

# Annual Security Report

## University of St. Augustine for Health Sciences

### Miami, FL Campus

October 1, 2017 (Reflecting Statistics for 2016 Reporting Period)

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), codified at 20 USC 1092 (f) as a part of the Higher Education Act of 1965 and applicable amendments, is a federal law that requires colleges and universities to disclose annual campus crime statistics and security policies. This Annual Security Report is developed in conjunction with the University of St. Augustine for Health Sciences (“USAHS”) Emergency Plan Manual. This report is distributed to all currently enrolled students (including those attending less than full time), all faculty and all employees by October 1<sup>st</sup> each year. This report is also provided to any prospective student or prospective employee upon request. The full text of this report can be located on our web site at <https://www.usa.edu/safety-security/>.

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# SECURITY POLICIES AND CRIME STATISTICS

## 1. Statement Addressing Issuing Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of the USAHS leadership, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the college e-mail system to students, faculty, and staff.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, a notice may also be posted on the USAHS website, providing the college campus community with more immediate notification. The electronic bulletin board on the USAHS website is immediately accessible via computer by all faculty, staff and students.

- Anyone with information warranting a timely warning should report the circumstances to the Campus Director: Gabe Somarriba at 706-725-4010.

## 2. Preparation of Disclosure of Crime Statistics

This report is prepared in cooperation with the local law enforcement agencies. Campus crime, arrest and referral statistics include those reported to designated campus officials (including but not limited to directors, deans, department heads, designated staff, judicial affairs, and advisors to students/student organizations), and local law enforcement agencies.

## 3. How to Report Criminal Offenses

Report crimes or suspicious activity to the following areas:

### Emergencies

**Police and Fire Emergency Dial 911**

**Secondary Report to University of St. Augustine – 1-800-241-1027**

**Poison Help line 1-800-222-1222**

The first action for all campuses would be to call 911 for Police and Fire Emergency, the Poison Help Line (800#) should be the same for each campus, and during Weekday business hours (8:00am to 5:00pm), the Secondary Emergency number is 1-800-241-1027. Also, each campus does employ unarmed security guards who are on campus Monday through Friday 5:00pm to 10:30pm and Saturdays & Sundays 7:00am to 10:00pm. You can contact Campus Security at (904) 826-0084.

USAHS encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. We are required to state that police reports are public records under state law and cannot be held in confidence.

Violations of the law will be referred to law enforcement agencies and when appropriate, to the Director of Student Operations’ office for review. When a potentially dangerous threat to the

USAHS community arises, timely reports or warnings will be issued through e-mail announcements, the posting of flyers at local campuses, in-class announcements, or other appropriate means.

#### **4. Security and Access**

A security guard is available on campus after 5 pm and designated weekends when the campus is open for student access. All faculty, staff, and students are expected to wear name tags at all times. All visitors must report to the administration building (or the security guard desk after hours) for permission to enter the campus, to receive a visitor's badge, and to be escorted as appropriate by a campus employee/security guard. Emergency contacts and evacuation plans are posted in all classrooms and student/employee meeting areas. Telephones are available in all classrooms. Exterior building doors are locked and access is available only to those with appropriate card access. (California and Texas Campuses only). Talk-A-Phones are located throughout the parking lots and University grounds with emergency phones.

#### **5. Law Enforcement Authority and Crime Reporting**

Campus security officers have the authority to ask persons for identification and to determine whether individuals have lawful business on campus. However, campus security officers do not have the authority to make arrests. Criminal incidents are referred to the local police who have jurisdiction on the campus. However, USAHS does not have a written memorandum of understanding with local law enforcement. The Campus Director, Gabe Somarriba, maintains a highly professional working relationship with the local police. All crime victims and witnesses are strongly encouraged to immediately report a crime. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

All incident reports are forwarded to the Campus Director for review and potential action by the Professional Misconduct Committee. USAHS does not have procedures to receive voluntary, confidential crime reporting. Investigators will investigate a report when it is deemed appropriate.

If a sexual assault or rape should occur, staff on the scene will offer the victim a wide variety of services.

#### **6. Crime Awareness and Prevention Programs for Students and Employees Including Preventing and Responding to Sex Offenses, Domestic Violence, Dating Violence and Stalking.**

The USAHS has established and actively participates in programs that serve to raise the level of safety awareness of the USAHS community. It is the policy of USAHS to offer programming to prevent relationship violence, sexual assault (including stranger and known offender assaults) and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management and bystander intervention), and discuss institutional policies on sexual misconduct as well as the definitions

of relationship violence, sexual assault, stalking and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions. These materials will specifically include:

- a. a statement that the institution prohibits relationship violence, sexual assault, and stalking;
- b. the definition of relationship violence, sexual assault, and stalking in the applicable jurisdiction;
- c. the definition of consent, in reference to sexual activity, in the applicable jurisdiction;
- d. safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of relationship violence, sexual assault, or stalking against a person other than such individual;
- e. information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks.
- f. bystander empowerment training that highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose, and motivates them to intervene as stakeholders in the safety of the community when others might choose to be bystanders. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies, and/or creating distractions.
- g. an ongoing prevention and awareness campaign for students and faculty on all of the above.

## **7. Policies Regarding Criminal Activity Off Campus**

USAHS campus security does not provide law-enforcement services to student organizations who engage in off-campus activities. The Campus Human Resources Director and Facilities Supervisor/Manager maintain a highly professional working relationship with the local police when violations of federal, state, or local laws surface. This cooperative team approach addresses situations as they arise as well as future concerns.

