University of Phoenix®

2023 Annual Security Report

Central Valley Campus

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General Safety and Security

Safety at the Central Valley Campus

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (“Clery Act”), as amended. It provides students and employees of University of Phoenix ("University" or “UOPX”) with information on the University's security arrangements; safety and security policies and procedures; programs that provide education on such things as alcohol and drug abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the University will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others. A well-informed campus community helps create a safety-conscious public.

Education requires a safe environment for success. University of Phoenix is strongly committed to crime prevention and the safety of our members. Your cooperation is essential to minimize criminal activity and create a safer community for all.

For a complete compilation of UOPX campus safety related policies, review the Campus Safety Policies (https://www.phoenix.edu/content/dam/edu/about/doc/campus-safety-policies.pdf).

Note: The Central Valley Campus does not have on-campus student housing facilities; therefore, this report does not include information regarding missing student notification policies or fire safety reports and statistics.

Policy for Preparing the Annual Security Report

The University’s Clery Compliance Officer in conjunction with Resolution Services and Corporate Security and in cooperation with local law enforcement authorities prepared this report which includes information provided by them as well as by the University's Campus Security Authorities, Campus Safety Coordinators, and various other elements of the University. The Clery Compliance Officer collects applicable policies between January and August each year from various areas within the University to combine into the policy statements required under the Clery Act. The crime statistics included herein are reported via telephone, email, in-person conversation, the Ethics Helpline, or by submission of an internal incident report form, and gathered by UOPX Corporate Security, contracted security professionals, local law enforcement, identified Campus Security Authorities and Campus Safety Coordinators, Resolution Services (to include student conduct), the Title IX Coordinator, Human Resources, and through the office of Ethics, Compliance, and Data Privacy. Each year an e-mail notification is made to all employees and enrolled students that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting any UOPX official or Alex Monsibais, Manager Campus Operations, 4900 California Ave., Bakersfield, CA 93309, (661) 565-9004 or Alex.Monsibais@phoenix.edu.

The University is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and employees. As a member of the campus community,

you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field and are constantly tested and re-evaluated for their effectiveness.

Campus Security Personnel & Relationship with Local Law Enforcement

UOPX has a centralized campus security department located at the Phoenix Main Campus that establishes policy, protection strategies, and response strategies. There is no extended jurisdiction beyond the on-campus and public property boundaries of the Central Valley Campus (refer to the University's Clery Act geography). UOPX does not have an on-site police department. UOPX security personnel do not have the authority to make law enforcement arrests.

UOPX currently does not have any formal Memoranda of Understanding (MOU) between its local campuses and any law enforcement agencies (local or state). The Central Valley Campus does not have a working relationship with any state law enforcement agencies; however, it works to maintain a close working relationship with the Fresno Police Department by reporting all incidents that occur on or around campus, assisting with investigations unrelated to UOPX, including evidence collection and sharing intelligence when disruptive and unlawful activities occur in the general vicinity of the Central Valley Campus.

Campus Security Authorities

The University has designated certain officials to serve as Campus Security Authorities (CSAs) and/or Campus Safety Coordinators. All Campus Safety Coordinators are CSAs and located at every teaching location. Reports of criminal activity can be made to any of these officials. They, in turn, will ensure that the crimes are reported for collection as part of the University's annual report of crime statistics. The CSAs at and/or overseeing the Central Valley Campus to whom UOPX prefers that crimes be reported are listed below.

- Security Operations Center (SOC) at (866) 992-3301 or SOC@phoenix.edu
- Alex Monsibais, Manager Campus Operations, at (661) 565-9004 or Alex.Monsibais@phoenix.edu

For a complete list of designated Campus Safety Coordinators visit https://www.phoenix.edu/about_us/campus-safety/campus-safety-contact-list.html. For a complete list of CSAs refer to the Safety and Security Policies section in the University's master Campus Safety Policies at https://www.phoenix.edu/content/dam/edu/about/doc/campus-safety-policies.pdf.

Reporting a Crime or Emergency

UOPX encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on-campus, on other property owned by the University, or on nearby public property to the campus security department and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report.

- If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 9-1-1.

- All crimes occurring on or near UOPX property should be reported immediately to the Security Operations Center (SOC) or one of the CSAs listed above. To contact the SOC call (866) 992-3301, use the chat feature on the Phoenix Safe app, or email SOC@phoenix.edu. The SOC is available 24/7/365.
    - Staff are also encouraged to complete an Online Incident Report Form
    - Students, faculty, and staff are all encouraged to utilize the Phoenix Safe app
        - Phoenix Safe is a free mobile safety application, available for download in the Google Play and Apple Store marketplaces, which offers interactive life safety resources such as live chat with the SOC and push notifications of campus alerts
- Students, faculty, staff, and visitors should also report situations to one of the CSAs identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a UOPX staff member will assist in making the report to police.
    - You may request confidentiality or anonymity when making crime reports to law enforcement. The anonymous tip line for Fresno, CA is (559) 498-7867.
- Anonymous incident reports can also be made by contacting the Ethics Helpline at (888) 310-9569 or by visiting the Ethics Helpline at http://www.UOPXhelpline.com.

Confidential Reporting

UOPX will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim, or disciplining the perpetrator will know the victim's identity.

Pursuant to the University's Equal Opportunity, Harassment, and Nondiscrimination Policy, when an employee becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the identities of the parties, if known, to the Title IX Coordinator at (602) 557-1823 or TIXC@phoenix.edu. Victims or witnesses can report crimes of dating violence, domestic violence, sexual assault, and stalking on a voluntary and confidential basis by contacting the Ethics Helpline at (888) 310-9569 or http://www.UOPXhelpline.com.

A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the University's disciplinary system, or the criminal justice system, is encouraged to make a confidential report through the Ethics Helpline at (888) 310-9569 or http://www.UOPXhelpline.com. Upon the victim's request, a report of the details of the incident can be filed with the University without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing, and alert the community to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

UOPX operates educational training facilities known as Counseling Skills Centers at the Phoenix Main Campus (in-person services) and Southern California Campus Main - Ontario (virtual telehealth services). These Counseling Skills Centers model mental health clinics and offer complimentary services to members of the University and local community. Centers are staffed by counseling

graduate students who work under the direct supervision of licensed, experienced professionals. For more information, or to contact a Counseling Skills Center near you, please visit http://www.phoenix.edu/students/counseling-skills-centers.html. To make an in-person appointment at the Phoenix Main Campus please call (602) 557-2217. To make a virtual telehealth appointment at the Southern California Campus - Ontario, please call (909) 472-3798.

Crime victims seeking professional counseling through the Counseling Skills Centers will have their information kept in confidence. Even if a victim gives the professional counselor permission to release their identity, the counselor may only report the occurrence of the event itself to be included in the annual crime statistics, unless otherwise required by law.

UOPX does not have pastoral counselors, and it does not have policies or procedures that encourage its professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics.

Security of and Access to Campus Facilities

The Central Valley Campus, like all UOPX locations, does not have any on-campus student housing facilities (e.g., residence halls) and is usually accessible to the public during the normal business hours posted at the site; however, classrooms and office buildings are generally locked when not in use. Only faculty and staff members have access to secured administrative and institutional facilities. This restricted access is obtained using an electronic access control badging system or security locks. In addition to students signing in at the Student Resource Center (SRC) or front desk area, non-employees must be escorted by an employee throughout their visit to any restricted access areas. Certain areas at each local campus (e.g., Faculty Resource Center and IT Support rooms) have secured access for all non-authorized personnel.

Students, faculty, and staff are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others:

- Do not prop doors open or allow strangers into campus buildings that have been secured.
- Do not lend keys or access cards to anyone, and do not leave them unattended.
- Do not give access codes to anyone who does not belong to the campus community.

Keys to the offices, resource centers, laboratories, and classrooms at the Central Valley Campus will be issued to employees only as needed and after receiving the proper authorization. Each department supervisor is responsible for assuring their area is secured and locked.

Employee and student identification cards may be used to verify the identity of persons suspected to be in campus facilities without permission.

Safety and Access to the Central Valley Campus

The security and access features for the Central Valley Campus include:

- Access control to/within facilities
- Security cameras
- Duress button
- On-site duress notification
- Window blinds
- "No Weapons" signage
- On-site safety escort services, upon request
- Regular patrols of campus grounds conducted by security personnel

Security Considerations in the Maintenance of Facilities

A CSA and/or Campus Safety Coordinator ensures campus maintenance issues affecting safety or potentially enabling criminal activity are resolved. A CSA and/or Campus Safety Coordinator must notify the appropriate facilities manager and request prompt attention to the problem.

