



University of Phoenix®

# 2020 Annual Security Report

## Colorado Campus



---

## **Table of Contents**

<b>General Safety and Security</b> .....	<b>3</b>
Safety at the Colorado Campus .....	3
Policy for Preparing the Annual Report .....	3
Campus Security Personnel & Relationship with Local Law Enforcement .....	3
Campus Security Authorities .....	4
Reporting a Crime or Emergency .....	4
Confidential Reporting.....	4
Security of and Access to Campus Facilities.....	5
Safety and Access to the Colorado Campus.....	6
Security Considerations in the Maintenance of Facilities .....	6
Educational Programs Related to Security Awareness and Prevention of Criminal Activity .....	6
Safety Awareness and Crime Prevention .....	7
Monitoring Off Campus Locations of Recognized Student Organizations .....	7
Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense .....	8
<b>Timely Warnings and Emergency Response</b> .....	<b>9</b>
Timely Warnings .....	9
Emergency Response .....	9
Weather Emergencies .....	10
Reporting Emergencies .....	10
Methods for Issuing Timely Warnings and Emergency Notifications .....	12
Testing & Documentation.....	12
<b>Drug and Alcohol Policy</b> .....	<b>13</b>
Drug and Alcohol Abuse Prevention Program .....	13
Alcohol and Other Drug Abuse Prevention and Counseling Services.....	14
Student Resources .....	14
Employee Resources .....	14
National Resources .....	14
Health Risks of Alcohol and Other Drugs .....	15
Physical and Psychological Dependence and Effects of Specific Drugs .....	15
Standards of Conduct.....	15
Sanctions the University Will Impose for Alcohol or Other Drugs Violations .....	16
Federal Drug Laws .....	16
Federal Penalties and Sanctions for Illegal Trafficking and Possession of a Controlled Substance.....	16
State Drug and Alcohol Statutes.....	18
<b>Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking</b> .....	<b>20</b>
Primary Prevention and Awareness Program.....	20



---

Crime Definitions - Colorado Revised Statutes .....	20
University Definition of Consent .....	23
Risk Reduction .....	23
Bystander Intervention .....	25
Other Information Covered by the PPAP .....	26
Ongoing Prevention and Awareness Campaign .....	26
PPAP and OPAC Programming Methods.....	27
Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:.....	28
Preservation of Evidence & Forensic Examinations .....	29
Campus Security/Law Enforcement & How to Make a Police Report .....	29
Information about Legal Protection Orders.....	29
Available Victim Services .....	30
University Resources .....	30
State/Local Resources .....	31
National Resources .....	31
Accommodations and Other Supportive Measures .....	31
Procedures for Disciplinary Action .....	32
Rights of the Parties in an Institutional Proceeding .....	33
Possible Sanctions or Supportive Measures that the University May Impose for Dating Violence, Domestic Violence, Sexual Assault, or Stalking Offenses .....	34
Publicly Available Recordkeeping .....	35
Victims to Receive Written Notification of Rights .....	35
Sex Offender Registration Program.....	35
<b>Crime Statistics .....</b>	<b>36</b>



## General Safety and Security

### Safety at the Colorado Campus<sup>1</sup>

This report is provided in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (or the *Clery Act*) and provides the University of Phoenix (the "University" or "UOPX") Colorado Campus community (students, faculty, and staff) with information on safety and security, policies and procedures, safety-related educational programs, awareness and prevention of crime, the notification procedures UOPX will take in the event of an emergency, and the reported crime statistics for the last three calendar years. The purpose of this report is to provide the Colorado Campus community 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.*

---

The University's complete *Campus Safety Policies* can be found at [https://www.phoenix.edu/content/dam/altcloud/doc/about\\_uopx/Campus-Safety-Policies.pdf](https://www.phoenix.edu/content/dam/altcloud/doc/about_uopx/Campus-Safety-Policies.pdf).

### Policy for Preparing the Annual Report

This report is prepared by the University's Corporate Security Department in cooperation with local law enforcement authorities and 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. Each year an e-Mail notification is made to all enrolled students and employees 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 Benjamin Fagre, Manager Campus Operations, (801) 450-5988 or [Ben.Fagre@phoenix.edu](mailto:Ben.Fagre@phoenix.edu).