## **8. Policies regarding Alcoholic Beverages and Illegal Drugs**

### **UNIVERSITY OF ST. AUGUSTINE FOR HEALTH SCIENCES ALCOHOL AND DRUG ABUSE PREVENTION PROGRAM**

#### ***INTRODUCTION***

The Drug-Free Schools and Communities Act Amendments of 1989, as articulated in the Education Department General Regulations (EDGAR) Part 86, the “Drug-Free Schools and Campuses Regulations,” require institutions of higher education (IHEs) to develop and implement programs to

prevent the abuse of alcohol and the use of illicit drugs by students and employees, including faculty. In addition, IHEs are required to provide annual notification of the provisions of their alcohol and drug abuse prevention programs to students and employees, including faculty, and to conduct biennial reviews of the programs and their effectiveness.

## ***THE UNIVERSITY OF ST. AUGUSTINE FOR HEALTH SCIENCES ALCOHOL AND DRUG ABUSE PREVENTION PROGRAM***

The University of St. Augustine for Health Sciences (USAHS) has developed this Alcohol and Drug Abuse Prevention Program (“The University of St. Augustine for Health Sciences ADAP Program”) to meet the requirements of the Drug-Free Schools and Communities Act Amendments of 1989, as articulated in the Education Department General Regulations (EDGAR) Part 86, the “Drug-Free Schools and Campuses Regulations.”

### ***USAHS ALCOHOL AND DRUG ABUSE PREVENTION PROGRAM REQUIRED ELEMENTS***

#### ***1. USAHS ALCOHOL AND DRUG ABUSE PREVENTION POLICY***

The USAHS maintains a drug-free workplace. Students, faculty, and employees are strictly prohibited from misusing controlled substances, intoxicants, alcohol, and prescription drugs, or buying, selling, manufacturing, distributing, possessing, or working under the influence of those substances when conducting USAHS business, while on the campus premises, while working in the university online environment, or while participating in internships, fieldwork, residencies, fellowships, or other university-sponsored activities on or off the USAHS campuses, except as explicitly authorized by a prescription from a physician.

#### ***2. INFORMATION RELATING TO THE LEGAL SANCTIONS FOR UNLAWFUL POSSESSION OF ALCOHOL AND DRUGS***

***a. ALCOHOL LAW PENALTIES.*** The legal drinking age in all 50 states of the United States and the District of Columbia is 21 years of age. The legal drinking age in the U.S. Virgin Islands, Puerto Rico, and Guam is 18 years of age. Persons under the legal drinking age who purchase, possess, or consume alcoholic beverages may be subject to fines or imprisonment depending on state law. Persons who knowingly furnish alcohol to minors are also subject to fines or imprisonment.

Specific information on state and local legal penalties for alcohol violations may be obtained on state law enforcement websites.

***b. DRUG LAW PENALTIES*** Under federal law, a conviction for possession of illicit drugs carries a prison sentence of up to three years and a fine of up to \$250,000. Special federal sentencing provisions for possession of crack cocaine require a mandatory prison sentence of five (5) to twenty (20) years. The range of penalties for conviction of unlawful distribution of illicit drugs under federal law is summarized in the schedules of federal drug trafficking penalties that can be found online at [www.usdoj.gov/dea/agency/penalties.htm](http://www.usdoj.gov/dea/agency/penalties.htm). The severity of the sanctions imposed for both possession and distribution offenses depends on the quantity of drugs, prior convictions, and whether death or serious injury resulted. Sanctions may be increased for offenses that involve distribution to minors or occur on or near a school or campus. In addition, other federal laws require or permit forfeiture of personal or

real property used to illegally possess, facilitate possession, transport, or for concealment of a controlled substance. A person's right to purchase or receive a firearm or other federal benefits, such as student loans, grants, contracts, or professional or commercial licenses, may also be revoked or denied as a result of a drug conviction.

Specific information on state and local legal penalties for drug violations may be obtained on state law enforcement websites.

### **3. *INFORMATION RELATING TO HEALTH RISKS FROM DRUGS AND ALCOHOL***

- Employees, including faculty, of USAHS should be aware and informed that health risks associated with the use of illicit drugs and the abuse of alcohol can result in, but are not limited to a lowered immune system, damage to critical nerve cells, physical dependency, lung damage, heart problems, liver disease, physical and mental depression, increased infection, irreversible memory loss, personality changes, and thought disorders.
- Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse.
- Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death.
- Mothers who drink alcohol during pregnancy may give birth to infants with Fetal Alcohol Syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.
- Marijuana contains THC (Delta-9-tetrahydrocannabinol) which accounts for most of its psychoactive or mind-altering effects. The short-term effects of using marijuana include sleepiness, memory and concentration problems, impaired motor coordination, increased heart rate, dry mouth and throat, and decreased social inhibitions. The long-term effects of using marijuana include impaired lung functioning, sexual problems, breast tissue development in men, and possible immune system damage.
- Stimulants increase the activity of the central nervous system. Examples include amphetamines, methamphetamines, cocaine, and crack, which cause short-term elevations in mood, self-confidence, energy, heart rate, and blood pressure. Potential difficulties associated with the more powerful stimulants such as these include possible physical addiction, psychoses, severe depressions, and anxiety syndromes such as panic attacks and obsessions. Additional health risks include seizures and cardiac arrest.
- Hallucinogens are substances that distort perception of reality. The most well-known hallucinogens include phencyclidine (PCP), lysergic acid diethylamide (LSD), mescaline, and psilocybin. Under the influence of these drugs, the senses of direction, distance, and

time become disoriented. They can produce unpredictable, erratic, and violent behavior in users that sometimes lead to serious injury and death. At high doses, LSD can cause convulsions, coma, heart and lung failure, and even death.

