

SECURITY AND SAFETY REPORT

October 1, 2019: Version 1

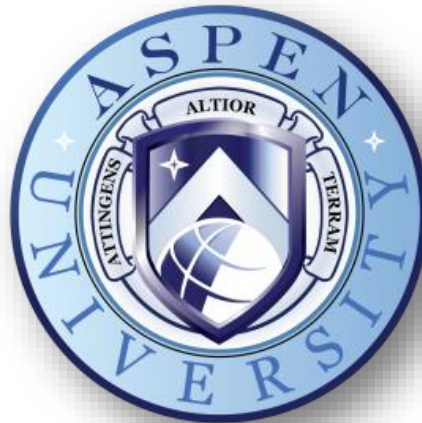
January 13, 2020: Version 2

June 5, 2020: Version 3

4615 E. Elwood St., Suite 100, Phoenix, AZ 85040

4605 E. Elwood St, Suite 300, Phoenix, AZ 85040

T: 303-333-4224





CONTENTS

Introduction	3
Security and Crime Prevention	4
Notification of the Campus Security and Safety Report	4
Reporting Crimes and Emergencies	4
Procedures for Reporting Criminal Actions or Emergencies	4
Contact Information to Report a Crime or Emergency	5
Timely Reports of Specific Crimes or Offenses	5
Security and Access	6
Safety and Crime Prevention Programs	6
Alcohol and Drug Policies and Procedures	6
University Student Substance Use and Abuse Policies	6
Alcohol Use and Abuse	7
Drug Use and Abuse	7
Reporting and Resolution Standards for Suspected Use/Abuse of Alcohol or Drugs	8
Health Risks Associated With the Abuse of Alcohol and Use of Illicit Drugs	8
Alcohol and Drug Prevention Programs	8
Sexual Misconduct Policies and Procedures	8
Definition of Terms	9
Confidentiality	13
Prohibited Conduct Examples	14
Recordkeeping	14
Reporting/Filing a Complaint for Title IX	15
Other Complaints	15
Receipt of Complaint	16



Referral to University Leadership	16
Initial Investigation into Complaint	16
Notice of Charges and Continued Investigation of Complaint	17
Presentation of Investigation Findings to the Parties	18
Investigation Findings: Acceptance	18
Investigation Findings: Appeal	19
Investigation Findings: Appeal Process	19
Additional Information for Sexual Misconduct Investigations	20
Possible Sanctions and Protective Measures	20
Sanction Process	21
Sanction Appeal Process	21
Special Procedural Provisions for Sexual Misconduct Sanction Hearings	22
Tips to Reduce Risk of Sexual Assault and Misconduct	22
Sexual Misconduct Prevention Programs	24
Information Regarding Sex Offenders	24
Emergency Response and Evacuation Policies and Procedures	24
Emergency Evacuation Procedures and Emergency Notification	24
Evacuation Plan	25
Missing Student Notification/Fire Safety Report/Fire Log	25
Annual Disclosure of Crime Statistics (Phoenix, AZ)	26

Introduction

Aspen University prepares this report to comply with the requirements of the Federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). The University is committed to providing students, faculty, staff, and guests a safe and secure environment.

This report is prepared by members of the Aspen University Safety Committee/Phoenix, which includes the Chief Academic Officer, Provost, Registrar, Vice President of Institutional Effectiveness/Quality Assurance, Vice President of Student Financial Services, Vice President of Human Resources, Director of Enrollment, and Office Manager in cooperation with the local law enforcement agencies. The report covers both a clinical site



Elwood: as defined by the Department of Education's criteria) and an administrative site (4605 E. Elwood) which are buildings adjacent to one another. Campus crime, arrest, and referral statistics include those reported to the local law enforcement agencies.

Security and Crime Prevention

Notification of the Campus Security and Safety Report

Each year, an e-mail notification is sent to all enrolled students, faculty, and staff with the web site location to access this report. Current and prospective students may obtain a copy of the report from the Registrar's Office at registrar@aspen.edu. Prospective and current employees may obtain a copy from the Human Resources Office at hr@aspen.edu or 4615 E. Elwood, Suite 100, Phoenix, AZ 85040, or the Registrar's Office. The report is available online to all at <http://www.aspen.edu/student-consumer-information>.

Reporting Crimes and Emergencies

It is important for students, as well as other members of the Aspen community, to take responsibility for their own safety and well-being. The University strongly encourages students, staff, and employees to take steps to ensure the safety and security of their belongings, themselves, and others and to report any crimes or emergencies to local authorities.

Aspen University does not maintain student housing and does not have a campus police department. Each location where students are in attendance or where university administrative staff are located has a designated Safety Coordinator who is responsible for receiving and documenting incident reports.

The University has a policy in the Aspen University, Inc., Company Handbook Version 1.0, under Policy 8.0 Safety and Loss Prevention that allow victims or witnesses to report crimes on a voluntary, confidential basis to University administrators. It may remain confidential, except where there is a legitimate need to know. In addition, under Policy 6.6 Security, employees are encouraged to immediately report potential security risks and/or suspicious conduct. The University neither employs professional counselors or pastoral (faith-based) counselors for use by students, faculty, or staff nor follows a policy that encourages pastoral counselors and professional counselors to inform the persons whom they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Students and employees may anonymously report a crime directly to the local police or through other anonymous crime reporting mechanisms (such as Crime Stoppers).

Procedures for Reporting Criminal Actions or Emergencies

The safety and security of all members of the Aspen community are of primary importance. If any student or employee becomes aware of a situation that would affect the safety or well-being of any member of the Aspen community, the student or employee must report the situation immediately to the local authorities and to the Safety Coordinator. If the Safety Coordinator is unavailable, the student or employee may report the incident to a member of the faculty or staff, who must provide this information to the Safety Coordinator for completion of an



Incident Report. The University relies on local law enforcement and authorities to assist during criminal investigations and emergencies in their jurisdiction.

Contact Information to Report a Crime or Emergency

Dial 911 for emergencies. All other crimes or suspicious activity may be reported to the following:

Safety Coordinator (4615: Clinical Site)

Darlyn Swint
4615 E. Elwood St. Suite 100
Phoenix, AZ 85040
darlyn.swint@aspen.edu
480-448-4718

Safety Coordinator (4605: Administrative Site)

Danah Laugesen
4605 E. Elwood St. Suite 300
Phoenix, AZ 85040
danah.laugesen@aspen.edu
480-735-8953

Human Resources

4615 E. Elwood St Suite 100
Phoenix, AZ 85040
hr@aspen.edu

Sky Harbor Towers Security

4615 E. Elwood St.
Phoenix, AZ 85040
602-558-5294

Non-Emergency Police: 602-262-6151

Non-Emergency Fire: 602-495-5555

Timely Reports of Specific Crimes or Offenses

When a known crime is considered to have a serious or continuing threat to University students or employees, the Safety Coordinator will notify the Aspen community in a timely manner, withholding the names of victims as confidential, through one or more of the following methods, depending upon the nature of the incident:

- Immediate notification to students, faculty, and staff via email, telephone call, and/or in-class announcement
- If necessary, notification to the larger community via written press release, email, or telephone.