University facilities management personnel or its agents maintain and repair campus facilities. This includes repairs to defective doors and locking mechanisms. Exterior lighting is another important part of our commitment to campus safety. CSAs and/or Campus Safety Coordinators (and contracted security guards, where applicable) regularly check to ensure landscaping is not overgrown, pathways are well lit, and egress lighting is working in hallways and stairwells. Safety and security equipment such as alarms, video surveillance, and emergency call buttons are audited regularly by the Security Operations Center (SOC) to ensure that the equipment is functioning. We ask that you promptly report any problems or hazards you notice to a CSA, Campus Safety Coordinator, or the SOC.

Educational Programs Related to Security Awareness and Prevention of Criminal Activity

UOPX seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others, and to inform them about the prevention of crimes. These programs are discussed below.

The Central Valley Campus sponsors up to four safety events annually, which are conducted during a time and at a location (i.e., classroom or virtual platform) to maximize participation from all students, faculty, and staff. A common theme of our safety events is developing campus members' awareness of their responsibility for their own safety and the safety of others while also focusing on increasing security alertness.

The four safety events include 1) training describing the differences between a timely warning notification, an emergency mass notification, and a campus alert, 2) training on sexual assault

awareness and prevention, 3) training designed to help recognize mental health issues and respond appropriately, and 4) training on recognizing the signs of relationship abuse. Please contact your Campus Safety Coordinator for information on where and when these educational events will occur.

In addition to coordinating these safety events, the Campus Safety Coordinator makes a good-faith effort to inform new and existing personnel of security reporting procedures. Staff members who have regular interaction with the campus community are informed that students may approach them with crime-related incidents that need to be reported quickly to a CSA and/or Campus Safety Coordinator.

New employees are also required to complete the "Campus Safety: Awareness, Prevention, and Action" online course within 30 days of employment. In this online course, employees learn key information on environmental, medical, and criminal risks and about the role of CSAs and the necessity to report crimes.

Safety Awareness and Crime Prevention

Part of crime prevention is being alert to and aware of your immediate environment. Here are some important ways you can help keep yourself – and the Central Valley Campus – more safe and secure:

- Roll up windows and lock your car
- Always take and keep your car keys with you
- At night, travel in well-lit areas and in pairs, if possible; avoid short cuts and deserted areas
- Walk with a sense of purpose – show you are calm, aware, confident, and know where you are going
- Scan the area, around and inside your car, before entering
- Do not leave valuable items visible inside your car, including personal items and school related materials such as textbooks
- Do not park in isolated or poorly lit areas
- Leave valuable items at home
- Do not leave your personal property unattended
- Do not carry more cash than necessary
- Keep your purse, backpack, or briefcase close to your body
- Mark personal items that you bring on campus, including textbooks, laptops, and calculators with your name or some other traceable identification
- Never bring any kind of weapon onto UOPX property

UOPX routinely provides safety tips (like the ones listed above) to the campus community (students, faculty, and staff) annually via email, MyPhoenix, intranet, and/or postings to the UOPX website but does not offer any other specific crime prevention training programs.

Monitoring Off Campus Locations of Recognized Student Organizations

UOPX does not have any officially recognized student organizations with off campus (i.e., noncampus) locations and therefore does not monitor or record criminal conduct occurring at such locations.

Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense

Upon written request, the University will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

Timely Warnings, Emergency Response, and Campus Alerts

Timely Warnings

In the event of any Clery Act crime occurring within the Clery Act geography of the Central Valley Campus which may pose a serious or ongoing threat to the campus community, the Clery Compliance Officer, with assistance from Corporate Security, the Security Operations Center (SOC), and designated Campus Safety Coordinator(s) may issue a campus-wide "timely warning." The purpose of a Timely Warning is to notify the campus community of an incident and to provide information that may enable community members to better protect themselves from similar incidents. An example that may merit a warning due to presenting a continuing threat includes a rash of motor vehicle thefts on-campus. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- Security Operations Center (SOC), (866) 992-3301
- Alex Monsibais, Manager Campus Operations, (661) 565-9004
- Jessica Flores, Clery Compliance Officer, (602) 412-9253

In the event of an emergency, call 9-1-1 first.

UOPX has communicated with local law enforcement asking them to notify the University if it receives reports or information warranting a timely warning.

Emergency Response

The University's emergency response is designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to fire/smoke/explosion, severe weather, hazardous material, earthquake/power outage, active shooter, disease outbreaks, bomb threats, etc. UOPX has communicated with local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response to our campus community.

Students, employees, and visitors are encouraged to notify the Security Operations Center (SOC) at (866) 992-3301 or SOC@phoenix.edu of any emergency or potentially dangerous situation.
The Emergency Mass Notification (EMN) process includes emergency escalation procedures, mass notifications, and supporting systems. In an emergency, dangerous, or otherwise high-risk situation, the SOC will use this process without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification to students, faculty, and staff unless issuing the notification system will, in the professional judgment of the responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The University has the flexibility to alert only a segment of the campus community that may be at risk. When there is at least the potential that a very large segment of the campus community would be affected by a situation, or when a situation threatens the operation of the campus as a whole, the entire

campus community will be notified. If, however, the risk is limited to a small area of the campus community, only those students, faculty, and staff associated with such an area will be notified (the SOC will continue assessment of the situation and additional segments of the campus community may be notified if the situation warrants such action). Further, depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. As appropriate, the notification may give guidance as to whether its recipients should shelter in place or evacuate their location.

UOPX Corporate Security will direct the issuance of emergency notifications, which will be accomplished using one or more of the methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

Emergency notifications are issued when the SOC confirms with the Corporate Security department, local campus director, designated Campus Safety Coordinator, local authorities, or verified media source that there is a significant emergency or a dangerous situation involving an immediate threat to the health or safety of members of the campus community. The process used to confirm the existence of a significant emergency or dangerous situation involves multiple layers of information gathering and multiple people and departments. While confirmation does not necessarily mean all pertinent details are known or available, confirmation does include when internal individuals (i.e., local campus director and/or Campus Safety Coordinator), internal departments (i.e., Corporate Security and SOC), and external sources (i.e., local authorities and/or verified media sources) have verified a legitimate emergency or dangerous situation exists. The processes for confirming such situations are coordinated by Corporate Security, the SOC, and, if necessary, the Crisis Management Team[1] in-office, over the phone, and via email. Once confirmed, the SOC is responsible for initiating the emergency response and for marshaling the appropriate local emergency response authorities for assistance.

Note: The Campus & Academic Director for the Bakersfield Learning Center is Rita Stanziale, who can be reached at (559) 312-1152 or Rita.Stanziale@phoenix.edu.

The University has assigned responsibility of managing the EMN policy and procedures to Corporate Security and the Clery Compliance Officer. The review of emergency events and the related issuance of EMNs is the responsibility of the SOC in partnership with the University's Crisis Management Team. UOPX uses the emergency notification system, AppArmor, to provide alerts via email, text message, phone call, or push notification through the Phoenix Safe app.

Phoenix Safe is an emergency notification service and comprehensive safety application available to students, faculty, and staff and can be downloaded for free from the Google Play and Apple Store marketplaces. Users can view a scrolling news feed, review resources such as the Emergency Response Guide, easily report a tip to the SOC, access campus maps, and live chat with the SOC among other safety options. Use of the Phoenix Safe app is optional. Students, faculty, and staff with accurate

[1] Designated staff from Legal Services, Corporate Security, Human Resources, Marketing, Real Estate & Facilities, Campus Operations, Student Services, and other departments as deemed necessary. Current UOPX Crisis Management Team members include the Senior Vice President & General Counsel, the Sr. Director of Corporate Security, the Director of Internal Communications, the Vice President of Public Affairs, the Vice President of Litigation Risk, the Vice President of Facilities, and the Chief Operating Officer. Additional backup members from each participating organization are also assigned to take the place of the primary member(s) if unavailable. The UOPX Crisis Management Team will assign backup individuals when appropriate.

contact information on file will receive emergency notifications regardless of whether they chose to use the app as an additional tool.

The process to initiate the EMN system (AppArmor) is triggered as soon as the SOC receives notice of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, faculty, and/or staff. Upon notification, the SOC will immediately perform the following functions:

- Use pre-templated messaging and EMN standard operating procedures to develop messaging content that can be used if an EMN is to be issued
- Recommend which campus community segments should receive notifications
- Initiate a notice to be sent out to the impacted campus community by the University's EMN system (AppArmor) based on the direction of Corporate Security, the Crisis Management Team, or SOC protocols
- Depending on the severity of the situation, notify the Crisis Management Team to convene and review the issue considering factors described in the next paragraph below

The SOC, in conjunction with the UOPX Crisis Management Team, is responsible for reviewing issues on a case-by-case basis, considering factors such as:

- The nature of the situation
- The continuing danger to the campus community
- The content of the notification
- The possible risk of compromising law enforcement efforts
- Those incidents that, in the judgment of the SOC, Corporate Security, or Crisis Management Team, warrant an EMN

If deemed necessary, at the direction of Corporate Security or the Crisis Management Team, the SOC will notify local law enforcement of the emergency if they are not already aware of it and, when appropriate, the UOPX Communications & Public Relations Department may relay further status information to local media outlets to ensure the larger community outside the campus will be aware of the emergency.