The University is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students, faculty, and staff. 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. The University does not have an on-site police department.

UOPX currently does not have any formal Memoranda of Understanding (MOU) between its local campuses and any law enforcement agencies; however, the Colorado Campus does maintain a

---

<sup>1</sup> Location is no longer enrolling new students and remaining classes are being taught off-site



close working relationship with the Lone Tree Police Department and Douglas County Sheriff's Office.

## Campus Security Authorities

The University has designated certain officials to serve as Campus Security Authorities (CSAs) and/or Campus Safety Coordinators. Reports of criminal activity can be made to these officials. They, in turn, will ensure the crimes are reported for collection as part of the University's annual report of crime statistics. For students, faculty, and staff at the Colorado Campus, the CSA to whom crimes should be reported is listed below.

- Benjamin Fagre, Manager Campus Operations, at (801) 450-5988 or [Ben.Fagre@phoenix.edu](mailto:Ben.Fagre@phoenix.edu)

## Reporting a Crime or Emergency

The University 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 appropriate administrator and appropriate police agencies. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so.

- 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 University property should be reported immediately to the Security Operations Center (SOC) or one of the CSAs listed above. The number to contact the SOC is (602) 557-7000 or (866) 992-3301. The SOC is available 24/7/365.
- 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 University 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 Lone Tree, CO is (720) 913-7867.
- Anonymous incident reports can also be made by contacting the Ethics Helpline at (888) 310-9569 or by visiting <http://www.UOPXhelpline.com>.

## Confidential Reporting

The University will protect the confidentiality of victims as compiled statistics will not disclose personally identifying information. 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 sexual misconduct 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.

A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the University disciplinary system, or the criminal justice system, is nevertheless encouraged to make a confidential report to a CSA/Campus Safety Coordinator or 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. 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 please visit <http://www.phoenix.edu/students/counseling-skills-centers.html>.

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 policies or procedures that encourage and professional counselors to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis. UOPX does not have any pastoral counselors.

### **Security of and Access to Campus Facilities**

The Colorado Campus is usually accessible to the public during normal business hours; however, classrooms and office buildings are generally locked when not in use. Only faculty and staff members have access to private areas and 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), non-employees must be escorted by an employee throughout their visit to any restricted access area. Certain areas (i.e., Faculty Resource Center and IT Support rooms) have secured access for all non-authorized personnel. UOPX does not have any residence halls or student housing at any of its locations.

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 Colorado 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 Colorado Campus***

The security and access features for the Colorado Campus include:

- Access control to/within facilities
- Intrusion alarm
- Duress button
- On-site duress notification
- Window blinds
- "No Weapons" signage

## ***Security Considerations in the Maintenance of Facilities***

A CSA and/or Campus Safety Coordinator ensures campus maintenance issues that may affect safety or enhance 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 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 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 SOC to ensure that the equipment is functioning. We ask that you promptly report any problems or hazards you notice to a CSA and/or Campus Safety Coordinator.

## **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The University 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.

Annually, the Colorado Campus sponsors two safety events regarding the University's security procedures and practices and one sexual assault awareness and prevention training. These events are conducted during a time and at a location to maximize participation from all students, faculty, and staff. A common theme of our safety events is developing members' awareness of their responsibility for their own safety and the safety of others. We also focus on increasing security alertness. Please contact a Campus Safety Coordinator for information on where and when these educational events will occur.

The two safety events include:

- Training to describe the differences between an emergency notification and a timely warning
- Active shooter preparedness training



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 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 Colorado 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-lighted 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 University property.

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

### ***Monitoring Off Campus Locations of Recognized Student Organizations***

The University does not have any officially recognized student organizations with off campus 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. This does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the *Violence Against Women Act of 2013 (VAWA)*, both the accused and accuser in these cases are given the results without the need to make a written request.



