

**Arizona College**  
**2016-2017 Annual Disclosure**  
**Student Right-to-Know and Campus Security (Clery Act)**  
**Annual Security Report**  
**Alcohol & Substance Abuse Policy**  
**Student Rights under FERPA**  
**(The Family Educational Rights and Privacy Act)**

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**Glendale, AZ 85302**  
**602-222-9300**

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**October 1, 2016**

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## **INTRODUCTION**

Institutions of higher education, which receive federal financial assistance, are required to provide current and prospective students, and employees with an annual report that identifies policies and procedures related to campus security. This document is prepared to increase awareness of current policies, procedures, and practices related to campus security. Campus crime, arrest and referral statistics include those that were reported to local law enforcement and campus faculty and staff. An annual copy of the report is posted on the Arizona College website at <http://www.arizonacollege.edu/disclosures/>

## **REPORTING CRIMES AND EMERGENCIES**

Arizona College students, employees and others are encouraged to report all criminal activity and emergencies to the college. In emergency situations, 911 should be called first, followed by an immediate notification to the Campus Director. Every Arizona College student has the option to notify proper law enforcement authorities, including on-campus (Campus Director) and local police, and the option to be assisted by campus authorities (Campus Director) in notifying these authorities, if the student chooses to do so. The school does not currently have procedures that allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual security report. Arizona College does not have campus police.

If an employee or student observes any crime or if any person reveals to you that he/she learned of or were the victim of, perpetrator of, or witness to any crime they are to immediately complete a Crime Incident Report Form and submit to the Campus Director. This applies to crimes on campus, and locations at which other official college activities are taking place. Please ensure that you complete all information on the form based on the information you possess. Please do not investigate the crime or attempt to determine whether a crime, in fact, took place.

The Director of Regulatory Affairs & Compliance is responsible for collecting crime statistics to be included in the Annual Security Report. Statistics are collected from local Police Departments, Building Security (if relevant) and the Campus Directors who maintain a log of all crimes committed on campus.

## **TIMELY WARNING AND EMERGENCY NOTIFICATION**

It is very important that communication be maintained between college staff and students and visitors of the College. Timeliness of these communications is especially important in an emergency.

In any emergency, the Campus Director will consider the safety of the campus and determine what notification needs to be initiated. This notification will be timely unless the notification could hinder the ability of assistance to be provided to a victim or in any other way hinder the response of those responding to the emergency.

The method of notification may be made via various methods to be determined at the time of the emergency by the Campus Director. The methods of communication the Campus Director may use are:

- Email
- Telephone

- Runners
- Signs
- The web
- Media

In an effort to assure the timely warning system is working properly, Arizona College with test emergency response and evacuation procedures, document each test, including the date, time, and whether it was announced or unannounced and publicize emergency response and evacuation procedures in conjunction with at least one test per calendar year

Non-Emergency Numbers:

Glendale Police Department (623) 930-3000

Mesa Police Department (480) 644-2211

Glendale Fire Department (623-930-4400

Mesa Fire Department (480) 644-2400

## **SECURITY AND ACCESS TO CAMPUS FACILITIES**

On-campus facilities are secured and require a key or key card for entrance outside of business hours. Access to the Campus is limited to regular business hours Monday through Thursday 7:30am – 11:00pm, Friday 7:30am – 5:00pm, and Saturday 9:00am – 1:00pm

Facilities are maintained to ensure safety and security. Students and employees are encouraged to report any security or maintenance needs the Campus Director. During regular business hours, the Campus Director will immediately be notified to ensure that all security requests are resolved.

Arizona College does not maintain residence buildings and does not have security personal with law enforcement authority on Campus.

## **EMERGENCY RESPONSE/EVACUATION**

The Emergency Preparedness Plan is located on the college's website. The plan is available for viewing emergency guidelines and recommendations.

If there is a fire or emergency in the building, contact Administration or an instructor immediately, who in turn will see that the situation is handled properly. In the event of a fire, all students should evacuate the building through the closest fire exit and report to their instructor for roll call.

## **COOPERATION WITH LOCAL AUTHORITIES**

In an effort to provide for the safety and security of students and employees, Arizona College maintains a cooperative relationship with all local public safety agencies including the Glendale and Mesa Police and Fire Departments. Periodically, the Glendale and Mesa Police Department provides Arizona College with reports that provides information on police actions, by category, for the off-campus neighborhood. The annual disclosure of crime statistics is prepared by Arizona College Office of Regulatory Affairs as a result of information gathered from campus incident reports, and Police Department reports of police actions. Arizona College does not maintain a MOU with local authorities.

## REDUCING SECURITY RISKS

Arizona College students are encouraged to be responsible for their own security. The following tips may help you protect yourself from security risks. This information was obtained from and additional safety information may be located at [rainn.org](http://rainn.org).

*“The following tips may reduce your risk for many different types of crimes, including sexual violence.*

- *Know your resources. Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.*
- *Stay alert. When you’re moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you’re alone, only use headphones in one ear to stay aware of your surroundings.*
- *Be careful about posting your location. Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.*
- *Make others earn your trust. A college environment can foster a false sense of security. They may feel like fast friends, but give people time earn your trust before relying on them.*
- *Think about Plan B. Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can’t use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?*
- *Be secure. Lock your door and windows when you’re asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.”*

In keeping with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the College makes available to all current students and employees the campus security report in its entirety. The most recently reported Crime Statistics for the Glendale and Mesa Campuses follow.

***Campus Crime Statistics are included at the end of this document.***

## SEXUAL OFFENSE AWARENESS

Arizona College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary proceeding conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Arizona College will provide the results of the disciplinary proceeding to the victim’s next of kin, if so requested.

The educational programs and employee training provide ongoing awareness and prevention campaigns that also identifies safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such bystander. Additionally, information is provided on risk reduction so that students, faculty/staff may recognize warning signs.

## TITLE IX AND SEXUAL MISCONDUCT

### *Nondiscrimination*

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Arizona College does not discriminate in its education programs and activities on the basis of race, color, creed, national or ethnic origin, religion, sex, pregnancy, childbirth and related medical conditions, marital status, medical condition, service in the uniformed services, political activities and affiliations, age, disability, sexual orientation, gender identity, veteran status, or any other consideration made unlawful by federal, state, or local laws. Specifically, Title IX/SaVE requires the College not to discriminate on the basis of gender/sex in its education programs and activities. Gender/sex harassment, including gender/sex violence, is a form of prohibited gender/sex discrimination. Examples of covered acts are found in the College's policies on Sexual Misconduct.

### *Sexual Misconduct Policy*

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#### **Gender/Sexual Discrimination, Misconduct, Harassment or Violence - Title IX/SaVE Purpose**

Arizona College is committed to maintaining an academic climate in which individuals of the college community have access to an opportunity to benefit fully from the College's programs and activities. When students experience acts of sexual misconduct, their sense of safety and trust is violated. This can significantly interfere with their lives, including their educational goals. This policy has been developed to proactively create a campus environment in which incidents of sexual misconduct can be promptly and effectively responded to without further victimization, retaliation, and with possible remediation of its effects.