- Sedatives/tranquilizers are drugs used to reduce anxiety and tension. In some cases, they are used as sleep aids. Like alcohol, these drugs are central nervous system depressants. Examples include barbiturates such as Amytal, Nembutal, and Seconal, as well as benzodiazepines such as Ativan, Halcion, Librium, and Xanax. Rohypnol, a date rape drug, also falls into this category. Although specific effects may vary according to the particular drug, these drugs typically induce a state of relaxation and drowsiness. At high doses, dizziness, slurred speech, impaired coordination, and amnesia may occur. Health hazards include risk for addiction and coma and/or death from overdose.
- Narcotics are painkillers or analgesics. These drugs include morphine, heroin, codeine, and Dilaudid, all of which are derived from opium. Synthetic narcotics include drugs such as Demerol, Percodan, and Darvon. These drugs tend to reduce sensory feeling and sensitivity of all kinds, to pleasure as well as pain. In large doses, they induce drowsiness, mental clouding, lethargy, and even sleep. They are highly addictive. Overdose risks include convulsions, coma, and death.
- Anabolic steroids are synthetic derivatives of the male hormone testosterone. These derivatives of testosterone promote the growth of skeletal muscle and increase lean body mass. The long-term, high-dose effects of steroid use are largely unknown. Major side effects of anabolic steroid use include liver tumors, jaundice, fluid retention, high blood pressure, acne, and trembling. Aggression and mood swings as well as other psychiatric side effects may result from their abuse.
- Students, faculty, and employees should note that the above listing is not intended as all-inclusive. Further information may be gathered from a physician.

#### ***4. UNIVERSITY RESOURCES RELATED TO ALCOHOL AND DRUG ABUSE PREVENTION AND AWARENESS***

USAHS distributes materials and offers resources related to alcohol and drug abuse prevention awareness including the distribution of communications instructing employees and faculty on how to access written materials relating to alcohol and drug abuse prevention.

The following resources provide information to aid in the prevention of substance abuse:

- **Organizations**
  - [Office of the Surgeon General](#)
  - [Substance Abuse and Mental Health Services Administration](#)
  - [National Institute on Drug Abuse](#)
- **Videos**
  - [Why Are Drugs So Hard to Quit](#)



*Addiction is a brain disease. The brain is like a control tower that sends out signals to direct actions and choices.*

- [Understanding Your Brain's Perspective](#)



*Find out how alcohol molecules alter your brain.*

- **Articles and worksheets**
  - [The NA Way Magazine](#): A broad-based recovery and service magazine. Editorial content ranges from personal recovery experiences to opinion pieces on topics of concern to NA.
  - [“What’s Your Pattern”](#): An interactive quiz about the drinking patterns of U.S. adults

## **5. COUNSELING, TREATMENT, AND SUPPORT GROUP RESOURCES FOR ALCOHOL AND DRUG ABUSE AND ADDICTION**

Employee Assistance Program (Business Health Services)  
Phone: **800-765-3277**  
Online: [www.bhsonline.com](http://www.bhsonline.com) User name: Laureate

Student Assistance Program (ComPsych)  
Phone: 844-819-4777 (toll free)  
Online: [www.guidanceresources.com](http://www.guidanceresources.com) User name: USAHS

Alcoholics Anonymous  
Online: [www.aa.org/pages/en\\_US/find-aa-resources](http://www.aa.org/pages/en_US/find-aa-resources)

Narcotics Anonymous  
Online: [www.na.org/meetingsearch](http://www.na.org/meetingsearch)

## **6. DISCIPLINARY SANCTIONS**

The University of St. Augustine for Health Sciences will not excuse misconduct by employees, including faculty, whose judgment is impaired due to substance abuse. Employees, including faculty, found in violation of this policy are subject to disciplinary action as provided in the applicable employee handbook.



Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<p><b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	Cocaine 5 kilograms or more mixture	<p><b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p><b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
<b>Substance/Quantity</b>		<b>Penalty</b>		
Any Amount Of Other Schedule I & II Substances		<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.</p>		
Any Drug Product Containing Gamma Hydroxybutyric Acid		<p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>		
Flunitrazepam (Schedule IV) 1 Gram				
Any Amount Of Other Schedule III Drugs		<p><b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>		
Any Amount Of All Schedule V Drugs		<p><b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>		

## **9. Substance Abuse Education and Counseling Services**

Alcoholics Anonymous

Online: [www.aa.org/pages/en\\_US/find-aa-resources](http://www.aa.org/pages/en_US/find-aa-resources)

Narcotics Anonymous

Online: [www.na.org/meetingsearch](http://www.na.org/meetingsearch)

## **10. Disclosures to Alleged Victims of Crimes of Violence or Non-forcible Sex Offenses**

USAHS will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the information will be provided to the victim's immediate family, if so requested.

## **11. Emergency Response and Evacuation Procedures**

USAHS is committed to supporting the welfare of its students, faculty, staff, and visitors. Preparing a campus crisis/Incident Response plan and allocating resources to respond to possible emergencies is one way in which the University offers this support. To accomplish these objectives, the college has developed an Emergency Action Plan.

The plan is fashioned in accordance with appropriate laws, regulations and policies that govern crisis/emergency preparedness and reflects the best and most current thinking in this area. The Emergency Action Plan is designed to maximize human survival and preservation of property, minimize danger, restore normal operations of the University, and assure responsive communications with the campus, surrounding community. The plan is set in operation whenever a natural or induced emergency affecting the University reaches proportions that cannot be handled by established measures. A crisis may be sudden and unforeseen, or there may be varying periods of warning. This plan is intended to be sufficiently flexible to accommodate contingencies of all types, magnitudes, and duration.

The full text of this Plan can be located on our web site at <https://www.usa.edu/safety-security/>.

## **12. USAHS's Title IX and Sexual Misconduct Grievance Reporting Policies and Procedures**

University of St. Augustine believes that all members of the University community should be free from all acts of sexual misconduct, including sexual assault, sexual harassment and discrimination, sexual exploitation, relationship violence, and stalking. All members of the University community and all visitors, regardless of sex, gender, sexual orientation, gender identity, or gender expression are advised that any sexual misconduct by any student, employee, or third party is prohibited. Any attempt to commit sexual misconduct, or to assist or willfully encourage any such act, is a violation of this Policy. Sexual misconduct is contrary to the basic values of University of St. Augustine, which include promoting a sense of community, fostering learning, instilling integrity, and

achieving excellence. University of St. Augustine is committed to providing for the prompt and equitable resolution of all complaints of sexual misconduct.