Without undue delay and taking into account the safety of the community, the University will determine the content of the notification and initiate the notification system, utilizing email, phone communication, or in-class announcement methods, unless issuing a notification will in the professional judgment of those responsible



compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

Security and Access

Aspen University's clinical and administrative sites are located in a building complex, Sky Harbor Towers, which employs security personnel who are on site 24/7. During business, building lobby doors are unlocked. Key cards are issued to personnel for after-hours access. In addition, all administrative office and classroom areas are restricted with key card access at all times.

Safety and Crime Prevention Programs

The University takes crime prevention and safety seriously and informs students and staff of various opportunities for safety and security trainings and resources throughout the year. On-campus orientations include information regarding safety and crime prevention. University staff receive annual training on safety and security. Trainings are conducted and documented by the Safety Coordinator.

Alcohol and Drug Policies and Procedures

In compliance with the Drug-Free Schools and Communities Act, the University has implemented a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The Program requires the University to distribute information annually to students and employees concerning the possession, use, or distribution of alcohol and illicit drugs at the University. This information includes the University's standards of conduct relating to the unlawful possession, use, or distribution of illicit drugs and alcohol, health risks associated with the use of illicit drugs and alcohol abuse, resources for obtaining assistance with drug and alcohol abuse, and a summary of legal sanctions for violations of federal, state, and municipal law, as well as University disciplinary actions relating to the unlawful possession, use, or distribution of illicit drugs and alcohol. The institution sets forth this information below and in the current Academic Catalog at <http://catalog.aspen.edu/policies/substance-use-abuse-policy/>.

The Drug-Free Schools and Communities Act Program is intended to supplement and not limit the provisions of the University's Drug-Free Workplace policy applicable to University employees.

It is the University's intent to provide a drug-free, healthful, safe, and secure academic and work environment.

University Student Substance Use and Abuse Policies

The University's Substance Use and Abuse policy can be found in the Academic Catalog as linked below.

<http://catalog.aspen.edu/policies/substance-use-abuse-policy/>

Aspen University prohibits the illegal and irresponsible use of alcohol and other drugs. The University will strictly enforce federal, state, and local laws, as well as its own alcohol and drug policies and procedures which support these laws. It is the responsibility of every member of the University community to know the risks



associated with the use and abuse of alcohol and other drugs and to assist the University in creating an environment which promotes student success.

Aspen University is obligated to observe and abide by the laws of the state of Colorado regulating alcohol and drug abuse and to safeguard those persons whose rights and safety are threatened by such substance abuse (<https://coag.gov/OCE/substance-abuse-prevention>). Because Aspen is primarily an online institution, each student is further obligated to observe and abide by the laws of the state in which they participate in the University's online education forum. For those students attending the educational facilities in Arizona, substance abuse laws in Arizona (A.R.S. §4) govern them additionally. Violation of these policies is a serious Code of Conduct offense and misuse or abuse of substances may result in disciplinary proceedings with potential sanctions including, but not limited to, expulsion from the University.

The University encourages students who believe that substance abuse is having an unfavorable effect on their every-day life, who believe they have a substance abuse problem, or who believe a fellow student has a substance abuse problem, to seek assistance from the following alcohol and substance use and abuse resources: Alcoholics Anonymous (<https://www.aa.org/>), Narcotics Anonymous (<https://www.na.org/>), Al-Anon (<https://al-anon.org/>), and the Substance Abuse and Mental Health Services Administration (<https://www.samhsa.gov/>).

Alcohol Use and Abuse

Because Aspen has online students in all 50 states, it should be noted that the consequences for violating state laws relating to serving, purchasing, selling, or in any way providing alcoholic beverages to or for anyone who is under the age of 21 vary by state.

The serving, purchasing, selling, or in any way providing alcoholic beverages to or for anyone who is under the age of 21 is a misdemeanor violation under Colorado State Law that may result arrest, community service, or a fine.

Students are not permitted on University premises, including all locations used for educational experiences, while under the influence of alcohol.

Aspen's Clinical Site in Arizona: Underage students with alcohol on their breath or other signs of intoxication will be considered in violation of Arizona law (A.R.S. §4) and may be subject to disciplinary procedures outlined in the Student Code of Conduct. The University reserves the right to notify the parent(s) of underage students who violate this policy and/or refer violations of the law to civil authorities for prosecution. Students participating in the BSN Pre-licensure program in Arizona are subject to the Policy for Student Drug, Nicotine, and Alcohol Screening as outlined in the School of Nursing Pre-licensure Clinical Handbook.

Drug Use and Abuse

It is the University's policy that the use, possession, cultivation, production, sale, distribution, transfer, manufacture and purchase of any illegal or controlled substance is unacceptable behavior and may be subject to disciplinary procedures outlined in the Student Code of Conduct. The University reserves the right to refer violations of the law to civil authorities for prosecution.

The use of prescribed medications by persons for whom the medications were not prescribed or not in conformity with the prescription, distribution or transfer of prescription medication to others, the misuse or abuse of prescribed or over-the-counter medications, and the misuse or abuse of inhalants are violations of this policy.

The University complies with all local, state, and federal laws governing illegal drugs, prescribed medications, and non-prescribed drugs and substances. Violations of local, state, and federal laws governing illegal drugs,



prescribed medications, and non-prescribed drugs and substances can carry severe penalties, including but not limited to, imprisonment and substantial fines.

Students shall notify Student Disability Services if their medication has the potential to affect their performance and they require accommodation as a result. The prescribing professional must assure that the student is able to perform in a clinical setting, if appropriate based on the student's educational needs. If a release cannot be obtained, the student may be suspended from the academic and clinical setting. This determination will be based on the student's educational needs.

Aspen's Clinical Site in Arizona: the University reserves the right to notify the parent(s) of underage students who violate the policy and/or refer violations of the law to civil authorities for prosecution. Students participating in the BSN Pre-licensure program in Arizona are subject to the Policy for Student Drug, Nicotine, and Alcohol Screening as outlined in the School of Nursing Pre-licensure Clinical Handbook.

Reporting and Resolution Standards for Suspected Use/Abuse of Alcohol or Drugs

It is the responsibility of all faculty, staff and peers to identify students' behavior that leads to the suspicion of alcohol or drug use or abuse and to implement Code of Conduct procedures associated with the suspicion. Students struggling with alcohol or substance abuse are strongly encouraged to seek counseling or other professional help.

