolution. The notice will be accompanied by a written consent to administrative adjudication and will advise each party that, if both parties execute the written consent to administrative adjudication, then the administrative adjudication process will be used in lieu of the hearing process. Parties are urged to carefully review this policy (including the entirety of the Adjudication section), consult with their advisor, and consult with other persons as they deem appropriate (including an attorney) prior to consenting to administrative adjudication.

Each party will have three (3) days from transmittal of the notice specified in this Section to return the signed written consent form to the Title IX Coordinator. If either party does not timely return the signed written consent, that party will be deemed not to have consented to administrative adjudication and the Formal Complaint will be adjudicated pursuant to the hearing process.

Sanctions; Corrective Actions

The range of potential sanctions/corrective actions that may be imposed are as follows:

Student sanctions may include but are not limited to: written or verbal apology; sexual assault, dating violence, domestic violence or stalking prevention education; verbal, written or final warning; no-contact order issued by the Institution; probation, suspension, and/or dismissal from the Institution.

Employee sanctions may include but are not limited to: verbal coaching; documented coaching; formal policy reminder; written warning; final written warning; termination of employment; administrative leave of absence; sexual assault, dating violence, domestic violence or stalking prevention education; training; and/or no-contact order issued by the Institution. *Note: Employees are*

also subject to all Employee Handbook, department, and workplace policies, including but not limited to the Code of Business Conduct & Ethics.

Guests and other third parties sanctions may include but are not limited to: removal from the Institution's property; referral to law enforcement; requirement to complete prevention education training prior to resuming a relationship with the Institution; termination of contractual or other arrangements.

The Institution may also disclose to the complainant information about any sanctions or corrective actions taken that relate directly to the complainant (e.g., a "no contact" order). The Institution will maintain documentation of all hearings or other proceedings, which can take various forms (e.g., notes, written findings of fact, transcripts, or audio recordings, etc.). Under no circumstances will either party be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome.

Written Decision

After reaching a determination and consulting with the appropriate Institution official and Title IX Coordinator as required by the "Discipline and Remedies" section of the Sexual Misconduct Policy, the hearing council will prepare a written decision that will include:

- Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by the Institution upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
- Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined by the appropriate Institution official as referenced in the Discipline and Remedies section;
- Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- A description of the Institution's process and grounds for appeal, as specified in the Appeal section.

The hearing council's written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in the Appeal section.

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the Institution strives to issue the hearing council's written determination within fourteen (14) days of the conclusion of the hearing.

Appeal

Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

- A procedural irregularity affected the outcome;
- There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- The Title IX Coordinator, investigator, hearing council, or administrative officer, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) days of the date they receive notice of dismissal or determination appealed from or, if the other party appeals, within three (3) days of the other party appealing, whichever is later. The appeal must be submitted in writing to the appeals officer, who is identified and serves as the appeal officer for the formal case. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) days. The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the Institution strives to issue the appeal officer's written decision within (21) days of an appeal being filed.

Retaliation

It is a violation of this policy to engage in Retaliation. Reports and Formal Complaints of retaliation may be made in the manner specified in the Reporting Sexual Harassment, and Formal Complaint sections. Any report or Formal Complaint of Retaliation will be processed under this policy in the same manner as a report or Formal Complaint of Sexual Harassment, as the case may be. The Institution retains discretion to consolidate a Formal Complaint of Retaliation with a Formal Complaint of Sexual Harassment for investigation and/or adjudication purposes if the two Formal Complaints share a common nexus.

Confidentiality

The Institution will keep confidential the identity of any individual who has made a report or Formal Complaint of Sexual Harassment or Retaliation including any Complainant, the identity of any individual who has been reported to be a perpetrator of Sexual Harassment or Retaliation including any Respondent, and the identity of any witness. The Institution will also maintain the confidentiality of its various records generated in response to reports and Formal Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records. Notwithstanding the foregoing, the Institution may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out the Institution's obligations under Title IX and its implementing regulations including the conduct of any investigation, adjudication, or appeal under this policy or any subsequent judicial proceeding, or as otherwise required by law. Further, notwithstanding the Institution's general obligation to maintain confidentiality as specified herein, the parties to a report or Formal Complaint will be given access to investigation and adjudication materials in the circumstances specified in this policy.

