



ABILENE CHRISTIAN UNIVERSITY

2017 ANNUAL SECURITY AND FIRE SAFETY REPORT

2016 Data



In accordance and compliance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, the Higher Education Opportunity Act, and amendments required by the Violence Against Women Reauthorization Act of 2013, the Abilene Christian University [ACU] Police Department 2017 Annual Campus Crime and Fire Safety Report (The Report) is distributed annually to all students and employees, is made available to all prospective students and employees, and is also listed for public view via the ACU Police Department web page.

The Report includes crime statistics and other information for each of the three most recent calendar years (2016, 2015, 2014). The crimes reported are those required for disclosure under The Act, and which occurred on the campus, in campus buildings, non-campus buildings, and properties owned or controlled by ACU, and on public properties immediately adjacent to, and accessible from, the ACU campus. These crimes include those reported to ACUPD and certain other university officials, as well as those reported to local law enforcement authorities such as the City of Abilene Police Department. The Report includes separate crime statistics, reporting procedures, and services available at both the main campus in Abilene, Texas, and the ACU Dallas – CitySquare campus. In addition to campus police records, statistics provided by other campus offices including the Dean of Students and other Campus Security Authorities as defined by Federal Law, are also documented or included in this report. The ACUPD Chief of Police is responsible for preparing and publishing this report. Note: the most recent statistics presented in this report are from Calendar Year 2016.

The Report also includes current information about ACU Police Department policies, crime prevention information, crime reporting procedures, and contact information. The report includes information related to ACU policies regarding sexual assault offenses as directed by the Violence against Women Reauthorization Act of 2013, missing student notification procedures, weapons, liquor law and drug violations, hate crimes, emergency response and evacuation procedures, and fire safety procedures and statistics. The Fire Safety portion of The Report includes information on fire safety procedures and details of fires that have occurred in campus residence halls during the past three years.

The crime statistics published in this report are also filed annually with the US Department of Education, Office of Postsecondary Education, and can be viewed at the US Dept. of Education link: <http://www.ope.ed.gov/security>

2017 ACU ANNUAL CAMPUS CRIME AND FIRE SAFETY REPORT

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ABILENE CHRISTIAN UNIVERSITY MAIN CAMPUS CLERY REPORTABLE CRIME STATISTICS

CLERY REPORTABLE OFFENSES	CY 2014					CY 2015					CY 2016				
	ON CAMPUS PROPERTY					ON CAMPUS PROPERTY					ON CAMPUS PROPERTY				
	ON CAMPUS	RES HALL	PUBLIC PROPERTY	NON-CAMPUS	CASES UNFOUNDED	ON CAMPUS	RES HALL	PUBLIC PROPERTY	NON-CAMPUS	CASES UNFOUNDED	ON CAMPUS	RES HALL	PUBLIC PROPERTY	NON-CAMPUS	CASES UNFOUNDED
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	2	2	0	0	0	1	1	0	0	0	2	2	0	0	0
FONDLING	1	1	0	0	0	3	0	0	0	0	1	0	0	0	0
INCEST	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	9	6	0	0	1	11	4	0	1	2	10	6	0	0	0
MOTOR VEHICLE THEFT	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARSON	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS															
DRUG VIOLATIONS	4	4	0	0	0	2	1	0	0	0	7	3	4	0	0
LIQUOR LAW VIOLATIONS	2	1	0	0	0	1	1	0	0	0	12	12	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
REFERRALS FOR DISCIPLINARY ACTION:															
DRUG VIOLATIONS	0	0	0	0	0	2	2	0	0	0	2	2	0	0	0
LIQUOR LAW VIOLATIONS	5	4	0	0	0	4	4	0	0	0	0	0	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VIOLENCE AGAINST WOMAN ACT REPORTABLE OFFENSES (VAWA)															
DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0
DATING VIOLENCE	1	1	0	0	0	0	0	1	0	0	1	0	0	0	0
STALKING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Data sources include the ACU Police Department, Abilene Police Department, and Dean of Students. This information is subject to modification or update at any time. Statistics consist of all categories and subsets of crimes required for reporting under the Clery Act: **HATE CRIMES:** 2014, 2015, 2016 no (0) Hate Crimes were reported. **PUBLIC PROPERTY:** all public property, including thoroughfares, streets, sidewalks, and parking facilities that with the campus or immediately adjacent to, and accessible from the campus. **NON-CAMPUS PROPERTY** refers to any off-campus building or property owned or controlled by ACU and which is used in direct support of, or in relation to, ACU's educational purpose, is frequently used by students, and is not within the same reasonable contiguous geographic area of ACU. **UNFOUNDED CRIMES:** 2014 First year institutions were required to publish the number of crimes declared Unfounded by [only] law enforcement officials. **2014 1 burglary 2015 2 burglaries, 1 at UP Apts (no evidence of offense) & 1 at Sherrod Park Storage (trespass for temporary lodging, not theft or felony)** **Pertinent distance learning site information:** "Non-campus property" also includes distance learning sites. **1) Monteideo:** January 2016, ACU relocated to Contutti, Obligado 1137, 11300 Monteideo, Uruguay. This site has no site administrator, rather serves a single faculty-driven, one-semester program with a maximum of seven (7) students at a time. This system will remain in place throughout 2017 and the foreseeable future. Request for Monteideo's crime statistics are not available: Requests for 2016 Monteideo Police municipal data "bounced" on repeated inquiries. **2) Germany:** In 2016, ACU took possession of a new facility located at Kathe-Kollwitz-SraB 52, 04109 Leipzig, Germany. From that time until spring of 2018, the property has been under renovation, therefore crime statistics for 2016 are moot. This site does not now, nor for the foreseeable future, have administrative personnel in the country; programs that are slated for 2018-2019 will be faculty-driven. **3) Oxford:** Crime data is provided by Thames Valley Police Department; data is only provided via internet.

ACU DALLAS CAMPUS

ACU Dallas, located on the 8th floor of the One Hanover Park office building at 16633 Dallas Parkway, Suite 600, Addison, Texas is a new Abilene Christian University branch campus. Originally the site provided "online only" classes, and in October of 2016, initiated resident [on site] Communication Sciences and Disorders Master's Degree and other short-term graduate classes to students and a variety of training classes for non-students. ACU Dallas is a non-residential site, meaning that there is no on campus housing offered. In addition to the 8th floor, the campus leases the 6th floor, but it is vacant and subject to subleasing. While ACU Dallas originally maintained its own Human Resources Department, those services are being transitioned to ACU main campus in Abilene. Given the timing of the transition from "online only" to on-site student teaching, this Annual Security Report will reflect Clery Act Crime Statistics for just October 01 – December 31, 2016. In addition, those statistics will not be reflected in this year's Department of Education Campus Safety Survey; it will become eligible for inclusion beginning in 2017. All ACU main campus policies are in effect at ACU Dallas, including Clery, Title IX, VAWA Crime Investigations, and Emergency and Timely Warning notification systems are in place. ACU main campus has a fully licensed Texas police department on its campus; those officers also have authority in any Texas county that has an ACU property while the officers are in the pursuit of official law enforcement duties. For immediate ACU Dallas emergencies, students/faculty/staff are strongly encouraged to call 911, which engages the Addison Police Department, the first responders for ACU Dallas. Although there is no written memorandum of understanding, verbal meetings of both departments' commanders have generated a verbal understanding that if a crime is reported with which ACUPD can assist APD [Addison], the investigation will be conducted jointly with the necessary officers from Abilene traveling to Addison. For Clery crime reporting purposes, reportable crimes can be reported to ACU Dallas Campus Security Authorities [described in greater detail later in report, OR directly to ACUPD. The process of reporting crimes is also detailed later in this document.

ACU DALLAS CLERY REPORTABLE OFFENSES 10/01/16-12/31/16

ACU DALLAS CLERY REPORTABLE OFFENSES 10/01 – 12/31/16	PUBLIC PROPERTY	NON CAMPUS	CASES UNFOUNDED
MURDER/NON-NEGLIGENT MANSLAUGHTER	NA	NA	0
NEGLIGENT MANSLAUGHTER	NA	NA	0
RAPE	NA	NA	0
FONDLING	NA	NA	0
INCEST	NA	NA	0

STATUTORY RAPE	NA	NA	0
ROBBERY	NA	NA	0
AGGRAVATED ASSAULT	NA	NA	0
BURGLARY	NA	NA	0
MOTOR VEHICLE THEFT	NA	NA	0
ARSON	NA	NA	0
DRUG VIOLATIONS	NA	NA	0
LIQUOR LAW VIOLATIONS	NA	NA	0
WEAPONS LAW VIOLATIONS	NA	NA	0
DRUG VIOLATIONS	NA	NA	NA
LIQUOR LAW VIOLATIONS	NA	NA	NA
DOMESTIC VIOLENCE	NA	NA	NA
DATING VIOLENCE	NA	NA	NA
STALKING	NA	NA	NA

Data assessment provided by Addison Police

Department, Addison, Texas

ACU POLICE DEPARTMENT AUTHORITY AND JURISDICTION

Abilene Christian University is authorized by Texas law to operate a campus police department. The ACU Police Department (ACUPD) staff consists of fourteen (14) full-time police officers, one (1) part-time police officer, five (5) part-time, non-commissioned public safety personnel (student workers), and various clerical personnel. ACUPD is staffed and fully operational twenty-four hours a day, seven days a week, and 365 days a year.

All ACUPD Police Officers have completed State of Texas mandated law enforcement academies and are fully certified and licensed as Texas Peace Officers by the Texas Commission on Law Enforcement. ACUPD Officers are commissioned under the authority of the Texas Education Code, section 51.212, and are fully recognized as Texas peace officers under Article 2.12 of the Texas Code of Criminal Procedure. Additionally, ACUPD officers are certified as Adjunct City of Abilene Police Department police officers under Texas Code of Criminal Procedure Article 2.123.

Pursuant to these statutes, ACUPD officers have full police powers -- defined as the authority to respond to police-related calls and other emergencies -- both on-campus and off-campus. All ACUPD officers are authorized to respond to and investigate reported crimes, arrest offenders, and enforce traffic laws. ACUPD's primary jurisdiction includes all properties owned and/or controlled by ACU in Abilene, Texas, but in accordance with the Texas Education Code Section 51.212, ACUPD jurisdictional authority also applies whenever ACUPD officers are executing their assigned duties in any Texas County in which ACU owns land.

All Texas Peace Officers, including ACUPD officers, are authorized to arrest individuals for certain types of offenses, even when outside their primary jurisdiction. As mentioned previously, through mutual written agreement with the City of Abilene Police Department, ACUPD Officers operate as Adjunct Abilene Police Officers with full Peace Officer authority whenever they are off campus *and* within a designated geographic zone defined as a one-mile radius of the ACU campus.

ACUPD maintains a close working relationship with the City of Abilene Police Department, Taylor County Sheriff's Department, the local office of the Texas Department of Public Safety, and the local field office of the FBI. ACUPD operates on the City of Abilene Police Department radio system which serves Abilene PD,

the Abilene Fire Department, ACUPD, and the City of Abilene Emergency Management Office. Because ACUPD is on this City of Abilene system, ACUPD has continuous radio contact with the Abilene Police Department, Abilene Fire Department, and the city of Abilene Emergency Management Office. As requested by APD, ACU community members, or other area residents, ACUPD responds to police-related and emergency calls in the neighborhoods immediately adjacent to the campus. ACUPD is an active member of a formal network of information sharing spearheaded by the Abilene Police Department. By written agreement via a Memorandum of Understanding between ACUPD and Abilene PD, ACUPD acts as the primary response agency for law enforcement and investigative needs for all calls and offenses that occur on the ACU campus and other ACU owned non-campus properties. When necessary, ACUPD may call upon APD for patrol or investigative assistance of certain criminal offenses that occur on campus. In the event that either ACUPD or a victim requests APD's involvement in the investigation of an on-campus offense, the investigation will be conducted as a joint investigation by both agencies. When ACUPD handles students or university employees or non-ACU affiliated individuals in matters constituting violations of local, state, or federal laws, the involved parties are subject to arrest, citation, prosecution as authorized by applicable criminal laws. When ACU students or employees are the subject of criminal investigations or offenses being investigated by ACUPD, in addition to the applicable criminal filing or prosecution processes, if the matter involves a violation of the ACU Student Code of Conduct or ACU Employee Standards, the matter is also referred to the ACU Dean of Students (if involving a student), or the ACU Chief Human Resources Officer or ACU Provost (if involving a staff or faculty member) as applicable for any possible administrative violations, sanctions or discipline.

In addition to being fully commissioned peace officers, ACUPD officers are also designated as ACU as University officials; this designation empowers ACUPD officers to enforce certain university regulations and policies relating to conduct issues, parking regulations, and other university policy matters. When ACUPD officers handle violations related to matters of university policy, their findings may be referred to the Dean of Students, the Provost, or the Director of Human Resources.

ACU POLICE DEPARTMENT LOCATION AND CONTACT INFORMATION

The ACU Police Department is located on the ACU campus at 1634 Campus Court and can be contacted by telephone 24/7 by dialing either 325-674- 2305 or 325-674-2911. Callers using a campus network telephone may call ACUPD by dialing "2305" or "2911." Calls made to any of these four numbers are answered and handled by ACUPD personnel. Callers may also dial "911," in which case the call will be routed to the City of Abilene 911 Call Center for assessment and subsequent dispatching of ACUPD or APD officers, EMS, fire, and other emergency personnel as appropriate.

ACU maintains eleven emergency call kiosk stations -- each with a continuously burning blue light on top -- stationed throughout and around the main campus perimeter. Each kiosk has a telephone keypad that automatically connects to the 911 Call Center at the touch of any keypad button. This feature allows callers to request emergency services from 911 operators. Upon assessing a call station alert, the Call Center will dispatch ACUPD to investigate the nature of the kiosk activation.

GENERAL PROCEDURES FOR REPORTING A CRIME OR EMERGENCY

All members of the ACU community -- students, faculty, staff, Campus Security Authorities (CSA's), and visitors -- are regularly reminded and encouraged to *promptly* and accurately notify the ACU Police Department of all crimes and public safety-related incidents they encounter. Prompt reporting of crimes, especially those "in-progress," creates the opportunity for ACUPD to intervene and resolve matters as they unfold, potentially minimizing or eliminating further victimization and property damage. Additionally, prompt reporting enables ACUPD to issue critical Clery-mandated Timely Warnings to the campus community with pertinent information and advice about a crime threat on campus. From a Clery Act perspective, crimes must be reported to ACUPD to ensure their inclusion in the annual Campus Crime Report and Daily Crime and Fire Logs. This data gives campus community members and other interested persons more accurate knowledge of reported crime activity in the campus area. Timely and accurate reporting of criminal activity and offenses provides more accurate data for use by ACUPD in enacting targeted patrol or other proactive and investigative activities. The campus community is regularly reminded of the various ways to notify or contact ACUPD (in person at 1634 Campus Court, by phone at 325-674-2305, or 325-674-2911 as described above).

ACUPD RESPONSE TO A REPORT

ACUPD is staffed twenty-four hours a day, 365 days per year, to answer calls for service. Depending on the nature of a call for service, ACUPD will take action by either dispatching officers to the scene or by asking the victim to come to ACUPD to file an incident report. ACUPD will investigate all reported crimes and the resulting reports will become a part of ACUPD records. If ACUPD requires assistance from the local Police or Fire Departments, ACUPD will contact the appropriate agency. If a sexual assault or rape is reported, ACUPD staff on the scene, as well as other ACU staff who may be assisting, will offer the victim a wide variety of services. These services are explained in greater detail later in this report under the section **Assistance for Victims: Rights and Options**, specifically under **On-Campus Resources and Off-Campus Abilene Area Resources**.