This Policy applies to all complaints of sexual misconduct in University of St. Augustine's education programs and activities. It prohibits conduct that: occurs on campus or other University property; occurs in connection with University educational programs or activities, whether on or off-campus; or otherwise affects the University community. This Policy prohibits sexual misconduct by all third parties (including but not limited to visitors, guests, volunteers and contractors) on University of St. Augustine campuses and during university activities. It also applies to applicants for admission to, or employment with, the University of St. Augustine. Violations of this policy may result in disciplinary action up to and including removal from the University for students and termination of employment for faculty and staff. When used in this Policy the term "complainant" refers to a person claiming that a violation of this Policy occurred, and the term "respondent" refers to a person accused of violating this Policy.

Students, faculty, or staff members who believe that they are a victim of sexual misconduct should contact the Title IX Coordinator. The Title IX Coordinator is responsible for receiving and processing, in a timely manner, reports from students, faculty, staff, and administrators regarding rights and responsibilities concerning sexual misconduct in violation of Title IX.

Any questions or complaints regarding Title IX may be referred to the University of St. Augustine's Title IX Coordinator and Title IX Deputy Coordinators.

Students, faculty, and staff members have the right to file both a criminal complaint and a Title IX complaint simultaneously.

To file a criminal complaint please contact the local police department:

Miami Police Department 2200  
W Flagler St.  
Miami, FL 33135  
305-643-7160

Students, faculty, and staff members must report an incident of alleged discrimination to a "Responsible Employee." For the purposes of this policy, the "Responsible Employees" are the Title IX Coordinator, Deputy Title IX Coordinator, the Executive Director of Student Affairs, and the Program Director. For complaints where both the complainant and respondent are employees, "Responsible Employees" is the Human Resources Campus Manager.

University of St. Augustine takes all reports of sexual misconduct seriously and, upon receiving notice of any alleged violation of this Policy, shall take immediate steps to conduct a thorough, prompt, and appropriate investigation of the complaint.

A complainant who contacts the Title IX Coordinator or Responsible Employee with an allegation of Sexual Misconduct will be notified of his or her right to confidentiality and his or her right to remain anonymous and how that may affect the University's ability to conduct an investigation. Please note that there are certain situations where the University may not be able to guarantee confidentiality or anonymity. If the complainant wishes to move forward with the process, he or she will be asked a series of questions to provide information. If the complainant prefers, he or she may complete the information from the form and submit it to the Title IX Coordinator. In certain

circumstances, it may be necessary for the complaint to go forward even if the complainant does not consent to that course of action.

University of St. Augustine strongly supports the complainant's right to confidentiality in cases involving sexual misconduct. Complainants have the right to ask that their names not be disclosed to the alleged perpetrators. However, there are limited situations in which the university must override a complainant's request for confidentiality in order to meet the institution's legal obligations under Title IX. In these situations, the information will only be shared with individuals who are responsible for handling the University's response to incidents of sexual violence. Given the sensitive nature of reports of sexual violence, the University shall ensure that the information is maintained in a secure manner. If the complainant requests that his or her name not be revealed to the alleged perpetrator or if complainant asks the university not to investigate or seek action against the alleged perpetrator, the University of St. Augustine will be limited in its ability to respond fully to the incident, including taking disciplinary action against the alleged perpetrator. If the complainant still requests that his or her name not be disclosed to the alleged perpetrator, or that the university not investigate or seek action against the alleged perpetrator, the Title IX Coordinator will need to determine whether or not the institution can honor such a request while providing a safe and nondiscriminatory environment for all students, faculty, and staff.

Upon notification of an incident of sexual misconduct, University of St. Augustine shall take steps to ensure equal access to its education programs and activities and protect the complainant as necessary, including taking interim measures before the final outcome of an investigation. These measures are designed to protect the Complainant and provide the Complainant with options to avoid contact with the alleged perpetrator. These measures may include a change in academic activities, living, transportation, dining, and working situation as appropriate. After the initial report of alleged sexual misconduct, possible immediate interim suspension can be invoked on the accused ("Respondent") if there is a reasonable cause to believe the Respondent's behavior is of such a nature as to pose a threat of harm or injury to the Complainant or any other member of the campus community. The Title IX Coordinator shall work with the Complainant to determine what, if any, interim measures shall be implemented.

University of St. Augustine encourages the reporting of sexual misconduct. Sometimes, students may be reluctant to come forward and report an incident of sexual misconduct, or serve as a witness, because they are concerned that they may be charged with violating other campus policies, such as University of St. Augustine's alcohol or drug policy. In order to encourage reporting of sexual misconduct, students who report an incident of sexual misconduct, or who serve as witnesses to an incident of sexual misconduct, will not face disciplinary sanctions for their own personal consumption of drugs or alcohol related to the incident as long as any such violations did not place the health or safety of any other person at risk.

For complaints of sexual misconduct where the complainant or respondent is a student, the complainant and the respondent may be accompanied throughout the investigation and appeal process by an advisor of their choice. Advisors should be from the University community, unless otherwise approved, and must agree to keep the matter confidential. However, the advisor may not be a witness or possible witness in the case, a person involved in the University's disciplinary process, or a complainant or a respondent in the case. The purpose of the advisor is to provide advice to the student in a manner that is not disruptive to the proceedings. The advisor may accompany the party to any meeting or hearing held pursuant to this Policy. The advisor may not provide verbal, written, or other input during the investigation or appeal process other than to the

student being advised; the advisor may not speak on the party's behalf or otherwise participate or address or question the investigator, Resolution Officer, or other parties or witnesses.