## Timely Warnings and Emergency Response

### Timely Warnings

In the event of criminal activity occurring either on campus or off campus that, in the judgment of the Campus Security Authorities (CSAs), Campus Safety Coordinators, and Security Operations Center (SOC) constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. 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 to the campus community should immediately report the circumstances to:

- Security Operations Center (SOC) at (602) 557-7000 or (866) 992-3301
- Benjamin Fagre, Manager Campus Operations, (801) 450-5988

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

The University 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. The University 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.

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 University will use this process to, **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.

Notices and warnings are issued when the SOC confirms with the local campus director, the designated Campus Safety Coordinator, local authorities, or verified media sources 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 Colorado Campus Director is Kent Blumberg and he can be reached at (720) 416-6766 or [Kent.Blumberg@phoenix.edu](mailto:Kent.Blumberg@phoenix.edu). The SOC is responsible for initiating the institution’s response and for marshaling the appropriate local emergency response authorities



for assistance. Depending on the nature of the emergency, other University departments may be involved in the confirmation process.

### ***Weather Emergencies***

The EMN system will be used to notify members of the campus community of location closings or delayed openings that are the result of severe weather. 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 an EMN to the appropriate recipients according to the effected location. The content of these notifications will follow templates developed by the SOC. These alerts 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).

### ***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 reports, 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 Colorado Campus. Students, faculty, staff, and visitors are encouraged to report such situations in the following ways:

- Contact the SOC directly at (602) 557-7000 or (866) 992-3301 or by initiating emergency/panic alarms available throughout the Colorado Campus
- Students should contact a CSA and/or Campus Safety Coordinator
  - An **In Case of an Emergency** poster is available in the *Who We Are* binder and an *Emergency Response Guide* are located in all classrooms and common areas (e.g., breakrooms) and details how to contact the local CSA and/or Campus Safety Coordinator; a list of contacts is available online at: [http://www.phoenix.edu/about\\_us/campus\\_safety/campus\\_safety\\_contact\\_list.html](http://www.phoenix.edu/about_us/campus_safety/campus_safety_contact_list.html).
  - Colorado Campus contact is:
    - Benjamin Fagre, Manager Campus Operations, (801) 450-5988 or [Ben.Fagre@phoenix.edu](mailto:Ben.Fagre@phoenix.edu)

The SOC is responsible for maintaining copies and tracking all emergency notifications. CSAs and Campus Safety Coordinators must promptly report any emergencies they receive to the SOC, which escalates to the University's Senior Crisis Management Team for immediate review. The CSA and Campus Safety Coordinator also maintains a record of all EMNs for their location, including EMN tests, in the private *CSA Notebook*.

The University has assigned responsibility of managing the EMN policy and procedures to the University's Corporate Security Team. The review of emergency events and the related issuance of EMNs is the responsibility of the SOC in partnership with the University's Senior Crisis Management Team.

The UOPX Senior Crisis Management Team may consist of members from various University organizations as defined in the University's *Crisis Management Plan* to include University Legal



Services, UOPX Corporate Security, Human Resources, Marketing, Real Estate & Facilities, Campus Operations, and Student Services.

Current UOPX Senior 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 Senior Crisis Management Team will assign backup individuals when appropriate. If a UOPX Senior Crisis Management Team meeting is called to review a significant emergency or dangerous situation, it typically convenes by teleconference using a line made available by the SOC.

The process to initiate the EMN system 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:

- Notify the UOPX Senior Crisis Management Team to convene and review the issue considering factors described in the next paragraph below
- 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 (provided by an outside vendor) based on the direction of the UOPX Senior Crisis Management Team or SOC protocols

The SOC, in conjunction with the UOPX Senior 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 or UOPX Senior Crisis Management Team, warrant an EMN

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 will 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.

If deemed necessary, at the direction of UOPX Senior 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.

### **Methods for Issuing Timely Warnings and Emergency Notifications**

The University will immediately notify the campus community upon confirmation of an emergency or dangerous situation. The method(s) listed below may be utilized to notify the larger campus community when the University issues a timely warning or emergency notification to the campus community.

<b>Method</b>	<b>Sign-up Instructions</b>
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.
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 University's homepages, message boards, or student website (eCampus).
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**

The University tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times, UOPX Corporate Security will meet to train, test, and evaluate the University's emergency response plan.