Information shared by students with University professionals is considered privileged and subject to the standards of confidentiality and privacy established by applicable professional codes of ethics.

Health Risks Associated With the Abuse of Alcohol and Use of Illicit Drugs

The United States Drug Enforcement Administration provides information on the effects of alcohol and commonly used drugs. This information can be found on the U.S. Drug Enforcement Administration website at www.dea.gov.

Alcohol and Drug Prevention Programs

The University provides information regarding the use of alcohol and/or a controlled substance on its website at <http://catalog.aspen.edu/policies/substance-use-abuse-policy/>. Students who violate University policies related to the use of drugs or alcohol will be subject to the disciplinary procedures as set forth in the Student Code of Conduct at <http://catalog.aspen.edu/policies/code-of-conduct/>. Employees who violate the Substance Use and Abuse policy will be disciplined, up to and including termination. The following national toll-free telephone number is provided to assist any member of the University who may require assistance in dealing with a drug or alcohol problem:

24 Hour National Alcohol and Substance Abuse Information Center 1-800-784-6776 or 844-285-0221

Sexual Misconduct Policies and Procedures

Aspen University is committed to maintaining an academic climate in which individuals of the University community have access to an opportunity to benefit fully from the University's programs and activities. When



students experience acts of sexual misconduct, their sense of safety and trust is violated. This can significantly interfere with their lives, including their educational goals. The Sexual Misconduct Policies and Procedures have been developed to proactively create an environment in which incidents of sexual misconduct can be promptly and effectively responded to without further victimization, retaliation, and with possible remediation of its effects. This policy applies to all students, faculty, and staff, regardless of sexual orientation or gender identity, as well as to third parties, and also applies to off-campus conduct if the conduct occurs in the context of an education program or setting, or had a continuing effect on a University location.

The University regards sexual misconduct, including domestic violence, dating violence, sexual assault, sexual exploitation, sexual harassment, and stalking as serious offenses that may result in suspension, expulsion, or termination of employment for faculty and staff or result in sanctions up to dismissal from the University for students. Definitions for each of these terms are found in the Definition of Terms below.

The University has personal safety and sexual misconduct prevention programs in place and follows established procedures for reporting violations of University policy and state/federal law, including contacting local law enforcement personnel and assisting alleged victims. Neither the University nor any officer, faculty member, staff member, or agent of the University shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under Title IX of the Education Amendments of 1972 or the Campus Sexual Violence Elimination (SaVE) Act. The University will take strong responsive action against any retaliation. The University encourages victims to report offenses to the Title IX Coordinator and to exercise their rights, if desired.

Definition of Terms

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

"Advisor" means any individual who provides the Complainant or the Respondent with support, guidance, or advice. "Complaint" is an allegation of sexual harassment, gender-based harassment or sexual violence made under this policy.

"Complainant" refers to the individual who alleges that she/he has been the subject of sexual harassment, gender-based harassment or sexual violence, and can be a University student, employee (including all full-time and part-time faculty and staff), or visitor. Under this policy, the alleged incident(s) may have been brought to the University's attention by someone other than the Complainant.

"Consent" is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Silence or failure to resist does not, in and of itself, demonstrate consent. Consent can be withdrawn at any time. Past consent to sexual activity between individuals does not constitute consent to subsequent sexual activity between those individuals, and consent to one form of sexual activity does not necessarily imply consent to other forms of sexual activity. If coercion, intimidation, threats and/or physical force are used, there is no consent. If a person is under the legal age of consent, or mentally or physically incapacitated or impaired so that the person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption or being asleep or unconscious. Whether one



has taken advantage of a position of influence over another may be a factor in determining consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

“Dating Violence” means (1) Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime. (2) Threatening to use physical, mental, or emotional abuse to control another person who is in a dating relationship with the person. (3) The existence of a dating relationship in 1 or 2 above shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

“Domestic Violence” includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person with whom the victim shares a child in common, person similarly situated to a spouse of the victim under domestic or family violence law, or anyone else against whom an adult or youth victim is protected under domestic or family violence law.

“Fondling” means 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.

“Force” means the use of physical violence and/or otherwise physically imposing on another person to gain sexual access. Also includes threats, intimidation, implied threats, and coercion that overcome resistance or produce consent.

“Gender-based harassment” is unwelcome conduct of a nonsexual nature based on an individual's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with an individual's educational or work experience by creating an intimidating, hostile, or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of the Complainant. An example of gender-based harassment would be persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.

“Hostile environment” is an unwelcoming and unprofessional environment which is created when a person experiences unwelcome conduct related to that person's sex, pregnancy status, gender identity, gender expression, or sexual orientation, 1) that is sufficiently serious (i.e., severe, pervasive, or

persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities ; or 2) when such conduct has the purpose or effect of unreasonably interfering with an individual's employment.

- A hostile environment can be created by anyone involved in a University program or activity (e.g., administrators, faculty members, students, and even guests). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, such as a sexual assault, even if isolated, can be sufficient.

- In determining whether harassment has created a hostile environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Also, the following factors will be considered: 1) the degree to which the conduct affected one or more students' education or individual's employment; 2) the nature, scope, frequency, duration, and location of incident or incidents; 3) the identity, number, and relationships of persons involved; and 4) the nature of higher education.

“Incapacitation” means any physical state when a person lacks capacity to give consent (e.g., when a person is asleep or unconscious, when a person lacks capacity to give consent due to the use of drugs or alcohol, or when an intellectual or other disability prevents the person from having the capacity to give consent).

“Incest” means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

“Intimidation” means to coerce by threat or to make timid or fearful.

“Intoxication” when alcohol is involved, a person can be incapacitated due to intoxication. Some ways in which a person can be incapacitated as a result of alcohol use may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason. The individual may experience a blackout state in which they appear to be giving consent but does not actually have conscious awareness or the ability to consent. Therefore, individuals who engage in sexual activity of any kind must be aware of the other person's level of intoxication.

“Quid pro quo” behavior involves express or implied demands for sexual favors in exchange for some benefit (a promotion, a raise, a good grade or recommendation) or to avoid some detriment (termination, demotion, a failing grade, denial of a fellowship) in the workplace or in the classroom. By definition, it can only be perpetrated by someone in a position of power over another. One instance of “quid pro quo harassment” violates this policy.

- Quid pro quo harassment may be a direct solicitation (“sleep with me or else...”) or take more oblique forms of sexual propositions or dating invitations (“let’s discuss your homework over a glass of wine at my house,”). The person in the position of power (supervisor, faculty member, etc.) does not have to make good on his or her demands or insinuations to have engaged in quid pro quo behavior for the purposes of this policy.