## SEXUAL MISCONDUCT

USAHS policies and procedures prohibit sexual misconduct by any student, faculty or staff member. Sexual misconduct includes, but is not limited to, sexual discrimination, sexual exploitation, sexual harassment, sexual assault, relationship violence, and stalking. While the University of St. Augustine School may use different standards and definitions than state criminal codes, sexual misconduct often overlaps with crimes under applicable criminal codes. Certain of these terms are further defined as follows:

**Consent:** Consent is defined at University of St. Augustine as a clear, unambiguous and conscious agreement expressed in mutually understandable words or actions to voluntarily engage in specific sexual or intimate activity or conduct. Conduct will be considered "without consent" if no clear affirmative consent, verbal or otherwise, is given. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Affirmative Consent is not present (1) if obtained through the use of force, threat, coercion, or intimidation; or (2) when an individual is incapacitated, such as by consumption of drugs, alcohol, or medication; or being unconscious or asleep; (3) if given by someone who is not able to effectively communicate or to understand the fact, nature, or extent of the sexual activity being engaged in; or 4) if the individual is unable to communicate due to a mental or physical condition.

**Relationship violence:** Relationship violence means a violent act committed by a person who is or has been in a social relationship of a romantic nature or intimate nature with the complainant, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Relationship violence includes dating violence and domestic violence.

**Dating violence:** The term "dating violence" means violence committed by a person— a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and b) where the existence of such a relationship shall be determined based on a consideration of the following factors: i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship.

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

**Sexual discrimination:** Sexual discrimination for the purpose of this policy is defined as including, but not limited to, treating individuals differently because of their gender or sexual orientation, in connection with the terms and conditions of employment or educational opportunities. Discrimination does not occur, however, when an individual is treated differently than another individual for legitimate reasons.

**Sexual exploitation:** Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples include but are not limited to: invasion of sexual privacy, prostituting another student, non-consensual video or audio-taping or photography of sexual activity, distributing sexual or intimate information, images or recordings of another without that individual's consent, going beyond the boundaries of consent (such as allowing friends to hide in the closet watching consensual sex), voyeurism, knowingly transmitting an STD or HIV to another student, exposing one's genitals in non-consensual circumstances or inducing another to expose his/her genitals, and sexually-based bullying, including, but not limited to, through social media.

**Rape:** Rape is generally defined by states as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to incapacitation by means of disability or alcohol or other drugs. Many rapes are committed by someone the victim knows, such as a date or friend. The FBI's updated definition of rape, which encompasses the categories of rape, sodomy, and sexual assault with an object is: 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.

**Stalking:** The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to— a) fear for his or her safety or the safety of others; or b) suffer substantial emotional distress

**Sexual assault:** Offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

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

- a. Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- b. Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- c. Sexual intercourse - with a person who is under the statutory age of consent.

While USAHS utilizes different standards and definitions than state codes, Sexual Misconduct often overlaps with crimes of sexual assault, sexual harassment, stalking, dating violence and domestic violence.

USAHS uses the "preponderance of evidence" standard of proof in any conduct proceeding related to "Sexual Misconduct." Both the victim and accused will be informed of the outcome of the hearing. A student found guilty of "Sexual Misconduct" could be criminally prosecuted in the state courts and may be suspended or dismissed from USAHS. Student victims have the

option to change their academic and/or on-campus living situations after an alleged incident of sexual misconduct, if such changes are reasonably available.

### WHOM TO CONTACT WITH A REPORT OR COMPLAINT

If you are a victim of a sexual assault at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. USAHS strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to Campus Security or the Title IX Coordinator. If you are the victim of Sexual Misconduct, gender-based violence or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

- a) Call 911 or go to a safe place and speak with someone you trust. Tell this person what happened and have them call 911.
- b) Notify the University of St. Augustine Title IX Coordinator:

Ray Toledo

Phone: 760-410-5407 x2507

Address: 1 University Blvd., St. Augustine, FL 32086 Email:

[rtoledo@usa.edu](mailto:rtoledo@usa.edu)

More information regarding Title IX may be found at: <https://www.usa.edu/safety-security/>.

File a police report with the local police. A report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- a) ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- b) provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later;
- c) assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. Typically, a hospital will arrange for a specific medical examination. To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable. If police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean **paper** bag or clean sheet, to avoid contamination. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo. Record the names of any witnesses, and their contact information. This information may be helpful to the proof of a crime, to obtain an order of protection or to offer proof of a campus policy violation. Try to memorize details (physical description, names, license plate

number, car description, or even better, write notes to remind you of details, if you have time and the ability to do so. If you obtain external orders of protection (e.g. restraining orders, injunctions, protection from abuse), please notify the University of St. Augustine Title IX Coordinator so that those orders can be observed on campus.

Consider securing immediate professional support (e.g.: counseling, victim advocacy, medical services, etc.) to assist you in the crisis.

Contact the Title IX Coordinator if you need assistance with USAHS related concerns, such as no-contact orders or other protective measures. The University of St. Augustine will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. The USAHS is able to offer reasonable academic accommodations, changes to living arrangements, transportation accommodations, escorts, no contact orders, counseling services access and other supports and resources as needed by a victim.

Furthermore, in addition to encouraging individuals to contact the police, USAHS's policy is to provide victims of sexual offenses, domestic violence, dating violence, sexual assault, or stalking, with the following information in writing:

- The importance of preserving evidence for proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order.
- To whom the offense should be reported.
- Options regarding reporting, including law enforcement and campus authorities to: a) notify victim of the option to notify on-campus and local police; b) assist the victim if they choose in notifying law enforcement; and c) give the victim the right to decline to notify such authorities;
- Rights of victims and institutional responsibilities on orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts.
- Procedures for institutional disciplinary action in cases of domestic violence, dating violence, sexual assault, or stalking, which includes a clear statement that:
  - Proceedings will provide a prompt, fair, and impartial investigation and resolution; and be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
  - The accuser and accused are entitled to the same opportunities to have a support person/advisor of their choice at any proceeding or related meeting;
- The accuser and accused must be simultaneously informed in writing of:
  - The outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;
  - The institution's procedures for appealing the results of the proceeding;
  - Any change to the results that occurs prior to the time that such results become final; and
  - When such results become final
- Information about how confidentiality of victims will be protected, including how publicly-available recordkeeping will be accomplished without including identifying information about the victim, to the extent possibly by law;



- Written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.
- Written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by victim and if reasonable available, regardless of whether victim chooses to report the crime to campus police or local law enforcement.