### *Dissemination of the Policy, Educational Programs, and Employee Training*

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This policy shall be disseminated through the Arizona College Academic Catalog, provided to the College community online through the College website, and other appropriate channels of communication.

New and current students will be provided with educational materials to promote familiarity with this policy. Newly hired employees and current employees responsible for reporting sexual misconduct will be provided with training. Furthermore, annual training will be provided to investigators and hearing officers.

The educational programs and employee training provide ongoing awareness and prevention campaigns that also identifies safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such bystander. Additionally, information is provided on risk reduction so that students, faculty/staff may recognize warning signs.

### **Definitions and Examples of Sexual Misconduct**

#### **Sexual Misconduct Offenses include, but are not limited to:**

- Sexual Harassment
- Sexual Assault
- Sexual Violence
- Sexual Exploitation
- Domestic and/or Dating Violence
- Stalking

### **SEXUAL HARRASSMENT**

Sexual harassment includes unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature that has the effect of unreasonably interfering with an individual's academic or work performance, or creates an intimidating, hostile, or offensive environment. Sexual violence is a form of sexual harassment prohibited by Title IX/SaVE.

## Three Types of Sexual Harassment

1. Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently offensive so that it alters the conditions of education, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include:
  - the frequency of the conduct;
  - the nature and severity of the conduct;
  - whether the conduct was physically threatening;
  - whether the conduct was humiliating;
  - the effect of the conduct on the alleged victim's mental or emotional state;
  - whether the conduct was directed at more than one person;
  - whether the conduct arose in the context of other discriminatory conduct;
  - whether the statement is a mere utterance of an epithet which engenders offense in an individual, or offends by mere discourtesy or rudeness;
  - whether the speech or conduct deserves the protections under other principles such as academic freedom.

Hostile Environment sexual harassment may occur in student to student, faculty/staff to student, student to faculty/staff relationships, or third party to student/faculty/staff.

2. Quid pro quo sexual harassment exists when there are:
  - unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
  - submission to or rejection of such conduct results in adverse educational action.

Quid pro quo harassment may occur in student to student, faculty/staff to student, student to faculty/staff relationships, or third party to student/faculty/staff.

3. Retaliation
  - The College will sanction a faculty, student, or staff member who takes adverse action against a person because of the person's participation in or support of an investigation of discrimination or sexual misconduct. Adverse action includes, but is not limited to, threats, harassment, intimidation (implied threats) or actual violence against the person or his or her property, adverse educational or employment consequences, ridicule, taunting, bullying, or ostracism.

Retaliation sexual harassment may occur in student to student, faculty/staff to student, student to faculty/staff relationships, or third party to student/faculty/staff.

Title IX/SaVE also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

## **SEXUAL ASSAULT**

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.

## **SEXUAL VIOLENCE**

Sexual violence is defined as physical sexual acts engaged in without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

## **WITHOUT CONSENT**

“without consent” includes any of the following:

- The victim is coerced by the immediate use or threatened use of force against a person or property.
- 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.
- The victim is intentionally deceived as to the nature of the act.
- The victim is intentionally deceived to erroneously believe that the person is the victim’s spouse.

## **SEXUAL EXPLOITATION**

Occurs when a person takes non-consensual or abusive sexual advantage of another for his or 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 the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- prostituting another student;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism;
- knowingly transmitting an STI or HIV to another student.

## **DOMESTIC VIOLENCE**

“domestic violence” is not a crime in itself. Instead, the law designates a list of specific criminal offenses that can be associated with domestic violence. In addition to one of the listed crimes actually occurring, it must be established that a certain relationship existed between victim and defendant, including:

- Marriage or former marriage or persons residing or having resided in the same household
- A child in common
- Pregnant by the other party
- Family relationship
- Current or previous romantic or sexual relationship

## **DATING VIOLENCE**

Statute, regulations, and case law do not define “dating violence.” Since there is no Arizona definition of “dating violence,” the following is the definition from the VAWA: The term “dating violence” means violence committed by a person--(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship. 42 U.S.C. § 13925(a)(10)

## **STALKING**

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 either:



- Would cause a reasonable person to fear for the person’s safety or the safety of that person’s immediate family member and that person in fact fears such
- Would cause a reasonable person for fear death of that person or that person’s immediate family member and that person in fact fears such

**CONFIDENTIALITY**

While reports of this nature may result in the gathering of extremely sensitive information about individuals, such information is considered confidential and every effort will be made to keep the information confidential. Disclosures of certain personal information may be disclosed concerning a report of sexual harassment or sexual violence to the College. In such cases, efforts will be made to redact the records in order to protect the privacy of individuals.

Students are encouraged to speak to officials from the College to make formal reports of incidents. Students have the right and can expect to have incidents of sexual misconduct to be taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through administrative procedures.

The College has an obligation to investigate reports of this nature with or without the consent from the victim. The College will attempt to obtain consent from the victim before beginning an investigation. If the victim requests confidentiality or asks that the complaint not be pursued, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If the victim insists that his/her name or other identifiable information not be disclosed to the alleged perpetrator, the College may be limited in its response. Although the response may be limited, these types of reports help to keep the Title IX/SaVE Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. There are other resources listed below. These other resources are available for the reporting of crimes and policy violations, and they will take action when a report of victimization has been made to them. Neither College resources, nor the law requires a divulgence of private information from a student.

**RESOURCES**

**Emergency and Counseling Hotline Telephone Numbers:**

Emergency (police, fire, and rescue)  
 Always dial 911 for life-threatening emergencies.

24 Hour National Suicide Prevention Lifeline / Veterans Crisis Line

(800) 273-TALK (8255)

TTY Line: (800) 799-4889

24 Hour National Domestic Violence Hotline

(800) 799-SAFE (7233)

TDD Line: (800) 787-3224

Poison Control Center

(800) 222-1222

National Child Abuse Hotline

(800) 4-A-CHILD (422-4453)

Counseling and Rehabilitation

American Council on Alcoholism

(800) 527-5344

Al-Anon  
(888) 425-2666

The Substance Abuse and Mental Health Services Administration Treatment Helpline  
(800) 662-HELP / (800) 662-4357  
TDD (800) 487-4889

24 Hour National Alcohol and Substance Abuse Information Center  
(800) 784-6776

American Social Health Association STI Resource Center  
(800) 227-8922

CDC National AIDS Hotline / National STD Hotline  
(800) CDC-INFO (232-4636)

Gay and Lesbian National Hotline  
(888) THE-GLNH (843-4564)

### **RETALIATION**

This policy also prohibits retaliation against a person who reports sexual harassment, assists someone with a report of sexual harassment, or participates in any manner in an investigation or resolution of a sexual harassment report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

### **RECORDKEEPING**

The Title IX/SaVE Coordinator, along with Compliance, is responsible for maintaining records relating to sexual harassment and sexual violence reports, investigations, and resolutions. Records shall be maintained in accordance with College Record Retention Policies. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from Compliance.