In some instances, students and employees report victim or non-emergency criminal information to ACU personnel other than ACUPD officers. While ACUPD is known as the campus reporting authority and accordingly strongly encourages the reporting of all criminal activity or offenses directly to ACUPD, certain campus personnel are specifically authorized and mandated to accept victim and non-emergency information from students and employees. These campus personnel are known as Campus Security Authorities (CSA's) and include certain designated ACU positions/employees and ACU program volunteers whose functions involve significant responsibility for student or campus activities. If someone has significant responsibility for student and campus activities, he or she is a CSA. These campus officials are trained and aware of their Clery Act responsibility to report crime information to ACUPD. Further, CSA's are regularly reminded how to address victims' needs as well as the overall safety and security of the campus community. CSA's are also aware that only those ACU employees who are employed as, and actively serving in, designated pastoral counseling roles or who serve as professional counselors, and who received the information in direct correlation with that designated role, are exempted by confidentiality exceptions from reporting their clients' crime information to ACUPD. Pastoral and professional counselors who receive information while serving in those designated roles are however, encouraged to report *crime data only*, and are encouraged to report the offenses to ACUPD under a confidential reporting process (discussed below) for data inclusion in the Annual Security Report. Such information allows ACUPD to be aware of incidents which may pose an ongoing risk to the campus community and may lead to the issuance of Timely Warnings when deemed applicable.

CONFIDENTIAL REPORTING PROCEDURES

Victims of crime who do not wish to pursue their matters through either the criminal justice system or the university's administrative conduct system are, nonetheless, encouraged to file confidential reports with the ACU Police Department.

With a victim's permission, the Chief of Police or his designee can file a report detailing the incident even while protecting the reporting party's identity. The filing of confidential reports accomplishes three purposes:

- Addresses the confidential victim's future safety, and
- Provides data useful in quantifying crimes and determining patterns of unlawful activities, and
- Presents data necessary for determining the need for issuing a Timely Warning. Crimes reported confidentially are also included in ACU's Annual Security and Fire Safety Report

As mentioned previously, the university encourages ACU pastoral and professional counselors to notify individuals they are counseling of the option to report crimes on an anonymous or confidential basis for inclusion in the annual statistical disclosure of crime statistics and as an aid to developing crime trend responses. Additionally, anonymous or confidential reporting enables ACUPD to, when appropriate, issue timely warning notices alerting the University community to the crime, allowing for members of the community to be better informed and aware of their own safety.

MISSING PERSONS REPORTING PROCEDURES

The following policies/procedures regarding Missing Person/Missing Students are presented in accordance with 2008 Amendments to the Higher Education Opportunity Act (HEOA). While these HEOA missing student regulations apply specifically – and only- students who reside in on-campus student housing, ACUPD will respond to *any* report of a missing student, regardless of their on or off-campus residential status.

Whenever any student, staff, or faculty member is believed to be missing, the person/persons holding that belief shall immediately report the missing person to the ACU Police Department. While any student who has gone missing for twenty-four (24) hours must be reported to ACUPD, should ACUPD receive a missing student report prior to the onset of the twenty-four (24) hour rule, they will immediately initiate an investigation. In addition to ACUPD, missing student reports may also be filed with any Residence Life staff member or the Office of the Vice President for Student Life. All reports filed with Residence Life and Student Life officials are to be *immediately* referred to the ACUPD for investigation. ACUPD will investigate any report of a missing person provided that the report is filed by someone who has reasonable knowledge that the person is either missing or otherwise not where he/she should be. This would include a parent/guardian, family member, roommate, Student Life or Residence Life staff member, Counseling Center or Medical Clinic staff member, ACU faculty or staff employee, or anyone else with credible information that the person is, or may be, missing. ACUPD will conduct an initial investigation, widening the scope as necessary to determine the location and status of the reported missing person.

Each student living in on-campus housing is allowed to identify a person that ACUPD can contact in the event the student is ever reported missing. Students may register this contact person's information using ACU/MyACU Banner student registration procedures. The contact person's name and contact information will be declared confidential and used/shared only by ACU administrators and ACUPD personnel responsible for investigating reports of missing persons. Students should be sure that the person they list as their missing person contact is someone who will always have a general idea of the student's daily routines and travel plans. This missing person contact should be someone the student trusts to determine their whereabouts or to verify that investigation and/or entry into the national missing person's databases is warranted. Regardless of whether or not the missing student has registered a confidential contact person with ACU, or is above the age of eighteen, or is an emancipated minor, ACUPD is to be notified immediately and promptly investigate the missing student case. As needed to assist in locating the missing person, ACUPD will also notify and work with other local and state law enforcement agencies having jurisdiction in the area where the student may be missing. If ACUPD investigators are unable to locate a missing person within 24 hours, they will notify the registered contact person. In the event that no missing person contact individual is named, a parent or guardian listed in university student registration records will be contacted. For any ACU student under the age of 21, as indicated by the 2008 HEOA amendment - known as the Suzanne Lyall Campus Safety Act - and is not emancipated, ACU is required by law to notify both a custodial parent/guardian and the confidential contact person [if one is named], no later than 24 hours after the student has been determined to be missing for 24 hours. In any situation where the missing person is believed endangered, parental and contact person notification will be made as early as possible, even while officers are continuing to investigate and determine the missing/non-missing status of the student.

DAILY CRIME LOG

In accordance with Clery Act requirements for institutions that have a campus police or security department, ACUPD maintains daily Crime and Fire logs which are available for public review during normal business at ACUPD, 1634 Campus Court, Abilene, Texas. The crime log is designed to report all crimes reported to ACUPD, not just Clery Act crimes. In addition to statistics, the crime log includes specific information about criminal incidents reported as having occurred within "Clery geography" locations and reports of crimes that occurred with ACUPD's patrol jurisdiction. These crimes are entered in the Crime Log within two days of their being reported to ACUPD.

CRIME PREVENTION AND SAFETY/SECURITY AWARENESS PROGRAMS

The ACU Police Department offers crime prevention programs tailored for the university community, emphasizing each person's role and responsibility in helping to provide for their own personal safety and the overall safety of the campus. Program topics such as general crime prevention, personal safety, sexual assault prevention, and identity theft and are presented each fall semester during mandatory parent/student orientation sessions, as well as during mandatory freshman and sophomore residence hall meetings. Specialized programs are also offered at various times throughout the school year and are also available upon request for special presentations as deemed appropriate. Student Life personnel offer ongoing training sessions throughout the school year to all students. Crime Prevention programs address personal and residence hall safety as well as sexual assault prevention programs that deal with sexual assault, date rape, personal safety, etc. ACUPD also offers Rape Aggression Defense [RAD] personal self-defense classes for women.

Any presentation or topic is readily available to any student or employee group upon request. The standing theme of all ACU campus safety awareness and crime prevention programs is that students, faculty, and staff share responsibility for their own and the campus community's safety. Each person can do his/her part by immediately reporting all criminal or suspicious activity to ACUPD. The ACU Police Department, the Office of the Dean of Students, and the Office of Residence Life offer a number of educational programs per year. These programs address topics such as personal safety, alcohol and drug abuse awareness and sexual assault prevention. As part of the security awareness programs, students and employees are encouraged to be responsible for their own security and the security of others.

TIMELY WARNINGS

Anytime the ACU Chief of Police or designee determines that a Clery Act reportable crime has occurred on the ACU campus, non-campus facilities, or within other Clery defined applicable geography pertaining to campus, which, in the judgment of the ACUPD Chief of Police or his designee, could pose an ongoing or serious threat to the campus community, a "Timely Warning" will be distributed. Clery-related Timely Warnings will be distributed primarily through the University's ACU Alert text messaging system, the MyACU email system, and campus-wide "MyACU" announcements. Timely Warnings may also be announced via the University's printed and online newspaper, "The Optimist," and in flyer postings at residence halls, academic buildings, and the ACU Campus Center. Timely Warnings will be issued as soon as possible after ACUPD and/or appropriate university officials receive pertinent information. Timely Warnings will detail the facts known about what has occurred but without identifying victims' names and specific addresses; i.e., "at a residence in the 2300 block of Campus Court ..." as opposed to "... at 2399 Campus Court." Timely Warnings will provide information related to the elements of the crime committed and, when known, sufficient general safety and awareness information to inform members of the campus of steps they can take to prevent becoming a victim of a similar crime or other crime. A Timely Warning may be updated as necessary to provide current information.

Timely Warnings are typically issued for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications: major incidents of arson, aggravated assault, and murder/non-negligent manslaughter, negligent manslaughter, robbery, and sex offenses. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information developed by ACUPD. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other ACU community members and a Timely Warning Notice will not be distributed. In cases involving sexual assault, victims sometimes report the offense long after the incident occurred, thus there is no timeliness to the information and no ability to distribute timely information to the community. For purposes of issuing Timely Warnings, all sexual assault related offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by ACUPD. The ACU Chief of Police or designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a Timely Warning Notice is warranted. Timely Warnings may also be posted for other crime classifications and locations, as deemed necessary. Timely Warning Notices are typically written by the ACU Chief of Police or designee and distributed by ACUPD in the manner described above.

ACCESS TO MAIN CAMPUS FACILITIES

RESIDENCE HALLS

Abilene Christian University offers traditional residence halls that provide non-coed campus housing for approximately 1,800 students. The safety and security of these residents, their property, and the facilities are of paramount importance to the University. The office of Residence Life manages all ACU Residence Hall facilities. Each ACU residence hall is staffed by a professional, live-in residence hall director [RD]. In addition to RD's, each hall has a contingent of live-in Resident Community Leaders, Senior Community leaders, and lobby desk managers, all of whom have responsibility for residence hall safety and tenant spiritual and daily community life mentoring. All Residence Life Education and Housing staff members undergo comprehensive training each year regarding community living environments and are taught that safety and security are vital parts of that environment. All members of Residence Life Education and Housing are Campus Security Authorities [CSA's]; they trained for that role by ACUPD as one aspect of promoting and fostering residence halls safety and security. An on-call RD is available 24/7 to manage residence hall matters; AC's work closely with ACUPD to address safety and compliance issues.

Each residence hall is locked twenty-four hours per day, seven days-a-week, with ordinary access restricted to residents and other authorized ACU personnel bearing valid electronic card reader access cards. Access is allowed only at designated hall entrances; students discovered propping non-carded entry/exit doors open face financial and disciplinary sanctions by Residence Life personnel. Authorized exceptions to access rules include escorted, approved guests, university staff, and emergency personnel as necessary. Additionally, evening and night shift desk/lobby customer service staff are typically on duty from 5:00 pm – 2:00 am, Sunday through Thursday nights when classes are in session. If Residence Life personnel are unavailable, ACUPD is authorized to assist individuals by providing after-hours access. Safety and security related presentations are made each fall semester to all campus residence halls alerting residents to the fact that they are partners in preventing campus crime. Residents are encouraged to always lock their room doors when they leave their rooms or are asleep, and to alert Residence Life staff and the ACUPD if they see or hear anything or anyone unusual in or around residence hall facilities.

In addition to the traditional residence halls that are offered to freshman and sophomore students, ACU also offers University Park, a privately managed nine-building, 200 unit apartment complex providing 428 beds for upper class students and approximately 8-10% non-ACU students. Each building has three stories and entry to each unit provided by exterior door placement. Each student accesses his or her apartment via a knob and dead bolt door and each interior door via key locks. Entry and egress are available twenty-four hours per day. The leasing company has on site management personnel staffing offices in a free-standing clubhouse. In addition to the corporate staff, ACU is represented by Student Life staff including an AD and several RA's. They maintain liaison with the University and act with the same authority over ACU student residents as the personnel assigned to standard residence halls. Tenants are educated to contact ACUPD, management personnel, and/or Student Life representatives as necessary.

ACADEMIC AND ADMINISTRATIVE BUILDINGS

Academic and administrative buildings are locked/unlocked by ACU contract custodial personnel [WFF, Inc.] at varying times depending on the expressed needs of the particular departments using the building. While hours vary occasionally and for special events, most academic and administrative buildings are open from 7:30 am to 5:30 pm weekdays and closed weekends and for university approved holidays. Once a facility is locked, it is deemed to be closed to the public; emergency access to any campus building can be requested through the ACUPD.

ACUPD General Orders direct officers to conduct routine automobile, bicycle, and foot patrols of ACU academic and administrative facilities to monitor and assess security measures. By policy ACUPD, officers are responsible for checking the security of all campus structures during non-business hours and to personally enter the common area/lobby of residence hall facilities to check for security of all hall entry/exit doors. [Note: the University Park Apartments do not have internal common areas, but patrols are conducted throughout the parking and general complex area].

SECURITY CONSIDERATIONS IN THE MAINTENANCE OF CAMPUS FACILITIES

ACU Facilities Management Department and Landscape & Grounds personnel are dedicated to maintaining an attractively landscaped campus. Efforts are made to ensure that landscape plants and shrubs are groomed so that they do not pose risks for building security or campus community personal safety. ACUPD and Facilities Management closely monitor campus lighting with Facilities Management personnel being tasked to provide prompt replacement of failing or non-functioning bulbs and standards. Any concerns about plants/shrubs or landscaping that may pose a safety or security risk should be reported to ACUPD.

ALCOHOL POLICIES

Abilene Christian University is committed to maintaining an alcohol-free campus. The ACU community cares deeply about the health and safety of its students and is committed to educating students about the physical and spiritual dangers of alcohol abuse.

Furthermore, realizing the heightened dangers found in some social settings off campus, ACU discourages students from attending establishments such as dance clubs, bars, and private parties where the principal purpose is known to be the sale and/or consumption of alcoholic beverages. The history of activities associated with these establishments (such as alcohol abuse, underage drinking, and drunkenness) is counter to ACU's stated Christian values and lifestyle. The life choices and decisions that students make extend far beyond the college experience, and ACU is committed to challenging students to make decisions that ultimately glorify God.

In accordance with our educational mission, and for the well-being of our students and the ACU community, the University has established the following policies related to alcohol:

- The possession, consumption, or distribution of alcoholic beverages on campus (including all ACU residence halls and University Park Apartments) is strictly prohibited. Moreover, any student present where alcohol is found on campus (including but not limited to residence halls or apartment rooms, vehicles, or in personal belongings) may be subject to sanctions.
- Alcohol is prohibited at all University-sponsored events, *including* off-campus events. No ACU-provided channels of communication may be used to promote or advertise any event (on or off campus) that involves alcohol.
- All officially recognized student clubs or organizations (regardless of legal drinking age of its members) are prohibited from hosting or participating in any formal group event (on or off-campus) that involves alcohol. Such groups include, but are not limited to: special interest groups, social clubs, athletic and intramural teams.
- Intoxicated students found on campus or at a University-sponsored event will be sanctioned. For the purposes of ACU's student conduct policy and process, intoxication will be defined as any disruptive, destructive, hazardous, vulgar, or uncontrolled behavior during or following the consumption of alcoholic beverages.
- Alcohol paraphernalia such as glassware commonly used to serve alcoholic beverages; empty beer bottles or cans; posters, clothing, or signs promoting alcohol, etc. is not permitted on campus or ACU-owned or controlled properties.
- Local neighborhood disturbances of the peace caused by ACU students may result in disciplinary action. (See also the Student Conduct section of this Handbook), and Where alcohol is involved, additional or further sanctions may apply. For the purposes of ACU's student conduct policy and process, a disturbance involving alcohol will be defined as an event in which alcohol is present and one or more of the following occur: the student(s) fail(s) to maintain control of the event, complaints are reported, and/or police respond to the scene.
- All students must abide by Texas law related to the possession, consumption, and distribution of alcohol. Specifically, Texas law prohibits:
- The purchase, possession, or consumption of alcoholic beverages by a person under 21 years of age (Texas Alcohol Beverage Code Sec. 106.02, 106.04-106.05, 106.071);

- Being intoxicated in public to the degree that one poses a danger to him/herself or to others (Texas Penal Code Sec. 49.02);
- Furnishing alcohol to a minor (Texas Alcohol Beverage Code Sec. 106.06). For the purposes of this policy, ACU defines furnishing as purchasing for, giving to, or making alcoholic beverages available to a minor. This includes, but is not limited to, creating a situation where there is a risk a minor may be provided with, or obtains alcohol. Driving while intoxicated (Texas Penal Code Sec. 49.04)
- Driving under the influence of alcohol by a minor (TABC Code 106.041). Per Texas law, any detectable amount of alcohol in the minor's system (such as alcohol emitting from the person's breath) is defined as driving under the influence.