“Rape” means 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.

“Respondent” refers to the individual who is alleged to have committed sexual harassment, gender-based harassment or sexual violence against a University student, employee, or visitor.

“Retaliation” is adverse treatment of an individual as a result of that individual’s reporting sexual harassment, gender-based harassment or sexual violence, assisting someone with a report of sexual harassment, gender-based harassment or sexual violence, or participating in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence report. Adverse treatment includes threats, intimidation and reprisals by either a Complainant or Respondent or by others such as friends or relatives of either a Complainant or Respondent.



“Sex Discrimination” treating a person differently because of their sex in the terms and conditions of educational programs, activities, and/or employment; Example: A professor requires all male students in a class to do an extra assignment that is not required of female students.

“Sexual Assault” is any form of sexual contact (i.e., any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party) that occurs without consent and/or through the use of force, threat of force, intimidation, or coercion. Any conduct that meets the definition of rape, fondling, incest or statutory rape constitutes a sexual assault.

“Sexual Exploitation” means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

“Sexual Harassment” is unwelcome, verbal, or physical conduct of a sexual nature (such as sexual advances or requests for sexual favors) sufficiently serious that it unreasonably interferes with or limits a person's ability to participate in or benefit from the university's educational programs, activities, and/or employment. Sexual harassment may be based on a power differential, the creation of a hostile environment (reasonably severe conduct that is sufficiently pervasive to have the purpose or effect of unreasonably interfering with work or educational performance, or creating an intimidating, hostile or offensive working or educational environment) , or retaliation. The two types of sexual harassment are known as Quid Pro Quo and Hostile Environment. Quid Pro Quo is the Latin term for “this for that” and occurs when there is a demand for a sexual favor in exchange for some employment/academic benefit. Sexual harassment in the form of a hostile work and/or academic environment occurs when the harassing behavior unreasonably interferes with the employee/student work/academic performance and/or creates a hostile, intimidating, or offensive work/academic environment.

In order for the conduct to be considered sexual harassment, the behavior must be:

- Unwanted and/or unwelcome
- Sexual in nature and/or related to the sex or gender of the employee/student
- Sufficiently severe or pervasive enough to alter the conditions of the employee/student employment or academic environment (when describing sexual harassment resulting from a hostile work/academic environment).

Sexual Harassment also includes harassment of a sexual nature directed at gay, lesbian or gender non-conforming persons that is sufficiently serious to limit or deny the ability to participate in or benefit from the University's educational and employment programs. Likewise, sexual harassment can occur where Claimant and Respondent are members of the same sex. Stalking may also be a form of sexual harassment.

“Sexual Penetration” any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person. Includes, but not limited to, cunnilingus, fellatio, or anal penetration.

“Sexual violence” is an umbrella term that includes: sexual assault, dating violence, and domestic partner violence. Stalking, while not necessarily sexual in nature can be a form of sexual violence depending upon the circumstances.

“Stalking” means 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 purposes



of this definition, a course of conduct means two or more acts of stalking behavior. Stalking behavior includes, but is not limited to: following a person; threatening a person; appearing uninvited at a person's home, work, or school; making unwanted phone calls; sending unwanted emails or text messages; leaving objects for a person; vandalizing a person's property; injuring a person's pet; and monitoring or placing a person under surveillance. Stalking behavior may be conducted directly or indirectly, through a third party, and may be conducted by any action, method, or device.

“Statutory Rape” means sexual intercourse with a person who is under the statutory age of consent.

“Unwelcome Conduct” is conduct that an individual did not request or invite and considers the conduct to be undesirable or offensive. Whether conduct is unwelcome is determined based on the totality of the circumstances, including various objective and subjective factors. The following types of information may be helpful in making that determination: statements by any witnesses to the alleged incident; information about the relative credibility of the parties and witnesses; the detail and consistency of each person's account; the absence of corroborating information where it should logically exist; information that the Respondent has been found to have harassed others; information that the Complainant has been found to have made false allegations against others; information about the Complainant's reaction or behavior after the alleged incident; and information about any actions the parties took immediately following the incident, including reporting the matter to others.

“Visitor” is an individual who is present at a University campus or unit but is not a student or an employee.

“Voluntary” means consent must be freely given and cannot be the result of force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (undue pressure) or fraud (misrepresentation or material omission about oneself or the situation in order to gain permission for sexual or intimate activity).

Confidentiality

Students or parents of minor students, reporting incidents of Sexual Misconduct may ask that the students' names not be disclosed to the accused or that no investigation or disciplinary action be pursued to address the alleged Sexual Misconduct. The University strongly supports a student's interest in confidentiality in cases involving Sexual Misconduct. There are situations in which the University must override a student's request for confidentiality in order to meet its Title IX obligations; however, these instances will be limited and the information will only be shared with individuals who are responsible for handling the University's response to incidents of Sexual Misconduct. Given the sensitive nature of reports of Sexual Misconduct, the University will ensure that the information is maintained in a secure manner. The University is aware that disregarding requests for confidentiality can have a chilling effect and discourage other students from reporting Sexual Misconduct. In the case of minors, state mandatory reporting laws may require disclosure, but will generally be followed without disclosing information to University personnel who are not responsible for handling the University's response to incidents of Sexual Misconduct/Harassment.

Even if a student does not specifically ask for confidentiality, to the extent possible, the University will only disclose information regarding alleged incidents of Sexual Misconduct to individuals who are responsible for handling the University's response. To improve trust in the process for investigating Sexual Misconduct complaints, the University will notify students of the information that will be disclosed, to whom it will be disclosed, and why. Regardless of whether student complainant requests confidentiality, the University will take steps to protect the complainant as necessary, including taken interim measures before the final outcome of an investigation.



For Title IX purposes, if a student requests that his/her name not be revealed to the accused or asks that the University not investigate or seek action against the accused, the University will inform the student that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the accused. The University will also explain that Title IX includes protection against retaliation, and that University officials will not only take steps to prevent retaliation but also take strong, responsive action if it occurs. This includes retaliatory action taken by the University and University officials. When the University knows or reasonably should know of possible retaliation by other students or third parties, including threats, intimidation, coercion, or discrimination (including harassment), it will take immediate and appropriate steps to investigate or otherwise determine what occurred. The University will protect the complainant and insure his/her safety as necessary.

If the student still requests that his/her name not be disclosed to the accused, or that the University not investigate or seek action against the accused, the University will determine whether or not it can honor such a request while still providing a safe and non-discriminatory environment for all students, including the student who reported the Sexual Misconduct. The Title IX Coordinator will evaluate confidentiality requests.