In order to comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the process is not open to the general public. Accordingly, DigitalCrafts will not disclose documents prepared in anticipation of the meeting, documents, testimony, or other

information provided to the Council for review, and any transcript of the meeting itself may not be disclosed outside of the proceedings, except as may be required or authorized by law and/or DigitalCrafts policy.

While the Institution will maintain confidentiality specified in this Section, the Institution will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Sexual Harassment or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this policy.

Note that certain types of Sexual Harassment are considered crimes for which the Institution must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

Bad Faith Complaint and False Information

It is a violation of this policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false or frivolous. It is also a violation of this policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this policy. Violations of this Section are not subject to the investigation and adjudication processes in this policy; instead, they will be addressed under the Student Conduct Policy in the case of students and other Institutional policies and standards, as applicable, for other persons.

Prevention and Awareness Programs

The Institution will provide primary prevention and awareness programs for all incoming students and new employees that address topics including definitions, risk reduction, bystander intervention, reporting and investigation procedures, and sanctions as described within this document. The Institution will also provide ongoing prevention and awareness campaigns for students and employees that include this same information.

Specifically, these programs:

- Identify that the Institution prohibits any forms of conduct that can be identified as domestic violence, dating violence, sexual assault and stalking; and
- Define dating violence, domestic violence, sexual assault and stalking and identify what behavior and actions constitute consent to sexual activity as those terms are defined by the local jurisdiction.

Information about these definitions can be found in the "[Definitions](#)" section of this document. The prevention and awareness campaigns are also designed to promote risk reduction and safe options for bystander intervention as described below.

Bystander Intervention and Risk Reduction

While the Institution attempts to provide a safe and secure environment, students, faculty, staff, and campus visitors are ultimately responsible for their safety. Risk reduction strategies addressed in our educational programs include:

- Information on how to report all suspicious activity to a Campus Security Authority (CSA) or Responsible Employees immediately. The primary CSA for this campus is the Ombudsman (who is also the Title IX Coordinator). Responsible Employees include faculty, staff, and administrative personnel.
- Skills for recognizing high-risk situations and how to look out for others:
 - Avoid walking alone at night. Travel with a friend or companion.
 - Avoid parking or walking in secluded or dimly lit areas.
 - Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively.
- Skills for recognizing high-risk situations online and avoiding personal cyber attacks. Promote an environment in which students, staff, and faculty feel supported in speaking out against sexual and domestic violence.

The Institution informs students and employees about campus security procedures and practices, crime prevention, and positive options for bystander intervention during student and employee programming. In addition, these programs also encourage students and employees to be responsible for their own security and the security of others.

Bystander Intervention

An engaged bystander is someone who intervenes in a safe and positive way before, during, or after a situation or event in which they see or hear behaviors that promote dating violence, domestic violence, sexual assault, or stalking. The bystander approach attempts to teach community members how to be engaged bystanders in a safe and effective way.

Primary prevention activities take place before violence happens to prevent perpetration or victimization. If you see someone in danger of being assaulted:

- Step in and offer assistance. Ask if the person needs help. Before stepping in, make sure to evaluate the risk. If it means putting yourself in danger, call 9-1-1 instead.
- Don't leave. If you remain at the scene and are a witness, the perpetrator is less likely to do anything.
- If you know the perpetrator, tell the person you do not approve of their actions. Ask the person to leave the potential victim alone.

Information about bystander intervention is provided to students and staff on their respective campus portals.

Ongoing Prevention and Awareness Campaigns

The institution was not required to comply with these policies until January 2023, so no 2022 prevention and awareness campaign activity to report.

Contact Information

REMEMBER TO CALL 911 FIRST IN THE EVENT OF AN EMERGENCY

Internal Contacts

Title IX Coordinator*

Primary Campus Security Authority

Brandie Riegler - Ombudsman@aiuniv.edu

2200 East Germann Road, Suite 130, Chandler, AZ 85286

Phone: (847) 851-5275

Vice President*

Max McChesney, (833) 327 -2387 or max@digitalcrafts.com

Student Accounts

(833) 327 -2387

**Contact these individuals for assistance with options related to academic, living, transportation and working situations as well as protective measures.*