### **Reporting/Filing a Complaint for Title IX (Gender/Sex Discrimination)**

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#### **GENDER/SEX**

Sexual misconduct is a threat to the entire College community. Members from the College community are strongly encouraged to report all incidents that threaten a student's continued well-being, safety, or security. Complaints from any member of the College community relating to discrimination, misconduct, harassment, domestic violence, dating or other related violence, stalking, or retaliation based on gender or sex concerning a faculty, staff, a student or students may be reported to:

#### **Title IX/SaVE Coordinator for Arizona College:**

**Matthew Calhoun, Director of Compliance & Regulatory Affairs, at:**

Phone: (602) 222-9300

Email: mcalhoun@arizonacollege.edu

Mailing Address: 4425 West Olive Ave, Suite 300, Glendale, AZ 85302

*The Title IX/SaVE Coordinator is responsible for the oversight, coordination and implementation of all Title IX compliance activities for the College. Title IX/SaVE Coordinator responsibilities include, but are not limited to, monitoring of the ongoing publication of the College's policy of non-discrimination including the Title IX/SaVE Coordinators contact information, continuous monitoring and oversight of overall*

*College activities for compliance with Title IX requirements including grievance procedures, investigations, sanctions and evaluating requests for confidentiality.*

College personnel will inform students who report an incident in writing of procedures that victims should follow, including:

- the importance of preservation of any evidence;
- options regarding the assistance of local law enforcement, campus officials; the option to decline assistance, or decline notifying local law enforcement;
- any interim protective measures that will be taken and their options for protective orders;
- resources including counseling, health, and mental health services.

Individuals with complaints of any nature described above also always have the right to file a formal complaint with the Office for Civil Rights (OCR), United States Department of Education, Washington DC 20201, and/or with local law enforcement.

### **OTHER COMPLAINTS**

All other complaints, including discrimination, misconduct, harassment, violence or retaliation based on race, color, creed, national or ethnic origin, religion, pregnancy, childbirth and related medical conditions, marital status, gender identity, medical condition, service in the uniformed services, political activities and affiliations, age, disability, veteran status, or any other consideration made unlawful by federal, state, or local laws, should follow the relevant procedure outlined, and/or contact the Campus Director.

An individual may also file a complaint or grievance alleging discrimination, misconduct, harassment, domestic violence, dating or other related violence, stalking, or retaliation based on gender or sex with the Title IX/SaVE Coordinator.

The above complaint processes (Gender/Sex and Other Complaints) involve a thorough, impartial investigation designed to provide a fair, prompt, and reliable determination about whether the College nondiscrimination policies have been violated. As necessary, the College reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim.

The College has an obligation to report any crimes of which it has knowledge under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

### **RECEIPT OF COMPLAINT**

Upon receiving notice of a possible violation of the sexual misconduct policy, the College will take immediate and appropriate steps to:

- end the behavior;
- conduct a prompt, fair and impartial investigation;
- remedy the effects, and
- prevent it from reoccurring.

Upon receipt of a complaint:

- The investigation should be completed and findings issued within sixty (60) calendar days from the receipt of the complaint, barring documented unforeseen circumstances.
- The Title IX/SaVE Coordinator, the relevant Campus Director, the Chief Operating Officer, and, if necessary, Human Resources' staff will coordinate any initial remedial short term or interim actions including but not limited to suspension or leave, accommodations for the alleged victim, or other necessary remedial short-term actions and protective measures.

## **INITIAL INVESTIGATION INTO COMPLAINT**

- Upon receipt of a complaint, the Campus Director and, if necessary, Human Resources' staff, will investigate the complaint.
- The Campus Director and, if necessary, Human Resources' staff, will determine the identity and contact information of the complainant, whether that will be the initiator, the alleged victim, or a College proxy or representative;
- The Campus Director and, if necessary, Human Resources' staff, will collaborate with the complainant to identify the correct policies allegedly violated;
- The Campus Director and, if necessary, Human Resources' staff, will conduct an immediate initial investigation to determine if there is reasonable cause to charge the accused individual, and what policy violations should be alleged as part of the complaint. If a reasonable cause exists, the Campus Director and, if necessary, Human Resources' staff, will prepare a Notice of Charges on the basis of the initial investigation and submit it to the Title IX/SaVE Coordinator for further action;
- Once the Title IX/SaVE Coordinator receives a copy of the report of initial findings, the Title IX/SaVE Coordinator and, if necessary, Human Resources' staff, will review the findings and make a determination as to whether reasonable cause exists to bring charges against the accused individual. If reasonable cause exists, the matter shall proceed to a formal investigation.
- The complainant and the accused have the right to meet with the Title IX/SaVE Coordinator to receive information as to why the investigation was terminated.
- The complainant and the accused have a right to request an appeal to an investigation that was terminated.
- Where the Title IX/SaVE Coordinator and, if necessary, Human Resources' staff, affirm an investigator finding that there is insufficient evidence to support a reasonable cause, the complaint will be closed and the Campus Director or designee or if necessary, Human Resources, will simultaneously inform the complainant and the accused that the investigation is discontinued and will reverse any interim, short term actions taken.

## **NOTICE OF CHARGES AND CONTINUED INVESTIGATION OF COMPLAINT**

- If the Title IX/SaVE Coordinator determines there is sufficient evidence to support a reasonable cause and approve the charges, the investigator and Title IX/SaVE Coordinator will collaborate with the Campus Director and Chief Operating Officer, or if necessary, Human Resources' staff, to determine the need for additional, short term remedial actions for any parties involved in the complaint. Any additional, short term remedial actions deemed necessary prior to the continuation of the investigation shall be carried out by the Campus Director and if necessary, Human Resources. They will communicate to the complainant the continuation of the investigation and intent to present the accused with a Notice of Charges. The Campus Director and, if necessary, Human Resources' staff, will simultaneously and in writing present the accused with the official Notice of Charges. They will also communicate and carry out all additional, short term remedial actions for any involved party that is a student; Human Resources will also communicate and carry out all additional, short term remedial actions for any involved party that is an employee deemed necessary, prior to the continuation of the investigation.
- The investigator will continue the investigation and conduct a thorough, reliable, and impartial investigation by developing an investigation plan, including as much as reasonably possible, giving each party an equal opportunity to present witnesses and other evidence and be represented by an advisor of their choosing.
- The investigator will complete the investigation without unreasonable deviation from the intended timeline.
- Any requests for updates on the status of the investigation prior to its completion should be directed to the Title IX/SaVE Coordinator or Human Resources' staff.
- The investigator will make a finding based on a preponderance of the evidence (whether a policy violation is more likely than not).