Reporting Emergencies

Individuals should immediately call emergency 9-1-1 for police assistance if they believe the situation warrants it. In addition to 9-1-1 involvement, incidents that may warrant contacting a CSA, Campus Safety Coordinator, or SOC are those posing a serious or continuous health or safety threat to the campus community such as dangerous or otherwise high-risk situations at the Central Valley Campus. Students, faculty, staff, and visitors are encouraged to report such situations in the following ways:

- Contact the SOC directly at (866) 992-3301, SOC@phoenix.edu, or by initiating emergency/panic alarms available throughout the Central Valley Campus
- Students should contact a CSA and/or Campus Safety Coordinator

  - For a complete list of CSAs refer to the Safety and Security Policies section in the University's master Campus Safety Policies at https://www.phoenix.edu/content/dam/edu/about/doc/campus-safety-policies.pdf. A list of Campus Safety Coordinators is available online at: http://www.phoenix.edu/about_us/campus_safety/campus_safety_contact_list.html
    - Phoenix Main Campus contact is Alex Monsibais, Manager Campus Operations, (661) 565-9004 or Alex.Monsibais@phoenix.edu

- Other contacts include the University's contracted security guards, who are available at the Central Valley Campus' front desk

The SOC is responsible for maintaining copies and tracking all emergency notifications. UOPX executive leadership, Corporate Security, the Crisis Management Team, and the SOC will receive copies of all notifications and alerts. Campus Safety Coordinators also maintain records of all emergency notifications for their location, including tests of the emergency notification system, in the private CSA Notebook.

Campus Alerts

There are circumstances for issuance of a notice that is broader than the minimum Clery Act requirements of a Timely Warning or Emergency Mass Notification (EMN), and UOPX will issue a "Campus Alert" when deemed appropriate. For example, the Security Operations Center (SOC), Corporate Security Department, Clery Compliance Officer, or Campus Safety Coordinator may choose to issue a Campus Alert via phone, email, text, or push notification (via the Phoenix Safe app) to notify the campus community of a situation. The content of a Campus Alert may vary depending on the type of incident reported, circumstance, and the location of the occurrence.

Examples of a Campus Alert include location closings or delayed openings, significant systems/network outages, recurring non-Clery Act crimes, or other important information that must be disseminated to the University or segments of its population quickly. The decision to close or modify the operating hours of a location is at the discretion of the campus director, senior management, or their designee. All closings or delayed opening decisions must be reported to the SOC as soon as possible. The SOC will then send a campus alert to the appropriate recipients according to the impacted location. The content of these notifications will follow templates developed by the SOC. Alerts regarding location closings or delayed openings will only be sent during the hours of 7:00 AM to 9:00 PM local time (campus directors may contact the SOC at any time to schedule these alerts).

Methods for Issuing a Timely Warning and Emergency Notification

The method(s) listed below may be utilized when the University issues a timely warning or emergency notification to the campus community.

Method	Sign Up Instructions
Text messaging, recorded messages to phones, and email notifications	No formal sign-up or opt-in required. Students, faculty, and staff are responsible, though, for ensuring current and accurate contact information is on file with the University.
Push notifications via the Phoenix Safe app	Free to download in the Google Play and Apple Store marketplaces and uses Single Sign On (SSO) (students/faculty use MyPhoenix credentials and staff use network credentials)
News releases, electronic alerts via intranet and internet, posters on entry doors and other accessible areas on campus	No formal sign-up or opt-in required. Visit the UOPX website (phoenix.edu), message boards, or student website (MyPhoenix).
Person-to-person notifications, direct phone calls, phone trees, and other media releases	No formal sign-up or opt-in required. Students, faculty, and staff are responsible, though, for ensuring current and accurate contact information is on file with the University.

Testing & Documentation

UOPX tests its emergency response and evacuation procedures at least once a year. Tests are scheduled, contain drills (e.g., testing our emergency mass notification system or conducting a fire drill), contain exercises (e.g., testing our coordination efforts with first responders), contain follow-through activities (e.g., the collection of feedback from participants), are designed for assessment of emergency plans and capabilities (e.g., a checklist of measurable goals), and are designed for evaluation of emergency plans and capabilities (e.g., uses the assessment to determine whether or not the test met the University's goals). The tests may be announced or unannounced. Also, at various times, Corporate Security will meet to train, test, and evaluate the University's emergency response plan.

Corporate Security maintains a record of these tests and training exercises, including a description of them, the dates and times they were held, and an indication of whether they were announced or unannounced. In connection with at least one such test, UOPX will distribute information reminding students and employees of the University's emergency response and evacuation procedures.

Alcohol and Drug Policy

University of Phoenix (UOPX) abides by federal Drug-Free Workplace Act and Drug-Free Schools and Communities Act regulations as well as federal and state alcohol and drug laws. UOPX prohibits the use, sale, possession, or distribution of illicit alcohol and drugs on University Controlled Property[2] or at a UOPX function and complies with state underage drinking laws. (**Note:** the legal drinking age in the United States is 21 and over.)

Violations relating to our Student Code of Conduct, Faculty Code of Conduct, related employee alcohol and drug abuse prevention policies, and Code of Ethics are subject to disciplinary sanctions. Consequences UOPX may impose for inappropriate behavior can be severe, up to and including dismissal from the University. If an individual is found violating any alcohol or drug related law while on University Controlled Property or at a UOPX function, UOPX will fully cooperate with federal, state, and local law enforcement agencies, as appropriate.

Alcohol and Drug Abuse Prevention Program

The University has established specific courses of action regarding alcohol and drug abuse and has steps in place to prevent abuse and generate awareness:

- All new students must acknowledge the Academic Catalog, which includes Alcohol and Drug Abuse Prevention, the Student Code of Conduct, and other Prohibited Conduct
- Each year, all students, faculty, and staff receive notifications informing them of the location of Campus Safety Policies and the University's Consumer Information Guide
- Campus Safety Policies, specifically the Drug & Alcohol Abuse Prevention policy and the Sexual Violence Prevention policy, are available to all students, faculty, and staff on the public University website or upon request
- Students, faculty, and staff are encouraged to report instances of alcohol and other drug abuse:
    - Students can report concerns to faculty members, the local Campus Safety Coordinator, or on their end of course surveys; faculty can report concerns to Academic Affairs, the local Campus Safety Coordinator, or on their end of course surveys; and staff, including faculty, can report concerns to their immediate supervisors or Human Resources
- Students, faculty, staff, visitors, or business partners can report concerns to the Ethics Helpline at (888) 310-9569 or online at http://www.UOPXhelpline.com
- Alcohol-related advertising or promotions are not permitted on-campus
- The local Campus Safety Coordinator maintains a list of local treatment facilities as well as alcohol and drug abuse counseling resources for individuals and their family members
- Employee benefits and student assistance programs offer resources to assist with alcohol and drug addiction related issues
- The University's Ethics, Compliance, and Data Privacy team conducts a biennial review of its alcohol and drug abuse prevention program to:
    - Determine its effectiveness and implement changes to the program if they are needed
    - Ensure that its disciplinary sanctions are consistent and enforced

[2] Land and/or in buildings owned, leased, or under the control of UOPX or its affiliated or related entities.

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Alcohol and Drug Abuse Prevention and Assistance

Every local campus offers sexual assault awareness and prevention training annually to students, faculty, and staff. This program discusses how alcohol and drugs can be a contributing factor in sexual assault. Please contact the Campus Safety Coordinator for information on where and when this education event will occur. Students have direct access to this training from the Policy and Compliance link on MyPhoenix. UOPX also provides the following prevention and assistance resources.

Student Resources: UOPX offers substance abuse and various counseling services to all currently enrolled students via the Life Resource Center, directly accessible from the student MyPhoenix website. The Life Resource Center offers no-cost, confidential services available 24/7/365 by calling (844) 492-0546.

Employee Resources: UOPX provides an Employee Assistance Program (EAP) administered by Uprise Health as an employee benefit. All employees have access to the EAP whether they obtain other benefits through UOPX. Information about the EAP program is available at https://uopx.uprisehealth.com/ (enter access code UOPX) or by calling (800) 395-1616. This benefit provides referral services and treatment sessions as needed. Calls and online inquiries are tracked by category. Employees enrolled in health care plans can obtain added substance abuse benefits, including outpatient and inpatient services, through providers contracted with their health care plan. UOPX also provides a mental wellness benefit, Ginger, for employees and their dependents age 13 and older. Ginger is an emotional support app that supplies emotional support at the right time, including confidential coaching via text-based chats, self-guided activities, and video-based therapy and psychiatry—all from the privacy of a smartphone. Ginger coaches are available 24/7 and work as a team to ensure personalized care when it's needed.