ALCOHOL POLICY VIOLATION SANCTIONS

Students who are found guilty of violating the University policy concerning the possession, consumption, or distribution of alcohol or alcohol-related disturbances will be subject to a range and/or combination of the following sanctions:

- fines ranging from \$100 to \$250;
- completion of an alcohol education program, which involves a \$75 fee to students;
- counseling;
- disciplinary probation;
- indefinite suspension; and
- dismissal from the University.

Violations of under-age drinking, serving, or making alcohol available to those who are under the legal drinking age will result in strict sanctions (up to and including dismissal), and will be turned over to the appropriate legal authorities

This information is intended to give students a range of expected outcomes or consequences regarding violations of the University's alcohol policy. Depending on the level of severity involved per violation, and at the discretion of the Vice President for Student Life or his/her designee, sanctions may vary from what is outlined above. Subject to privacy laws, parents or legal guardians may be contacted where deemed appropriate.

DRUG POLICIES

In keeping with the Drug Free Schools and Communities Act, ACU has implemented a "zero-tolerance" policy prohibiting the unlawful possession, use, or distribution of illegal drugs and controlled substances, including prescription medications or steroids. Also prohibited is the possession, use or distribution of any simulated or synthetic psychoactive substance, including synthetic marijuana/cannabinoids, which are designed, intended, possessed or used for the purposes of producing an intoxicating, hallucinogenic or psychoactive effect on the user. These substances may include, but are not limited to, salvia, "spice," "K2," or any other substance categorized as such.

The university upholds local, state, and federal laws governing the possession, use, and distribution of illegal drugs and/or drug paraphernalia. Offenses involving on-campus possession, use or distribution of illegal drugs and controlled substances may be referred to the ACU Police Department for investigation and possible filing of applicable criminal charges. Violations of this policy will be assessed the full range of disciplinary responses, including the possibility of immediate dismissal from the university.

Students suspected of, or reported to have been, using illegal drugs or controlled substances, on or off campus, may be required to submit to drug testing. Failure to comply may result in further disciplinary action. Any student testing positive for any illegal drug or controlled substance, including steroids, or found in violation of the university drug policy, may be suspended or dismissed from the university.

Under the Higher Education Opportunities Act of 2008, federal law requires the university to notify students that a criminal conviction for any drug offense may result in the student's losing his/her financial assistance related to any Title IV, HEOA grant, loan, or work-study programs. Therefore, a student's ability to obtain financial assistance upon returning to the university after completion of a suspension may be impacted.

FEDERAL LAW REGARDING CONVICTION FOR VIOLATIONS OF CERTAIN LAWS

Civil Rights Forfeiture According to state and federal laws, a person convicted of certain misdemeanor or felony offenses may forfeit certain civil rights, including his/her right to vote, hold public office, purchase or possess firearms, or obtain or maintain certain licenses for a specified period of time. (United States Code Sec. 1973gg-6, United States Code Sec. 992(g)).

Possession of a Controlled Substance (United States Code 844(a)) Defined as: knowingly or intentionally possesses a controlled substance unless such substance was obtained directly or pursuant to a valid prescription or order, from a practitioner; Punishable by up to 1 year imprisonment and/or a minimum fine of \$1,000. Note: Possession of Flunitrazepam (also known as Rohypnol) may be punishable by up to 3 years imprisonment.

Under the Higher Education Opportunities Act of 2008, federal law requires the university to notify students that a criminal conviction for any drug offense may result in the student losing his/her financial assistance related to any Title IV, HEA grant, loan, or work-study programs. Therefore, a student's ability to obtain financial assistance upon returning to the university after completion of a suspension may be impacted.

ALCOHOL AND DRUG ABUSE PREVENTION AND TREATMENT INFORMATION & RESOURCES AVAILABLE FOR COUNSELING, TREATMENT AND REHABILITATION

The following services are available through the University Counseling Center for those students and employees who are struggling with substance abuse problems:

- Assessment
- Referral
- Individual therapy
- Family and/or relational
- Educational programs

Students may obtain the above services on a confidential basis by calling the University Counseling Center at 325-674-2626 or by visiting the Counseling Center web homepage: [University Counseling Center](#).

STATEMENT OF PARTNERSHIP OF THE ACU DEAN OF STUDENTS AN ACUPD

In order to maintain ongoing reconciliation of data regarding alcohol, weapons, and drug violations (arrests or referrals), the office of the Dean of Students maintains close contact with the Abilene Christian University Police Department, the University's Clery reporting authority. This contact includes continuous advisories and discussions between both groups to ensure that all Clery reportable matters are shared and fully documented. Each May both groups have a formal meeting to review all pertinent cases from the previous calendar year. This collaboration between the Dean of Students and ACUPD yields fully synched data and discussion about violation trends that might be evident.

Prevention and Education Efforts

The office of the Dean of Students is currently conducting research as a method of expand expanding the University's efforts to educate our student body about the hazards of alcohol misuse, illicit drug use, and abuse of prescription medications. One of our efforts involves the development of an effective assessment tool that will accurately measure current students' knowledge level and usage of alcohol and other drugs. During the current school year we are working with ARCADA (Abilene Regional Council on Alcohol and Drug Abuse) and the Public Policy Research Institute at Texas A & M University to administer a survey to our student body. Our ultimate goal is to find meaningful data that will help guide our student education efforts as well as shape our institution's response to policy violations.

At a practical, but overtly challenging level, we find that the minimal number of offenses calling for arrest or referral does not readily lend itself to statistical analysis. We believe that our partnering with ARCADA and the Public Policy Research Institute at Texas A&M University will yield more effective analysis tools and results. A

side effect of these partnerships is the inclusion of ACU campus data in the broader higher education survey database of violations, programming, and, hopefully stimulate the development of effective proactive and reactive operating policies.

JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

Abilene Christian University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the University community. Toward that end, Abilene Christian University issues this statement of policy to inform the campus community of our programs to address:

- domestic violence
- dating violence
- sexual assault,
- and stalking,
- procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

As a result, Abilene Christian University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, Abilene Christian University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

CLERY ACT DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

DOMESTIC VIOLENCE

Clery defines domestic violence as felony or misdemeanor crimes of violence committed by:

- a current or former spouse or intimate partner of the victim; person with whom the victim shares a child in common;
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; **or**
- 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

Clery defines dating violence as violence committed by a person

- Who is or has been in a social relationship of a romantic or intimate nature with the victim and
- The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- 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.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

SEXUAL ASSAULT

Clery defines sexual assault as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent.

- Rape is defined as 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 is defined as the touching of the private parts of another person for the purposes 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 is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

STALKING

Clery defines stalking as: 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 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.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

STATE OF TEXAS DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

Note: Texas Law does not use the term “Domestic Violence,” rather uses “Family Violence” The Texas Family Code [Title 4, Sec 71.004] defines family violence as follows:

FAMILY VIOLENCE means:

- an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;

- abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or
- dating violence, as that term is defined by Section 71.0021.

The Texas Family Code [Title 4 Sec. 71.0021] defines **DATING VIOLENCE** as:

DATING VIOLENCE means an act, other than a defensive measure to protect oneself, by an actor that is committed against a victim:

- because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; *and*
- is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

- the length of the relationship;
- the nature of the relationship; and
- the frequency and type of interaction between the persons involved in the relationship.
- A casual acquaintanceship or ordinary fraternization in business or social context does not constitute a "dating relationship."

The Texas Penal Code [Sec. 22.011] defines **SEXUAL ASSAULT** as: A person commits an offense if the person: Intentionally or knowingly:

- Causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
- Causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
- Causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; *or* Intentionally or knowingly:
- Causes the penetration of the anus or sexual organ of a child by any means;
- Causes the penetration of the mouth of a child by the sexual organ of the actor;
- Causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
- Causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
- Causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

The Texas Penal Code [Section 42.072] defines **STALKING** as: A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

- constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening: bodily injury or death for the other person;
- bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
- that an offense will be committed against the other person's property;
- causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed,

alarmed, abused, tormented, embarrassed, or offended; and would cause a reasonable person to:

- fear bodily injury or death for himself or herself;
- fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
- fear that an offense will be committed against the person's property; or
- feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

TEXAS LAW REGARDING CONSENT

A sexual assault under Texas Penal Code Sec. 22.011, SEXUAL ASSAULT, Subsection (a)(1) is ***without the consent of the other person*** if:

- the actor compels the other person to submit or participate by the use of physical force or violence;
- the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
- the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
- the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
- the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
- the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
- the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
- the actor is a public servant who coerces the other person to submit or participate;
- the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
- the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
- the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.

PROCEDURES FOR REPORTING A SEXUAL VIOLENCE COMPLAINT

The University has developed procedures that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the ACU Police Department or Abilene Police Department. Students and employees should contact the Office of the Vice President of Student Life at 325-674-6802 to initiate these types of requests.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at Hendrick Medical Center, 1900 Pine, Abilene, Texas, 325-670-2000. In Texas, evidence may be collected even if the victim decides against making a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within

the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards, investigators, or police. Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is always the victim's choice whether or not to make such a report. Victims have the right to decline involvement with the police, but, if victims so desire, any member of Residence Life, Title IX Co-Coordinators, Wendy Jones, 325-674-2903, and Chris Riley, 325-674-6802, can assist them in notifying local police. The ACU Police Department may be reached 24/7/365 at 325-674-2305, 1634 Campus Court, Abilene, Texas. Additional information about the ACU Police department is available online at http://www.acu.edu/campusoffices/acu_police/index.html The Abilene Police Department may be reached directly by calling 911, the non-emergency number 325-673-8331, or in person at 450 Pecan, Abilene Texas.

If a campus community member has been the victim of domestic violence, dating violence, sexual assault, or stalking, they should report the incident promptly to the ACU Police Department or to Title IX Co-coordinator, VP of Student Life Chris Riley at 325-674-6802, Chief Human Resources Officer Wendy Jones at 325-674-2359 in the Hardin Administration Building, Room 213, or to Deputy Title IX investigator, Sherita Nickerson at 325-674-6802, 122 McGlothlin Campus Center Room 44E, by calling, writing, or coming into the office to report in person. The University will provide resources, on campus off campus or both, to include medical, health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the ACU Police Department or, if off-campus, the Abilene Police Department to preserve evidence in the event that the victim changes her/his mind at a later date.

ABILENE CHRISTIAN UNIVERSITY ANTI-HARASSMENT POLICY

(Includes Discriminatory and Sexual Harassment, Sexual Misconduct, Assault, Stalking and Relationship Violence)

I. PURPOSE: In order to comply with all applicable legal requirements prohibiting harassment against any member of the Abilene Christian University community. The purpose of this policy is to maintain a work and academic environment that is free of unlawful harassment. Finally, if such behavior occurs, this policy establishes a prompt and equitable procedure to resolve such complaints. See **Sections V-XI** or **Standard Timeframes and Summary of Harassment Process** for more information.

II. SCOPE:

This policy applies to all members of the ACU community, including trustees, faculty, staff, students, volunteers, vendors, and visitors and serves to protect those community members from unlawful harassment regardless of where the alleged misconduct occurred. Although there is no geographical limitation, misconduct that is alleged to have occurred at a significant distance from the University or that is committed by a person outside the ACU community may be more difficult to investigate and remedy. Still, where the University's response is so limited, it will advise the reporting party regarding their right to file a complaint with the alleged perpetrator's school or local law enforcement within the jurisdiction where the harassment occurred.

III. POLICY

A. **Prohibition Against Harassment** - Harassment, as defined in **Section IV**, will not be tolerated at Abilene Christian University. Harassment is unchristian and uncivil behavior. It is a breach of community, which expresses disrespect, exploits and undermines relationships based on trust, and interferes with learning and productive work.

B. **Responding and Reporting** - Any person who experiences Harassment or who otherwise becomes aware of such an incident may object to this behavior by telling the perpetrator to stop and should promptly report the incident pursuant to this policy (**see Section V**). ACU encourages all reports to be made in good faith. If an investigation results in a finding that an accusation of discrimination, harassment, or retaliation was made in bad faith or maliciously, the accuser may be disciplined appropriately. However, filing a complaint or providing information which a party or witness genuinely believes is accurate, but which is ultimately dismissed due to insufficient evidence or found to be untrue, does not constitute intentional false reporting.

C. **No Retaliation** - No member of the ACU community may be subject to further harassment, bullying, or retaliation by any employee or student for actions taken in good faith to file or encourage one to file a complaint, participate in an investigation, or oppose unlawful harassment. Retaliation includes things like intimidation, threats, or hostile actions based on someone's complaint or participation in this process. A party may also be responsible for retaliation by someone affiliated with them (i.e., friend or family member). Any such behavior should be reported to the Title IX Coordinator or designee immediately. For more information regarding protections against retaliation, see **Policy No. 421, Whistleblower Policy**.

D. **Impact of Complaint** - Because a claim is not proof of prohibited conduct, a claim against an employee shall not be taken into account during performance review, promotion, reappointment, or other evaluation unless a final determination has been made that this policy has been violated. If necessary and appropriate, such decisions shall be deferred until the claim is resolved.

E. **Notification and Training** - In an attempt to prevent unlawful harassment, ACU will provide all employees and students with annual notification regarding this policy, where to file a complaint, and offer periodic training for faculty, staff members, and students, who will be required to participate in such training.

IV. DEFINITIONS AND EXAMPLES

A. **"Harassment"** - includes Discriminatory Harassment or Sexual Harassment, as defined below.

B. **"Discriminatory Harassment"** - any detrimental action based on an individual's sex, religion, race, age, color, national origin, veteran's status, disability, or any other characteristic protected by applicable law when such conduct:

1. is so severe, persistent or pervasive that it unreasonably interferes with or limits the individual's work or educational performance or one's ability to participate in or benefit from the University's educational program or activity; or
2. creates a working, learning, or living environment that a reasonable person would find intimidating, hostile, or offensive.

*It should be noted that the University is exempted from certain legal prohibitions against religious and sex discrimination as set out in its **Nondiscrimination Policy**. Examples of Discriminatory Harassment may include, but are not limited to the following:*

- Threats or insinuations that a person's status or other condition of employment or academic status may be adversely affected because of one's legally protected characteristic.
- Unwelcome verbal or written expressions, derogatory comments, epithets, degrading jokes, or innuendos regarding one's legally protected characteristic.
- Posting objects, pictures, videotapes, audio recordings or literature that may embarrass or offend an individual because of one's legally protected characteristic. Such material, if used in an educational setting, should be clearly and significantly related to educational purposes.
- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally because of one's legally protected characteristic.

C. **"Sexual Harassment"** - unwelcome conduct of a sexual nature including unwelcomed sexual advances, requests for sexual favors, and other verbal, non-

verbal, or physical conduct of a sexual nature, including Sexual Misconduct, Exploitation, Stalking, or Relationship Violence as defined below, when:

1. sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both an objective (a reasonable person's view) and subjective (the complainant's view) standard.
2. refusing or submitting to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or status in a University course, program or activity.

Sexual harassment can occur regardless of the relationship, position, and respective sex of the parties. Same-sex harassment violates this policy, as does harassment by a student of a faculty member or a subordinate employee of his/her supervisor.

Examples of Sexual Harassment may include, but are not limited to the following:

1. Unwelcomed sexual invitations, solicitations, and flirtations
2. Threats or insinuations that a person's status or other condition may be either adversely affected by not submitting to sexual advance or positively affected by submitting to sexual advance
3. Unwelcomed verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendos; unwelcome suggestive or insulting sounds or whistles; obscene phone calls
4. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or study area, which may embarrass or offend individuals. Such material, if used in an educational setting, should be clearly and significantly related to educational purposes
5. Suggestive or sexually explicit posters, calendars, photographs, graffiti, or cartoons, including those distributed electronically
6. Offensive letters, email, text messages, posts on social networking sites, Internet images or transmissions or voicemail messages
7. Questions about one's sex life or experience

D. **"Sexual Misconduct"** - a broad term encompassing any non-consensual physical contact of a sexual nature that varies in severity and consists of a range of behaviors or attempted behaviors. Prohibited Sexual Misconduct includes:

1. Non-Consensual Sexual Contact - any intentional sexual touching, however slight, with any object or body part, by one person upon another, without consent or by force. Sexual touching includes any contact of a sexual nature (as determined using a "reasonable-person" standard) with the breasts, buttocks, groin, genitals, mouth, or body part of another. Sexual touching also includes an individual making someone else touch him or her with, on, or in, any of these body parts.
2. Non-Consensual Sexual Intercourse - any sexual intercourse (anal, oral or vaginal), including sexual intercourse with an object or body part, however slight, by one person upon another without consent or by force. Sexual intercourse includes vaginal and/or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact).