UOPX 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, the University will distribute information to remind its students, faculty, and staff of the University's emergency response and evacuation procedures.



## Drug and Alcohol Policy

UOPX has a “Zero-Tolerance” policy regarding the unlawful use, sale, possession, or distribution of illegal drugs and alcohol on University Controlled Property, or as part of any University activity. Misconduct violations relating to the Student Code of Conduct, Faculty Code of Conduct, and/or the Code of Ethics are subject to disciplinary sanctions. Consequences for inappropriate behavior can be severe, up to and including dismissal from the University. If any individual is found violating any alcohol or other drug related law while at a University location or activity, the University will fully cooperate with federal, state, and local law enforcement agencies. The University will enforce federal and state drug laws in cooperation with local law enforcement agencies for any individual violating a drug related law while at on University Controlled Property or at a University activity. The University will also enforce state underage drinking laws on University Controlled Property. (Note: the legal drinking age in the United States is 21 and over.) The University abides by federal Drug-Free Workplace and Drug-Free Schools and Communities Act regulations regardless of individual state legalization.

## Drug and Alcohol Abuse Prevention Program

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

- Each year, all students, faculty, and staff receive notification, to include the location, of *Campus Safety Policies* and the University’s *Consumer Information Guide*
- *Campus Safety Policies* 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
  - 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 other drug abuse counseling resources for individuals and their family members
  - The Campus Safety Coordinator’s contact information is available at [http://www.phoenix.edu/about\\_us/campus-safety/campus-safety-contact-list.html](http://www.phoenix.edu/about_us/campus-safety/campus-safety-contact-list.html)
  - In addition, details how to contact the local Campus Safety Coordinator are included on the **In Case of an Emergency** poster in the *Poster Compliance Binder* located in all classrooms and common areas (e.g., breakrooms)
- Employee benefits and student assistance programs offer resources to assist with alcohol and drug addiction related issues
- The University conducts a biennial review of its program to:



- Determine its effectiveness and implement changes to the program if they are needed
- Ensure that its disciplinary sanctions are consistent and enforced

## Alcohol and Other Drug Abuse Prevention and Counseling Services

Every local campus offers sexual assault awareness and prevention training annually to students, faculty, and staff. This program involves how alcohol and other drugs can facilitate sexual assault. Please contact the Campus Safety Coordinator for information on where and when this education event will occur.

### ***Student Resources***

The University also offers substance abuse and various counseling services to all currently enrolled students via the Life Resource Center, directly accessible from the student eCampus website under the *Program* tab in the *Student Support* section. The Life Resource Center offers services that are confidential, available 24/7/365, accessible by calling (866) 320-2817, and free to students.

### ***Employee Resources***

UOPX provides an Employee Assistance Program (EAP) as an employee benefit. All employees have access to EAP whether or not they obtain other benefits through the University. Information about the program is available at all times through the *Benefit Central* site at <https://compass.empyreanbenefits.com/UOPX>. 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 additional substance abuse benefits, including outpatient and inpatient services, through providers contracted with their health care plan.

### ***National Resources***

We encourage *anyone* dealing with substance abuse issues (not just our employees and students) to also contact national agencies for guidance and assistance in identifying a counseling, treatment, or rehabilitation program. Support is always available with confidentiality and discretion! One need only ask.

- 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 Council on Alcoholism and Drug Dependence, Inc. (800) 622-2255 <https://www.ncadd.org/>
- National Institute on Alcohol Abuse and Alcoholism <https://www.niaaa.nih.gov/>
- National Institute on Drug Abuse (800) 662-HELP (662-4357) <https://www.drugabuse.gov/>
- The Substance Abuse and Mental Health Services Administration's (SAMHSA) Behavioral Health Treatment Services Locator <https://findtreatment.samhsa.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 other drug abuse:

- <https://www.getsmartaboutdrugs.gov/>
- <https://www.justthinktwice.gov/>
- [https://www.aa.org/pages/en\\_US/videos-and-audios](https://www.aa.org/pages/en_US/videos-and-audios)
- <https://drugfree.org/>
- <https://www.operationprevention.com/>
- <https://dare.org/d-a-r-e-online-opioid-lesson/>
- <https://www.elks.org/dap/resources/>

### **Health Risks of Alcohol and Other 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 are a vast array of health risks associated with chronic drug and alcohol use, including but not limited to: depression; liver and kidney disease; psychosis and impaired thinking; heart attack; seizures; strokes; high blood pressure; violent outbursts; paranoia; anxiety; 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://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>.