If the University determines that it can respect the student's request not to disclose his/her identity to the accused it will take all reasonable steps to respond to the complaint consistent with the request. Although a student's request to have his/her name withheld may limit the University's ability to respond fully to an individual allegation of Sexual Misconduct, the University will investigate other means available to address the Sexual Misconduct, without initiating formal action against the accused or revealing the identity of the student complainant. The University will also take immediate action as necessary to protect the student while keeping the identity of the student confidential.

Prohibited Conduct Examples

The following examples, while not an exhaustive list, demonstrate conduct that may violate this policy:

- Observing, photographing, videotaping, or making other visual or auditory records of sexual activity or nudity, where the parties have a reasonable expectation of privacy, without the knowledge and consent of all
- Sharing visual or auditory records of sexual activity or nudity without the knowledge and consent of all recorded parties and recipient(s)
- Sexual advances, whether or not they involve physical touching
- Commenting about or inappropriately touching an individual's body
- Requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or continued employment
- Lewd or sexually suggestive comments, jokes, innuendoes, or gestures

Recordkeeping

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



Reporting/Filing a Complaint for Title IX

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

Title IX Coordinator for Aspen University

Elizabeth Fernandez, J.D., Esq.

Sr. Director, Regulatory Compliance and Institutional Effectiveness

Email: liz.fernandez@aspen.edu

Mailing Address: 4615 E. Elwood St. Suite 100, Phoenix, AZ 85040

The Title IX Coordinator is responsible for the oversight, coordination and implementation of all Title IX compliance activities for the University. Title IX Coordinator responsibilities include, but are not limited to, monitoring of the ongoing publication of the University's policy of nondiscrimination including the Title IX Coordinators contact information, continuous monitoring and oversight of overall University activities for compliance with Title IX requirements including grievance procedures, investigations, sanctions and evaluating requests for confidentiality. University personnel will inform students in writing of procedures that victims should follow, including:

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

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

Other Complaints

All other complaints, including non-harassment, other forms of sex/gender based discrimination, misconduct, harassment, violence or retaliation based on race, color, creed, national or ethnic origin, religion, pregnancy, childbirth and related medical conditions, marital status, gender identity, medical condition, service in the uniformed services, political activities and affiliations, age, disability, veteran status, or any other consideration made unlawful by federal, state, or local laws, should contact a member of the University faculty or staff.

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

The complaint processes involve a thorough, impartial investigation designed to provide a fair, prompt, and reliable determination about whether the University nondiscrimination policies have been violated. As necessary,



the University reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim. The University has an obligation to report any crimes of which it has knowledge under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

Receipt of Complaint

Upon receiving notice of a possible violation of the Sexual Misconduct/Harassment policy, Aspen University will take immediate and appropriate steps to:

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

Referral to University Leadership

Upon receipt of a complaint, the Title IX Coordinator will refer the complaint to Human Resources for investigation. Additionally, the University's Chief Executive and Chief Academic Officers and Provost will be notified.

- The investigation should be completed and findings issued within sixty (60) calendar days from the receipt of the complaint, barring documented unforeseen circumstances.
- In all complaints, the Title IX Coordinator and, if necessary, Human Resources, will determine the need for initial, short term remedial actions.
- In order to protect the complainant, at any time during the investigation, the University may recommend short term, or interim, protections or remedies. These remedial actions may include, but are not limited to, making the complainant aware of their rights, resources and support services, issuance of No Contact orders to separate or limit contact between the parties, modification of extracurricular, transportation, dining, working or living arrangements or course schedules, assignments or tests, increased monitoring, supervising, or security at applicable locations or activities, and/or interim suspension(s) pending investigation. These remedies or protections may apply in ground or online contexts.

Efforts will be made to minimize the burden on the complainant. Failure to comply with these interim protections may be considered a separate violation of this Policy.

Initial Investigation into Complaint

The Initial Investigation will be completed within ten (10) calendar days from the receipt of the complaint, barring documented unforeseen circumstances.

- Upon receipt of a complaint from the Title IX Coordinator, Human Resources staff will investigate the complaint.
- Human Resources or appropriate academic staff will determine the identity and contact information of the complainant, whether that will be the initiator, the alleged victim, or a University proxy or representative.
- Human Resources staff will collaborate with the complainant to identify the correct policies allegedly



violated.

- Human Resources staff will conduct an immediate initial investigation to determine if there is reasonable cause to charge the accused individual, and what policy violations should be alleged as part of the complaint. If a reasonable cause exists, Human Resources will prepare the initial investigation report and if applicable, a proposed Notice of Charges on the basis of the initial investigation and submit it to the Title IX Coordinator for further action.
- Once the Title IX Coordinator receives a copy of the report of initial findings, the Title IX Coordinator will review the findings and make a determination within three (3) calendar days of receipt of the initial investigation report and if applicable, the proposed Notice of Charges as to whether reasonable cause exists to bring charges against the accused individual. If reasonable cause exists, the matter shall proceed to a formal investigation.
- If the Title IX Coordinator determines there is insufficient evidence to support reasonable cause, the Title IX Coordinator or designee, or, if necessary, Human Resources, will simultaneously and in writing inform the complainant and the accused that the investigation is discontinued. The interim, short term actions taken will be reversed.

Notice of Charges and Continued Investigation of Complaint

The decision whether to continue the Investigation will be made and communicated to the parties within fifteen (15) calendar days of the receipt of the complaint, barring documented unforeseen circumstances. The Title IX Coordinator or his/her designee, will simultaneously communicate in writing to the parties the continuation of the investigation and intent to present the accused with a Notice of Charges.

If the Title IX Coordinator determines there is sufficient evidence to support reasonable cause and approve the charges, the Title IX Coordinator in conjunction with Human Resources staff and/or an appropriate academic leader, will mutually determine the need for additional, short term remedial actions for any parties involved in the complaint.

In order to protect the complainant, at any time during the investigation, the University may recommend short term, or interim, protections or remedies. These remedial actions may include, but are not limited to, making the complainant aware of their rights, resources and support services, issuance of No Contact orders to separate or limit contact between the parties, modification of extracurricular, transportation, dining, working or living arrangements or course schedules, assignments or tests, increased monitoring, supervising, or security at applicable locations or activities, and/or interim suspension(s) pending investigation. These remedies or protections may apply in ground or online contexts.

Efforts will be made to minimize the burden on the complainant. Failure to comply with these interim protections may be considered a separate violation of this Policy.

The investigator(s) will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the complainant, the respondent, and any witnesses. As part of the investigation, the University will provide an opportunity for the parties to present statements, witnesses, and other evidence. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available including but not limited to law enforcement investigation documents and student or employee personnel files. The investigation is deemed to be adequate, reliable, impartial, prompt, balanced and fair, and all individuals will be treated with appropriate sensitivity and respect throughout the



investigation.