E. **"Sexual Exploitation"** - when a person takes non-consensual sexual advantage of another for his/her own advantage or benefit, or the advantage or benefit of anyone other than the one being exploited, and that does not otherwise constitute one of the other sexual misconduct definitions. Examples include, but are not limited to: exposure of genitals or coercing another to expose their genitals; invasions of privacy including non-consensual video or audio-taping of sexual activity; voyeurism; capturing images for sexual gratification; inducing intoxication/incapacitation for the purposes of sexual activity; or aiding in the commission of sexual misconduct.

F. **"Consent"** - an informed, knowing, and voluntary decision to engage in mutually acceptable sexual activity. Consent is active, and not passive. Silence, in and of itself, should not be interpreted as consent. Consent must be part of a mutual and ongoing process by both parties throughout the sexual interaction. In other words, Consent to any one form of sexual activity cannot automatically imply consent to any other form of sexual activity. Consent may be given by

words or actions as long as they create mutually understandable permission. It is important to remember:

- Previous sexual relationships and/or a current relationship may not be taken to imply consent.
- Consent cannot be implied or inferred by attire, time or place (e.g., being invited to a person's residence at a certain time of night).
- Consent to sexual activity may be withdrawn by any person at any time. Once withdrawal of Consent has been expressed, the sexual activity must cease.
- Consent cannot be given by incapacitated persons. However, Respondent must know or reasonably should have known that the Complainant was incapacitated at the time of the sexual activity. Because Consent may never be provided by an incapacitated person, one must assume Consent has been withdrawn should an individual become incapacitated at any point during a sexual activity.
- An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain Consent.
- Consent cannot be created through coercion, which is the use of express or implied threats, intimidation, or physical force which places an individual in fear of immediate harm or physical injury to self or others or causes a person to engage in unwelcome sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance with the intent to impair that person's ability to consent prior to engaging in sexual activity

G. **"Incapacitated"** - any state where one cannot make a rational, reasonable decision because they lack the ability to understand the consequences of their actions. It literally means the inability to fully understand what is happening. Investigators will assess someone's capacity through the use of common questions to determine if a person is oriented to the person, place, time, and event. In other words, someone that does not know the "who, what, when, where, or how" of their sexual interaction lack capacity. This includes but is not limited to persons incapacitated based on their voluntary or involuntary use of drugs or alcohol, unconsciousness, blackout or sleep. However, someone who is drunk or intoxicated is not necessarily incapacitated. Evidence of incapacity can also be detected by a reasonable person from one or an accumulation of context clues, which can include but are not limited to the following: knowledge regarding how much alcohol another person has consumed or whether some other drug has been ingested; slurred speech; bloodshot eyes; shaky equilibrium or inability to walk; vomiting; outrageous or unusual behavior; or unawareness of surroundings. If there is any question regarding incapacity, it is best not to engage in sexual activity with that person. When in doubt, don't.

H. **"Force"** - use of physical violence (such as pushing, hitting, pinning down)

I. **"Stalking"** - unwanted and repeated course of conduct or behavior directed at a specific person that would cause a reasonable person to fear for his, her, or others' safety or suffer substantial emotional distress.

J. **"Relationship Violence"** - includes both Domestic and Dating Violence. Domestic Violence, includes violent misdemeanor and felony offenses committed by the victim's current or former spouse or intimate partner, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, or person similarly situated to a spouse of the victim under domestic or family violence law, or any adult or youth protected under domestic or family violence law. Dating Violence means sexual or physical abuse or threats of such abuse by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

K. **"Reporter" or "Complainant"** - the person filing a report or complaint that the policy was violated.

L. **"Accused" or "Respondent"** - the person accused of violating the policy or responding to a complaint related to a violation.

V. EMERGENCY ASSISTANCE

If a person has concerns for their safety, they should contact **ACU Police Department (ACUPD) (325-674-2911) or the Abilene Police Department (APD) (911)**. If on campus, ACUPD can also be contacted by activating one of the blue safety phones located throughout campus. Police can help with transportation to the

hospital for sexual assault exams, safe housing on campus, connecting a person to other resources, and help in obtaining a restraining order. For more information, see **Anti-Harassment Resources**.

VI. COMPLAINT PROCEDURES (ADMINISTRATIVE AND LAW ENFORCEMENT)

A. Immunity - Sometimes, students are hesitant to report to university officials because they fear that they may be charged with policy violations, such as underage drinking, curfew violations, or other conduct violations at the time of the incident. To encourage reporting of Harassment, the university pursues a policy of offering complainants of Harassment immunity from being charged with policy violations related to the particular incident. This means that while violations to university policy cannot be completely overlooked, the university may provide education options rather than punishment, in such cases. This applies equally to all reporters and cooperating witnesses.

B. Timing of Complaints - There is no time limit for the submission of a complaint under this policy. While the amount of time needed to respond to the complaint will vary based on the nature of and/or complexity of the allegations and the evidence, any related investigation and outcomes will normally be concluded within 60 days of the receipt of the complaint (not including any appeals). For more detailed information regarding typical timeframes, see the **Standard Timeframes and Summary of Harassment Process**.

C. Reporting Options – A variety of resources are available at ACU and in the area around campus to assist those who have experienced gender-based or sexual harassment, including sexual violence, and other violations of this Policy. Individuals considering making a disclosure to ACU resources should make sure they have informed expectations concerning privacy and confidentiality. ACU is committed to providing all possible assistance in understanding these issues and helping individuals to make an informed decision. It is important to understand that, while the University will treat information it has received with appropriate sensitivity, University personnel may nonetheless need to share certain information with those at the University responsible for stopping or preventing discrimination. For example, ACU employees, other than those who are prohibited from reporting because of a legal confidentiality obligation or prohibition against reporting (as further identified below), must promptly notify the appropriate Co-Coordinator about possible violations of this Policy, regardless of whether a complaint is filed. Such reporting is necessary for various reasons, including to ensure that persons possibly subjected to such conduct receive appropriate services and information; that ACU can track incidents and identify patterns; and that, where appropriate, ACU can take steps to protect the University community.

1. **Direct Reporting to Anti-Harassment Co-Coordinators** - Reports can be made directly to one of the two Anti-Harassment Co-Coordinators, whose information is listed below, or a Deputy Coordinator. For compliance purposes, these Co-Coordinators are the Title IX Coordinators for staff/faculty and students respectively.

Anti-Harassment Co-Coordinator

Wendy Jones

Chief Human Resources Officer

Hardin Administration Building Rm 213

325-674-2903

wendy.jones@acu.edu

Anti-Harassment Co-Coordinator

Chris Riley, JD

Vice President for Student Life

McGlothlin Campus Center Room 44B

325-674-6802

chris.riley@acu.edu

Deputy Anti-Harassment Coordinator &

Director of Compliance

Sherita Nickerson

122 McGlothlin Campus Center Room 44E

325-674-6802

sherita.nickerson@acu.edu

2. **Anonymous Reporting** - Anonymous reports can be submitted online or by calling the anonymous hotline: **325-674-2594**. This information goes to the ACU Office of General Counsel, who oversees the hotline, and will then be provided to one of the Co-Coordinators.

3. **Confidential Reporting** - If a person desires to identify themselves but desires that the personally identifiable information not be reported to the university, they are encouraged to speak with one of the following: Title IX Liaison; on or off-campus mental health professional or health care service provider; off-campus rape crisis resources; or off-campus clergy. See **Anti-Harassment Resources** for contact information about making a confidential reporting.
4. **Reporting to Responsible Employee** - *The University considers all other university employees (besides the Title IX Liaison and health care professionals mentioned above) and Student Organization Sponsors to be "Responsible Employees." This means that if they receive reports about Harassment, they must promptly share that information with the appropriate Co-Coordinator, who can consider requests that the school maintain the reporter's confidentiality.*

In other words, notification to the Responsible Employees is official notice to the University **but does not necessarily mean information will be shared with the accused individual**. This information should include all relevant details needed to determine what occurred and address the situation including: name of the parties or witnesses and any relevant facts including date, time, and location. To the extent possible, the Responsible Employee should explain this obligation to the reporter before the report is made, identify **reporting options**(i.e., confidential, direct, and law enforcement) and clarify that the student has an option to ask that the Title IX Coordinator maintain his or her confidentiality.

5. **Reporting to Law Enforcement** – Separate and apart from violations of this policy, many sexual misconduct offenses also are crimes in the state or locality in which the incident occurred. For that reason, the University also encourages any related criminal violations to be reported to ACUPD so that they can consider legal options. These options are available to the Complainants, who may change their minds about pursuing them at any time. For example, Complainants may seek a protective order from a court against the alleged perpetrator(s); pursue a civil action against the alleged perpetrator(s), and/or participate in a law enforcement investigation and criminal prosecution of the alleged perpetrator(s).



ACU POLICE DEPARTMENT

325-674-2305 (non-emergency)

325-674-2911 (emergency)

1634 Campus Court

acupolice@acu.edu

ACU Box 28010

Abilene, Texas 79699

It is important to note that reporting to ACUPD or any other law enforcement does not require the reporting person to file criminal charges. Regardless of whether an incident of sexual misconduct is reported to the police or the University, ACU strongly encourages individuals who have experienced sexual harassment to preserve evidence to the greatest extent possible, as this will best maintain all legal options for them in the future. Additionally, such evidence may be helpful in pursuing a complaint with ACU. While the university does not conduct forensic tests for parties involved in a complaint of sexual misconduct, the results of such tests that have been conducted by law enforcement agencies (including ACUPD) and medical assistance providers may be considered as evidence in an university investigation or proceeding, provided they are available at the time of the investigation or proceeding. Additionally, ACUPD has officers specifically trained to work with complainants and can explain their rights and options and provide relevant resources.

(a) **Timely Warning** - Under the Clery Act, the ACUPD must issue immediate timely warnings for certain types and circumstances of Sexual Misconduct reported to them if they believe they pose a substantial threat of bodily harm or danger to members of the campus community. If that is necessary, the University will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

(b) **Cooperation with Law Enforcement Requests** - The University will comply with a law enforcement request for cooperation and such cooperation may require the University to temporarily suspend any fact-finding aspect of the investigation while the law enforcement agency is in the process of gathering evidence. The University will promptly resume its resolution/investigation of the complaint after receiving the request from law enforcement or as soon as notified that law enforcement has completed the evidence gathering process, whichever is earlier. This length of time will vary depending on the specific circumstances of each case but in no case will the university suspend any investigation for an ongoing or indefinite period.

VII. INTAKE, INTERIM MEASURES, AND PRELIMINARY ASSESSMENT

A. **Intake** - Upon receiving the report, the Co-Coordinator or designee will provide complainant with a general understanding of this process including confidentiality, prohibitions against retaliation, and determine if interim measures are requested/necessary to protect the complainant's or university community's rights or safety.

B. **Interim Measures and Other Resources** - Interim remedial measures typically help the complainant avoid contact with the Respondent. These can include but are not limited to interim suspension, restrictions regarding movement on campus, removal from university housing, modification of classes or work schedules, and no contact orders. The complainant will also be informed regarding relevant resources, which include the assignment of a Title IX Liaison, academic or counseling services, and the right to report a crime to or seek a protective order from campus or local law enforcement. The Co-Coordinator or designee will also discuss confidentiality requests and determine how the complainant wishes to proceed: no action; proceed with informal resolution (if applicable); or proceed with formal resolution, which are each discussed below.

C. **Preliminary Assessment** – No later than three days after receiving the complaint, the Co-Coordinator, or designee will make an initial assessment to determine if there is reasonable cause to believe the policy has been violated. No reasonable cause exists when, even assuming that all the facts reported by the complainant are true, no violation of the policy could exist. If no reasonable cause exists, the case will be closed and that conclusion reported in writing to complainant and respondent, if applicable. If there is reasonable cause, the complaint will proceed.

VIII. REQUESTS FOR CONFIDENTIALITY AND/OR NO ACTION

If the complainant refuses to participate, requests confidentiality and/or asks that the university not take action, the university's ability to adequately respond to the complaint or report may be limited. Still, the Co-Coordinator or designee will evaluate such requests by balancing the complainant's desire with the university's responsibility to provide a safe and nondiscriminatory environment. In other words, while the university wants to respect the complainant's request, it is important to note the law may require the university to override the request especially in cases of Sexual Misconduct or involving violence. In making this decision, the Co-Coordinator or designee will consider several factors including but not limited to:

- Do circumstances suggest there is an increased risk of the alleged respondent committing additional acts (e.g., other complaints against the respondent or threats of additional action by respondent,)?
- Do circumstances suggest there is an increased risk of someone else committing additional acts under similar circumstances (e.g., pattern of acting or certain location)?
- The seriousness of the allegations (e.g., force or violence was used, weapon involved, multiple respondents)?
- Whether the university possesses other means to obtain relevant evidence to proceed (e.g., security cameras or physical evidence)?

If the university determines that it can honor the complainant's request, it will ask the complainant to sign a case drop form and the case will be closed with the understanding that the complainant can later change his or her mind. The university will still take all reasonable and necessary steps to respond to the complaint consistent with the complainant's requests and determine whether interim measures are appropriate or necessary.

If the university determines that it must proceed with a resolution or investigation despite the complainant's request for confidentiality, the university will take care to protect the complainant's information as far as possible. In other words, only the people who need to know will be told, and information will be

shared only as necessary with investigators, witnesses, and the accused individuals. Moreover, in addition to interim measures, the complainant may request that the university inform the respondent that he or she asked the university not to investigate or seek discipline, and the university will honor that request. In this type of case, the Co- Coordinator will serve as the complainant using the process outlined below.

IX. INFORMAL RESOLUTION

In any cases that do not involve violence or Sexual Misconduct, a complainant may wish to informally resolve the complaint. An informal resolution might take the form of the Co-Coordinator, appropriate supervisor/administrator, or complainant discussing the issues with the respondent in order to establish the kind of behavior that may be deemed objectionable and securing the cessation of such behavior; it might also take the form of informal mediation between the parties.

When complaints are resolved informally, the offending party should be cautioned that repetition of such conduct could lead to formal complaint or investigation. The use of an informal complaint and resolution procedure is optional. Nothing in this informal complaint process is meant to discourage an individual from filing a formal complaint. In instances where complainant does not wish to engage in the informal procedure, where informal resolution is not appropriate (e.g. violence or Sexual Misconduct), or in situations where attempts at the informal procedure are unsuccessful, the formal procedure may be followed. Written notice of the outcomes of any informal procedure will be given to complainant and responded by the Co-Coordinator within one week of the outcomes.

X. FORMAL RESOLUTION

If the complainant wishes to proceed with a formal resolution or the university determines that a formal resolution should proceed, the Co-Coordinator will begin an investigation or assign the investigation to a Deputy Coordinator or an independent outside investigator, who will conduct the investigations under supervision of the Co-Coordinator. The goals of the investigation are to determine (1) if a preponderance of the evidence shows that the alleged violation occurred (i.e., it's more likely than not) and (2) if so, what actions should the university take to respond to the violation and prevent reoccurrence. In so doing, the university strives for the investigation to be sufficient, reliable, and impartial including the opportunity for both complainant and respondent to provide evidence and witnesses to the investigator, as applicable. For the sake of clarity, the university's process for investigating complaints is not a court hearing. Rather, the university's formal resolution process is an internal administrative investigation of an alleged policy violation where both parties are afforded opportunities to both review and appeal the initial investigation finding(s).