National Resources: We encourage *anyone* dealing with substance abuse issues (not just our students and employees) to also contact national agencies for guidance and assistance in identifying a counseling, treatment, or rehabilitation program. You are not alone. Support is always available with confidentiality and discretion.

- Al-Anon Family Groups (888) 4AL-ANON (425-2666) https://al-anon.org/
- Alcoholics Anonymous http://www.aa.org/
- Cocaine Anonymous https://ca.org/
- Narcotics Anonymous https://www.na.org/
- National Institute on Alcohol Abuse and Alcoholism https://www.niaaa.nih.gov/
- National Institute on Drug Abuse (800) 662-HELP (662-4357) https://nida.nih.gov/
- Recovered (855) 648-7228 https://recovered.org/
- Substance Abuse and Mental Health Services Administration (SAMHSA) https://findtreatment.gov/

Even if you do not want to speak with a counselor or referral service, you may also access the following free informational and educational videos to further educate yourself on alcohol and drug abuse:

- https://www.getsmartaboutdrugs.gov/
- https://www.justthinktwice.gov/
- https://www.aa.org/pages/en_US/videos-and-audios
- https://drugfree.org/
- https://www.operationprevention.com/

Additional Resources: The Campus Safety Coordinator can provide additional referral resources local to the Fresno area. Further, the Security Operations Center (SOC) provides student, faculty, and staff support 24/7/365, and can be reached at (866) 992-3301 or SOC@phoenix.edu.

Health Risks of Alcohol and Drugs

The health consequences of drugs and alcohol depend on the frequency, duration, and the intensity of use and can include both physical and psychological effects. Overdose is a risk for all drugs. It can result in coma, convulsions, psychosis, or death. Combinations of certain drugs, such as alcohol and barbiturates, can be lethal. The purity and strength of doses of illegal drugs are uncertain. Continued use of substances can lead to tolerance (requiring more and more of a drug to get the same effect), dependence (physical or psychological need), or withdrawal (painful, difficult, and dangerous symptoms when stopping the use of drugs). Long-term use of drugs can lead to malnutrition, organ damage, and psychological problems. The risk of AIDS and other diseases increases if drugs are injected. The consumption of alcohol or drugs when pregnant may cause abnormalities in babies.

Physical and Psychological Dependence and Effects of Specific Drugs

There is a vast array of health risks associated with chronic alcohol and drug use, including but not limited to: depression; liver and kidney disease; psychosis and impaired thinking; heart attack; seizures; stroke; high blood pressure; violent outbursts; paranoia; anxiety; and increased risk of birth defects and developmental issues during and after pregnancy. For more information about the health risks associated with alcohol and particular types of drugs, please visit https://nida.nih.gov/research-topics/commonly-used-drugs-charts.

Standards of Conduct

UOPX prohibits the use, sale, possession, or distribution of illicit alcohol and drugs on University Controlled Property or at a UOPX function and complies with state underage drinking laws. (**Note:** the legal drinking age in the United States is 21 and over.) Additional standards of conduct for students and faculty are addressed in the Student Code of Conduct and Faculty Code of Conduct, respectively. Also, faculty and staff are subject to the Alcohol and Drug Abuse Prevention and related policies found in the internal Policy Library.

Sanctions UOPX will Impose for Alcohol or Drugs Violations

UOPX will fully cooperate with federal, state, and local law enforcement agencies regarding unlawful possession of drugs and the unlawful consumption of alcohol on University Controlled Property or at a UOPX function. Any member of the campus community found consuming or selling alcohol and illicit drugs on UOPX property is subject to disciplinary action, up to and including dismissal from UOPX.

Federal Drug Laws

Denial of Federal Benefits (21 U.S.C. § 862) A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions, successful completion of a drug treatment program, including periodic testing, and appropriate community service, or any combination of the three.

Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853) Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Trafficking Penalties (21 U.S.C. § 841) Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe.

In the case of a controlled substance in schedule I or schedule II, GHB, or flunitrazepam, a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to $10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed $500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than $250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than $250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (21 U.S.C. § 860) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

Federal Drug Possession Penalties (21 U.S.C. § 844) Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than $1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of $2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of $5,000.

Alcohol and Drug State Laws

Category	Summary (California Code)
Possession of Marijuana	It is legal for persons 21 years of age or older to smoke or ingest cannabis or cannabis products. Cal. Health & Safety Code § 11362.1. It is legal for persons 21 years of age or older to possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever, not more than 28.5 grams of cannabis not in the form of concentrated cannabis or not more than eight grams of cannabis in the form of concentrated cannabis, including as contained in cannabis products. *Id*. Persons under 18 years of age who are found guilty of a first offense of possession of not more than 28.5 grams of cannabis, or not more than eight grams of concentrated cannabis, or both, will be required to complete four hours of drug education or counseling and up to 10 hours of community service over a period not to exceed 60 days. Cal. Health & Safety Code § 11357. For a second offense or subsequent offense, persons under 18 years of age will be required to complete six hours of drug education or counseling and up to 20 hours of community service over a period not to exceed 90 days. *Id*. If the offender is at least 18 years of age but less than 21, a fine of not more than $100 will be imposed. *Id*. If the offender is over 18 years of age and possesses more than 28.5 grams of cannabis, or more than eight grams of concentrated cannabis, or both, an imprisonment in a county jail for a period of not more than six months and/or a fine of not more than $500 will be imposed. *Id*. As the quantity of cannabis increases, the crime classification becomes more severe and related penalties increase. *Id*.
Controlled Substances	California statutes cover a wide range of offenses related to delivering, selling, furnishing, transferring, possessing, or manufacturing controlled substances formerly classified as "narcotics" and "restricted dangerous drugs." *See* Cal. Health & Safety Code §§ 11350 – 11392. Penalties include prison sentences and monetary fines. *See* Cal. Health & Safety Code §§ 11350 and 11377. These penalties vary widely by the type and amount of controlled substance confiscated, the number and type of prior convictions, and the intent of the individual to manufacture, sell, or use the drug. Involving a minor in any capacity—whether using or employing a minor, inducing a minor to violate provisions, selling or furnishing to a minor, or acting in locations where minors are present—is a distinct offense and will result in heightened penalties. *See* Cal. Health & Safety Code §§ 11353 – 11354 and 11380. For example, a first-time drug offender found in possession of opiates (Schedule I substances) without a valid prescription may be punished by up to 1 year in jail, a fine of at least $1,000, or community service. Cal. Health & Safety Code § 11350. Possession of gamma hydroxybutyric acid ("date rape drug") with intent to commit sexual assault is punishable by up to 3 years imprisonment. Cal. Health & Safety Code § 11350.5; Cal. Penal Code § 1170.
Alcohol and Minors	Any person under 21 years of age who purchases any alcoholic beverage or consumes any alcoholic beverage in any on-sale premises is guilty of a misdemeanor punishable by a fine of $250 and/or between 24 and 32 hours of community service. Cal. Bus. & Prof. Code § 25658. Second or subsequent offenses are punishable by up to $500 and/or between 36 and 48 hours of community service. *Id*. A person who sells, furnishes, gives, or causes to be sold, furnished, or given away any alcoholic beverage to any person under 21 years of age is guilty of a misdemeanor, as is a minor who purchases or consumes any alcoholic beverage in any on-sale premises. *Id*. Furnishing an alcoholic beverage to any person under 21 years of age is punishable by a fine of $1,000 and at least 24 hours of community service. *Id*. If the person under 21 years of age subsequently consumes the alcohol and causes great bodily injury or death to themself or any other person, the person who furnished the alcohol will be imprisoned for a term between 6 months and 1 year and/or fined $1,000. *Id*.
Driving Under the Influence (DUI)	It is illegal to operate a vehicle with a blood alcohol content of 0.08 percent or more. Cal. Veh. Code § 23152. It is also illegal to operate a vehicle when addicted to the use of any drug unless

Category	Summary (California Code)
	the person is participating in an approved narcotic treatment program. *Id*. Violation of these provisions is a misdemeanor. See Cal. Veh. Code § 40000.15. Punishment for a first offense is between 96 hours to 6 months imprisonment, with at least 48 continuous hours, as well as a fine of $390 to $1,000. See Cal. Veh. Code § 23536.

Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking

UOPX, through its **Equal Opportunity, Harassment, and Nondiscrimination Policy** and consistent with applicable laws, prohibits sex and gender-based discrimination, harassment, and violence, including acts of dating violence, domestic violence, sexual assault, and stalking, which may also constitute crimes. While UOPX policy may use different standards and definitions than applicable state law, sex- and gender-based incidents often overlap with the crimes of dating violence, domestic violence, sexual assault, and stalking. Acts of violence and harassment based on sex or gender, including sexual orientation, gender identity, and gender expression, may also constitute crimes. Sexual harassment, including dating violence, domestic violence, sexual assault, and stalking, are forms of sex discrimination, which are prohibited under Title IX and UOPX policy. UOPX policies and procedures for filing, investigating, and resolving these types of complaints may be found in the Equal Opportunity, Harassment, and Nondiscrimination Policy at https://www.phoenix.edu/content/dam/edu/about/doc/equal-opportunity-harrassment-and-nondiscrimination-policy.pdf.

Individuals who believe they have experienced sex discrimination, harassment, and/or retaliation should contact the following:

Bridget Beville, JD, Title IX Coordinator
4035 S. Riverpoint Parkway
Phoenix, AZ 85040
TIXC@phoenix.edu
(602) 557-1823 office
(480) 273-0455 mobile

The following sections of this report discuss the University's educational programs to promote the awareness of dating violence, domestic violence, sexual assault, and stalking, provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred. For more information, visit the Campus Safety Policies in the **Sexual Violence Prevention** section at https://www.phoenix.edu/content/dam/edu/about/doc/campus-safety-policies.pdf.

Primary Prevention and Awareness Program

UOPX offers programming to identify and prevent dating violence, domestic violence, sexual assault, and stalking each year. UOPX conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the University prohibits the offenses of dating violence, domestic violence, sexual assault, and stalking. Students and employees are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

Crime Definitions – California Penal Code

Crime Type (California Penal Code)	Definitions
Dating Violence	The institution has determined, based on good-faith research, that California law does not define the term dating violence.
Domestic Violence	"Domestic violence" is abuse perpetrated against any of the following persons: (a) A spouse or former spouse. (b) a cohabitant or former cohabitant, as defined in Section 6209. (c) A person with whom the respondent is having or has had a dating or engagement relationship. (d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act. (e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected. (f) Any other person related by consanguinity or affinity within the second degree. (Cal Fam. Code. § 6211). California law (Cal. Pen. Code §§ 242 & 243(e)(1)) provides penalties for battery (i.e., any willful and unlawful use of force or violence against another) when it is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship. Also, Cal. Pen. Code § 273.5 provides penalties for willful infliction of corporal injury: a. Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars ($6,000), or by both that fine and imprisonment. b. Subdivision (a) shall apply if the victim is or was one or more of the following: 1. The offender's spouse or former spouse. 2. The offender's cohabitant or former cohabitant. 3. The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243. 4. The mother or father of the offender's child. c. Holding oneself out to be the spouse of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section. d. As used in this section, "traumatic condition" means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, "strangulation" and "suffocation" include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck. • For the purpose of this section, a person shall be considered the father or mother of another person's child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.
Stalking (Ca. Pen. Code § 646.9)	• Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking. • The following definitions apply to the crime of stalking:

Crime Type (California Penal Code)	Definitions
	○ "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose. ○ "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct." ○ "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of "credible threat." • the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.
Sexual Assault	The institution has determined, based on good-faith research, that California law does not define the term sexual assault. California prosecutes such crimes as "sexual battery" under Cal. Penal Code § 243.4 defined as: a. Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. b. Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. c. Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars ($2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars ($10,000). d. Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. e. (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery. (2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

Crime Type (California Penal Code)	Definitions
	f. As used in subdivisions (a), (b), (c), and (d), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense. g. As used in this section, the following terms have the following meanings: 1. "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female. 2. "Sexual battery" does not include the crimes defined in Section 261 or 289. 3. "Seriously disabled" means a person with severe physical or sensory disabilities. 4. "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication. 5. "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital. • "Minor" means a person under 18 years of age.
Rape, Fondling, Incest, Statutory Rape	For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under California law are as follows: • Rape (Cal. Pen. Code § 261): (a) Rape is an act of sexual intercourse accomplished under any of the following circumstances: 1. If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. This paragraph does not preclude the prosecution of a spouse committing the act from being prosecuted under any paragraph of this subdivision or any other law. 2. If it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another. 3. If a person is prevented from resisting by an intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused. 4. If a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions: (A) Was unconscious or asleep; (B) Was not aware, knowing, perceiving, or cognizant that the act occurred; (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact; (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose. 5. If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with intent to induce the belief. 6. If the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death. 7. If the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who

Crime Type (California Penal Code)	Definitions
	has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official. • (b) For purposes of this section, the following definitions apply: (1) “Duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and the victim’s relationship to the defendant, are factors to consider in appraising the existence of duress. (2) “Menace” means any threat, declaration, or act that shows an intention to inflict an injury upon another. • Fondling: The institution has determined, based on good-faith research, that California law does not define the term fondling. California prosecutes such crimes as ”sexual battery” under Cal. Penal Code § 243.4 (defined above). • Incest (Cal. Pen. Code § 285): Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison. • Statutory Rape: The institution has determined, based on good-faith research, that California law does not define the term statutory rape. California prosecutes such crimes as “Unlawful sexual intercourse with person under 18” under Cal. Penal Code § 261.5 (defined below).
Other "sexual assault" crimes	Other crimes under California law that may be classified as a "sexual assault" include the following: • Unlawful sexual intercourse with person under 18 (Cal. Pen. Code § 261.5): a. Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age. b. Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor. c. Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170. d. Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years. • Unlawful sexual intercourse, sexual penetration, oral copulation or sodomy; consent procured by false or fraudulent representation with intent to create fear (Cal. Pen. Code § 266c): Every person who induces any other person to engage in sexual intercourse, sexual penetration, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person's free will, and does cause the victim to so act, is punishable by imprisonment in a county jail for not more than one year or in the state prison for two,

Crime Type (California Penal Code)	Definitions
	three, or four years. As used in this section, "fear" means the fear of physical injury or death to the person or to any relative of the person or member of the person's family. • Aggravated sexual assault of a child (Cal. Pen. Code § 269): Any person who commits any of the following acts [as defined by state law] upon a child who is under 14 years of age and seven or more years younger than the person is guilty of aggravated sexual assault of a child: (1) Rape; (2) Rape or sexual penetration, in concert; (3) Sodomy; (4) Oral copulation; (5) Sexual penetration. • Sodomy (Cal. Pen. Code § 286): Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy. • Oral copulation (Cal. Pen. Code § 287): Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person. • Forcible acts of sexual penetration (Cal. Pen. Code § 289): a. Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years. b. Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years. • Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.
Consent (as it relates to sexual activity)	• Cal. Pen. Code § 261.6: In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, "consent" means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 286, 287, or 289, or former Section 262 or 288a. Cal. Pen. Code § 261.7: In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

University Definition of Consent

The University uses the following definition of consent in its Campus Safety Policies for the purpose of determining whether sexual violence (including sexual assault) has occurred:

Consent means the equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact and can be withdrawn at any time. A person forced to engage in sexual contact by force, threat of force, or coercion has not consented to contact. Lack of mutual consent is the crucial factor in any sexual assault. A person's lack of verbal or physical

resistance or submission resulting from the use or threat of force does not constitute consent. Consent is not given by a person's manner of dress or past sexual activity. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another. Consent cannot be given if a person is unable to understand the nature of the activity or give knowing consent. Consent cannot be given if a person's ability to resist or consent is substantially impaired because of a mental or physical condition, if there is a significant age or perceived power differential, or due to the circumstances. Examples include, but are not limited to, being:

- Asleep or unconscious,
- Underage,
- Frightened,
- Physically or psychologically pressured or forced,
- Intimidated,
- Substantially impaired because of a psychological health condition,
- Substantially impaired because of voluntary intoxication,
- Substantially impaired because of the deceptive administering of any drug, intoxicant, or controlled substance
- Incapacitated due to the use or influence of alcohol or drugs, or
- Incapacitated due to a mental disability.

Risk Reduction

Risk reduction includes strategies designed to promote safety and decrease incidents of sexual violence and bystander inaction. Students and employees are provided with suggestions that may help them reduce their risk if they find themselves in a potentially dangerous situation, including:

- Know your resources.
    - Determine whom you should contact and where you should go if you or a friend needs help.
    - Notice where emergency phones are located and program the Security Operations Center (SOC) number, (866) 992-3301, into your cell phone.
- Stay alert and aware of your surroundings. Avoid putting headphones in both ears or looking down to focus on your cell phone, especially when walking alone.
- Be careful about posting your location on social media.
- Make others earn your trust and make your limits known ahead of time.
- Consider back-up plans. Think about what you would need to do in various difficult situations such as if your phone dies, if your car runs out of gas, or if you become stranded without any cash or credit cards.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor "NO" clearly and loudly.