- Upon completion of the investigation, the investigator will present all findings to the Title IX/SaVE Coordinator.
- Once the investigation findings are approved by the Title IX/SaVE Coordinator, the Title IX/SaVE Coordinator will communicate the results to the Campus Director and, if necessary, Human Resources' staff.
- At any time during the process, the victim maintains their right to file a criminal complaint with local law enforcement.

#### **INVESTIGATION FINDINGS: COMMUNICATION**

- The Campus Director or designee or, if necessary, Human Resources' staff, will simultaneously and in writing communicate the findings to the accused and the complainant.
- Where the preponderance of the evidence does not support a finding against the accused for the alleged violation(s), the investigation will be closed. The Campus Director or designee, or, if necessary, Human Resources' staff, will simultaneously and in writing communicate the findings to the accused and the complainant. Additionally, where the accused is found not responsible for a violation, the Campus Director or designee, or, if necessary, Human Resources' staff, will consult with the Title IX/SaVe Coordinator to consider the reversal of any remedial actions taken.
- Where the accused is found responsible for a violation, the accused or the complainant may appeal the findings in part or in whole; the Campus Director or designee will advise the rejecting party of the criteria for appeal of the findings when communicating the findings.

#### **INVESTIGATION FINDINGS: ACCEPTANCE**

- If the complainant and/or accused individual(s) accept the findings in whole, each shall notify the Title IX/SaVE Coordinator within three (3) business days of communication of findings. If the complainant and/or accused individual do not indicate his/her acceptance or Appeal of the findings within three (3) business days of communication, non-communication will be considered acceptance and the College will proceed accordingly with the process four (4) days following communication of the investigation findings.
- The Title IX/SaVE Coordinator will review all case information and determine appropriate sanctions within eight (8) business days following notification of all findings to the complainant and accused individual, barring documented unforeseen circumstances. If the accused is an employee, Human Resources in coordination with the Title IX/SaVE Coordinator will determine appropriate sanctions. Once the sanction(s) is determined the Title IX/SaVE Coordinator will inform the Campus Director or designee and Human Resources (if necessary) of the sanction determination. The Campus Director or designee, or Human Resources (if necessary) shall, within two (2) business days of the notification of sanctions, barring documented unforeseen circumstances, simultaneously and in writing inform the complainant and the accused of the sanction decision.
- Sanctions against student(s) determined by this process are subject to the *Sanction Appeal Process*, outlined in this Academic Catalog, by either the accused or complainant.

#### **INVESTIGATION FINDINGS: APPEAL**

- If the complainant and/or accused individual(s) disagree with the findings in part or in totality, either the complainant or the accused may appeal the finding in totality or in part on the following bases:
  - The accused and/or complainant wants consideration of new evidence, which was unavailable during the original investigation that could be outcome determinative. A summary of this new evidence and its potential impact must be included;
  - The accused and/or complainant alleges that a material deviation from written procedures impacted the fairness of the process in a way that could be outcome determinative;
  - The accused and/or complainant challenges the assertion that the evidence presented during the investigation process was sufficient to find them responsible by a preponderance of the evidence; or

- The accused and/or complainant allege bias by the investigator or Title IX/SaVE Coordinator which deprived the process of impartiality in a way that was outcome determinative.

The accused and/or complainant has five (5) business days , barring documented unforeseen circumstances, from the date of the communication of the findings to present the formal notification of appeal, in writing, to the Title IX/SaVE Coordinator.

#### **INVESTIGATION FINDING: APPEAL PROCESS**

- Upon receipt of either party's appeal of the findings, the Title IX/SaVE Coordinator will acknowledge receipt of the notice within three (3) business days.
- The written appeal must state the basis for appeal and provide sufficient information that supports the grounds for appeal. The appeal must be accompanied by any relevant new information or evidence that was not available during the investigation phase of the process.
- The Chief Operating Officer or his/her designee will review all cases presented for appeal within five (5) business days of the Title IX/SaVE Coordinator's acknowledgement of the party's intent to appeal, barring documented unforeseen circumstances, to determine if the presented grounds for appeal and supporting information will be accepted or rejected.
- If the appeal does not meet the stated grounds for the appeal, the appeal will be rejected by the Chief Operating Officer or designee and the decision to reject the appeal will be communicated to the Title IX/SaVE Coordinator. The Title IX/SaVE Coordinator will inform the Campus Director or designee and if necessary Human Resources of the decision. The Campus Director or designee, shall, within two (2) business days of the appeal determination, barring documented unforeseen circumstances, simultaneously and in writing inform the complainant and the accused of the appeal decision.
- If the appeal is rejected by the Chief Operating Officer or designee, the Campus Director will then determine sanctions within seven (7) business days following the communication of the rejection of the appeal, barring documented unforeseen circumstances.
- If the Chief Operating Officer or designee determines there is sufficient evidence to support an appeal, the Chief Operating Officer or designee will inform the Title IX/SaVE Coordinator of this determination within five (5) business days of the Title IX/SaVE Coordinator's acknowledgement of the party's intent to appeal.
- If the appeal determination requires a review of the investigation, the Title IX/SaVE Coordinator will then return the case to the Campus Director for further investigation within three (3) business days of receipt of the appeal determination by the Chief Operating Officer and a new investigator will be assigned.
- The appeal investigation will be completed within fourteen (14) calendar days, barring documented circumstances that may extend the investigation.
- Upon completion of the appeal review, the investigator will present all findings to the Title IX/SaVE Coordinator.
- Once the appeal review findings are submitted to the Title IX/SaVE Coordinator, the Chief Operating Officer will make an appeal determination. The Title IX/SaVE Coordinator will report the outcome to the Campus Director or designee or if necessary, to Human Resources, who will in turn communicate the appeal findings, simultaneously and in writing, to the complainant and the accused.
- Where the accused individual is found not responsible for the alleged violation(s) upon appeal, the investigation will be closed. The Campus Director or designee, or if necessary Human Resources, will communicate this information to both the complainant and accused simultaneously and in writing.
- Additionally, the Campus Director or designee will consult with the Title IX/SaVE Coordinator and Human Resources (when necessary) to consider the reversal of any remedial actions taken.
- Where the accused individual is found responsible for the alleged violation(s) upon appeal, the Campus Director or designee or if necessary Human Resources, will communicate this information to both the complainant and accused simultaneously and in writing.

- The Chief Operating Officer will determine sanctions within seven (7) business days of the communication of findings of the appeal, barring documented unforeseen circumstances.

### **ADDITIONAL INFORMATION FOR SEXUAL MISCONDUCT INVESTIGATIONS**

**Attempted Violations.** In most circumstances, Arizona College will treat attempts to commit any of the violations listed as if those attempts had been completed.