In the event that sexual misconduct, gender-based violence or the crimes of sexual assault, stalking, dating violence or domestic violence does occur, USAHS takes the matter very seriously. The USAHS employs interim protection measures such as interim suspension and/or no contact orders in any case where a student's behavior represents a risk of violence, threat, pattern or predation. If a student is accused of sexual misconduct, other gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, s/he is subject to disciplinary action in accordance with the Title IX and Sexual Misconduct Grievance Reporting Policy and Procedures found in the student handbook. A student wishing to officially report such an incident may do so by making a report to the USAHS Title IX Coordinator. Anyone with knowledge about sexual misconduct is encouraged to report it immediately.

If applicable, disciplinary action will be taken in accordance with the Title IX and Sexual Misconduct Grievance Reporting Policy and Procedures. In conducting disciplinary proceedings, the USAHS will use a preponderance of evidence as its evidentiary standard. Following a final determination of disciplinary action relating to dating violence, domestic violence, and sexual assault or stalking, or any other forcible and non-forcible sex offense, the USAHS may impose sanctions up to and including dismissal from the University. Measures to protect the complainant and provide the complainant with options to avoid contact with the alleged perpetrator such as a change in academic, living, transportation, dining, and working situation may be put in place before and after an investigation, as appropriate.

USAHS process and procedures for institutional disciplinary action in cases of sexual misconduct, will provide a prompt, fair, and impartial investigation and resolution and will be conducted by officials who receive annual training on issues related to such offenses, and other forcible and non-forcible sex offenses, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. All parties to the process are entitled to have a support person/advisor of their choice at any proceeding or related meeting. USAHS will provide written notification to the parties of the outcome of any institutional disciplinary proceeding that arises from an allegation of sexual misconduct, the procedures for appealing the results of the proceeding, any change to the results that occurs prior to the time that such results become final and when such results become final. To the extent possible by law, confidentiality of identifying information regarding victims will be protected. If the alleged victim is deceased as a result of the crime or offense, the information will be provided to the victim's next of kin, if so requested.

## HARASSMENT

USAHS is committed to maintaining an educational and work environment that is free of discrimination. In keeping with this commitment, we will not tolerate harassment of USAHS students or employees on any USAHS property by anyone, including any student, staff member, faculty member, co-worker, vendor, or any third party.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, religion, creed, ancestry, national origin, age, physical or mental disability, marital status, sexual orientation, or other protected group status. The USAHS will not tolerate harassing conduct that affects tangible benefits of education or employment that interferes unreasonably with an individual's educational or working environment. Such harassment may include, for example, jokes about another person's protected status, or kidding, teasing or practical jokes directed at a person based on his/her protected status.

Sexual harassment is a specific type of harassment. Sexual harassment can include, but is not limited to, unwelcome sexual advances; requests for sexual favors; unwelcome physical contact of a sexual nature; e-mails containing inappropriate sexual content; obscene or harassing phone calls or jokes of a sexual nature; suggestive gestures, sounds, stares, or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of a student's academic progress;
2. Submission to or rejection of such conduct by an individual is used as a basis for decisions affecting assessment of academic progress; or
3. Such conduct, by instructors, staff, or students, including between students, has the purpose or effect of interfering with academic performance or creating an intimidating, hostile, or offensive environment.

USAHS students and employees are responsible for helping to avoid harassment. Anyone who feels that he/she has experienced or witnessed harassment should notify the Title IX Coordinator. Students or employees may choose/request to report to a person of the employee's same sex. The USAHS forbids retaliation against anyone who reports harassment, assists another person in making a harassment complaint, or who cooperates in a harassment investigation. The USAHS's policy is to investigate all harassment complaints thoroughly and promptly. To the fullest extent practicable, the USAHS will keep the complaints and the terms of their resolution confidential. If an investigation confirms that a violation of the policy has occurred, the USAHS will take corrective action, including discipline, up to and including immediate termination of employment and/or expulsion.

### **13. Student's Option to Notify Law Enforcement**

When a sexual assault victim contacts Campus Security or the Title IX Coordinator, local police will be notified as well. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and USAHS's Title IX Coordinator, or only the latter. USAHS will comply with a student's request for assistance in notifying law enforcement.

### **14. Student Services for Victims of Sexual Offenses**

Various counseling options are available through the advising office. Counseling and support services may also be obtained through local organizations.

The National Domestic Violence Hotline: 1-800-799-SAFE (7233), or 1-800-787-3224 (TTY).

The Betty Griffin House, 24-hour crisis hotline: (904) 824-1555.

## **15. Procedures for Campus Disciplinary Action in Cases of an Alleged Sexual Offense.**

The investigation of a report of sexual misconduct will begin promptly. Notice will be provided simultaneously to the complainant and the respondent in writing that a complaint has been received by University of St. Augustine and will be investigated under this Policy. The notice shall specify any interim measures that have been implemented.

University of St. Augustine shall determine, given the circumstances surrounding the complaint, the proper party to conduct the investigation. The proper party may or may not be the Title IX Coordinator, and shall be the person best able to conduct an impartial and fair review of the complaint. The investigation will normally include interviewing the complainant(s), respondent(s), witnesses, and other relevant parties and will include a review of any relevant documents and other information. It may include reviewing law enforcement investigation documents (if applicable) and reviewing student and personnel files. Both the complainant and the respondent may provide the investigator(s) with the names of witnesses, documents, and other information. The investigator(s) will exercise their discretion in deciding which individuals identified as witnesses during the investigation should be interviewed and which documents or other information should be reviewed. The interviews, meetings, and other proceedings are not recorded by University of St. Augustine and may not be recorded by others. The complainant and the respondent are afforded equal procedural rights during the investigation. No expert witnesses shall be permitted.