### **Standards of Conduct**

The University's Codes of Conduct clearly state that the unlawful manufacture, sale, delivery, unauthorized possession, or use of any illicit drug is prohibited on property owned or otherwise controlled by the University. The University enforces a "Zero Tolerance" policy regarding underage drinking and will enforce state underage drinking laws on its campus premises (Note: the legal drinking age in the United States is 21 and over).

Additional standards of conduct for employees are addressed in the *University Alcohol and Drug Abuse Prevention* policy in the Policy Library. If any individual is found violating any alcohol or other drug related law while at a University location or activity, the University will fully cooperate with federal and state law enforcement agencies.





## ***Sanctions the University Will Impose for Alcohol or Other Drugs Violations***

The University abides by federal, state, and local sanctions regarding unlawful possession of drugs and the unlawful consumption of alcohol. Any member of the campus community found consuming or selling alcohol and other drugs on University property is subject to disciplinary action up to and including dismissal from the University.

### **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.

**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, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is 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 quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are twice as severe.

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.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a 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.

**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 and a mandatory fine of no less than \$1,000. 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.

### ***Federal Penalties and Sanctions for Illegal Trafficking and Possession of a Controlled Substance***

These are Federal penalties and sanctions. Additional State penalties and sanctions may also apply.

<https://www.getsmartaboutdrugs.gov/sites/getsmartaboutdrugs.com/files/publications/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant.pdf>



**Federal Trafficking Penalties**

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500-4,999 grams mixture	<b>First Offense:</b> Not less than 5 years, and not more than 40 years. If death or serious injury, not less than 20 years or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 years, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	<b>First Offense:</b> Not less than 10 years, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 years, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28-279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40-399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10-99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100-999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1-9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5-49 grams pure or 50-499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10-99 grams pure or 100-999 grams mixture	100 grams or more pure or 1 kg or more mixture		
<b>PENALTIES</b>				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<b>First Offense:</b> Not more than 20 years. If death or serious injury, not less than 20 years, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.  <b>Second Offense:</b> Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 10 years. If death or serious injury, not more than 15 years. Fine not more than \$500,000 if an individual, \$2.5 if not an individual.  <b>Second Offense:</b> Not more than 20 years. If death or serious injury, not more than 30 years. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount			
Flunitrazepam (Schedule IV)	Other than 1 gram or more	<b>First Offense:</b> Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>Second Offense:</b> Not more than 10 years. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
All Schedule V drugs	Any amount			
		<b>First Offense:</b> Not more than 1 year. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>Second Offense:</b> Not more than 4 years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		



**Federal Trafficking Penalties – Marijuana**

DRUG	QUANTITY	1 <sup>st</sup> OFFENSE	2 <sup>nd</sup> OFFENSE*
Marijuana (Schedule I)	1,000 kg or more marijuana mixture or 1,000 or more marijuana plants	Not less than 10 years or more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 years or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture or 100 to 999 kg marijuana plants	Not less than 5 years or more than 40 years. If death or serious bodily injury, not less than 20 years or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 years or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kg hashish; 50 to 99 kg marijuana mixture  More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 years. If death or serious injury, not less than 20 years or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kg marijuana (but does not include 50 or more marijuana plants regardless of weight)  1 to 49 marijuana plants	Not less than 5 years. Fine not more than \$250,000 if individual, \$1 million if other than individual.	Not less than 10 years. Fine \$500,000 if individual, \$2 million if other than individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