**College as Complainant.** As necessary, Arizona College reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.

**False Reporting.** Arizona College will not tolerate intentional false reporting of incidents. Such false reporting may violate state criminal statutes and civil defamation laws.

**Group Action.** When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group or individually, and a hearing may proceed against the group as jointly accused students or individually, at the discretion of the College.

**Amnesty Policy.** Arizona College encourages the reporting of crimes by victims and/or witnesses. Sometimes, a victim(s) and/or witness(es) may be hesitant to report to College officials because of the fear that by reporting an incident, he/she may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims and/or witnesses as possible choose to report to College officials. To encourage reporting, Arizona College pursues a policy of offering victims and/or witnesses of crimes immunity from policy violations related to the incident, as long as those policy violations are not directly related to the crime itself. For example, if a student reported a rape in which he or she was involved as a perpetrator, he or she would not be immune from policy violations.

**No-Contact Order.** Students are entitled to seek a no-contact order that imposes reasonable restrictions on student contact during and after campus conduct proceedings.

**Right to an Immediate Process.** Arizona College takes immediate and appropriate action to investigate sexual misconduct complaints.

**List of Witnesses and Copies of Documentary Evidence.** The College encourages an exchange of information between the parties in advance of the hearing, including an exchange of the complaint and answer, witness lists, and other written statements that may be available.

**Sexual History.** Questioning or presenting of evidence about the complainant's prior sexual conduct with anyone other than the alleged perpetrator will be prohibited. Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.

**Character.** All parties to a complaint have a right not to face questions or discussion about their character unless the hearing chair or administrative hearing officer determines that such information is highly relevant to determining whether the policy has been violated.

**Separate Testimony Options.** Any complainant can request to give his or her testimony via alternate means to being in the physical presence of the person he or she has accused. Telephony, screens, and closed-circuit broadcasts may be permitted, but not to the disadvantage of the accused student.

**Notice of When Complaint Delivered to Accused.** Complainants are notified in advance regarding when notice of the complaint is delivered to the accused, so as to protect Complainants from potential retaliation.

**Right to Present Own Complaint or Use Proxy.** The alleged victim has the right to present his or her own complaint if he or she wants to, or to ask the College to stand as complainant in his or her place.

**Right to Know Outcome and Sanctions.** Simultaneously and in writing the complainant and the accused have the right to know the outcome and sanctions.

**Right to be Informed of Appeal Status.** The parties will be informed by the Campus Director or designee if an appeal is granted.

### **POSSIBLE SANCTIONS AND PROTECTIVE MEASURES**

- Any accused found responsible for violating the policy on Sexual Misconduct may receive a sanction ranging from a verbal warning, probation, and suspension to expulsion/termination, depending on the severity of the incident, and taking into account any previous documented conduct issues. If the

accused individual is an employee, sanctions will be determined by Human Resources in consultation with the Title IX/SaVE Coordinator.

- In order to protect the victim, at any time during the investigation, the College may recommend interim protections or remedies. These protections include, but are not limited to, separating the parties, placing limitations on contact between the parties, or making alternative working or academic arrangements. Efforts will be made to minimize the burden on the victim. Failure to comply with these interim protections may be considered a separate violation of this Policy.

## **SANCTION PROCESS: STUDENT**

### **Administrative Hearing (Student)**

The Title IX/SaVE Coordinator will review all case information and determine appropriate sanctions within five (5) business days of notification of acceptance of all findings to the Title IX/SaVE Coordinator, barring documented unforeseen circumstances.

### **Formal Hearing for Sanctioning (Student)**

- The Campus Director or designee *may* delegate decision making authority to a committee consisting of representatives from the following: Full-time faculty, Financial Aid, Student Services, and/or senior academic administration.
- At the hearing, the findings of the investigation will be admitted and reviewed. The investigator(s) should be available to discuss the investigation and to provide clarification as needed to the hearing panel. The hearing will determine appropriate sanctions for the violation(s). The goal of the hearing is to provide an equitable resolution through an equitable process.
- The Campus Director has final decision making authority with respect to the sanctions to be applied.

The Campus Director or designee, will simultaneously and in writing communicate the sanctions to the accused individual(s) and the complainant within seven (7) business days of the communication of the sanction determination, barring documented unforeseen circumstances.

## **SANCTION APPEAL PROCESS: STUDENTS ONLY**

- Where either party, the accused or the complainant, disagrees with any delivered sanction(s), either has five (5) business days from the date sanctions are communicated, barring documented unforeseen circumstances, to present an appeal of the sanctions, in writing, to the Title IX/SaVE Coordinator. The written request for appeal of the sanctions must state one or more of the five (5) bases for appeal (SEE BELOW) along with facts and information that support the grounds for appeal; and be accompanied by any relevant, new information or evidence that was not available during the investigation phase of the process. The Title IX/SaVE Coordinator will forward all case information to the Chief Operating Officer or designee who will make a determination as to whether there is sufficient evidence to support an appeal of sanctions on the basis of:
  - the availability of new information, unavailable during the original investigation, that could be outcome determinative regarding sanctions;
  - a potential material deviation from written procedures which impacted the fairness of the process in a way that was outcome determinative;
  - the evidence presented during the investigation process may have been insufficient to find the individual responsible by a preponderance of the evidence;
  - the potential of bias by a panel member(s) which may have deprived the process of impartiality in a way that was outcome determinative; or
  - a belief that a sanction(s) is substantially disproportionate to the severity of the offense.
- The sanction appeal will be reviewed by the Chief Operating Officer or designee within five (5) business days of the sanction appeal notice, barring documented unforeseen circumstances, to determine whether there are sufficient grounds for appeal.



- If the appeal does not state a ground for appeal or sufficiently meet the grounds for appeal, the appeal will be rejected by the Chief Operating Officer or designee and the decision to reject the appeal communicated to the Title IX/SaVE Coordinator. The Title IX/SaVE Coordinator will inform the Campus Director or designee and, if necessary, Human Resources of the decision.
- The Campus Director or designee will simultaneously and in writing inform the complainant and the accused of the rejection of the appeal within seven (7) business days of the determination, barring documented unforeseen circumstances.
- The Campus Director or designee will impose all sanctions on the accused student for the violation. Human Resources will impose all sanctions on the accused employee. Once the sanctions are carried out, the Campus Director or designee will inform the Title IX/SaVE Coordinator, thereby closing the case.
- If the sanctions appeal is granted, the Chief Operating Officer will review all information presented with the appeal and make a final sanction determination.
- Sanction appeal decisions will be completed within fourteen (14) calendar days of acceptance of the appeal grounds, barring documented circumstances that may extend the determination.
- The Title IX/SaVE Coordinator will inform the Campus Director or designee of the final sanction decision.
- The Campus Director or designee, of Human Resources if necessary, will simultaneously and in writing inform the complainant and the accused of the appeal decision within seven (7) business days of the decision, barring documented unforeseen circumstances.
- The Campus Director or designee will impose all sanctions for the violation. Once the sanctions are carried out, the Campus Director or designee will inform the Title IX/SaVE Coordinator, thereby closing the case.