- Try to remove yourself from the physical presence of an aggressor. Be as direct as possible about wanting to leave the environment.
- Locate someone nearby and ask them for help.
- Attend events with friends you trust. Watch out for your friends and ask that they watch out for you. Show up together and leave together. If plans change, discuss with the group. Do not leave a friend stranded in an unfamiliar or unsafe situation.

The following technology resources are provided to aid with preventing violence before it happens:

- **myPlan App** – myPlan is a free app for iPhone and Android created to help people with safety decisions if they, or someone they care about, is experiencing abuse in their intimate relationship. myPlan is for everyone and can help identify, navigate, and provide resources for a range of relationship abuse concerns. For more information, visit http://www.joinonelove.org/my_plan_app.
- **The ASPIRE News App** – ASPIRE News is a free app for iPhone and Android that allows people to call for help at the touch of a button. The app contains summaries of top stories in world, sports, and entertainment news. Additionally, if someone you know is in an abusive relationship – or if that someone is you – the Help Section of the application contains domestic violence resources. You can triple tap the top of the application frame/title bar at any time in order to alert your trusted contacts that you're in an emergency situation. For more information, visit https://www.whengeorgiasmiled.org/aspire-news-app/.

Information is provided on how to identify the warning signs of abuse and engage in responsible sexual behavior:

- Remember that you owe sexual respect to the other person.
- Don't make assumptions about the other person's consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions and obtain consent before proceeding.
- "Mixed messages" may be a sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don't take advantage of someone who is intoxicated or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don't be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
    - Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include past abuse, threats of violence or abuse, breaking objects, using force during an argument, jealousy, controlling behavior, quick involvement, unrealistic expectations, isolation, blames others for problems,

hypersensitivity, cruelty to animals or children, “playful” use of force during sex, and Jekyll-and-Hyde personality.

The following warning signs and red flags of an abusive relationship may be helpful:

- Telling you that you can never do anything right
- Showing extreme jealousy of your friends and time spent away
- Keeping you or discouraging you from seeing friends or family members
- Insulting, demeaning, or shaming you with put-downs
- Controlling every penny spent in the household
- Taking your money or refusing to give you money for necessary expenses
- Looking at you or acting in ways that scare you
- Controlling who you see, where you go, or what you do
- Telling you that you are a bad parent or threatening to harm or take away your children
- Preventing you from working or attending school
- Destroying your property or threatening to hurt or kill your pets
- Intimidating you with guns, knives, or other weapons
- Pressuring you to have sex when you don’t want to or do things sexually you’re not comfortable with
- Pressuring you to use drugs or alcohol
- Punishing you by withholding affection

Bystander Intervention

Bystander intervention includes safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. As a bystander, you can help prevent sexual violence using safe and positive options. According to RAINN, stepping in can make all the difference, but it should never put your own safety at risk. If you find yourself in a situation where someone looks uncomfortable or something does not seem right, consider the **three D’s of active bystander intervention**: 1) Direct, 2) Distract, 3) Delegate.

Direct – Step in and voice your opinion. For example, call out inappropriate behavior or ask if someone is okay.

Distract – Disrupt the interaction by creating a diversion. For example, ask a random question (e.g., Where’s the bathroom?) or provide a random comment (e.g., I love the color of your shirt).

Delegate – Recruit others for help with the situation. For example, ask friends for help, inform campus resources, or call the police.

In addition to reporting incidents to the appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Create a distraction to interrupt the situation.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don't hesitate to contact the police.

Ongoing Prevention and Awareness Campaign

UOPX also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. The OPAC campaign strategies and initiatives promote awareness, education, risk reduction, and prevention to reduce the frequency of sex- or gender-based discrimination, harassment, and violence. This campaign covers the same material as provided in the PPAP but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault, and stalking.

PPAP and OPAC Programming Methods

Programs and other campaigns offered throughout the year to all students and employees include strong messages regarding not just awareness, but also primary prevention (including bystander intervention), and discuss institutional policies on sex- or gender-based discrimination, harassment, and violence as well as federal and state definitions of domestic violence, dating violence, sexual assault, stalking, and consent in reference to sexual activity. Programs also offer information on risk reduction that strives to empower individuals who experience these incidents, how to recognize warning signs, and how to avoid potential attacks, and do so without biased approaches. 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.

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the University. Methods include, but are not limited to, presentations, online training modules, distribution of written materials, periodic email blasts, and guest speakers. A summary of this programming is provided below.

- **Title IX Training**. Training for students, faculty and staff is offered every other year Faculty and staff are informed of employee requirements to help keep the UOPX community safe and free

from discrimination including sexual harassment, dating violence, domestic violence, sexual assault, and stalking. Students are provided with contact and reporting information.

- **Employee Sexual Harassment Awareness Training** and **Title IX for Higher Education Training** must be completed by all new employees upon hire (within 30 days). Once hired, all employees must complete Employee Sexual Harassment Awareness training on a biennial basis.
- The **Campus Safety: Awareness, Prevention, and Action** online course is always available via MyLearning to staff and must be completed by all new staff upon hire (within 30 days). This course discusses key information on environmental, medical, and criminal risks.
- **Sexual Assault Awareness and Prevention Training** is offered annually to students, faculty, and staff virtually and at UOPX locations. This training includes:
    - The definitions of dating violence, domestic violence, sexual assault, stalking, and consent, in reference to sexual activity
    - The University's stance that it prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking
    - Safe and positive options for bystander intervention (e.g., the three D's of active bystander intervention: direct, distract, delegate) and risk reduction
    - Resources for survivors
    - Information on how alcohol and drug use could impact the risk of sexual assault
- UOPX offers information on sexual assault, dating violence, domestic violence, and stalking along with various resources and counseling services to all currently enrolled students via the **Life Resource Center (LRC)**, directly accessible from MyPhoenix. The LRC offers services that are confidential, available 24/7/365, accessible by calling (844) 492-0546, and free to students.
- UOPX provides an **Employee Assistance Program (EAP)** administered by Uprise Health as an employee benefit. All employees have access to the EAP whether they obtain other benefits through UOPX. Information about the EAP program is available at all times at https://uopx.uprisehealth.com/ (enter access code UOPX) or by calling (800) 395-1616. This benefit provides referral services and treatment sessions as needed. Calls and online inquiries are tracked by category. Employees enrolled in health care plans can obtain added substance abuse benefits, including outpatient and inpatient services through providers contracted with their health care plan. UOPX also provides a mental wellness benefit, Ginger, for employees and their dependents age 13 and older. Ginger is an emotional support app that supplies emotional support at the right time, including confidential coaching via text-based chats, self-guided activities, and video-based therapy and psychiatry—all from the privacy of a smartphone. Ginger coaches are available 24/7 and work as a team to ensure personalized care when it's needed.
- **Denim Day**: Held in April in honor of Sexual Violence Awareness Month, UOPX local campuses and learning centers host their own Denim Day events. Students, faculty, and staff are encouraged to wear jeans on this day to support survivors and promote awareness of sexual violence.
- **Escalation Workshop**: The Title IX office has worked with the One Love Foundation to bring the Escalation Workshop to UOPX. The Escalation Workshop is a film-based discussion that opens people's eyes to the warning signs of relationship abuse. Participants will understand the difference between healthy and unhealthy relationship behaviors and learn ways to safely intervene to help a friend. This is an annual event and is also available upon request.

- **Poster and Email Campaign**: Posters are periodically placed in public areas of the local campus to alert students and staff for personal safety and theft concerns. Also, emails and newsletter alerts provide awareness of various important topics such as sexual assault, personal safety, theft, incidents, and alcohol and drugs information.
- University community members may contact their designated **Campus Safety Coordinator** at http://www.phoenix.edu/about_us/campus-safety/campus-safety-contact-list.html to learn about additional educational programs and dates/times they will be offered at their local campus related to these topics.
- **Security Escort Service**: Security personnel, where available, will provide an onsite safety escort service within the confines of the local campus to/from the parking facility if requested.
- **Persona Non Grata** – A trespass notice may be issued for individuals who have violated University policy or who have demonstrated that they present a threat to anyone in the University community. Violators can be arrested for trespass.

Other Information Covered by the PPAP and OPAC

The PPAP and OPAC also provides information on possible sanctions and protective/supportive measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information, as described above and below.

Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and **call 9-1-1**. You may also contact the SOC at (866) 992-3301 or SOC@phoenix.edu, the University's Title IX Coordinator at (602) 557-1823 or TIXC@phoenix.edu, or the Ethics Helpline at (888) 310-9569 or http://www.UOPXhelpline.com. Complaints may be submitted to the Ethics Helpline anonymously; however, the Ethics, Compliance, and Data Privacy Department is required to report any instances of alleged sexual misconduct to the Title IX Coordinator.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus security personnel or local police, (b) the option to be assisted by Campus Security Authorities (CSAs) in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made), and (c) the option to decline to notify such authorities.