**State Drug and Alcohol Statutes**

COLORADO	
Category	Summary (Colorado Revised Statutes)
Possession of Marijuana	Possessing, using, displaying, purchasing, or transporting marijuana accessories or 1 ounce or less of marijuana is legal in the state of Colorado. See Colo. Const. Art. XVIII, Section 16. A person under 21 years of age who possesses 1 ounce or less of marijuana or consumes marijuana anywhere in the state of Colorado commits illegal possession or consumption of marijuana by an underage person. See C.R.S.A. § 18-13-122. As the amount of marijuana increases, the crime classification becomes more severe and related penalties increase.
Controlled Substances	Colorado statutes cover offenses and varying penalties related to unlawful possession, use, and distribution of controlled substances and materials (“precursor drugs”) used to make controlled substances. See C.R.S.A. §§ 18-18-401 –18-18-433. Penalties vary widely based on whether the individual intended to manufacture, sell, or use the drug. See C.R.S.A. § 18-1.3-401.5.  Any person who uses any controlled substance (other than marijuana), except when it is dispensed by or under the direction of a person licensed or authorized by law to prescribe, administer, or dispense the controlled substance for bona fide medical needs, commits a level 2 drug misdemeanor. See C.R.S.A. § 18-18-404. A person who commits a felony drug offense is considered a “special offender” and subject to heightened



COLORADO	
Category	Summary (Colorado Revised Statutes)
	<p>penalties if he or she, as part of the offense: engaged in a drug conspiracy or continuing criminal enterprise; imported into the state more than 14 grams of any Schedule I or II controlled substance or more than 7 grams of methamphetamine, heroin, ketamine, or cathinone; used, displayed, or possessed deadly weapon or firearm; used a minor as his or her agent; earned a substantial part of his or her income; or distributed or manufactured any controlled substance near a school or public housing development. See C.R.S.A. § 18-18-407.</p> <p>As an example, a person who possesses nonprescription drugs (i.e., pseudoephedrine) with the intent to manufacture any controlled substance is guilty of a level 2 drug felony. This offense has a presumptive range of 4 to 8 years of imprisonment and/or a fine between \$3,000 and \$750,000.</p>
Alcohol & Minors	<p>Pursuant to C.R.S.A. § 18-13-122, it is illegal for a minor to consume or be in possession of alcohol. Courts can impose penalties such as probation, community service, driver's license suspension, and or alcohol education/treatment.</p> <p>It is also unlawful for any person to sell, serve, give, or deliver alcohol to any person under age 21. See C.R.S.A. § 44-3-901. A parent or legal guardian of a person under 21 may give or permit the possession and consumption of alcohol by a person under 21 in their presence and on private property. See C.R.S.A. § 18-13-122.</p> <p>It is unlawful for a minor to obtain or attempt to obtain any alcohol by misrepresentation of age. See C.R.S.A. § 44-3-901.</p>
Driving Under the Influence (DUI)	<p>A person who drives a motor vehicle or other vehicle under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, commits the offense of driving under the influence. See C.R.S.A. § 42-4-1301. "Under the influence" means a blood alcohol content of over 0.08 percent. Driving under the influence is a misdemeanor, but it is a Class 4 felony if the violation occurred after three or more prior convictions. A driver who doesn't have a blood alcohol over 0.08 percent can still be charged with driving while ability impaired ("DWAI"). <i>Id.</i></p>



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

Consistent with applicable laws, the University prohibits dating violence, domestic violence, sexual assault, and stalking. Sexual harassment, dating violence, domestic violence, sexual assault, and stalking are forms of sex discrimination, which are prohibited under Title IX and by University policy. The University’s Equal Opportunity, Harassment, and Nondiscrimination Policy is used to address complaints of this nature, as well as the procedures for filing, investigating, and resolving complaints. View the Equal Opportunity, Harassment, and Nondiscrimination Policy at: <https://www.phoenix.edu/content/dam/altcloud/doc/Equal-Opportunity-Harrasment-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  
4025 S. Riverpoint Parkway  
Mail Stop: CF-K303  
Phoenix, AZ 85040  
[TIXC@phoenix.edu](mailto: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.