A. Complaint Forms, Initial Meetings/Interviews, and Pre-Finding Resolution

- 1) ***Initial Interview with Complainant and Complainant Form*** – To begin the investigation, the Co-Coordinator, or designee will interview the Complainant regarding the facts surrounding the complaint. Relevant information included but is not limited to: identification of the respondent and relationship to the university; description of the incident(s), including dates, locations, and the presence (and identity) of any witnesses or other who might have been subject to the same or similar harassment; a list of any other information that complainant believes to be relevant including supporting documents or other evidence including text messages or voicemails; and description of the impact of respondent's actions on complainant. The Co-Coordinator or designee will also ask Complainant to complete a general Complaint Form containing basic information about the complaint made against the Respondent, such as time, date, location, and a brief description of the allegations underlying the alleged violation.
- 2) ***Notice and Initial Meeting*** – The Co-Coordinator or designee will provide the Complainant Form to respondent via email or in person as written notice of the complaint and investigation and schedule an appointment to discuss the complaint. The Co-Coordinator or designee will also provide Respondent with a general understanding of the policy including confidentiality, the prohibition against retaliation and explain any interim measures in place and consider respondent's request for additional interim measures. The respondent will also be informed regarding relevant resources, which include the assignment of a Title Liaison and counseling services.
- 3) ***Pre-Findings Resolution of Complaint*** - After reviewing the complaint form and the meeting, the respondent has the right to end the investigation by

accepting responsibility for the conduct alleged in the Complaint Form. In order to inform his/her decision in this regard, the Respondent can ask the Decision Maker to outline potential sanctions. If the Respondent accepts responsibility, the complaint would be officially referred to the appropriate Decision Maker to decide the sanctions against Respondent (See Sections IX C and D).

4) ***Initial Respondent Interview*** - If the Respondent contests the complaint, the Co-Coordinator or designee will interview the Respondent regarding the facts surrounding the complaint. Relevant information included but is not limited to: identification of respondent's relationship with complainant; response to the complaint including description of the incident(s), including dates, locations, and the presence (and identity) of any witnesses; and a list of any other information that respondent believes to be relevant including supporting documents or other evidence including text messages or voicemails.

5) ***Respondent's Refusal or Failure to Participate*** - Refusal or failure by the Respondent to meet, cooperate regarding the complaint and notices provided, or participate in an interview may result in the adjudication of the complaint without input from the Respondent.

B. **Fact-Finding Investigation** - It is the responsibility of the trained and neutral investigator, not the parties, to gather the evidence relevant to the complaint to the extent reasonably possible. During the course of the investigation, the investigator may utilize some or all of the following methods, in whatever order the investigator deems most appropriate: interviewing the parties and key witnesses in order to gather relevant information; document or evidence gathering or review; consulting expert witnesses including local law enforcement or forensic experts (as necessary). Throughout the process, the investigator will maintain appropriate documentation; provide status updates to the parties; and disclose appropriate information to others only on a need-to-know basis consistent with applicable law.

1. ***Influencing Witnesses*** - In their statements, the parties have the right to identify any relevant witnesses and the investigator will attempt to contact and interview any witnesses that he or she deems relevant to the resolution of the complaint. **Witnesses should only be encouraged to cooperate and to speak the truth.** If either party, individually or through others, attempts to threaten, intimidate, or otherwise improperly influence a witness, such action will result in a separate disciplinary action by the university.

2. ***Advisor of Choice*** – The parties have the right to have one Advisor of his/her choice present during any interview with the party they are advising. The Advisor may not have personal involvement regarding any facts or circumstances of the alleged misconduct. The Advisor's only function shall be to assist and/or consult with the party they are advising. The Advisor may not act as a spokesperson or in any way interfere with the meeting or investigation. The Advisor may be an attorney but participation shall be limited, as stated above.

3. ***Disclosure of Evidence*** - The investigator will determine if the evidence presented, which may include written statements, electronic messages or social media posts, physical evidence, etc., are relevant and probative to whether the alleged conduct occurred. If so, in the interest of fairness and equity, such evidence may be disclosed to both parties if relevant to further investigation or the outcome of the case.

4. ***Conflicts of Interest*** – If either of the parties contends that the Co-Coordinator, investigator or Decision Makers, has a conflict of interest in fulfilling their responsibilities under this policy, the university encourages the party to raise those issues with the Co-Coordinator so that it can be considered and addressed by the University's General Counsel.

C. **Findings and Report** - Upon conclusion of the investigation, the investigator will make a written findings report outlining whether a violation occurred, based on a preponderance of the evidence (whether a policy violation is more likely than not). The findings will include a summary of the investigation and analysis of the relevant evidence supporting the findings.

D. **Presentation of Finding and Decision** - After the findings report is reviewed by the Co-Coordinator, Co-Coordinator will present the findings to the parties

separately either in person or via email. If both parties accept the findings, the appropriate Decision Maker, as set out below, will impose sanctions for the violation, after consultation with the Co- Coordinator. The appropriate Decision Maker depends on the primary status of the respondent: for accused students, it is the Senior Advisor to the President; for accused staff, it is the Vice President and Chief Financial Officer; and for accused faculty, it is the Provost.

If either party rejects the findings, the appropriate Decision Maker identified above will determine whether it is more likely than not that the accused individual violated the policy. In making this decision, the findings of the investigation will be considered and given great deference by the Decision Maker, but are not binding on his/her decision. The Decision Maker may ask the investigator to conduct additional investigation before making his or her decision or meet with both parties and the Co-Coordinator. If the Decision Maker concludes that it is more likely than not that the policy was violated, they will also consider sanctions for the violations, after consultation with the Co-Coordinator. If the Decision Maker concludes that the preponderance of the evidence does not support a violation, the parties will be notified as set out below.

E. **Remedies** - Anyone who violates this policy will be subject to appropriate disciplinary action. Disciplinary measures available to remedy Harassment or retaliation include, but are not limited to the following:

- verbal warning/reprimand;
- written warning/reprimand in employee or student files;
- requirement of verbal and/or written apology to victim;
- mandatory education and training on harassment by means of reading assignments, videos, classes or other presentations;
- referral for psychological assessment or treatment;
- alternate placement,
- suspension, probation,
- termination, or expulsion;
- other action university deems appropriate under the circumstance. Additionally, interim remedial measures may become permanent.

In determining what disciplinary or corrective action is appropriate, the university shall consider the totality of the circumstances, including but not limited to:

- number of victims and harassers involved;
- employment/student positions or status of the victims and harassers;
- relevant portions of prior disciplinary record of the harasser;
- threatened or actual harm caused by the harassment;
- frequency and/or severity of the harassment.

If a student or student groups are found to be in violation of this policy, any of the sanctions set forth in the ACU Student Code of Conduct may also be involved.

If a faculty member is found to have violated this policy and if the discipline is determined to include termination, this process will substitute for any other including Special Termination in the Faculty Handbook, as is required under the equity requirement under the law.

F. **Notifications** - When a determination is reached regarding findings and/or sanctions, the appropriate Decision Maker will provide both complainant and respondent with concurrent written notice of the same within seven (7) days of the decision through email.

The notice will inform both parties regarding the outcomes (where or not the university found the alleged violation occurred), any sanctions that impact both parties (e.g., no contact orders, suspension), and that a redacted version of the findings report is available for inspection by both parties upon request. The complainant should also be informed of any other remedies offered to him or her individually or actions taken by the university to prevent recurrence.

Finally, the notice will also include information regarding the parties' right to appeal. Sanctions, especially those requiring separation from campus, are implemented immediately. The Decision Maker has discretion to allow a student respondent to complete any pending coursework remotely, if deemed appropriate by the relevant faculty member.

XI. APPEAL

Either party may appeal the findings or sanctions imposed by filing a written appeal to the Office of General Counsel (via email toogc@acu.edu) within five (5) business days of the above notification. (However, the respondent cannot appeal admissions of pre-finding responsibility or findings that he or she accepted). The ONLY grounds for appeals are as follows:

- A. The investigatory process, as outlined in the policy was not followed, and the failure to do so significantly and adversely impacted the outcome of the investigation;
- B. To consider new evidence unavailable during investigation that could substantially impact the original finding or sanction. A summary of the new evidence must be included along with a valid reason it was not available earlier and how it would have impacted the outcome.
- C. The sanctions imposed are substantially inconsistent with the type of discipline issued to others who were found to be responsible for substantially similar violations.
- D. The findings are not supported by the evidence or are otherwise arbitrary.

After receiving an appeal, the Office of General Counsel will share the appeal with the relevant Co-Coordinator and notify the opposing party of the appeal and allow him or her the opportunity to file a response. The opposing party will have five (5) business days to do so.

The appeal will be considered by one of the two administrators mentioned above that did not render the initial decision. For example, if a student appeals a decision of the Senior Advisor to the President, the Vice President and CFO or the Provost, will consider the appeal. The procedure governing the consideration of appeals includes the following:

- A. If the person hearing the appeal determines that an appeal should be granted, it should make every effort to return the appeal to the original administrator for reconsideration (remand) where appropriate. In such cases, the decision made on remand by the original administrator is not appealable;
- B. Appeals will be confined to review of the written documents including the original findings reports, the written appeal, and any responses. However, the person hearing the appeal may ask the investigator or parties for clarification regarding something in the written documents; and
- C. Appeals are not an opportunity for the appeals committee to substitute their judgment for that of the original administrator merely because they disagree with his/her findings and/or sanctions. Instead, they are to be deferential making changes only where there is clear error or compelling justification.
- D. The appeal finding, which will be in writing and provided to both parties concurrently through email, will be final and cannot be appealed.

STANDARD TIMEFRAMES AND SUMMARY OF HARASSMENT PROCESS

The university strives to complete its harassment investigation including making findings and imposing sanction, but not including any appeals, within 60 days of receiving the initial report as shown below. However, because timeframes for investigations vary, and the university may need to depart from the timeframes designated below, especially when law enforcement agencies are in the process of gathering evidence, parties will be given periodic status updates in all cases.

Day(s)	Action
	<ul style="list-style-type: none"> • Initial report received by university

1-3	<ul style="list-style-type: none"> • Conduct initial intake, impose interim measures (if necessary), make preliminary reasonable cause assessment (investigation ends if none exists) and (All Options explained to Reporting Party) • Consider request for confidentiality/no action • Ask Reporting party to complete Complainant Form (summary)
3-14	<ul style="list-style-type: none"> • Conduct initial meeting with Respondent providing summary of allegations • Informal resolution imposed (if appropriate) or • If formal resolution, interview Complainant regarding allegations
14-21	<ul style="list-style-type: none"> • Pre-Finding Resolution (if applicable) • Initial interview Respondent for formal resolution • Interview Witnesses
21-49	<ul style="list-style-type: none"> • Fact-Finding Investigation including secondary interviews with parties • Findings Report Prepared
49-56	<ul style="list-style-type: none"> • Finding Report reviewed by Co-Coordinator • Findings presented to parties and given option to accept or reject • If either party rejects, Decision Maker makes decision regarding whether violation occurred and sanctions (if applicable) • If both accept, Decision maker imposes sanctions (if applicable)
56-60	<ul style="list-style-type: none"> • Parties notified of outcomes, any sanctions impacting both parties, and rights to appeal • Appeal must be filed within 5 business days of notification

PROGRAMS TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

Abilene Christian University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking as described in the 2013 Reauthorization of the Violence against Women Act that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:
 - Identify domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
 - Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
 - Defines what behavior and actions constitute consent to sexual activity in the State of Texas and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent;

- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The Student Life division of the University offered the following primary prevention and awareness programs for students in 2016:

2016 SEXUAL ASSAULT PREVENTION, TITLE IX, AND SUPPORT SERVICES TRAINING

Program Title	Description / Audience	Timing	# Students/ Others Reached	Topics Covered	Facilitators
NSO Resource Fair (5 events)	Table/handouts	Summer	250	Title IX, Circle of 6, Get Carded, RVCC	Mark Lewis Sherita Nickerson
“Haven”	On-line training for all new students	E-mail sent 8/1/16; on-line program	ALL new students	Sexual assault awareness & prevention; alcohol; bystander intervention; ACU policies, legal definitions; resources	Mark Lewis Everfi (Jennifer Ouyang)
Title IX brochure distribution	All students living in residence halls & University Park	move-in	2000+	Policies, reporting, definitions, etc.	-
ACU Student Handbook, Anti-Harassment Policy, Title IX	Social Club Officers	8/16/16	40+	Sexual assault awareness & prevention; alcohol; bystander intervention; ACU Anti-Harassment Policy; legal definitions; resources	Sherita Nickerson Mark Lewis
Sex, Drugs & Rock-n-Roll	Wildcat Week	8/18/16	1100+	Student Conduct, Alcohol, Anti-Discrimination Policy,	Zach Snyder Jess Nguyen
ACU Student Handbook; Anti-Harassment policy; Title IX	Study Abroad students	8/23/16	50	ACU policies, dating safety, reporting options	Mark Lewis
Safety and Title IX	ResLife Directors & Area Coordinators	9/5/16	12	Dating safety; Title IX reporting/ procedures	Sherita Nickerson Mark Lewis
Athletics Staff Training	Staff Meeting			Clery, Anti-Harassment Policy; Need to Report; Title IX,	
“Haven” for Athletics	On-line training			Sexual assault awareness & prevention; alcohol; by-stander intervention; ACU policies; legal definitions; resources	
In-Person Athletics Training	All Women’s/Men’s Team Presentations			Sexual assault awareness & prevention; alcohol; by-stander intervention; ACU policies; legal definitions; resources	
Sexual Assault Awareness Month	Table/Handouts in Campus Center	April		Assault prevention information; on and off campus resource information	Mark Lewis
Social Work Field Placement Managers	Field Supervisor Training	August 5	45 People	Definition of TIX, Reporting & Institutional Obligations, Bystander Intervention	Sherita Nickerson
BSSW Student Interns		August 19	30	Definition of TIX, Reporting & Institutional	Mark Lewis

				Obligations, Bystander Intervention	
MSSW Student Interns		August 24	25	Definition of TIX, Reporting & Institutional Obligations, Bystander Intervention	Sherita Nickerson
In Person TIX Training	Hilary Simpson & Steven Moore: McNair Scholars	August 25	2	Definition of TIX, Reporting & Institutional Obligations, Bystander Intervention	Sherita Nickerson
F/S Pre-session	All Faculty and Staff	August 17	750	Definition of TIX, Reporting, Institutional, & Clery Obligations, Bystander Intervention,	Jimmy Ellison & Sherita Nickerson
Cornerstone Class - Shilcutt	Students	September 16	25	Definition of TIX, How to file a report, How to Be A Good Bystander. Difference in Criminal & Administrative Processes. Q & A	Jimmy Ellison & Sherita Nickerson
ACU Counseling Center	Counselors	September 20	7	Definition of TIX, Reporting & Institutional Obligations, process of filing a complaint.	Sherita Nickerson
SOAR Coordinators	Interns	September 20	3	Definition of TIX, Reporting & Institutional Obligations, process of filing a complaint.	Sherita Nickerson
ResLife	RA's, AC's and AD's	September 27	40	Definition of TIX, How to file a report, How to Be a Good Bystander. Difference in Criminal & Administrative Processes, Reporting Obligations	Sherita Nickerson & Sheila Barton
Consent/Incapacitated	Men's Basketball	October 13	20	Highlights from ACU policy: The Definition of Consent & Incapacitation	Sherita Nickerson

THE HUMAN RESOURCES DIVISION OFFERED THE FOLLOWING MANDATORY PROGRAMS FOR NEW AND CURRENT EMPLOYEES, I.E., STAFF AND FACULTY IN 2016:

DoV =Domestic Violence, DaV =Dating Violence, SA =Sexual Assault, S = Stalking

Name of Program		Location Held	Prohibited Behavior Covered
New Employee Orientation		Human Resources	DoV, DaV, SA & S*
New Employee Orientation	02/18	Human Resources	DoV, DaV, SA & S*
New Employee Orientation	04/21	Human Resources	DoV, DaV, SA & S*
New Employee Orientation	05/19	Human Resources	DoV, DaV, SA & S*
New Employee Orientation	06/16	Human Resources	DoV, DaV, SA & S*
New Employee Orientation	07/21	Human Resources	DoV, DaV, SA & S*
New Employee Orientation	08/18	Human Resources	DoV, DaV, SA & S*
New Employee Orientation	09/15	Human Resources	DoV, DaV, SA & S*
New Employee Orientation	10/20	Human Resources	DoV, DaV, SA & S*
New Employee Orientation	11/17	Human Resources	DoV, DaV, SA & S*
New Employee Orientation	12/08	Human Resources	DoV, DaV, SA & S*
Faculty Orientation	01/21	Human Resources	DoV, DaV, SA & S*
Faculty Orientation	08/16	Human Resources	DoV, DaV, SA & S*