4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

Preservation of Evidence & Forensic Examinations

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Do not bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at Family Healing Center, 7025 N. Chestnut Ave., Fresno, CA 93720; (559) 840-1012.

Completing a forensic examination does not require you to file a police report but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report. Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

Campus Security/Law Enforcement & How to Make a Police Report

- Security Operations Center (SOC), 4035 S. Riverpoint Pkwy., Phoenix, AZ 85040, (866) 992-3301
- Fresno Police Department, 2323 Mariposa St., Fresno, CA 93721, (559) 621-7000
    - To make a police report, a person should contact the local police agency listed above either by phone or in-person. As much information as possible should be provided, including name, address, and when and what occurred, to the best of the person's knowledge.

Information about Legal Protection Orders

UOPX does not issue orders of protection. Orders of protection, restraining orders, injunctions, or similar lawful orders may be obtained through the local court system and can be enforced by the University's security department. Any student or employee who has a protection order (order of protection) or no contact order should notify the Title IX Coordinator, a CSA and/or Campus Safety Coordinator, and the SOC and provide a copy of the order so that it may be kept on file with the institution and can be enforced, if necessary.

Although UOPX does not issue orders of protection, individuals may request that the University issue an administrative directive for no contact and/or a no trespass notice/persona non grata notice. Upon request, a determination will be made by the University whether to issue an administrative directive for no contact and/or a no trespass notice/persona non grata notice.

For information on how to obtain an order of protection in California, which provides protective relief for victims of dating violence, domestic violence, sexual assault, or stalking, visit https://www.courts.ca.gov/1278.htm.

Available Victim Services

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the University and in the surrounding community. Those services include:

University Resources

- **Student Resources** – The University offers various counseling services to all currently enrolled students via the Life Resource Center, directly accessible from the online student MyPhoenix website. The Life Resource Center offers free services that are confidential, available 24/7/365, accessible by calling (844) 492-0546.
- **Employee Resources** – The University provides an Employee Assistance Program (EAP) administered by Uprise Health as an employee benefit. All employees have access to the EAP whether they obtain other benefits through UOPX. Information about the EAP program is available at all times at https://uopx.uprisehealth.com/ (enter access code UOPX) or by calling (800) 395-1616. This benefit provides referral services and treatment sessions as needed. Calls and online inquiries are tracked by category. Employees enrolled in health care plans can obtain added substance abuse benefits, including outpatient and inpatient services through providers contracted with their health care plan. UOPX also provides a mental wellness benefit, Ginger, for employees and their dependents age 13 and older. Ginger is an emotional support app that supplies emotional support at the right time, including confidential coaching via text-based chats, self-guided activities, and video-based therapy and psychiatry—all from the privacy of a smartphone. Ginger coaches are available 24/7 and work as a team to ensure personalized care when it's needed.
- **Student Financial Aid** – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, they should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. Additional information on student financial aid is available at http://www.finaid.org/ and http://www.fastweb.com/financial-aid.

State/Local Resources

- Community Regional Medical Center: (559) 459-6000
- Clovis Community Medical Center: (559) 324-4000
- Fresno County Crisis Hotline: (800) 654-3937
- California Victims Services: (877) 433-9069
- Marjaree Mason Center (Legal Advocacy): (559) 237-4706

National Resources

- National Domestic Violence Hotline: (800) 799-7233
- National Sexual Assault Hotline: (800) 656-4673
- loveisrespect: (866) 331-9474, http://www.loveisrespect.org/, text "LOVEIS" to 22522
- Rape, Abuse, and Incest National Network (RAINN): https://www.rainn.org/
- One Love Foundation: http://www.joinonelove.org/
- National Alliance to End Sexual Violence: http://www.endsexualviolence.org/
- Abused Deaf Women's Advocacy Services: https://www.adwas.org

- Safety Planning for Survivors with Disabilities: https://thearc.org/wp-content/uploads/forchapters/Protocol_disability_safety_planning-rev-2010.pdf
- College Resources for Students with Disabilities: https://dealspotr.com/article/college-resources-for-disabled-students
- National Adult Protective Services Association: http://www.napsa-now.org/get-help/help-in-your-area
- The Trevor Project: (866) 488-7386, https://www.thetrevorproject.org/get-help-now/, text "START" to 678678
- Anti-Violence Project: call or text (212) 714-1141 or https://avp.org
- Forge-forward: (414) 559-2123 or https://forge-forward.org
- LGBT National Help Center: (888) 843-4564 or https://www.lgbthotline.org/
- Trans Lifeline: (877) 565-8860 or https://www.translifeline.org
- Casa de Esperanza: https://www.casadeesperanza.org/ or info@esperanzaunited.org
- U.S. Dept. of Justice Office on Violence Against Women: https://www.justice.gov/ovw
- National Coalition Against Domestic Violence: http://www.ncadv.org/
- Respect Together (previously National Sexual Violence Resource Center): http://www.nsvrc.org/
- The NW Network: (206) 568-7777 or http://nwnetwork.org/
- Fierberg National Law Group: (202) 351-0510, (877) 927-4321 or https://tfnlgroup.com
- WomensLaw.org: https://www.womenslaw.org/ or http://hotline.womenslaw.org/
- U.S. Citizenship and Immigration Services: https://www.uscis.gov/
- Immigration Advocates Network: https://www.immigrationadvocates.org/

Accommodations and Supportive/Protective Measures

The University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or other supportive/protective measures. If requested, and these accommodations or supportive/protective measures are reasonably available, UOPX is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Requests for supportive/protective measures should be made to the Title IX Coordinator at TIXC@phoenix.edu or (602) 557-1823, and the Title IX Coordinator is responsible for deciding what, if any, supportive/protective measures will be implemented.

When determining the reasonableness of such a request, the following factors, among others, may be considered:

- The specific need expressed by the Complainant
- The age of the individuals involved

- The severity or pervasiveness of the allegations
- Any continuing effects on the Complainant
- Whether the Complainant and alleged perpetrator share the same class or job location
- Whether other judicial measures have been taken to protect the Complainant (e.g., civil protection orders)

UOPX will maintain as private/confidential any accommodations or supportive/protective measures provided to the extent that maintaining such privacy/confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to implement the accommodation or support/protection. For instance, resolution proceedings are private, and all persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with University policy. While there is an expectation of privacy, the parties involved have discretion to share their own knowledge and evidence with others if they so choose. University decisions to disclose certain information will be made in light of the circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or support/protection is provided. In the event a disclosure is necessary, the University will inform the relevant party of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared, and why.

Disciplinary Proceedings

Allegations of domestic violence, dating violence, sexual assault, or stalking are subject to the University's Equal Opportunity, Harassment, and Nondiscrimination Policy and the disciplinary proceedings therein. Students, faculty, and staff are subject to this policy. The University's procedures for disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and stalking are provided in writing, and acknowledged by students, in the Academic Catalog. Further, rights and options, as well as resources, are provided to complainants and respondents upon disclosure of an allegation. Only incidents falling within the Title IX definition of sexual harassment will be subject to the Title IX Formal Grievance Process. An informal resolution process may only be used if certain criteria are met.

Informal Resolution

Parties are not required to participate in an Informal Resolution process and Informal Resolution may only be used if a formal complaint is filed. Any party participating in Informal Resolution can stop the process at any time and begin or resume the Title IX Formal Grievance Process. Informal Resolution may be used with the voluntary, written consent of both parties:

- When the Respondent accepts responsibility for violating policy and wants to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter by providing supportive/protective measures to remedy the situation.

Prior to implementing Informal Resolution, both parties will be provided with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process. If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX

Coordinator accepts the Respondent's admission of responsibility and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary. The result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution.

Informal Resolution is not available to resolve allegations that an employee sexually harassed a student.

Formal Grievance Process

When appropriate, or upon receipt of a formal complaint, the Title IX Coordinator will initiate a prompt, fair, and impartial process, commencing with an investigation, which may lead to the imposition of sanctions for a Respondent based upon a preponderance of evidence. The complaint resolution procedures are invoked once a report is made to the Title IX Coordinator, Bridget Beville, at (602) 557-1823 or TIXC@phoenix.edu. To file a report online, an electronic form is available at https://www.phoenix.edu/about_us/title-ix.html.

Once a formal complaint of alleged domestic violence, dating violence, sexual assault, or stalking is made, the Title IX Coordinator will promptly provide written notice (i.e., a Notice of Allegations), as soon as practicable, to the parties, including a description of the process to be utilized, the identities of the involved parties (if known), the precise misconduct being alleged, the date and location of the alleged incident(s) (if known), the specific policies implicated, a description of the applicable procedures, a statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination, a statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period, and a statement that the parties may have an advisor of their choice (who may be, but is not required to be, an attorney).