### **Primary Prevention and Awareness Program**

The University 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. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

### **Crime Definitions - Colorado Revised Statutes**

<b>COLORADO</b>	
<b>Crime Type</b>	<b>Definitions (Colorado Revised Statutes)</b>
Dating Violence	The institution has determined, based on good-faith research, that Colorado law does not define the term dating violence.
Domestic Violence (Colo. Rev. Stat. § 18-6-800.3)	<ul style="list-style-type: none"> <li>"Domestic violence" means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic violence" also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment,</li> </ul>



COLORADO	
Crime Type	Definitions (Colorado Revised Statutes)
	<p>intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.</p> <ul style="list-style-type: none"> <li>"Intimate relationship" means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.</li> </ul>
Stalking (Colo. Rev. Stat. § 18-3-602)	<p>A person commits stalking if directly, or indirectly through another person, the person knowingly: (a) Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or (b) Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or (c) Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph (c), a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.</p>
Sexual Assault	<ul style="list-style-type: none"> <li>Sexual Assault (Colo. Rev. Stat. § 18-3-402): Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if: (a) The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or (b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or (c) The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or (d) At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or (e) At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the actor is at least ten years older than the victim and is not the spouse of the victim; or (f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or (g) The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or (h) The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.</li> <li>Sexual Assault on a Child (Colo. Rev. Stat. § 18-3-405): Any actor who knowingly subjects another not his or her spouse to any sexual contact commits sexual assault on a child if the victim is less than fifteen years of age and the actor is at least four years older than the victim.</li> <li>Sexual Assault on a Child by One in a Position of Trust (Colo. Rev. Stat. § 18-3-405.3): Any actor who knowingly subjects another not his or her spouse to any sexual contact commits sexual assault on a child by one in a position of trust if the victim is a child less than eighteen years of age and the actor committing the offense is one in a position of trust with respect to the victim.</li> </ul>
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Colorado law are as follows:</p> <ul style="list-style-type: none"> <li>Rape: The institution has determined, based on good-faith research, that Colorado law does not define the term rape.</li> </ul>



<b>COLORADO</b>	
<b>Crime Type</b>	<b>Definitions (Colorado Revised Statutes)</b>
	<ul style="list-style-type: none"> <li>• Fondling: The institution has determined, based on good-faith research, that Colorado law does not define the term fondling.</li> <li>• Incest (Colo. Rev. Stat. § 18-6-301): Any person who knowingly marries, inflicts sexual penetration or sexual intrusion on, or subjects to sexual contact, as defined in section 18-3-401, an ancestor or descendant, including a natural child, child by adoption, or stepchild twenty-one years of age or older, a brother or sister of the whole or half blood, or an uncle, aunt, nephew, or niece of the whole blood commits incest, which is a class 4 felony. For the purpose of this section only, "descendant" includes a child by adoption and a stepchild, but only if the person is not legally married to the child by adoption or the stepchild.</li> <li>• Aggravated Incest (Colo. Rev. Stat. § 18-6-302): A person commits aggravated incest when he or she knowingly:               <ul style="list-style-type: none"> <li>○ Marries his or her natural child or inflicts sexual penetration or sexual intrusion on or subjects to sexual contact, as defined in section 18-3-401, his or her natural child, stepchild, or child by adoption, but this paragraph (a) shall not apply when the person is legally married to the stepchild or child by adoption. For the purpose of this paragraph (a) only, "child" means a person under twenty-one years of age.</li> <li>○ Marries, inflicts sexual penetration or sexual intrusion on, or subjects to sexual contact, as defined in section 18-3-401, a descendant, a brother or sister of the whole or half blood, or an uncle, aunt, nephew, or niece of the whole blood who is under ten years of age.</li> </ul> </li> <li>• Statutory Rape: The institution has determined, based on good-faith research, that Colorado law does not define the term statutory rape.</li> </ul>
Other "sexual assault" crimes	<p>Other crimes under Colorado law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> <li>• Unlawful Sexual Contact (Colo. Rev. Stat. § 18-3-404)               <ul style="list-style-type: none"> <li>○ Any actor who knowingly subjects a victim to any sexual contact commits unlawful sexual contact if: (a) The actor knows that the victim does not consent; or (b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or (c) The victim is physically helpless and the actor knows that the victim is physically helpless and the victim has not consented; or (d) The actor has substantially impaired the victim's power to appraise or control the victim's conduct by employing, without the victim's consent, any drug, intoxicant, or other means for the purpose of causing submission; or (e) [Repealed]; (f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority, unless incident to a lawful search, to coerce the victim to submit; or (g) The actor engages in treatment or examination of a victim for other than bona fide medical purposes or in a manner substantially inconsistent with reasonable medical practices.</li> <li>○ Any person who knowingly, with or without sexual contact, induces or coerces a child by any of the means set forth in section 18-3-402 to expose intimate parts or to engage in any sexual contact, intrusion, or penetration with another person, for the purpose of the actor's own sexual gratification, commits unlawful sexual contact. For the purposes of this subsection (1.5), the term "child" means any person under the age of eighteen years.</li> </ul> </li> </ul>
Consent (as it relates to sexual activity) (Colo. Rev. Stat. § 18-3-401)	<p>"Consent" means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent under the provisions of this part 4. Submission under the influence of fear shall not constitute consent. Nothing in this definition shall be construed to affect the admissibility of evidence or the burden of proof in regard to the issue of consent under this part 4.</p>