The complainant's prior sexual relationships or conduct are neither relevant nor admissible during the investigation and will not be considered, other than the prior sexual relationship or conduct with the respondent if the respondent alleges consent. The fact that a complainant may currently have or had in the past a dating or sexual relationship with the respondent that was consensual is not sufficient by itself to constitute consent and does not preclude a determination that sexual misconduct occurred.

At any time prior to or during an investigation, the respondent may accept responsibility for some or all of the alleged violations. The matter will then proceed to the sanctioning phase and any appeal of the sanctioning decision.

Upon completion of the investigation, the investigator(s) will prepare a report summarizing the interviews conducted and the evidence reviewed. The report will include the investigator's finding of fact, an assessment of the credibility of the parties and witnesses when appropriate, and a recommended determination as to whether a violation of this Policy has occurred. In reaching this conclusion, the investigator shall use the preponderance of evidence standard.

If the Respondent is a non-student employee, the Title IX Coordinator or designee will report his or her findings to University Human Resources and Leadership. If Leadership determines, based on the contents of the report, that no violation of University Policy has occurred, the incident will be closed.

If Leadership determines, based on the contents of the report that a violation of University Policy has or may have occurred, University Leadership will determine an appropriate resolution including

remedial and/or disciplinary action up to and including termination of the employee. University Leadership will determine if a hearing is appropriate prior to the determination of the sanctions based on the particular facts presented, including but not limited to the identity of the complainant (student or employee), the nature and/or severity of the offense, and the evidence presented by the investigative report. Resolution, sanctions and appeals will be governed by the procedures in University's personnel policies or Faculty Handbook, if applicable, in accordance with the requirements of Title IX.

Sexual misconduct complaints involving student respondents will be governed by the following process. Upon the completion of the investigation, the Title IX Coordinator shall present the investigative report to University leadership, which may include, as appropriate, the Executive Director of Student Services, the Chief Academic Officer, or the Student Life Manager. The individual or individuals charged with making a determination as to the resolution of the complaint, and sanction, and any remedies for the complainant shall be referred to herein as the "Resolution Officer," although more than one individual may be charged with resolving the complaint. The Resolution Officer shall then determine the appropriate resolution to the complaint, considering factors including but not limited to the identity of the complainant (student or employee), the nature and/or severity of the offense, and the evidence presented by the investigative report. The Resolution Officer shall determine whether any hearing is appropriate prior to imposition of any sanction. Generally, a hearing will be provided if the probable sanction to be imposed is suspension or expulsion if the respondent is a student, or termination of employment if the respondent is an employee.

The Resolution Officer shall provide written notice to both the complainant and the respondent of the process to be used to resolve the complaint. If no hearing is to be held, both complainant and respondent may make a written submission to the Resolution Officer if they choose. If a hearing is held, the proceedings shall be closed. The complainant and respondent and their respective advisors may be present for all or any portion of the hearing. Either the complainant or respondent may request, or be asked, to hear or view the proceedings via audio or video transmission from a separate room. Any witnesses may only be present in the hearing room when being questioned by the Resolution Officer.

Neither party shall be permitted to ask questions at the hearing, although either party may submit to the Resolution Officer requested questions for the other party or witnesses. It shall be in the discretion of the Resolution Officer whether or not to ask the submitted questions, in whole or in part.

The Resolution Officer shall provide both parties with written notice of its findings and the reasons for such findings. The Resolution Officer shall use the preponderance of evidence standard in making his or her findings. If a violation of this Policy is found, the notice shall provide the sanctions to the respondent and to the complainant, as appropriate under Title IX.

The notice shall set forth either party's right to appeal, the identity of the Appeal Officer, and the process and time limit for such an appeal.

In addition to discipline against the respondent, resolutions may include remedies for the complainant, which may include steps such as reassignment of a course section or residency, counseling services, medical services, academic support services, or changes to the school's overall services or policies, including altering withdrawal penalties within courses. Any remedies offered would be separate from, and in addition to, any interim measure that may have been provided prior to the conclusion of any investigation. Resolutions may also include remedies for the broader

University population, such as training or changes to policies or services.

All individuals with responsibilities under this Policy shall have appropriate training in this Policy and in the requirements of Title IX and related laws. Training shall include training relating to sexual misconduct, including sexual assault, relationship violence, and stalking as defined in this Policy.

While each situation is different and there can be no way to determine how long an investigation will take, the Title IX Coordinator shall use his best efforts to reach resolution within 60 days from the time the complaint is reported to notice of resolution, exclusive of any appeals.

Appeals for sexual misconduct complaints involving non-student employee respondents will be governed by the procedures in University personnel policies or Faculty Handbook, as applicable. If any right of appeal is granted through those policies, both the complainant and the respondent shall have equal rights of appeal.

In cases involving student respondents, both parties have the right to appeal the Resolution Officer's finding of responsibility and/or imposition of sanctions. Any appeal must be filed in writing within five (5) days from the notice of resolution. The University will determine the appropriate individual in University leadership to hear any appeal ("Appeal Officer"), depending on the circumstances of the case, including the identity of the respondent. There is a presumption that the decision, and any sanction or discipline, was made properly, and the Appeal Officer may not substitute his or her judgment for that of the Resolution Officer. The sole grounds for appeal are: (1) a procedural error that substantially impacted the determination or sanction; (2) new information that was not available at the time of the investigation or hearing and that could reasonably have had a substantial impact on the determination or sanction; and (3) excessiveness or insufficiency of the sanction. The sanction may be increased only if the complainant appeals on the ground that the sanction was insufficient, and may only be decreased if the respondent appeals on the ground that the sanction was excessive.