RISK REDUCTION CONSIDERATIONS

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual

assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends.
- Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust.
- If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa.
- If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
- Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- Be true to yourself. Don't feel obligated to do anything you don't want to do.
- "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you?
- Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

HOW TO BE AN ACTIVE BYSTANDER

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”¹ ACU wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list² of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911; this could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees.
- If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

¹Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

²Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In Texas, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

TEXAS CRIME VICTIMS' RIGHTS

As defined in Article 56, Texas Code of Criminal Procedure, *a victim of a violent crime is someone who:*

- (1) has suffered bodily injury or death as a result of criminally injurious conduct, or who has been the victim of a crime involving sexual assault, kidnapping, or aggravated robbery;
- (2) is the close relative (spouse, parent, brother, sister, or adult child) of a victim; or
- (3) is the guardian of a victim. As a victim of violent crime, you have the following rights:
 - The right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
 - The right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;
 - The right, if requested, to be informed of relevant court proceedings and to be informed if those court proceedings have been canceled or rescheduled prior to the event;
 - The right to be informed, if requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arraignments, restitution, and the appeals and parole process;
 - The right to provide pertinent information to a probation department conducting a pre-sentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;
 - The right to receive information regarding compensation to victims of crime as provided by Subchapter B, Chapter 56, including information related to the costs that may be compensated under the Act and the amount of compensation, eligibility for compensation, and procedures for applications

for compensation under the Act, the payment for medical examination under Article 56.06 for a victim of sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

- The right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to the Act, and to be notified, if requested, of the defendant's release;
- The right to be provided with a waiting area, separate or secure from other witnesses, including the offender, and relatives of the offender, before testifying in any proceeding concerning the offender. If a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;
- The right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;
- The right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for a good cause;
- The right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection, and testing for acquired immune deficiency syndrome (AIDS), and human immunodeficiency virus (HIV) infection antibodies to HIV, or infection with any other probably causative agent of AIDS, if the offense is an offense under Section 21.11 (a)(1) [Indecency with a Child], 22.011 [Sexual Assault], or 22.021 [Aggravated Sexual Assault], Penal Code.
- The right to be present at all public court proceedings related to the offense, subject to approval of the judge in the case;
- The right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice; and
- The right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:
 - by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted;
 - and by the Board of Pardons and Paroles before an inmate is released on parole

The office of the attorney representing the state and the sheriff, police, or other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by Subsection (a) of this article, and on request, an explanation of those rights.

A judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this article. The failure or inability of any person to provide a right or service enumerated in this article may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition. A victim, guardian of a victim, or close relative of a deceased victim does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

Further, Abilene Christian University follows Texas law in recognizing protective orders of by enforcing the parameters set forth in the judicial decree governing the order. Any person who obtains an order of protection from Texas or any reciprocal state (list reciprocal states) should provide a copy to the ACU Police Department and the Office of the Title IX Coordinator. A complainant may then meet with ACUPD to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming to and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc.) The University cannot apply for a legal order of protection, no contact order, or restraining order for a victim from the applicable jurisdiction(s). ACU community members are required to apply directly for these services with the Taylor County District Attorney's office, 325-674-1296, 300 Oak Street, Abilene, Texas, 79602. The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, university offices will work cooperatively to ensure that the complainant's health, physical safety, work, and academic status are protected, pending the

- Regional Victims Crisis Center 24 Hour Crisis Hotline: 325-677-7895 email info@regionalcrime.org

ADDITIONAL RESOURCES AVAILABLE FOR SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING VICTIMS

- Rape, Abuse and Incest National Network <http://www.rainn.org>
- US Department of Justice <http://www.ovw.usdoj.gov/sexassault.htm>
- Department of Education, Office of Civil Rights <http://www2.ed.gov/about/offices/list/ocr/index.html>

SEX OFFENDER REGISTRATION INFORMATION

In accordance with 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, ACUPD is providing a link to the Texas Department of Public Safety 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. In the State of Texas, convicted sex offenders must also register with the local municipal or county law enforcement agency that holds primary jurisdiction for the area in which the offender lives. Local agencies submit this information to the Texas Department of Public Safety Crime Records Division, Austin, Texas. Details of the Texas Sex Offender Registration Program are detailed in Article 62.153 of the Texas Code of Criminal Procedure: Sex Offender Registry Program, <http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.62.htm> . Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular. Unlawful use of the information for purposes of intimidating or harassing another is prohibited. The Texas Department of Public Safety web link for the Texas Public Sex Offender Registry is <https://secure.txdps.state.tx.us/DpsWebsite/index.aspx>



ACU'S COMMITMENT

As a Christian community, ACU has unequivocally committed itself to ensuring a working and learning environment in which the dignity of every individual is respected. Our Anti-Harassment Policy is a reflection of that commitment, which complies with all applicable legal requirements prohibiting harassment against any member of the ACU community. The purpose of this policy is to maintain an environment prohibiting unlawful harassment, dating violence, domestic violence, sexual assault and stalking.

YOU HAVE THE RIGHT:

- To say "NO" and not feel pressured to engage in any sexual activity.
- To be in a relationship with someone who respects your emotional and physical boundaries.
- To be assertive and direct with someone who is pressuring you sexually.
- To change your mind, and if you are not sure what you want, to STOP and think about it.
- To be in a relationship free of violence and abuse.
- To make a confidential police report, by requesting that you remain anonymous for the public record.
- To file a complaint with ACU.

CONTACT IN CASE OF AN EMERGENCY

911 or ACU Police Department
325-674-2305 • acupolice@acu.edu

Hendrick Medical Center / SANE
(Sexual Assault Nurse Examiner)
Go to the Emergency Room at
Hendrick Medical Center
(1900 Pine Street, 325-670-2151)

Victim Crisis Hotline 24/7
Regional Victims Crisis Center
325-677-7895

TO FILE A CLAIM UNDER ACU'S ANTI-HARASSMENT POLICY CONTACT ONE OF OUR TITLE IX COORDINATORS

Title IX Co-Coordinator
Chief Human Resources Officer
Wendy Jones
325-674-2359 • jonesw@acu.edu

Title IX Co-Coordinator
Vice President for Student Life
Chris Riley, J.D.
325-674-2067 • chris.riley@acu.edu

Title IX Deputy Coordinator/Investigator
Sherita Nickerson
325-674-6802 • sherita.nickerson@acu.edu

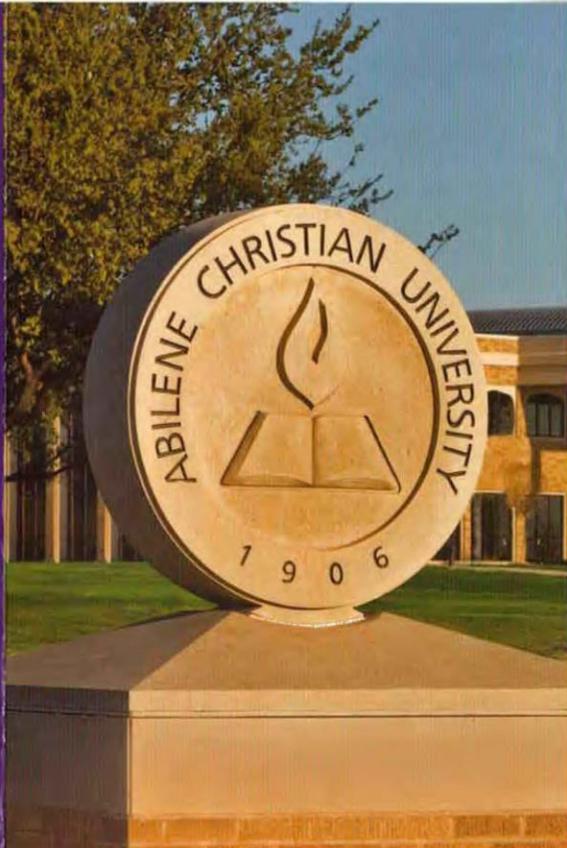
CONTINUING RESOURCES

University Medical Clinic • 325-674-2625
University Counseling Clinic • 325-674-2626



ABILENE CHRISTIAN
UNIVERSITY

To find a complete description of ACU's grievance procedures and Anti-Harassment Policy visit:
acu.edu/titleix



TITLE IX

Information on
Sexual Misconduct
and Interpersonal
Violence

WHAT IS SEXUAL HARASSMENT?

Sexual harassment is defined as unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, for example:

- Sexual assault, rape, stalking, or relationship violence.
- Unwelcomed sexual invitations, solicitations and flirtations.
- Threats or insinuations that a person's status or other condition may be either adversely affected by not submitting to a sexual advance or positively affected by submitting to sexual advances.
- Unwelcomed verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance or sexual activities; the unwelcomed use of sexually degrading language, jokes or innuendos; unwelcomed suggestive or insulting sounds or whistles; and obscene phone calls.
- Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or study area, which may embarrass or offend individuals. Such material, if used in an educational setting, should be clearly and significantly related to educational purposes.
- Suggestive or sexually explicit posters, calendars, photographs, graffiti, or cartoons, including those distributed electronically.
- Offensive letters, email, text messages, posts on social networking sites, internet images or transmissions, or voicemail messages.
- Questions about one's sex life or experience.

WHAT SHOULD YOU DO IF YOU ARE SEXUALLY ASSAULTED?

Protect Yourself

- Get to a safe place, call 911 or ACU Police, or go to a hospital Emergency Room.
- Contact friends/family for help and support.

Protect the Evidence

- Do not shower, bathe, douche or change your clothes, if possible.
- Do not disturb anything at the scene of the assault or throw away any evidence, if possible.
- If you decide not to go to the police immediately, write down all the details of the assault (who, what, when, where, why and how) and keep them in case you wish to report the assault later.
- Such incidents are a form of sexual harassment and should be reported under ACU's Anti-Harassment Policy.

WILL I BE IN TROUBLE?

ACU encourages the reporting of harassment whenever it occurs. Sometimes, victims are hesitant to report to university officials because they fear they may be charged with policy violations such as underage drinking at the time of the incident. To encourage reporting of harassment, the university pursues a policy of offering reporters of harassment, and cooperating witnesses, immunity from being charged with such policy violations related to the particular incident.

WHAT IF I'M NOT SURE IF MY EXPERIENCE TRULY CONSTITUTES HARASSMENT?

Students who, in good faith, report what they believe to be sexual harassment or who cooperate in any investigation, will not be subjected to retaliation. Any student who believes he or she has been the victim of retaliation for reporting sexual harassment or cooperating in an investigation should immediately contact ACU's Title IX coordinator or ACU police department.

HOW DOES THE UNIVERSITY DEFINE "CONSENT" TO SEXUAL ACTIVITY?

Consent is an informed, knowing and voluntary decision to engage in mutually acceptable sexual activity throughout interaction. Consent cannot be given through coercion, force, or if incapacitated by alcohol or drugs. *Coercion* is threats, intimidation or physical force placing an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual. *Incapacity* is any state in which someone cannot fully understand what is happening. *Capacity* is assessed on a case-by-case basis by considering one or an accumulation of context clues, including but not limited to the following: knowledge regarding how much alcohol another person has consumed or whether they have used drugs; slurred speech; bloodshot eyes; shaky equilibrium or inability to walk; vomiting; outrageous or unusual behavior; and being unaware of one's surroundings. If there is any question regarding incapacity, it is best not to engage in sexual activity with that person.

When in doubt, DON'T.

ACU IMMEDIATE NOTIFICATION, EMERGENCY RESPONSE, AND EVACUATION PROCEDURES

ACU EMERGENCY MANAGEMENT GUIDE

Like all organizations, Abilene Christian University (ACU) is potentially subject to man-made or natural incidents that could threaten its community, core academic mission, and physical environment. Although there is no reason to believe that ACU is subject to any specific threat or danger, the university has developed an Emergency Operations Plan (EOP) as a proactive means of emergency preparedness. The reality of events in today's world means that ACU must address safety and security proactively by addressing potential incidents as part of its overall efforts to advance the university's mission.

ACU's EOP establishes the framework necessary to ensure that the University is prepared to deal with critical incidents requiring extra-ordinary protection of life, property, and/or continuity of operations. The EOP provides an integrated approach to response and recovery from the impacts of such crises on ACU's campus in coordination with local, state, and federal agencies and authorities.

The EOP and Emergency Management Guide provide a comprehensive emergency management concept of operations designed to ensure coordination and cooperation among multiple departments, organizations, and jurisdictions. The Guide addresses the responsibilities of university departments throughout various phases of emergency response, management, recovery, and analysis. The Guide depicts in broad terms how the campus will prepare for and respond to manmade or natural incidents and emergencies.

The Guide covers students, faculty, and staff at ACU's campuses and its affiliate programs abroad. ACU's individual campuses will develop procedures specific to those entities but may utilize the concepts set forth in the Guide. This Guide prioritizes the safety of those who live, work, and study at ACU and provides communication methods for informing internal and external stakeholders of incidents and/or emergency situations. In the event of any campus incident/emergency, the safety and security of ACU's students, faculty, staff, and visitors are the highest priority.

EMERGENCY MANAGEMENT ROLES

LAW ENFORCEMENT

The ACU Police Department (ACUPD) is on duty 24/7 and should be notified at 325-674-2305 or 325-674-2911 of all accident, incidents, and emergencies. ACUPD is fully staffed with State of Texas certified police officers who are fully trained to respond to emergency scenarios and who routinely conduct joint training exercises with local and regional first responders to ensure their readiness. ACUPD serves as first responders to all campus emergency incidents and will implement response protocols as the situation warrants.

INCIDENT COMMANDER

The Incident Commander (IC) is the ACU Chief of Police, or his designee, and is the individual responsible for coordinating the university's initial response to a campus incident/emergency. Through the authority of the President of the University, the IC will direct and manage emergency responses in conjunction with the Vice President of Student Life. The Chief of Police is also the primary liaison between ACU and local, state, and federal emergency management agencies.

EMERGENCY OPERATIONS CENTER

The Emergency Operations Center (EOC) is the central operations [command] center employed during emergency situations. The EOC directly supports the IC and is fully equipped to communicate with the campus and external agencies.

EMERGENCY RESPONSE TEAM (ERT) IS COMPRISED OF:

- Chief of Police
- Vice President for Student Life
- Director of Residence Life
- Director of Risk Management
- Director of Public Relations
- Director of Campus Facilities, Director of Residence Life
- Director of the Medical Clinic
- Safety Manager

The ERT is permanently on call and responsible for staffing the EOC and coordinating and/or directing the resources necessary to support the IC during emergency situations. The ERT also assists the President and senior University leaders in developing and implementing strategies, tactics, and the overall plan for managing a campus emergency. The ERT provides general oversight of all emergency response and recovery operations and determines the appropriate courses of action to ensure that emergency management decisions are inclusive of all university operations and lead to timely restoration of the university's mission. ERT members regularly plan, train, and communicate strategies to mitigate campus emergencies.

NOTIFICATION PROCEDURES & EMERGENCY INFORMATION DISSEMINATION

INTERNAL NOTIFICATION SYSTEM

Emergency situations can occur at any time. Accordingly, members of the university community have a responsibility to notify university officials of incidents/emergencies as they are observed; **ACUPD should be notified of all emergencies**. Upon primary observation or notification, ACUPD will respond to the scene and coordinate (as needed) with University officials concerning institutional response and/or community notifications.

EMERGENCY NOTIFICATION

Should a situation arise either on or near campus that, in the judgment of the ACUPD Chief of Police or his designee, constitutes an ongoing or continuing threat to the campus or campus community, a campus wide "Emergency Notification" alert will be issued through the university's campus e-mail system and the ACU ALERT text messaging system. These messages will be sent to all students and faculty/staff members. The campus newspaper, The Optimist [online and printed], may also be employed as an additional method of conveying pertinent information. A combination of some or all of these systems may be used, as deemed appropriate.