Resources Appendix and External Contacts

Local Police	ARIZONA Chandler Police Department 250 East Chicago Street Chandler, AZ 85225 (480) 782-4130 GEORGIA Sandy Springs Police Department 7840 Roswell Road, Suite 301 Sandy Springs, GA 30350 770-551-6500
Hospital	ARIZONA Chandler Regional Medical Center 1955 West Frye Road Chandler, AZ 85224 (480) 728-3000 Dignity Health Arizona General Hospital 1064 East Ray Road Chandler, AZ 85225 GEORGIA Northside Hospital 1000 Johnson Ferry Road, NE Atlanta, GA 30342 404-851-8000 Emory Saint Joseph's Hospital of Atlanta

	5665 Peachtree Dunwoody Road Atlanta, GA 30342 678-843-7001
Legal Assistance	ARIZONA The Arizona Legal Center Arizona Law Help Community Legal Services, Inc. GEORGIA Atlanta Legal Aid Society Georgia Legal Aid Georgia Legal Services Program
Victim Support	ARIZONA Chandler Police Department Victim Support Unit Arizona Coalition to End Sexual and Domestic Violence A.S.K. Arizona GEORGIA Rape: To find nearest rape crisis center near you in Georgia, call 1-800-656-HOPE Sexual Assault: Georgia Network to End Sexual Assault
Restraining Orders	ARIZONA Process to request a restraining order: Click here Forms to request a restraining order: Click here GEORGIA Process to request a restraining order: Click here Forms to request a restraining order: Click here
Visa and Immigration Assistance	Immigration Advocates Network

Other National Resources

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>

Definitions

Additional definitions related to the Sexual Harassment Policy are available here.

Campus Security Authority

A campus security authority (CSA) is any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department; any individual to whom students and employees should report criminal offenses; or an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student discipline and campus judicial proceedings.

Consent

ARIZONA: "Without consent" includes any of the following: a) the victim is coerced by the immediate use or threatened use of force against a person or property; b) the victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant; c) the victim is intentionally deceived as to the nature of the act; or d) the victim is intentionally deceived to erroneously believe that the person is the victim's spouse. [A.R.S. § 13-1401](#)

GEORGIA: The State of Georgia does not define "Consent" in reference to sexual activity. However, the State of Georgia defines "without consent" as a circumstance in which "a person whose concurrence is required has not, with knowledge of the essential facts, voluntarily yielded to the proposal of the accused or of another." [O.C.G.A. § 16-1-3](#)

The institution has determined, based on good-faith research, that Georgia law does not define the term consent. Therefore, the Institution utilizes the federal definition when investigating sexual harassment complaints.

Consent must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person. The manner of a person's dress does not constitute consent.

A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following: (a) the person is incapacitated due to the use or influence of alcohol or drugs; (b) the person is asleep or unconscious; (c) the person is under age; or (d) the person is incapacitated due to mental disability. [34 CFR § 668.46](#)

Dating Violence

The institution has determined, based on good-faith research, that Arizona and Georgia laws do not define the term dating violence. Therefore, the Institution utilizes the federal definition when investigating sexual harassment complaints.

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined 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. For the purpose of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence. [34 CFR § 668.46](#)

Domestic Violence

ARIZONA: "Domestic violence" means any act that is a dangerous crime against children or one of the following offenses as prescribed in state law: negligent homicide, manslaughter, second degree murder, first degree murder, endangerment, threatening or intimidation, assault, aggravated assault, custodial interference, unlawful imprisonment, kidnapping, sexual assault, unlawful distribution of pictures depicting nudity or specific sexual acts, criminal trespass in the third degree, criminal trespass in the second degree, criminal trespass in the first degree, criminal damage, interference with judicial proceeding, disorderly conduct, intentional cruelty to animals, intentional interference or prevention of person making an emergency phone call, or use of electronic communication to terrify, intimidate, threaten or harass, harassment, aggravated harassment, stalking, surreptitious photographing, aggravated domestic violence, or child or vulnerable adult abuse, of any of the following applies:

- The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.
- The victim and the defendant have a child in common.
- The victim or the defendant is pregnant by the other party.
- The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.
- The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.
- The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship: (a) The type of relationship; (b) The length of the relationship; (c) The frequency of the

interaction between the victim and the defendant; (d) If the relationship has terminated, the length of time since the termination. [A.R.S. § 13-3601](#)

GEORGIA: The State of Georgia does not define “Domestic Violence” but defines “Family Violence” as:

“[T]he occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:

- (1) Any felony; or
- (2) Commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.