The Appeal Officer shall give both parties timely notice of the receipt of an appeal. Both parties shall be provided the opportunity to make a written submission to the Appeal Officer. The Appeal Officer shall be limited to the record below, including any information that was part of the investigation or the resolution hearing. The Appeal Officer shall not conduct another hearing but may conduct interviews with the complainant, respondent, or witnesses in his or her discretion. The party appealing shall have the burden of proof in any appeal. The Appeal Officer shall use the preponderance of evidence standard in the determination of any appeal.

The Appeal Officer shall give written notice to both parties of the outcome of the appeal and the reasons for his or her decision. The decision of the Appeal Officer is final.

Title IX includes protections against retaliation. The University of St. Augustine will take immediate and appropriate steps to investigate or otherwise determine if retaliation due to the reporting of sexual misconduct or discrimination occurs.

## **16. Written Notification Provided to Victims**

It is USAHS's policy to provide a summary of rights, options, supports, and procedures, in the form of this document, to all victims of sexual offenses, whether they are students, employees, guests, or visitors.

## **17. Possible Sanctions for Sexual Offenses**

USAHS's disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct, are detailed in the University's Title IX and Sexual Misconduct Grievance Reporting Policy and Procedures, in the *Student Handbook*. For offenses including sexual misconduct or other gender based violence, which typically include the crimes of domestic violence, dating violence, sexual harassment, sexual misconduct, and stalking, sanctions range from warning to expulsion. Serious and violent incidents and acts of non-consensual sexual intercourse (the policy equivalent to the crime of rape) usually result in suspension, expulsion, or termination of employment. Lying to investigators can result in additional consequences under the Code of Student Conduct. Additionally, a student could be criminally prosecuted in the state courts. Student victims have the option to change their academic and/or working situations after an incident of alleged sexual misconduct, if such changes are reasonably available.

## **18. Confidentiality of Victims of Sexual Offenses**

In the unfortunate event that a sexual offense occurs, USAHS will protect the confidentiality of victims and other necessary parties. To that effect, USAHS will complete publically available record keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim. Additionally, USAHS will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality will not impair the ability of the institution to provide the accommodations or protective measures.

## **19. Sex Offender Registration**

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, USAHS is providing a link to the Dru Sjodin National Sex Offender Public Website (NSOPW), coordinated by the U.S. Department of Justice, is a cooperative effort between jurisdictions hosting public sex offender registries ("Jurisdictions") and the federal government and is offered free of charge to the public. These jurisdictions include the 50 states, U.S. Territories, the District of Columbia, and participating tribes. The Website provides an advanced search tool that allows a user to submit a single national query to obtain information about sex offenders; a listing of public registry websites by state, territory, and tribe; and information on sexual abuse education and prevention. The Dru Sjodin National Sex Offender Public Website (NSOPW) may be accessed at <http://www.nsopw.gov>.

All sex offenders are required to register and to deliver written notice of their status as a sex offender to USAHS.

## 20. Privacy Rights

Compliance with any of these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

## 21. University of St. Augustine for Health Sciences Crime Statistics Reporting Table

USAHS believes that an informed public is a safety-conscious public. The following reported statistics, are for your information. The statistics cover the period January 1 - December 31 for 2016.

### USAHS Miami, FL Campus Crime Statistics Reporting Table For the Reporting Year 2016\*

\*USAHS Miami, FL campus commenced operations September 2016.

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NONCAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
NEGLIGENT MANSLAUGHTER	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
SEXUAL ASSAULT: RAPE	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
SEXUAL ASSAULT: FONDLING	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
SEXUAL ASSAULT: INCEST	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
SEXUAL ASSAULT: STATUTORY RAPE	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
DOMESTIC VIOLENCE	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
DATING VIOLENCE	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
STALKING	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
ROBBERY	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0

AGGRAVATED ASSAULT	2014	N/A	N/A	N/A	N/A
	2014	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
BUGLARY	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
MOTOR VEHICLE THEFT	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
ARSON	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
ARRESTS: WEAPONS: CARRYING, POSSESSING, ETC	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
DISCIPLINARY REFERRALS:, ETC	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
ARRESTS: DRUG ABUSE VIOLATIONS	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
ARRESTS: LIQUOR LAW VIOLATIONS	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0
DICIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2014	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0

HATE CRIME OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NONCAMPUS PROPERTY	PUBLIC PROPERTY	CATEGORY OF BIAS (see key)**:
HATE CRIMES**: SIMPLE ASSAULT	2014	N/A	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0	N/A
HATE CRIMES**: LARCENY THEFT	2014	N/A	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0	N/A
HATE CRIMES**: INTIMIDATION	2014	N/A	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0	N/A
HATE CRIMES**: DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY	2014	N/A	N/A	N/A	N/A	N/A
	2015	N/A	N/A	N/A	N/A	N/A
	2016	0	N/A	N/A	0	N/A

\*\*Categories of bias for Hate Crimes include actual or perceived (A) race, (B) gender, (C) gender identity, (D) religion, (E) sexual orientation, (F) ethnicity, (G) national origin or (H) disability.

## 22. Statement Regarding Annual Security Report Availability

This Annual Security Report is required by federal law and contains policy statements and crime statistics for the school. The policy statements address the school's policies, procedures and programs concerning safety and security. This report is available online at

<https://www.usa.edu/safety-security/>.



You may also request a paper copy from Director of Human Resources. This report is distributed to all currently enrolled students (including those attending less than full time) and all employees by October 1<sup>st</sup> each year. This report is also provided to any prospective student or prospective employee upon request.

## **23. Unfounded Crimes**

In the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore 'unfounded', the university will withhold or subsequently remove the reported crime from its crime statistics.