In addition to the methods described above, when the circumstances stand to pose a more immediate threat to members of the campus community, the warning/emergency notifications may also be posted via the ACU computer system "MyACU," as well as local TV/Radio media and the City of Abilene CodeRed

alert systems. When possible, Emergency Notifications and Timely Warnings (discussed below) will also be distributed and displayed in prominent locations on campus including entrances to Residence Halls, Academic buildings and the ACU McGlothlin Campus Center. Appropriate follow-up including information about the situation's further evolution or resolution will also be disseminated as soon as possible using some or all of the communication systems described above.

ACU will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus.

It is the responsibility of the ACUPD Chief of Police or his designee to confirm, with the assistance of other university administrators, local first responders and/or the National Weather Service, whether a legitimate emergency exists and has been determined to pose a danger or imminent threat to the campus community and public. When determination is made, appropriate emergency information will be disseminated to the ACU community and the public without delay. The ACUPD Chief of Police or designee, or other authorized university official (Vice President for Student Life, Senior Advisor to the President, Director of Risk Management) will assess the content of the emergency message and initiate the notification system as soon as possible unless the notification will, in the judgment of responsible authorities, compromise the efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. In many instances this information may be provided by external emergency responders in lieu of or in addition to the University itself. The means of dissemination may vary on a case-by- case basis depending on the nature of the incident/emergency and the communication process.

The Chief of Police, or his designee, in coordination with University leaders and ERT personnel, will determine the significance of the emergency to include which members of the ACU community to notify, what information to include in the notification, and which university personnel will be responsible for initiating the notification system(s). Emergency information dissemination may at times be coordinated by the Chief of Police through the:

- Office of Vice President for Student Life
- Office of the President
- Office of Risk Management, or
- ERT

In most instances, the ACUPD Chief of Police or designee authors the messages distributed as Emergency Notifications. The Chief of Police or designee is authorized to initiate emergency notification systems as needed without prior consultation with University leaders in the event of an emergency.

The primary means of emergency information distribution are: "ACU ALERT," ACU Emergency blog, university-wide broadcast email, telephone, and news media. ACU ALERT is an opt-in text messaging system and is the primary method used to rapidly communicate an emergency by way of email and text message to the ACU community. All faculty, staff, and students are encouraged to enroll at acu.edu/acualert to receive this free service. Another University communication venue is the emergency blog at emergency.acu.edu which will be used to provide information and guidance to our campus as the emergency situation develops.

If the emergency is of a nature that poses an immediate threat to individuals and/or organizations outside the campus community, the ACUPD Chief of Police, or his designee, in conjunction with ACU university marketing officials, will disseminate an emergency message by means of radio and/or TV alerts and City of Abilene residential alerts to the neighboring communities.

TIMELY WARNINGS

Anytime the ACU Chief of Police or designee determines that a Clery Act reportable crime has occurred on the ACU campus, non-campus facilities, or within

other Clery defined applicable geography pertaining to campus, which, in the judgment of the ACUPD Chief of Police or his designee, could pose an ongoing or serious threat to the campus community, a “Timely Warning” will be distributed. Clery-related Timely Warnings will be distributed primarily through the University’s ACU Alert text messaging system, the MyACU email system, and campus-wide “MyACU” announcements. Timely Warnings may also be announced via the University’s printed and online newspaper, “The Optimist,” and in flyer postings at residence halls, academic buildings, and the ACU Campus Center. Timely Warnings will be issued as soon as possible after ACUPD and/or appropriate university officials receive pertinent information. Timely Warnings will detail the facts known about what has occurred but without identifying victims’ names and specific addresses; i.e., “at a residence in the 2300 block of Campus Court ...” as opposed to “... at 2399 Campus Court.” Timely Warnings will provide information related to the elements of the crime committed and, when known, sufficient general safety and awareness information to inform members of the campus of steps they can take to prevent becoming a victim of a similar crime or other crime. A Timely Warning may be updated as necessary to provide current information.

Timely Warnings are typically issued for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications: major incidents of arson, aggravated assault, and murder/non-negligent manslaughter, negligent manslaughter, robbery, and sex offenses. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information developed by ACUPD. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other ACU community members and a Timely Warning Notice will not be distributed. In cases involving sexual assault, victims sometimes report the offense long after the incident occurred, thus there is no timeliness to the information and no ability to distribute timely information to the community. For purposes of issuing Timely Warnings, all sexual assault related offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by ACUPD. The ACU Chief of Police or designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a Timely Warning Notice is warranted. Timely Warnings may also be posted for other crime classifications and locations, as deemed necessary. Timely Warning Notices are typically written by the ACU Chief of Police or designee and distributed by ACUPD in the manner described above.

EMERGENCY RESPONSE PROCEDURES

When an incident occurs, ACUPD officers are dispatched to the scene and, if warranted, the Chief of Police is notified. ACUPD officers provide direction and assistance in mitigating the incident, including coordination with local law enforcement, fire, or emergency agencies. The Chief of Police notifies senior University leaders and coordinates with other relevant external agencies/authorities.

An incident or series of critical incidents that requires the University to disengage resources from normal operations to provide extraordinary protection of life, property and/or operations will constitute a *campus emergency*. The Chief of Police directs actions to prepare for, or respond to, all incidents or emergencies that may occur, and coordinates the appropriate response depending on the scope and nature of the specific incident or emergency. The first step in mitigating campus emergencies is the development and implementation of an Emergency Action Plan (EAP) for each potential incident. Next, key personnel, e.g., facility Emergency Managers and Residence Life staff members, receive training and participate in drills and exercises to test their procedures. Familiarity with procedures, timely execution, and communication are essential elements of emergency management.

FACILITY EMERGENCY MANAGEMENT

Facility Emergency Managers and Residence Hall Directors and Resident Community Leaders are responsible for implementing plans/procedures and for issuing directions to occupants when a perceived threat has been determined.

Evacuation, shelter-in-place, and lockdown can involve the entire campus or only a few facilities, depending on the nature of the threat. The following are

the general procedures for effectively managing emergencies affecting facilities.

EVACUATION PROCEDURES AND EMERGENCY INFORMATION

EVACUATION PROCEDURES

Evacuation will be ordered in the event of a fire, chemical or gas leak, or other potential threat to people *within* a facility.

- For fires call 911 and activate the nearest fire alarm pull station
- In case of fire, occupants will evacuate via the nearest exit, alert others, and not use elevators
- For other emergencies, contact ACUPD and provide information concerning the incident
- Alert occupants and direct how to (specifically) evacuate the facility and where to assemble
- Report evacuation status and prevent people from reentering the facility

SHELTER-IN-PLACE PROCEDURES

Shelter-in-Place orders are normally given in the event of severe weather, tornado, or other potential threat emanating from *outside* the facility.

- Contact ACUPD and provide/receive accurate information concerning the emergency
- Alert occupants to the situation and direct them to the shelter and of necessary actions/precautions
- Report shelter status, injuries, and facility damage or other hazards
- Prevent people from exiting the facility until receiving the “all clear”

LOCK DOWN PROCEDURES

A lockdown is a temporary sheltering technique that may last for several hours and is utilized to limit exposure to an "Active Shooter" or similar threat. When alerted to lockdown, occupants of any facility within the affected area will lock all doors and windows, effectively preventing anyone's entry or exit until an “all clear” declaration is made or until occupants are directed to evacuate. This procedure converts any facility into a large “safe room.”

- Contact ACUPD and provide/receive accurate information concerning the emergency
- Alert occupants to the situation, direct them to lockdown, and lock all exterior facility doors
- Lock doors/windows, close blinds/curtains, and turn off equipment/devices that emit light/sound
- Report lockdown status, headcount, injuries, and control entry/exit to the room
- Prevent people from exiting the facility until receiving the “all clear” or directed to evacuate
- ***If you encounter the shooter, you should immediately call 911 to report the incident, seek a secure area, remain calm, reassure others, assist the injured, and wait for law enforcement response.***

CAMPUS EMERGENCY MANAGEMENT

As emphasized throughout this report and throughout daily campus activities, everyone is responsible for assisting in making our campus a safe place by being alert to suspicious situations or activities and promptly reporting them to ACUPD at 325-674-2911. The following are the general procedures for effectively managing general emergencies.

SUSPICIOUS DEVICE

An explosive device may be placed on the campus with or without warning. If a suspicious object or what appears to be an explosive device is discovered the person should NOT touch it, rather should immediately clear the area and call ACUPD.

In the event of the discovery of a suspicious device or the receipt of a bomb threat, the campus community members involved should:

- immediately call ACUPD
- quickly and quickly clear the area
- not open drawers and cabinets
- *not* turn lights on or off
- *not* use cell phones in the immediate vicinity of the device or announced bomb site

BOMB THREAT

A bomb threat is usually made by phone; call recipients should attempt to have the person relay the threat by answering the following questions and then promptly notifying ACUPD:

Ask the caller:

- When is the bomb going to explode?
- Where is the bomb located?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?

Keep talking to the caller as long as possible and make written note of the following:

- Time of call
- Age and sex of caller
- Speech pattern, accent, or possible nationality
- Emotional state of the caller
- Background noise

ACUPD officers will respond to the scene and implement procedures to mitigate the situation. If occupants are directed to evacuate the facility/area, they will be directed to move a minimum of 300 feet from the suspected bomb or suspicious device.

DISRUPTIVE INDIVIDUAL

A disruptive individual is someone who:

- Makes threats of physical harm to others or themselves
- Behaves in a bizarre manner or is out of touch with reality

- Appears to be intoxicated or under the influence of drugs

Steps to take when dealing with a disruptive individual:

- Contact ACUPD and give your name, location, and a brief description of the incident
- If possible provide a name and/or complete description of the individual
- Maintain a safe distance and do not confront or attempt to restrain the person
- Try to keep the person calm and within sight until assistance arrives

VIOLENT OR CRIMINAL BEHAVIOR

If you are a victim or witness to a crime, you should promptly notify ACUPD as soon as possible and report the incident, including the following:

- Brief description of the incident to include the time and location
- Complete description of person(s) and/or property involved
- If you observe a criminal act being committed or a suspicious person on campus, immediately notify ACUPD and report the incident.
- Assist the officer(s) when they arrive by supplying them with all additional information and encouraging others to cooperate.

PLANNING AND TRAINING

EMERGENCY PLANNING

The Emergency Planning Committee oversees the development and implementation of the university's EOP. The committee also ensures that key personnel are trained and core processes regularly tested to evaluate the University's response capabilities and procedures. University faculty, staff, and students also participate in ongoing training and testing opportunities. Members of the committee include: Vice President for Student Life; Director of Risk Management, Safety Manager; Chief of Police; Director of the Medical Clinic; Provost or designee; Director of Residence Life Education & Housing; Director of Facilities Management; Executive Director of Information Technology; Director of Public Relations; and Director of Human Resources.

ORIENTATION AND RECURRING TRAINING

Members of the ACU community are introduced to safety and security issues and emergency procedures as part of their introduction to campus life and at regular intervals during their work and life on campus.

FACULTY AND STAFF

Basic safety and emergency response information is provided during the University's new employee orientation training. Information is presented concerning basic response protocols and contact information based on the most likely emergencies/incidents to occur on campus. Regular updates may be provided to faculty and staff via distribution of newsletters or brochures, the Emergency Management web page, or university-wide broadcast email.

STUDENTS

Safety and security information is provided to all students on an annual basis. New students and their parents obtain information during orientation sessions and provide students with emergency response procedures, safety tips, and campus contact information. Students living in on-campus residence halls and

apartments participate in mandatory annual meetings with their resident assistant or hall director at the beginning of each academic year. Students living off campus receive this information as part of a required off campus student orientation session each fall. Regular updates may be provided to students via meetings, brochures, the Emergency Management web page, or university-wide broadcast email.

In addition, faculty, staff, and students planning to study abroad are required to participate in an orientation session that addresses safety and security issues unique to their location before beginning their respective programs.

RESIDENTIAL FACILITY PREPAREDNESS

Residence Life staff members are provided education, resources, and receive special safety and emergency preparedness training. They are required to sign [attest to] training documentation prior to assuming their roles within campus residence facilities. These individuals receive annual training covering facility Emergency Action Plans, applicable fire protection systems, and general safety procedures.

All on-campus residential facilities conduct mandatory fire evacuation drills during the fall and spring semesters. In addition, utilities and communications systems are tested regularly to ensure reliability.

EMERGENCY PREPAREDNESS

Drills, tests, and exercises are conducted annually to evaluate the University's ability to respond to a variety of potential emergency scenarios, help assess the adequacy of the EOP and to reinforce participants' knowledge of emergency plans/procedures. Comprehensive planning is essential to ensuring the event is conducted safely and poses minimal disruption to curriculum or other campus events.

- A *drill* is an announced event. Details may be kept confidential to increase realism, but participants will be informed of the date, time, location and basic overview of what will occur.
- A *test* is an unannounced event. No details will be released to the general populace of the campus. The intent is to assess execution of plans/procedures under simulated realistic conditions.
- An *exercise* may be an announced or unannounced event designed to evaluate campus-wide procedures to mitigate an emergency. This may be accomplished in a "table top" venue with the ERT and/or senior ACU leadership or a simulated event impacting the entire campus.

2016 Abilene Christian University

HEOA Fire Safety Report

Abilene Christian University

Office of Risk Management

Facilities and Campus Management Building, Room

ACU Box 28179

Abilene, Texas 79699

Office: 325-674-2363 – Fax: 325-674-2396

ACU Residence Life works closely with ACU police, Office of Risk Management, and Facilities Management to identify, mitigate and respond to all emergencies involving residence halls.

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1a 2016 FIRE STATISTICS

ACU Campus Residence Hall Fire Report		TOTAL FIRES IN EACH BUILDING	CAUSE OF FIRE	NUMBER OF IN- JURIES REQUIR- ING TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO FIRE	VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
A.B. Barret Hall	1818 Campus Court	0		0	0	0
A.B. Morris Hall	2070 ACU Drive North	0	-	0	0	0
Adams Hall	1402 Cedar Crest	0	-	0	0	0
Edwards Hall	1995 Campus Court	0	-	0	0	0
Gardner Hall	930 EN 16 th	0		0	0	0
Mabee Hall	1885 Campus Court	0	-	0	0	0
McDonald Hall	790 EN 16 th	0		0	0	0
McKinzie Hall	1750 Campus Center Rd	0	-	0	0	0
Nelson Hall	860 EN 16 th	0	-	0	0	0
Sikes Hall	990 EN 16 th	0	-	0	0	0
Smith Hall	1402 Cedar Crest	0		0	0	
University Park	2150 N Judge Ely Blvd	0	-	0	0	0

SUPPLEMENTAL INFORMATION [non-Clery fire incidents on residential housing *grounds, not buildings*.