## **SPECIAL PROCEDURAL PROVISIONS FOR SEXUAL MISCONDUCT SANCTION HEARINGS**

**Right to a Closed Hearing.** The sanction hearing will be closed to the public, and only those who have a legitimate reason to be present will be permitted to be present.

**Advisor.** The accused and complainant to sexual misconduct complaints have the right to the same opportunities to have others present during the sanction hearing, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

**Right to be Present for Sanctioning Proceeding.** Each party has the right to be present during the hearing.

**Nondisclosure Agreements.** The College will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of the proceeding.

The institution will change a victim's academic situations after an alleged sex offense and the options for those changes if those changes are requested by the victim and are reasonably available (for example changing class schedules).

### **Definitions**

The following definitions are taken from the Uniformed Crime Reporting created by the FBI:

Sex Offenses                      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.

Incest	Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
Statutory Rape	Sexual intercourse with a person who is under the statutory age of consent.
Domestic Violence	A felony or misdemeanor crime of violence committed: By a current or former spouse or intimate partner of the victim; By a person with whom the victim shares a child in common; By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
Dating Violence	Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship 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 purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
Stalking:	Engaging in a course of conduct directed at a specific person that would cause a reasonable person to; Fear for the person's safety or the safety of others; or Suffer substantial emotional distress. For the purposes of this definition: Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## RESOURCES FOR SEXUAL ASSAULTS

**There are no on-campus student services for victims of sex offenses.**

**National Sexual Assault Hotline** (Rape, Abuse & Incest National Network)

Call 800.656.HOPE (4673) to be connected with a trained staff member from a sexual assault service provider in your area.

### **How does it work?**

When you call 800.656.HOPE (4673), you'll be routed to a local RAINN affiliate organization based on

the first six digits of your phone number. Cell phone callers have the option to enter the zip code of their current location to more accurately locate the nearest sexual assault service provider.

### **How can the hotline help me?**

Calling the National Sexual Assault Hotline gives you access to a range of free services including:

- Confidential, judgment-free support from a trained staff member
- Support finding a local health facility that is trained to care for survivors of sexual assault and offers services like sexual assault forensic exams
- Someone to help you talk through what happened
- Local resources that can assist with your next steps toward healing and recovery
- Referrals for long term support in your area
- Information about the laws in your area
- Basic information about medical concerns

### **Is it confidential?**

The National Sexual Assault Hotline is a safe, confidential service. When you call the hotline, only the first six numbers of the phone number are used to route the call, and your complete phone number is never stored in our system. Most states do have laws that require local staff to contact authorities in certain situations, like if there is a child or vulnerable adult who is in danger.

While almost all callers are connected directly to a staff member or volunteer at a local sexual assault service provider, a handful of providers use an answering service after daytime business hours. This service helps manage the flow of calls. If all staff members are busy, you may choose to leave a phone number with the answering service. In this case, the number will be confidential and will be given directly to the organization's staff member for a callback. If you reach an answering service, you can try calling back after some time has passed, or you can choose to call during regular business hours when more staff members are available. You can also access 24/7 help online by visiting [online.rainn.org](http://online.rainn.org).

## **CAMPUS SEX CRIMES PREVENTION ACT**

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Arizona College is providing a link to the state Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

Registry information provided under this section shall be used for the purposes of the administration of justice, screening of current or prospective employees and volunteers, or otherwise for the protection of the public in general and children in particular. Using this public information to threaten, intimidate or harass sex/kidnap offenders will not be tolerated by the law enforcement agencies of Arizona. This abuse could potentially terminate our ability to release this important information to the public. Follow the link below to access the Arizona Department of Public Safety Registry information.

[http://www.azdps.gov/Services/Sex\\_Offender/](http://www.azdps.gov/Services/Sex_Offender/)

<http://www.nvsexoffenders.gov/>

## **DRUG FREE SCHOOLS & COMMUNITIES ACT**

Arizona College is committed to maintaining a drug-free environment. Preparation for a career in Healthcare requires both students and staff to be free of the influence of illegal drugs and alcohol.

As part of the Drug Free Schools and Communities Act of 1986, as amended 1989, we must notify students of the regulations regarding the prohibition of the unlawful possession, use or distribution of illicit drugs and alcohol on the institutions property or as part of its activities. Drug screenings may be required during the course of enrollment or employment at Arizona College and may be required by clinical facilities. Any Arizona College student or staff who consumes or distributes drugs or alcohol on the school premises or at clinical and externship sites will be subject to disciplinary action and possible termination.

Students who seek assistance in dealing with a possible substance abuse problem are encouraged to obtain a listing of agencies providing substance abuse assistance from the College administration. Arizona College has located resources which might assist students who find they are having difficulty with controlled substances or alcohol. If a student should find they are having such difficulties, he/she should notify student services immediately. The resources will assist in referral and/or treatment.

## **LAWS REGARDING ALCOHOL AND DRUGS**

### **Arizona**

In addition to the Federal laws, the State of Arizona has its own laws dealing with controlled substances. It is illegal for persons under the age of 21 to possess alcoholic beverages with intent to consume them, and for anyone to falsify or misrepresent his or her age or another person's age to obtain alcohol. It is illegal in most circumstance to obtain or give alcohol to a person under the age of 21. Arizona law (ARS & 8-323) provides for the following penalties for a minor who purchases, possesses, or consumes spirituous liquor.

1. Probation
2. A juvenile court hearing
3. Driving privileges suspended for 180 days
4. Attendance at a counseling or education program
5. A fine up to \$500
6. Community service work

Arizona law also makes it a misdemeanor to be intoxicated in public and cause a public disturbance, or to be intoxicated and endanger the safety of another person or of property. This carries a fine of up to \$1000 and up to 90 days imprisonment.

Controlled Substances – Federal and state laws prohibit the possession, use, sale and manufacture of illegal drugs.

Penalties for drug possession under Arizona law range from a minimum of probation to a maximum of 10 years in prison and a \$150,000 fine.

*\*Information is given for first offense only. Repeat offenses carry progressively greater sanctions. Trafficking (selling) any of the above drugs, excluding alcohol, are all felonies. Amount and type of drug possessed for sale will determine penalty. The above information is presented as guidelines for educational purposes but is not binding.*

### **Nevada**

State of Nevada In addition to the Federal laws, the State of Nevada has its own laws dealing with controlled substances. NRS 453.316 Opening or maintaining of place for unlawful sale, gift or use of controlled substance

prohibited; penalties; prohibition against probation or suspension of sentence for certain repeat offenders.