The term ‘family violence’ shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention.” [O.C.G.A. § 16-5-90](#)

Responsible Employees

A responsible employee is any employee who (a) has the authority to take action to redress the harassment; (b) has the duty to report to appropriate Institution official(s) sexual harassment or any misconduct by students or employees; or (c) is an individual who a student could reasonably believe has this authority or responsibility. Responsible Employees include faculty, staff, and administrative personnel.

Stalking

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

- Suffer emotional distress or reasonably fear that either: a) The victim's property will be damaged or destroyed; or b) Any of the following will be physically injured: (i) The victim; (ii) The victim's family member, domestic animal or livestock; (iii) A person with whom the victim has or has previously had a romantic or sexual relationship; (iv) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.
- Reasonably fear death or the death of any of the following: a) The victim's family member, domestic animal or livestock. b) A person with whom the victim has or has previously had a romantic or sexual relationship. c) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred. [A.R.S. § 13-2923](#)

GEORGIA: “(a)(1) A person commits the offense of stalking when he or she follows, places under surveillance, or contacts another person at or about a place or places without the

consent of the other person for the purpose of harassing and intimidating the other person. For the purpose of this article, the terms 'computer' and 'computer network' shall have the same meanings as set out in Code Section 16-9-92; the term 'contact' shall mean any communication including without being limited to communication in person, by telephone, by mail, by broadcast, by computer, by computer network, or by any other electronic device; and the place or places that contact by telephone, mail, broadcast, computer, computer network, or any other electronic device is deemed to occur shall be the place or places where such communication is received. For the purpose of this article, the term 'place or places' shall include any public or private property occupied by the victim other than the residence of the defendant. For the purposes of this article, the term 'harassing and intimidating' means a knowing and willful course of conduct directed at a specific person which causes emotional distress by placing such person in reasonable fear for such person's safety or the safety of a member of his or her immediate family, by establishing a pattern of harassing and intimidating behavior, and which serves no legitimate purpose. This Code section shall not be construed to require that an overt threat of death or bodily injury has been made.

(2) A person commits the offense of stalking when such person, in violation of a bond to keep the peace posted pursuant to Code Section 17-6-110, standing order issued under Code Section 19-1-1, temporary restraining order, temporary protective order, permanent restraining order, permanent protective order, preliminary injunction, or permanent injunction or condition of pretrial release, condition of probation, or condition of parole in effect prohibiting the harassment or intimidation of another person, broadcasts or publishes, including electronic publication, the picture, name, address, or phone number of a person for whose benefit the bond, order, or condition was made and without such person's consent in such a manner that causes other persons to harass or intimidate such person and the person making the broadcast or publication knew or had reason to believe that such broadcast or publication would cause such person to be harassed or intimidated by others." [O.C.G.A. § 16-5-90](#)

Sexual Assault

ARIZONA: A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person. [A.R.S. § 13-0406](#)

A person is guilty of violent sexual assault if the offense involved the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or involved the intentional or knowing infliction of serious physical injury and the person has a historical prior felony conviction for a sexual offense under this chapter or any offense committed outside this state that if committed in this state would constitute a sexual offense under this chapter. [A.R.S. § 13-1423](#)

GEORGIA: *The institution has determined, based on good-faith research, that Georgia law does not define the term sexual assault. Therefore, the Institution utilizes the federal definition when investigating sexual harassment complaints.*

- An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's UCR program and included in Appendix A of 34 CFR Part 668. [34 CFR § 668.46](#)

Sexual Offenses

The institution has determined, based on good-faith research, that Arizona and Georgia laws do not define the term sexual offenses. Therefore, the Institution utilizes the federal definition when investigating sexual harassment complaints.

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

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

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

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

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. [34 CFR § 668.46](#)

Arizona law include the following definition for incest.

Incest: Persons who are eighteen or more years of age and are within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who knowingly intermarry with each other, or who knowingly commit fornication or adultery with each other are guilty of a class 4 felony. [A.R.S. § 13-3608](#)