Any requests for updates on the status of the investigation prior to its completion should be directed to the Title IX Coordinator.

The investigator will make a finding and present the findings to the Title IX Coordinator within forty-five (45) calendar days of the receipt of the complaint, barring documented unforeseen circumstances.

The Title IX Coordinator will communicate the results, if applicable, to Human Resources staff and/or appropriate academic leadership.

At any time during this process, the victim maintains their right to simultaneously file a formal complaint with the Office of Civil Rights (OCR), United States Department of Education, Washington DC 20201, and/or a criminal complaint with local law enforcement.

Presentation of Investigation Findings to the Parties

- The Title IX Coordinator or designee, or, if necessary, Human Resources staff, will simultaneously and in writing communicate the findings to the accused and the complainant within fifty (50) calendar days of the receipt of the complaint, barring documented unforeseen circumstances. This communication will inform the parties whether the preponderance of the evidence supports a finding against the accused for the alleged violation(s).
- The communicated findings will inform the parties as to 1) whether there is a finding of sexual harassment; 2) whether the interim measures will continue; 3) what actions will be taken, including any disciplinary procedures that will be initiated; and 4) whether any assistance will be provided to the victim.
- Where the accused is found not responsible for a violation, the Title IX Coordinator and Human Resources staff, where applicable, will consider the reversal of any remedial actions taken.
- The accused or the complainant may appeal the findings in part or in whole; the Title IX Coordinator or his/her designee will advise the parties of the criteria for appeal of the findings when communicating the findings.

Investigation Findings: Acceptance

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

Investigation Findings: Appeal

If the complainant and/or the accused individual(s) disagree with the findings, in part or in totality, either the complainant or the accused may appeal the finding in part or in totality on the following bases:

- The accused and/or complainant wants consideration of new evidence, unavailable during the original investigation, which could be outcome determinative. A summary of this new evidence and its potential impact must be included;
- The accused and/or complainant alleges that a material deviation from written procedures impacted the fairness of the process in a way that could be outcome determinative;
- The accused and/or complainant challenges the assertion that the evidence presented during the investigation process was sufficient to find them responsible by a preponderance of the evidence; or,
- The accused and/or complainant allege bias by the investigator(s) or Title IX Coordinator which deprived the process of impartiality in a way that was outcome determinative.
- The accused and/or complainant has five (5) business days, barring documented unforeseen circumstances from the date of communication of findings, to present the formal appeal, in writing, to the University Provost.

Investigation Findings: Appeal Process

- Upon receipt of either party's appeal of the findings, the University Provost will acknowledge receipt of the notice within three (3) business days.
- The written appeal must state the basis for appeal and provide sufficient information that supports the grounds for appeal.
- The Provost or his/her designee will review all cases presented for appeal within five (5) business days of the appeal, barring documented unforeseen circumstances, to determine if the presented grounds for appeal and supporting information will be accepted or rejected.
- If the appeal does not meet the stated grounds for appeal, the appeal will be rejected. The Provost or designee shall, within two (2) business days of the determination, barring documented unforeseen circumstances, simultaneously and in writing, inform the complainant and the accused of the appeal decision.
- If the Provost or designee determines there is sufficient evidence to support an appeal, the matter will be reviewed with the Chief Academic Officer unless the appeal alleges bias of the investigator(s) which deprived the process of impartiality in a way that was outcome determinative or an assertion that the evidence was insufficient to meet the preponderance of the evidence standard. In those cases, the appeal will remain with the Provost or designee for review and final decision.
- The appeal investigation will be completed within fourteen (14) calendar days of submission to the Provost, barring documented unforeseen circumstances that may extend the appeal review.
- The Provost, and if applicable in coordination with Human Resources, will communicate the appeal findings simultaneously and in writing to the complainant and the accused.

Additionally, the Provost will consult with the Chief Academic Officer, Title IX Coordinator, and Human Resources (when necessary) to consider the reversal of any remedial actions taken.



Additional Information for Sexual Misconduct Investigations

- **Amnesty Policy.** Aspen University encourages the reporting of crimes by victims and/or witnesses. Sometimes, victims and/or witnesses are hesitant to report to University officials because they fear that by reporting an incident he/she may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims and/or witnesses as possible choose to report to University officials. To encourage reporting, Aspen University pursues a policy of offering victims and/or witnesses of crimes immunity from policy violations related to the incident, as long as those policy violations are not directly related to the crime itself. For example, if a student reported a rape in which he or she was involved as a perpetrator, he or she would not be immune from policy violations.
- **Attempted Violations.** In most circumstances, Aspen University will treat attempts to commit Sexual Misconduct/Harassment as if those attempts had been completed.
- **False Reporting.** Aspen University will not tolerate intentional false reporting of incidents.
- **Group Actions.** When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group or individually, and a hearing may proceed against the group jointly accused students, or individually, at the discretion of the University.
- **Right to Present Own Complaint or Use Proxy.** The alleged victim has the right to present his or her own complaint if he or she wants to, or to ask the University to stand as complainant in his or her place.
- **Sexual History.** Questioning or presenting of evidence about the complainant's prior sexual conduct with anyone other than the accused will be prohibited. Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of Sexual Misconduct/Harassment.
- **University as complainant.** As necessary, Aspen University reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of Sexual Misconduct/Harassment

Possible Sanctions and Protective Measures

Any student found responsible for violating the policy on Sexual Misconduct/Harassment may receive a sanction ranging from a verbal warning, probation, and suspension to expulsion/termination, depending on the severity of the incident, and taking into account any previous documented conduct issues. If the accused individual is an employee, sanctions will be determined by the Title IX Coordinator in consultation with Human Resources if applicable.

In order to protect the complainant, at any time during the investigation, the University may recommend short term, or interim, protections or remedies. These remedial actions may include, but are not limited to, making the complainant aware of their rights, resources and support services, issuance of No Contact orders to separate or limit contact between the parties, modification of extracurricular, transportation, dining, working or living arrangements or course schedules, assignments or tests, increased monitoring, supervising, or security at applicable locations or activities, and/or interim suspension(s) pending investigation. These remedies or protections may apply in ground or online contexts.

Efforts will be made to minimize the burden on the complainant. Failure to comply with these interim protections may be considered a separate violation of this Policy.



Sanction Process

The Title IX Coordinator will review all case information and determine sanctions within five (5) business days of notification of acceptance or determination on appeal barring documented unforeseen circumstances.