1. A person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$10,000, except as otherwise provided in subsection

2. 2. If a person convicted of violating this section has previously been convicted of violating this section, or if, in the case of a first conviction of violating this section, he has been convicted of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under this section, he is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$20,000. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section if he has been previously convicted under this section or of any other offense described in this subsection.

3. This section does not apply to any rehabilitation clinic established or licensed by the Health Division of the Department.

## **ALCOHOL**

Under Nevada state law, alcoholic beverages may not be served or sold to any person under the age of 21. It is illegal for persons under age 21 to possess alcoholic beverages with intent to consume them, and for anyone to falsify or misrepresent his or her age or another person's age to obtain alcohol. It is also illegal in most circumstances to obtain or give alcohol to a person under age 21. The penalty is a fine of \$500 for the first offense and up to \$1,000 for repeat offenses.

2. Alcoholic beverages may not be served or sold to any person who is intoxicated. According to the Alcoholic Beverage Control (ABC) Board, "Any person who has drunk enough alcoholic beverages to so affect his/her manner, disposition, speech, muscular movements, general appearance or behavior so as to be apparent to observation shall be deemed to be intoxicated."

3. State law prohibits drinking in public (e.g., on the street, in parking lots); possession of an alcoholic beverage by a person under the legal drinking age; falsely representing one's age for the purpose of procuring alcohol; and purchasing an alcoholic beverage for a person who is under the legal drinking age.

4. State Ordinances forbid possession of open alcoholic beverage containers in public parks and playgrounds. It is also unlawful for any person to be drunk or profanely to curse or swear in any public place in the county.

5. Federal and state laws prohibit the possession, use, sale and manufacture of illegal drugs.

## **DRUGS**

In addition to the Federal laws, the State of NEVADA has its own laws dealing with controlled substances. A minimum of five years imprisonment is the penalty for a first offense of manufacture, distribution, dispensing or possession with intent to distribute 50 pounds or more of marijuana; 448 grams or more of cocaine or cocaine mixture; 50 grams or more of cocaine base; 28 grams or more of morphine or opium mixture; 1000 dosage units of LSD or mixture; 448 grams or more of methamphetamine or mixture; or 448 grams or more of phencyclidine in liquid form. For a second offense, the authorized penalty is doubled. If the offender is convicted as a "drug kingpin," even the first offense can carry a fine of up to \$1,000,000 and 20-40 years imprisonment without parole. The penalty for a first offense of trafficking in PCP, LSD, or other Schedule I and II narcotics is a fine of up to \$25,000 (\$20,000 in case of PCP and LSD) and/or imprisonment of up to twenty years. For a second offense, the minimum prison term is ten years. Trafficking in other Schedule I-IV controlled substances is punishable by a fine of up to \$15,000 and prison term up to five years (both are doubled for a second offense).

## **FEDERAL**

Federal law penalizes the unlawful manufacturing, distribution, use, sale, and possession of controlled substances. The penalties vary based on many factors, including the type and amount of the drug involved, and whether there is intent to distribute. Federal law sets penalties for first offenses ranging from less than one year to life imprisonment and/or fines up to \$10 million. Penalties may include forfeiture of property,

including vehicles used to possess, transport, or conceal a controlled substance; the denial of professional licenses or Federal benefits, such as student loans, grants, and contracts; successful completion of a drug treatment program; community service; and ineligibility to receive or purchase a firearm. Federal law holds that any person who distributes, possesses with intent to distribute, or manufactures a controlled substance on or within one thousand feet of an educational facility is subject to a doubling of the applicable maximum punishments and fines. See the Federal Controlled Substances Act at 21 USC 800.

## **SCHOOL SANCTIONS**

In addition to the physical risks associated with illegal drug and alcohol abuse, there are many federal state laws individuals should be aware of. One of these regulation includes the possible loss of Financial Aid due to conviction of a drug offence while receiving Financial Aid. Arizona College will provide a timely notice to each student who has lost eligibility due to drug convictions for any grant, loan, or work-study assistance as a result of penalties under 484(r)(1) of the HEA a separate clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which to regain eligibility under section 484(r)(2) of the HEA .

## **LOCAL TREATMENT RESOURCES**

Alcoholics Anonymous	(602) 264-1341
Assisted Recovery Centers of America	(602) 264-7897
Valley Hope Alcohol and Drug Treatment Services	1-800-544-5101
Phoenix House	1-800-DRUG-HELP
Phoenix Recover Center	1-800-671-9516
Narcotics Anonymous	(480) 897-4636
Nationwide Addiction Assistance Helpline	1-800-559-9503

## **STUDENT RIGHTS UNDER FERPA**

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records.

These rights include:

- (1) The right to inspect and review the student's education records within 45 days of the day the College receives a request for access. A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained

by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

- (2) The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask the College to amend a record should write the College official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If the College decides not to amend the record as requested, the College will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
- (3) The right to provide written consent before the College discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent. The College discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the College has contracted as its agent to provide a service instead of using College employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the College.

- (4) The right to file a complaint with the U.S. Department of education if the institution fails to comply with FERPA requirements.

Complaints should be directed to:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

## **DIRECTORY INFORMATION**

The Family Educational Rights and Privacy Act (FERPA) designates certain student information as "Directory Information" and gives the institution the right to disclose such information without having to ask students' permission. The items listed below as "Directory Information" may be released for any purpose at the discretion of the institution. Under the provisions of FERPA, students have the right to withhold the disclosure of any or all of the categories of information listed below.

**The following information will be released unless students specifically request that their information be withheld:**

- **Directory Information:** Name, address, telephone number, email address, date and place of birth, dates of attendance, previous institution(s) attended, major field of study (program), enrollment status, degrees and awards, past and present participation in officially recognized activities.

- **Career Services:** Students approaching graduation and working with career services staff on career planning, job interviewing and resume preparation authorize release of the following records for a period of fifteen months after graduation: the resume, identifying data, academic work completed, immigration status (if applicable), and authorize career services to verify information graduates provide regarding their employment. At no time is compensation information released or published.

To Withhold Information

To have directory, Career Services information withheld, students must submit a written request to the Registrar. Once filed, this request becomes a permanent part of the student’s record and no information may be released until the student instructs the institution otherwise.

**VOTER REGISTRATION**

Arizona College, as a participant in Federal Title IV Student Aid programs, is required to advise you that voter registration forms are available in the Financial Aid Office. Students may also visit their local post office to obtain the required Voter Registration form and necessary requirements. A downloadable version of the voter registration form is located at:

<http://www.azsos.gov/election/forms/voterregistrationform.pdf>

**UNAUTHORIZED DISTRIBUTION OF COPYRIGHTED MATERIALS**

Students are expected to comply with the provisions of the Copyright Act of 1976 pertaining to photocopying of printed materials, copying of computer software and videotaping.