Smith-Adams Hall 10/22/16 Parking Lot: dumpster fire accidental

University Park 3/13/16 Court Yard: stand-alone BBQ grill brick console: propane tank fire due to leaking supply line

1b 2015 FIRE STATISTICS

ACU Campus Residence Hall Fire Report		TOTAL FIRES IN EACH BUILDING	CAUSE OF FIRE	NUMBER OF INJURIES RE- QUIRING TREATMENT AT A MEDICAL FA- CILITY	NUMBER OF DEATHS RELATED TO FIRE	VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
A.B. Barret Hall	1818 Campus Court	0	-	0	0	0
A.B. Morris Hall	2070 ACU Drive North	0	-	0	0	0
Adams Hall	1402 Cedar Crest	0	-	0	0	0
Edwards Hall	1995 Campus Court	0	-	0	0	0
Gardner Hall	930 EN 16 th	1	Unintentional: Reno- vation wiring	0	0	150.00
Mabee Hall	1885 Campus Court	0	-	0	0	0
McDonald Hall	790 EN 16 th	1	Unintentional: Hair appliance overheated	0	0	100.00
McKinzie Hall	1750 Campus Center Rd	0	-	0	0	0
Nelson Hall	860 EN 16th	0	-	0	0	0
Sikes Hall	990 EN 16 th	0	-	0	0	0
Smith Hall	1402 Cedar Crest	0	-	0	0	0
University Park Apts.	2150 N Judge Ely	0	-	0	0	0

1c 2014 FIRE STATISTICS

ACU Campus Residence Hall Fire Report		TOTAL FIRES IN EACH BUILDING	CAUSE OF FIRE	NUMBER OF IN- JURIES REQUIR- ING TREATMENT AT A MEDICAL FACILITY	NUMBER OF DEATHS RELATED TO FIRE	VALUE OF PROPERTY DAMAGE CAUSED BY FIRE
A.B. Barret Hall	1818 Campus Court	1	Unintentional: over-heated laundry room clothes dryer	0	0	0
A.B. Morris Hall	2070 ACU Drive North	0	-	0	0	0
Adams Hall	1402 Cedar Crest	0	-	0	0	0
Edwards Hall	1995 Campus Court	0	-	0	0	0
Gardner Hall	930 EN 16 th	0		0	0	0
Mabee Hall	1885 Campus Court	0	-	0	0	0
McDonald Hall	790 EN 16 th	0		0	0	0
McKinzie Hall	1750 Campus Center Rd	0	-	0	0	0
Nelson Hall	860 EN 16th	0	-	0	0	0
Sikes Hall	990 EN 16 th	0	-	0	0	0
Smith Hall	1402 Cedar Crest	0	-	0	0	0
University Park Apts	2150 N Judge Ely	0	-	0	0	0

2 FIRE SAFETY SYSTEMS

ACU Campus Residence Hall Fire Safety	FIRE ALARM SYSTEM	SMOKE DE- TECTORS	HEAT DE- TECTORS	PULL STA- TIONS	AUDIBLE ALARMS	VISUAL ALARMS	FIRE ALARM MONI- TORED	FIRE SUPPRES- SION SYSTEM	BUILDING CON- STRUCTION
A.B. Barret Hall	YES	YES	NO	YES	YES	YES	YES	SPRINKLER	ORDINARY
A.B. Morris Hall	YES	YES	YES	YES	YES	YES	YES	NO	FIRE RESISTIVE
Adams Hall	YES	YES	YES	YES	YES	YES	YES	NO	FIRE RESISTIVE
Edwards Hall	YES	YES	YES	YES	YES	YES	YES	STANDPIPE	FIRE RESISTIVE
Gardner Hall	YES	YES	YES	YES	YES	YES	YES	NO	FIRE RESISTIVE
Mabee Hall	YES	YES	NO	YES	YES	YES	YES	NO	FIRE RESISTIVE
McDonald Hall	YES	YES	YES	YES	YES	YES	YES	NO	FIRE RESISTIVE
McKinzie Hall	YES	YES	YES	YES	YES	YES	YES	NO	FIRE RESISTIVE
Nelson Hall	YES	YES	YES	YES	YES	YES	YES	NO	FIRE RESISTIVE
Sikes Hall	YES	YES	YES	YES	YES	YES	YES	NO	FIRE RESISTIVE
Smith Hall	YES	YES	YES	YES	YES	YES	YES	NO	FIRE RESISTIVE
University Park	YES	YES	NO	YES	YES	YES	YES	SPRINKLER	ORDINARY

3. FIRE DRILLS

ACU Residence Halls Fire Drill log	Spring Fire Drill	Start Time	End Time	End Time	Winter Fire Drill	Start Time	End Time	End Time
A.B. Barret Hall	4/28/2016	10:10 AM	10:15 AM	5 min	10/18/2016	2:00 PM	2:05 PM	5 min
A.B. Morris Hall	4/28/2016	10:00 AM	10:01 AM	1 min	10/18/2016	2:00 PM	2:05 PM	3 min
Edwards Hall	4/28/2016	9:58 AM	10:06 AM	8 min	10/18/2016	2:00 pm	2:06 PM	6 min
Dillard Hall					10/18/2016	2:00 pm	2:04 pm	4 min
Gardner Hall	4/28/2016	10:00 AM	10:05 AM	5 min	10/18/2016	2:00 PM	2:10 PM	6 min
Mabee Hall	4/28/2016	10:00 AM	10:08 AM	8 min	10/18/2016	2:00 PM	2:06 PM	6 min
McDonald Hall	4/28/2016	10:00 AM	10:05 AM	5 min	10/18/2016	2:00 PM	2:03 PM	3 min
McKinzie Hall	4/28/2016	10:10 AM	10:15 AM	5 min	10/18/2016	1:56 PM	2:00 PM	4 min
Nelson Hall	4/28/2016	10:00 AM	10:05 AM	5 min	10/18/2016	2:00 PM	2:04 PM	4 min
Sikes Hall	4/28/2016	10:00 AM	10:08 AM	8 min	10/18/2016	2:00 PM	2:05 PM	5 min
Smith/Adams Hall	4/28/2016	10:00 AM	10:05 AM	5 min	10/18/2016	2:00 PM	2:05 PM	2 min
University Park Apt.	-	-	-	-		-	-	-

Residence Halls and University Park fire drills are to be performed once during the fall semester and once during the spring semester.

4. FIRE SAFETY POLICIES: ACU RESIDENCE HALLS

Any individual who sets a fire (commits arson) on or near a university building will be subject to immediate disciplinary sanctions, including, but not limited to suspension, and a minimum \$250 fine, and may be charged for repairing any damage caused by the fire. Additionally, individuals may be subject to prosecution in criminal court. (Excerpt from ACU Student Handbook) Physical Resources personnel conduct annual walk-through inspections with Abilene Fire Department personnel in order to identify fire safety hazards.

The following items and actions are prohibited in ACU residence halls, rooms, and common spaces.

- Blocking and/or propping exit doors.
- Ceiling alterations such as ceiling fans, mounting light fixtures, decorations, removal of ceiling tiles, etc.
- Cooking appliances designed for frying or with open heating elements, toaster ovens, and George Foreman grills.
- Fabric or flammable material attached to the ceiling and construction of any kind.
- Fireworks, including smoke bombs and firecrackers, and ammunition.
- Mopeds, motorcycles and flammable fuel, gas engines.
- Multi-plugs or power-strips, except for computers and space heaters.
- Open flames such as candles, incense, matches, lighters, etc., and smoking is prohibited.

- Other items at RD discretion.
- Possession or use of fireworks or chemicals that are of an explosive or corrosive nature.
- Misuse of fire or safety equipment.
- Causing or reporting a false warning of a campus emergency.
- Arson or attempted arson.

4A. 2016 FIRE SAFETY POLICIES CENTURY CAMPUS HOUSING MANAGEMENT (CCHM) MANAGED PROPERTIES [MANAGING DIRECTOR OF UNIVERSITY PARK CONDUCTS WALK-THROUGH INSPECTIONS WITH ABILENE FIRE DEPARTMENT PERSONNEL IN ORDER TO IDENTIFY FIRE SAFETY HAZARDS.]

- Ensure that deadbolts and other locks work quickly and easily.
- Ensure that windows open and close easily.
- Inspect electrical equipment.
- Does it work properly?
- Does it give off an unusual odor?
- Are cords frayed or cracked?
- Are cords placed where they will be stepped on or chafed?
- Is there more than one extension cord per outlet?
- Avoid overloading electrical outlets. Use only UL approved grounded multiple outlet boxes.
- If you run an extension cord, be careful not to pinch the cord under furniture.
- Smoking of any kind is prohibited on University Park property.
- The use of candles is prohibited on University Park property.
- Fire extinguishers are inspected once a month by University Park maintenance staff and once a year by the State Fire Marshal Office.
- Fire alarms are routinely test and inspected, according to local fire codes.
- Fire suppression systems are routinely tested and inspected, according to local fire codes.

1. Barbecue grills – The fire code prohibits the storage or use of barbecue grills on the sidewalks in front of each building and on the unit patios and balconies. Flammable liquids may not be stored in your apartment.
2. Smoke Detectors – At the beginning of your lease we test the smoke detector(s) in your apartment for proper operation and working batteries. Thereafter, it is your responsibility to replace the batteries. Do not render the smoke detector(s) inoperable or fail to keep working batteries installed. Report any malfunctioning or inoperable smoke detector(s) to us immediately.
3. Smoking Prohibited – Smoking is prohibited within the confines of the apartment complex.

5. FIRE EVACUATION PLANS ACU RESIDENCE HALLS

Plans and maps are posted in all Residence Halls on all floors.

Reasons for a fire evacuation may include visible flames, visible smoke or strong odors of burning. The appropriate action is to immediately notify the Fire Department and evacuate the facility.

1. FOR THE PERSON DISCOVERING THE FIRE:

- Extinguish only if you can do so safely and quickly.
 - After the fire is extinguished, call ACU Police - Dial 674-2911.
 - If the fire cannot be extinguished:
 - Confine the fire by closing the doors.
 - Activate (pull) the nearest fire alarm, if there is one, and alert others.
 - Call 9-1-1 to notify the Fire Department.
 - Meet Fire Department personnel when they arrive to provide information.
2. FOR OCCUPANTS OF THE BUILDING:
- Close the doors to your immediate area.
 - EVACUATE via the nearest exit and knock on doors and shout FIRE as you go.
 - DO NOT look for other people but assist others with exiting the building.
 - DO NOT use elevators.
 - Avoid smoke-filled areas.
3. FOR PERSONS EVACUATING FROM THE IMMEDIATE FIRE AREA:
- Feel door from top to bottom. If it is hot, DO NOT proceed; go back.
 - If door is cool, crouch low and open the door slowly. Close door quickly if smoke is present so you do not inhale it.
 - If no smoke is present, exit the building via the nearest stairwell or exit.
 - If you encounter heavy smoke in a stairwell, go back and try another exit.
4. FOR PERSONS THAT ARE TRAPPED/CANNOT EVACUATE:
- If on the first floor, exit a window; if not, take the actions below.
 - Call 9-1-1; give your name, building, floor and room number – stay on the line.
 - Place towels/clothing under the door to block the smoke.
 - Hang a sheet/towel out the window.
 - Place a cloth over your mouth, breathe slowly, and stay low near the window.

5A. FIRE EVACUATION PLANS ACU RESIDENCE HALLS

FACILITY EMERGENCY MANAGER CHECKLIST

- Extinguish the fire only if you can do so safely and quickly.
- If the fire cannot be extinguished, activate (pull) the nearest fire alarm, if there is one.
- Call 9-1-1 and alert facility occupants to evacuate and where to assemble.
- Direct occupants specifically which route/exit(s) to use and where to assemble.
- Assemble at least 300' upwind for incidents involving toxic chemicals or explosives.
- Direct occupants to quickly evacuate, close doors behind them, and assist others.

- Move systematically to your designated exit, closing doors and clearing your area.
- Monitor exits/cordon and ensure people do not reenter the facility/area.
- Report evacuation status of your area to the primary Facility Emergency Manager.
- Primary Facility Emergency Manager should meet and brief Incident Commander.
- Maintain accountability of occupants: present / missing / injured (by name).
- Call 9-1-1 to report injuries/request medical assistance and render first aid.
- Monitor e-mail, radio, or <http://emergency.acu.edu> for updates.

Everyone will remain at the assembly area until being directed by Residence Life staff, ACU Police or Abilene Fire Department to depart.

5B. FIRE EVACUATION PLANS: University Park [CENTURY CAMPUS HOUSING MANAGEMENT (CCHM)]

GUIDEBOOKS ARE GIVEN TO ALL RESIDENTS AT *UNIVERSITY PARK*.

1. IMMEDIATE ACTION:

- Upon discovering a fire, call the fire department before doing anything else. Never assume someone else has already called.
- While escaping from a fire, close as many doors as you can in order to prevent its spread; do not endanger yourself by doing so.
- Crouch and keep low. Smoke rises, and clean air is nearest the floor.

2. AS YOU MAKE YOUR WAY OUT OF THE BUILDING:

- Maintain contact with a wall.
- Use handrails while descending stairs.
- Take off high-heeled or awkward shoes.
- Test doors by putting the back of your hand to them before opening.
- If hot, find another way out.
- If not, open the door slowly and carefully, and be ready to close the door if heat or smoke pours in.
- Walk calmly; never panic or shove.
- Stop, drop, and roll if your clothing catches fire. Do not panic and run. This will only fan the flames.
- Cover your face with your hands.
- Drop gently to the ground.
- Never beat at flames with your hands. Smother them with your body.

3. IF YOU ARE TRAPPED:

- Try to find a room with an exterior window and stay there until help arrives.
- Use the telephone, if possible, to call the fire department and let them know exactly where you are.
- Open the window slightly to allow fresh air to come in.
- Keep smoke out by stuffing cracks and covering vents with clothing, newspapers, towels, etc.

- If possible, breathe through a wet cloth.
- Wave something lightly or brightly colored out the window to attract attention.
- Keep in mind that most fire department ladders do not reach above six floors and that other means will be used for a rescue on floors above this.
- If you have escaped the building to the street, move away from the building.
- Don't block firefighters and equipment.
- Be care of falling glass.

6. FIRE SAFETY EDUCATION

Residence Life coordinates all training and campus safety education for staff and students living in residence halls. This is an ongoing awareness program with recurring training. Subjects are fire evacuation procedures, fire reporting, hazards of unattended cooking and general housekeeping.

7. FIRE NOTIFICATION ACU RESIDENCE HALLS

Call 911 first to report a fire or smell of smoke at ACU Residence Halls.

ACU Police at 325-674-2911 24hr

Residence Life 325-674-2066

ACU Office of Risk Management at 325-674-2363

7a. FIRE NOTIFICATION CENTURY CAMPUS HOUSING MANAGEMENT (CCHM) MANAGED PROPERTIES

Call 911 first to report a fire or smell of smoke at University Park.

University Park Office 325-738-4300

8. FIRE SAFETY FUTURE IMPROVEMENTS

The goal is to heighten fire safety awareness. The fire plan's approach consists of three major areas: prevention, detection and suppression.

1. Prevention

- Teach the need for fire safety to residence halls directors, assistant hall directors, and residence assistants.
- Distribute educational materials from National Fire Protection Association, NFPA.org, and Campusfirewatch.org, such as emails, flyers, posters, etc., to increase public awareness.
- Conduct residence halls meetings to present material about unattended cooking to students living in the halls.
- Continue conducting a live fire demonstration in the ACU burn room, showing how a fire can quickly spread in a dorm room.
- The Abilene Fire Department Fire Marshal's office will conduct all yearly residence halls fire inspections.

2. Detection

- Reduce the number of system malfunctions by tracking all fire alarm activations and analyzing data to determine cause and corrective action.
- Have all fire detection, alarm, and suppression systems 100% in-service.
- Conduct a 100% hands-on testing of all detectors in the fire alarm system; clean and/or replace all defective or troublesome detectors.

- Increase the number of electromagnetic door holds on hallway fire doors and exit stairwells, reducing doors from being chocked open.
 - Increase duct detectors usage – smoke detectors in heating ventilation air conditioning systems (HVAC) ducting – to shut off ventilation fans.
 - Place fire dampers in the heating ventilation air conditioning systems (HVAC) to keep the heat, fire and smoke from moving in ventilation system and spreading the fire and smoke.
 - Install fire alarm audio and visual indicators in bedrooms to increase evacuation rate in residence halls.
3. Suppression
- Increase the size of fire extinguishers, replacing by attrition 5 lb. ABC fire extinguishers with 10 lb. ABC fire extinguishers with hose, thus doubling the firefighting capability of each fire extinguisher.
 - Increase the visibility of fire extinguishers with signage and placement.
 - Ensure that fire extinguisher inspections are completed and recorded monthly.
 - Start a hands-on live fire extinguisher training program using a propane fire extinguisher trainer.
 - Incorporate residential vent hoods with self-contained fire suppression systems to all common-use kitchens, reducing the size and damage from unattended cooking fires in residence halls.

9. ACU HEOA FIRE SAFETY REPORT LOCATIONS

ABILENE CHRISTIAN UNIVERSITY

Office of Risk Management

Facilities and Campus Management Building, Room 110F

ACU Box 28179

Abilene, Texas 79699

Office: 325-674-2363

Fax: 325-674-2396

risk@acu.edu

www.acu.edu/risk