Sanction Appeal Process

Where either party, the accused or the complainant, disagrees with the sanction(s), either has five (5) business days from the date sanctions are communicated, barring documented unforeseen circumstances to present an appeal of the sanctions, in writing, to the University Provost. The written request for appeal of the sanctions must state one or more of the five (5) basis for appeal (see below), along with facts and information that support the grounds for appeal; and be accompanied by any relevant, new information or evidence that was not available during the investigation phase of the process. The Title IX Coordinator will forward all case information to the Provost or designee who will make a determination as to whether there is sufficient evidence to support an appeal of sanctions on the basis of:

- The availability of new information, unavailable during the original investigation, that could be outcome determinative regarding sanctions;
- A potential material deviation from written procedures which impacted the fairness of the process in a way that was outcome determinative;
- The evidence presented during the investigation process may have been insufficient to find the individual responsible by a preponderance of the evidence; or,
- The potential of bias by the Title IX Coordinator which may have deprived the process of impartiality in a way that was outcome determinative.
- A belief that a sanction(s) is substantially disproportionate to the severity of the offense.
- The sanction(s) appeal will be reviewed by the Provost within five (5) business days of the sanction appeal notice, barring documented unforeseen circumstances, to determine whether there are sufficient grounds for appeal.
- If the appeal of the sanctions does not state a ground for appeal or sufficiently meet the grounds for appeal, the appeal will be rejected by the Provost or designee and the decision to reject the appeal communicated to the Title IX Coordinator and if applicable Human Resources.
- The Title IX Coordinator and if applicable Human Resources, will simultaneously and in writing inform the complainant and the accused of the rejection of the appeal within seven (7) business days of the determination, barring documented unforeseen circumstances.
- The Title IX Coordinator will impose all sanctions on the accused student for the violation. Human Resources in consultation with the Title IX Coordinator will impose all sanctions on the accused employee. Once the sanctions are carried out, the case will be closed.
- If the Provost determines there are grounds for the sanction appeal, he/she will review all information presented with the sanction appeal and make a final sanction determination within fourteen (14) calendar days of acceptance of the appeal of sanctions, barring documented circumstances that may extend the determination. The Provost will forward the determination to the Title IX Coordinator.
- The Title IX Coordinator and if applicable, Human Resources, will simultaneously and in writing inform the complainant and the accused of the appeal decision within seven (7) business days of the decision, barring documented unforeseen circumstances.



- The Title IX Coordinator or designee, and if applicable, Human Resources, will impose all sanctions for the violation. Once the sanctions are carried out, the case will be closed.

Special Procedural Provisions for Sexual Misconduct Sanction Hearings

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

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

Right to be Present for Sanctioning Proceeding. Each party has the right to be present during Student Code of Conduct hearings.

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

Tips to Reduce Risk of Sexual Assault and Misconduct

Men and women should be aware of the subsequent information to help protect themselves against acquaintance rape and stranger rape sexual violence, intimate partner violence, and sexual assault. The following are some tips to reduce the risk of being a victim:

- Avoid isolated settings. When you begin dating a new person, go to public places or go with other people.
- Clearly express your expectations and limits to your date.
- Be suspicious if drugs or alcohol are being forced on you. These can be used to decrease your defenses and reactions. They can also impair your judgment.
- Carry enough money to take a cab home if you have to get away. Carry your cell phone or enough change in case you need to use a pay phone.
- Tell someone the name of your date and where you are going before your date.
- Pay attention to warning signs such as being very demanding, talking in degrading ways about you or men or women in general, being irrationally suspicious or jealous, or touching you when you've said "no."
- Make an assertive refusal — hurting his/her feelings or your own embarrassment are less important than your own safety.
- Do not let your date intimidate you. If you feel uncomfortable, trust your instincts and get away from him or her.
- Trust your feelings. Gut instincts are often a sign of potential danger.
- Stay around other people.
- Avoid accepting rides from new acquaintances.
- Don't drink beverages you don't open yourself.
- Go to parties with friends that you trust. Make arrangements to watch out for each other and meet up periodically to make sure that you are all okay.

To protect against sexual assault:

- Know your sexual intentions and limits. You have the right to say "No" to any unwanted sexual contact.



If you are uncertain about what you want, ask the other person to respect your feelings.

- Communicate your limits firmly and directly. If you say “No,” say it like you mean it. Don’t give mixed signals. Back up your words with a firm tone of voice and clear body language.
- Remember that some people still think that drinking heavily, dressing provocatively, or going to a person’s room automatically indicates a willingness to have sex. Be especially careful to communicate your limits and intentions clearly in such situations.
- Listen to your gut feelings. If you feel uncomfortable or think you may be at risk, leave the situation immediately and go to a safe place.
- Don’t be afraid to make waves if you feel threatened. If you feel you are being pressured or coerced into sexual activity against your will, don’t hesitate to state your feelings and get out of the situation; better a few minutes of social awkwardness or embarrassment than the trauma of sexual assault.
- Be alert to your surroundings and other people. Stay in populated, well-lit areas.
- Don’t walk alone at night. If you must walk alone, advise a friend of your route and estimate time of arrival/return. If you feel in danger, walk, jog, or run toward people of traffic. Draw attention to yourself by yelling, screaming, etc. If you are being followed, go to a house with lights on or to the middle of the street. Make a scene.
- If a driver stops you near the street or in a parking lot, avoid getting near the car. Do not get into the car.
- Have direct eye contact with persons approaching you. Respond immediately and assertively to questions or statements they make. These behaviors prevent you from being identified as an easy victim.
- Avoid short-cuts through empty buildings, vacant lots, or areas that are poorly lit or hidden by shrubs and trees.

Prevention efforts can reduce the risk of sexual assault, but sexual assault is an action decided on by the perpetrators. If you are sexually assaulted, seek help at once. We recommend that you have a free and confidential rape examination at a local hospital to ensure your health and to preserve evidence if charges are filed later. Most hospitals will make specialized sexual assault counselors available to you. They can help you sort out your options after the immediate trauma recedes.

If you are a victim of sexual assault, we urge you to take two actions:

- Seek counseling and support to help you recover from what is a traumatic experience.
- Tell school officials and law enforcement officers what happened.

If you are assaulted:

- Try to stay calm so you will be able to gather information and make decisions.
- Evaluate the situation for possible ways to escape. If one method doesn’t work, look for another escape opportunity.
- Draw attention to yourself if there are other people around - scream, swear, yell “fire” or “help,” break a window, etc.
- Resist as long as it is safe to do so. If resistance is too dangerous, stop resisting.
- Claim to be sick, pregnant, have a venereal disease, or to have AIDS.
- Act hysterical, insane, or mentally incapacitated.
- If you are assaulted, do not shower, change clothes, or douche until you make a decision about reporting to the police or going to the hospital. You may request a male or female officer. While you will be encouraged to talk to the police, you have the right to obtain medical assistance and not talk to the police.
- Remember: You are not trying to win, you are trying to survive.