Arizona College provides to its students and staff computers and a network with Internet access in order to do research, and complete administrative tasks. All users of the network are expected to comply with the college’s policy on the use of this network access. Arizona College had developed this policy to eliminate the unauthorized distribution of copyrighted materials on this network through the use of Peer-to-peer (p2p) file sharing.

Arizona College has taken several steps to combat the distribution of unauthorized Copyrighted material. Currently only IT administrators have access to download software onto computers used by both students and staff. This is a very strong limitation of the ability of the College Network to have software that uses p2p formats for the transfer of data.

Consequences of Illegal p2p file sharing

Should a student be caught using p2p file sharing to distribute unauthorized copyrighted material the student may be subject to Computer restriction, suspension or even termination depending on the severity of the situation. Employees will be handled on an individual basis by the V.P. of Operations and could be subject to termination.

This procedure will be reviewed on an annual basis for effectiveness or every two incidents.

Legal alternatives

There are more than 13 million legal tracks online today. The following Link includes a list of services licensed by the major record companies. Click through to learn where to access legal music online and have the best music experience possible.



[http://www.riaa.com/toolsforparents.php?content\\_selector=legal-music-services](http://www.riaa.com/toolsforparents.php?content_selector=legal-music-services)

#### Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the Web site of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).



# Arizona College-Glendale

## 2016 Annual Safety and Security Report

Reported in accordance with Uniform Crime Reporting procedures and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Offense Type (Includes Attempts)	Year	On-Campus Property	On-Campus Student Housing Facilities	Non Campus Property	Public Property
MURDER / NON-NEGLIGENT MANSLAUGHTER	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
NEGLIGENT MANSLAUGHTER	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
SEX OFFENSES, FORCIBLE	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
SEX OFFENSES, NON-FORCIBLE	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
ROBBERY	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
AGGRAVATED ASSAULT	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
BURGLARY	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
MOTOR VEHICLE THEFT	2015	0	N/A	0	0
	2014	1	N/A	0	0
	2013	0	N/A	0	0
ARSON	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
ARRESTS: WEAPONS: CARRYING, POSSESSING, ETC.	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0



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ARRESTS: LIQUOR LAW VIOLATIONS	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0

## HATE CRIMES

<b>Bias Categories</b>	
Race	
Religion	
Sexual Orientation	
Ethnicity/National Origin	
Political Affiliation or Belief	
Disability	
Gender Identity	
<b>Violence Against Women</b>	
Sexual Assault	
Domestic Violence	
Dating Violence	
Stalking	



# Arizona College-Mesa

## 2016 Annual Safety and Security Report

Reported in accordance with Uniform Crime Reporting procedures and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Offense Type (Includes Attempts)	Year	On-Campus Property	On-Campus Student Housing Facilities	Non Campus Property	Public Property
MURDER / NON-NEGLIGENT MANSLAUGHTER	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
NEGLIGENT MANSLAUGHTER	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
SEX OFFENSES, FORCIBLE	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
SEX OFFENSES, NON-FORCIBLE	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
ROBBERY	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
AGGRAVATED ASSAULT	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
BURGLARY	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
MOTOR VEHICLE THEFT	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
ARSON	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
ARRESTS: WEAPONS: CARRYING, POSSESSING, ETC.	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2015	0	N/A	0	0
	2014	2	N/A	0	0
	2013	0	N/A	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2015	0	N/A	0	0
	2014	0	N/A	0	0



# Arizona College-Mesa

## 2016 Annual Safety and Security Report

	2013	0	N/A	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2015	0	N/A	0	0
	2014	0	N/A	0	0
	2013	0	N/A	0	0
	2012	0	N/A	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2014	0	N/A	0	0
	2013	0	N/A	0	0
	2012	0	N/A	0	0

### HATE CRIMES

<b>Bias Categories</b>	
Race	
Religion	
Sexual Orientation	
Ethnicity/National Origin	
Political Affiliation or Belief	
Disability	
Gender Identity	
<b>Violence Against Women</b>	
Sexual Assault	
Domestic Violence	
Dating Violence	
Stalking	

\*Data not reported in this category for this year, in accordance with federal law.



# Arizona College-Las Vegas

## 2016 Annual Safety and Security Report

Reported in accordance with Uniform Crime Reporting procedures and the Jeanne Clery Disclosure of  
Campus Security Policy and Campus Crime Statistics Act

Offense Type (Includes Attempts)	Year	On-Campus Property	On-Campus Student Housing Facilities	Non Campus Property	Public Property
MURDER / NON-NEGLIGENT MANSLAUGHTER	2015	0	N/A	0	0
	2014	*	N/A	*	*
	2013	*	N/A	*	*
NEGLIGENT MANSLAUGHTER	2015	0	N/A	0	0
	2014	*	N/A	*	*
	2013	*	N/A	*	*
SEX OFFENSES, FORCIBLE	2015	0	N/A	0	0
	2014	*	N/A	*	*
	2013	*	N/A	*	*
SEX OFFENSES, NON-FORCIBLE	2015	0	N/A	0	0
	2014	*	N/A	*	*
	2013	*	N/A	*	*
ROBBERY	2015	0	N/A	0	0
	2014	*	N/A	*	*
	2013	*	N/A	*	*
AGGRAVATED ASSAULT	2015	0	N/A	0	0
	2014	*	N/A	*	*
	2013	*	N/A	*	*
BURGLARY	2015	0	N/A	0	0
	2014	*	N/A	*	*
	2013	*	N/A	*	*
MOTOR VEHICLE THEFT	2015	0	N/A	0	0
	2014	*	N/A	*	*
	2013	*	N/A	*	*
ARSON	2015	0	N/A	0	0
	2014	*	N/A	*	*
	2013	*	N/A	*	*
ARRESTS: WEAPONS: CARRYING, POSSESSING, ETC.	2015	0	N/A	0	0
	2014	*	N/A	*	*
	2013	*	N/A	*	*
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2015	0	N/A	0	0
	2014	*	N/A	*	*
	2013	*	N/A	*	*
ARRESTS: DRUG ABUSE VIOLATIONS	2015	0	N/A	0	0
	2014	*	N/A	*	*
	2013	*	N/A	*	*
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2015	0	N/A	0	0
	2014	*	N/A	*	*



# Arizona College-Las Vegas

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	2013	*	N/A	*	*
ARRESTS: LIQUOR LAW VIOLATIONS	2015	0	N/A	0	0
	2014	*	N/A	*	*
	2013	*	N/A	*	*
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2015	0	N/A	0	0
	2014	*	N/A	*	*
	2013	*	N/A	*	*

### HATE CRIMES

<b>Bias Categories</b>	
Race	
Religion	
Sexual Orientation	
Ethnicity/National Origin	
Political Affiliation or Belief	
Disability	
Gender Identity	
<b>Violence Against Women</b>	
Sexual Assault	
Domestic Violence	
Dating Violence	
Stalking	

\*Data not reported in this category for this year, in accordance with federal law.