During the investigation, both the Complainant and Respondent have an equal opportunity to describe the situation and present witnesses, including both fact and expert witnesses, and other supporting evidence. The investigator(s) will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Prior to the conclusion of the investigation, both parties will be provided an opportunity to review the evidence gathered during the investigation that is directly related to the allegations raised in the formal complaint.

Upon completion of the investigation, both parties will be given a copy of an investigation report and a live hearing will be conducted to make a determination as to whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence. During the hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions including those bearing on credibility. The decision maker(s) will issue a written determination of responsibility, a statement of any disciplinary sanctions and whether any remedies will be provided to the Complainant, and a description of the procedures and permissible grounds for appeal. The parties will be notified simultaneously of this determination in writing within three (3) days of it being made. The institution strives to complete investigations of this nature within ninety (90) calendar days.

Both parties have an equal opportunity to appeal the determination by filing a written appeal with the Title IX Coordinator within ten (10) days of the delivery of the Notice of Outcome. The non-appealing party will be notified of the appeal and permitted to submit a written statement in response. A three-member Appeal Panel will resolve the appeal within three (3) business days of receiving all relevant documentation. All decisions are by majority vote and apply the preponderance of the evidence standard.

Rights of the Parties in an Institutional Proceeding

1. A prompt, fair and impartial process from the initial investigation to the final result.
    - A prompt, fair and impartial process is one that is:
        - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
        - Conducted in a manner that:
            - Is consistent with the institution's policies and transparent to the accuser and the accused.
            - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
            - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
        - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
    - Such training addresses topics such as the definition of sexual harassment; the scope of the University's education programs and activities; how to conduct investigations, hearings, and appeals and informal resolutions (as applicable); relevant evidence and how it should be used during a proceeding; proper techniques for questioning witnesses; basic procedural rules for conducting a proceeding; and avoiding actual and perceived conflicts of interest. Relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest. As mandated by Title IX, all training completed by Title IX Coordinators, Investigators, Decision-makers, Advisors, and the Appeal Panel is posted at https://www.phoenix.edu/about_us/title-ix.html.

3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.

4. A determination based on the preponderance of the evidence standard.

5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, "result" means "any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

6. Protection against retaliation.

Possible Sanctions or Supportive/Protective Measures UOPX may Impose for Dating Violence, Domestic Violence, Sexual Assault, or Stalking

Following a final determination in the institution's disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved. Outlined below are the sanctions that may be imposed upon students, faculty, and staff.

- **Students**
  - Warning – A formal statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions
  - Suspension – Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met
  - Expulsion – Permanent termination of student status and revocation of rights to be on campus for any reason or to attend recipient-sponsored events
  - Withholding Diploma – The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities
  - Revocation of Degree – The University reserves the right to revoke a degree previously awarded for violations committed by a student prior to graduation
  - Other Actions – In addition to or in place of the above sanctions, the Decision-maker may assign any other sanctions as deemed appropriate

- **Part-Time Faculty**
  - Warning – A formal statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions, including the rescission of active faculty status
  - Implementation of a remediation plan
  - Removal from assigned course(s)
  - Restrictions on future teaching assignments
  - Loss of teaching privileges altogether
  - Other Actions – In addition to or in place of the above sanctions, the Decision-maker may assign any other sanctions as deemed appropriate

- **Staff and Full-Time Faculty**
  - Warning – Verbal or written
  - Performance improvement/management process
  - Required training or education

- Loss of oversight or supervisory responsibility
- Demotion
- Suspension with pay (dependent on situation)
- Suspension without pay (dependent on situation)
- Termination
- Other Actions – In addition to or in place of the above sanctions, the Decision-maker may assign any other sanctions as deemed appropriate

In addition, UOPX can make available a range of supportive/protective measures to the parties involved. The University may offer as appropriate to either or both the Complainant(s) and Respondent(s) involved after notice of alleged violation of the Equal Opportunity, Harassment, and Nondiscrimination Policy interim and supportive/protective measures which may include, but are not limited to, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, security escorts, mutual restrictions on contact between the parties involved, changes in work location, leaves of absence, increased security and monitoring of certain areas, counseling referrals, and other similar measures.

Publicly Available Recordkeeping

UOPX will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the University to the extent permitted by law. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim, or disciplining the perpetrator will know the victim's identity.

Victims to Receive Written Notification of Rights

When a student or employee reports to the University that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of their rights and options and/or applicable resources as described in the paragraphs above.

Sex Offender Registration Program

The Campus Sex Crimes Prevention Act of 2000 provides minimum national standards for state sex offender registration and community notification programs and requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the State of California Department of Justice Office of the Attorney General via email at meganslaw@doj.ca.gov. State registry of sex offender information may be accessed at the following link: https://www.meganslaw.ca.gov/.

Crime Statistics

Please refer to the Definitions section for Clery-reportable crime definitions and for Clery Act geography definitions. The statistical summary of crimes for the Central Valley Campus over the past three calendar years follows:

Crime	On-Campus			Noncampus			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Note: UOPX does not have on-campus student housing facilities.

Hate Crimes

Accounted for in this section are all the Clery-reportable crimes listed in the table above, within the University's Clery geography (on-campus, noncampus, and public property), as well as the crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property when motivated by a perpetrator's bias against the victim. The categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

2022: No hate crimes reported.

2021: No hate crimes reported.

2020: No hate crimes reported.

Unfounded Crimes Provided by Law Enforcement Agencies

Included in this section are the total number of crime reports for all Clery-reportable crimes that were "unfounded" and subsequently withheld from the University's crime statistics during each of the three most recent calendar years. The University may withhold, or subsequently remove, a reported crime from its crime statistics 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." Only sworn or commissioned law enforcement personnel may "unfound" a crime report.

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

2020: 0 unfounded crimes.

Data from Law Enforcement Agencies

Certain law enforcement agencies did not comply with the University's request in 2020 for crime statistics. The data above reflects statistics provided in 2021 from law enforcement agencies related to crimes that occurred on the University's Clery geography. The University was provided with some crime data in 2022 from law enforcement agencies for which it cannot be determined whether any of the statistics apply to or include the University's Clery Geography.

Definitions

Clery Act Crimes

Criminal Offenses

Criminal Homicide—Murder and Nonnegligent Manslaughter – The willful (nonnegligent) killing of one human being by another.

Criminal Homicide—Manslaughter by Negligence – The killing of another person through gross negligence.

Sexual Assault—Sex Offenses[3] – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.

Note: The University defines **Consent** as the equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact and can be withdrawn at any time. A person forced to engage in sexual contact by force, threat of force, or coercion has not consented to contact.

Robbery – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.

Burglary – The unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft – The theft or attempted theft of a motor vehicle.

Arson – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Hate Crimes

In addition to the criminal offenses listed above, any of the additional following offenses that are motivated by bias:

Larceny-Theft – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included.

[3] Sexual Assault is also a Violence Against Women Act of 2013 (VAWA) Offense but is included in the Criminal Offenses category for Clery Act reporting purposes.

Simple Assault – An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property – To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

The Clery Act recognizes eight categories of bias:

Race – A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

Religion – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

Sexual Orientation – A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

Gender – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender.

Gender Identity – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity.

Ethnicity – A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

National Origin – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

Disability – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

VAWA Offenses

Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence – A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with who the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situation to a spouse of the victim under the domestic or family violence laws of

the jurisdiction in which the crime of violence occurred; 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 in which the crime of violence occurred.

Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition, *course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Arrests and Referrals for Disciplinary Action

These include persons arrested for liquor law violations, drug law violations, and illegal weapons possession as well as persons referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession. *Referred for campus disciplinary action* is the referral of any person to any campus official who initiates a disciplinary action of which a record is kept, and which may result in the imposition of a sanction.

Weapons Law Violations – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Drug Abuse Violations – The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations – The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Clery Act Geography

For the purposes of collecting statistics on the crimes listed in Clery Act Crimes section, Clery Act geography includes—buildings and property that are part of the institution's campus (i.e., **on-campus**), the institution's **noncampus** buildings and property, and **public property** within or immediately adjacent to and accessible from the campus. For the purposes of maintaining the crime log, Clery Act geography also includes areas within the patrol jurisdiction of the campus security department.

On-Campus

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within

or reasonably contiguous that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

Noncampus

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Note: The University does not have any officially recognized student organizations with off campus locations.

Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Central Valley Campus – Clery Act Geography

Legend: On-Campus, Public Property

Note: This location does not have a patrol jurisdiction.