Sexual Misconduct Prevention Programs

The University provides information regarding sexual misconduct, including domestic violence, dating violence, sexual assault, sexual exploitation, sexual harassment, and stalking, within the Academic Catalog at <http://catalog.aspen.edu/policies/code-of-conduct/>. Students who violate University policies related to sexual misconduct will be subject to the disciplinary procedures as set forth in the Student Code of Conduct at <http://catalog.aspen.edu/policies/code-of-conduct/>. Employees who violate the Sexual Misconduct policy will be disciplined according to the policy set forth in the Aspen University, Inc., Company Handbook Version 1.0, Policy 8.4.. The following information is provided to assist any member of the University who may require assistance in dealing with sexual misconduct:

- RAINN: <https://www.rainn.org>
- National Domestic Violence Hotline: 1-800-799-SAFE (7233)
- National Sexual Assault Hotline: 1-800-656-HOPE (4673)
- National Sexual Violence Resource Center: <https://www.nsvrc.org/>
- U.S. Department of Health & Human Services/ Office of Women's Health: <https://www.womenshealth.gov/relationships-and-safety/help-end-violence>
- The Advocates for Human Rights/Stop Violence Against Women: <http://www.stopvaw.org/>

Information Regarding Sex Offenders

The Campus Sex Crimes Prevention Act requires institutions to inform members of the University community of the means by which they can obtain information about registered sex offenders who may be present in the area. In accordance with the law, the University is providing the link to the U.S. Department of Justice National Sex Offender Public Website: <https://www.nsopw.gov/>.

In Arizona, Sex Offender information can be found at <https://www.azdps.gov/services/public/offender>.

Emergency Response and Evacuation Policies and Procedures

Emergency Evacuation Procedures and Emergency Notification

During a significant emergency or dangerous set of circumstances involving an immediate threat to the health or safety of students, faculty, or employees, the institution will send communication, via email, telephone call, and/or in-class announcement, to inform members of the Aspen community of the emergency or dangerous circumstances.

The Aspen Safety Committee is responsible for confirming if an emergency or dangerous situation exists and for preparing the content of the emergency message. In this vein, the Committee will take into account the safety of the Aspen community and determine whether issuing a notification would (in its professional judgment) compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The team



will also decide whether to notify local authorities, the public, or both through other means, such as a press release or telephone call.

Evacuation Plan

Aspen University conducts tests of the emergency response system and evacuation plan in conjunction with building management. Tests include, but are not limited to, fire drills conducted by building management and emergency messages tests.

Building Evacuation Procedures

WHERE TO GO

1. Do not take the elevator unless prompted to do so.
2. Be sure to locate access the nearest stairwell,
3. Exit the building on the first (lower) level.
4. After exiting the building, proceed to the appropriate Aspen University emergency assembly location.
5. Leave the building immediately when an alarm sounds or if you are instructed to do so by management or authorized emergency personnel.

WHAT TO DO

- Notify others on your way out.
- Secure hazardous operations if possible.
- Take only important personal items.
- Leave non-essential items.
- Close doors behind the last person out of the room.
- Walk quickly and orderly to the nearest safe exit.
- Do not exit using elevators
- Do not re-enter the building until authorized
- Report any missing or trapped persons.
- Move away from the building
- Go to the established evacuation area

IF YOU ARE REQUIRED UNABLE TO LEAVE BUILDING DO DUE TO A PHYSICAL DISABILITY, INJURY OR OBSTRUCTION:

- Go to the nearest area where there are no hazards.
- Hazard- free stairwell landings are the best areas to await assistance.
- Call 911 from a safe location.
- Contact a Safety Coordinator.
- Signal out the window to emergency personnel, if possible.
- Remain calm; responders will arrive.

Missing Student Notification/Fire Safety Report/Fire Log

The University does not have campus living quarters, thus does not maintain a Fire Safety Report/Fire Log or



formal Missing Student Notification Policies and Procedures.

Annual Disclosure of Crime Statistics (Phoenix, AZ)

Federal law requires all institutions of higher education to collect and maintain statistics concerning specific crimes and to report these statistics annually to students and employees, as well as prospective students and employees. The University reports statistics to all of its students, including those enrolled in distance education courses and programs.

The institution gathers statistics concerning the occurrence on location and on public property of certain offenses. The University prepared this report in cooperation with the Phoenix Police Department, which surrounds its location in Phoenix, AZ.

Crime, arrest, and referral statistics include those reported to the University and local law enforcement agencies for the three (3) prior calendar years.

ASPEN UNIVERSITY (Phoenix, AZ: Clinical/Administrative Sites)	Year	On Campus^^	Public Property*	Total
Robbery	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Aggravated Assault	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Burglary	2016	0	1	0
	2017	0	0	0
	2018	0	0	0
Motor Vehicle Theft	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Arson	2016	0	0	0
	2017	0	0	0
	2018	0	0	0



Criminal Homicide: Murder/Non-Negligent Manslaughter	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Criminal Homicide: Negligent Manslaughter	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Rape	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Fondling	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Incest	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Statutory Rape	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Violence Against Women Act (VAWA) Offenses ^	Year	On Campus^^	Public Property*	Total
Domestic Violence	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Dating Violence	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Stalking	2016	0	0	0
	2017	0	0	0



	2018	0	0	0
Hate Crimes ^	Year	On Campus^^	Public Property*	Total
Robbery	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Aggravated Assault	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Burglary	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Motor Vehicle Theft	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Arson	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Larceny/Theft	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Simple Assault	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Destruction, Damage, or Vandalism of Property	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Any Other Crime Involving Bodily Injury	2016	0	0	0



	2017	0	0	0
	2018	0	0	0
Intimidation	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Criminal Homicide: Murder/Non-Negligent Manslaughter	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Rape	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Fondling	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Incest	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Statutory Rape	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Arrest/Persons Referred for Campus Disciplinary Action	Year	On Campus^^	Public Property*	Total
Liquor Law Violations: Arrests	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Liquor Law Violations: Disciplinary Action	2016	0	0	0



	2017	0	0	0
	2018	0	0	0
Drug Law Violations: Arrests	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Drug Law Violations: Disciplinary Action	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Illegal Weapons Possessions: Arrests	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Illegal Weapons Possessions: Disciplinary Action	2016	0	0	0
	2017	0	0	0
	2018	0	0	0

*Public Property includes all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the building or immediately adjacent to and accessible from the building.

^ Hate crimes are any crimes reported to local police agencies or to a University security authority that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability and refers to the following crimes: criminal homicide (murder and non-negligent manslaughter, and negligent manslaughter), sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, and any other crime involving bodily injury.

^^Aspen does not maintain a physical campus or any residential housing. These statistics are representative of the Phoenix location.

If it appears that a hate crime has been committed, the facts must be reported immediately to a member of the faculty or staff, who will in turn report it to the Provost.