## ***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***

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Know your resources.
  - Determine who 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, (602) 557-7000 or (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 sticky 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.
- Grab 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.

Technology may also aid with preventing violence before it happens:

- **Circle of 6** – Free app for iPhone and Android makes it quick and easy to reach the 6 people you choose. If you need help getting home or need an interruption, two taps lets your circle know where you are and how they can help. For more information, visit <http://www.circleof6app.com/>.
- **The ASPIRE News App** – ASPIRE News is a free application for iPhone and Android which contains summaries of top stories in world, sports, and entertainment news, from the When Georgia Smiled: The Robin McGraw Revelation Foundation (and powered by Yahoo!). 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/>.
- **myPlan App** – myPlan was created to help people determine if a friend or family member is in an unsafe intimate relationship, and if so how to support them. For more information, visit [http://www.joinonlove.org/my\\_plan\\_app](http://www.joinonlove.org/my_plan_app).

All persons should keep the following in mind before engaging in 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; Jekyll-and-Hyde personality.

Become familiar with the warning signs and red flags of abusive relationships:

- 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 doesn't seem right, show you **C.A.R.E.** and consider the following ways to step in:

**Create a distraction.** Do what you can to interrupt the situation. A distraction can give the person at risk a chance to get to a safe place.



- Cut off the conversation with a diversion like, “Let’s get pizza, I’m starving,” or “This party is lame. Let’s try somewhere else.”
- Bring out fresh food or drinks and offer them to everyone at the party, including the people you are concerned about.
- Start an activity that draws other people in, like a game, a debate, or a dance party.

**Ask directly.** Talk directly to the person who might be in trouble.

- Ask questions like “Who did you come here with?” or “Would you like me to stay with you?”

**Refer to an authority.** Sometimes the safest way to intervene is to refer to a neutral party with the authority to change the situation, like a security guard.

- Talk to a security guard or another employee about your concerns. It’s in their best interest to ensure that their patrons are safe, and they will usually be willing to step in.
- Don’t hesitate to **call 9-1-1** if you are concerned for someone else’s safety.

**Enlist others.** It can be intimidating to approach a situation alone. Enlist another person to support you.

- Ask someone to come with you to approach the person at risk. When it comes to expressing concern, sometimes there is power in numbers.
- Ask someone to intervene in your place. For example, you could ask someone who knows the person at risk to escort them to the bathroom.
- Enlist a friend of the person you’re concerned about. “Your friend looks like they’ve had a lot to drink. Can you check on them?”

The University’s *Sexual Assault Awareness and Prevention Training* includes safe and positive options for bystander intervention. For more information on this training, please contact the Campus Safety Coordinator.

### ***Other Information Covered by the PPAP***

The PPAP also provides information on supportive measures and available resources, an explanation of the grievance process that is followed when dating violence, domestic violence, sexual assault, or stalking is alleged, the rights of the parties in such a proceeding, possible sanctions that may be imposed following a determination that dating violence, domestic violation, sexual assault, or stalking has occurred, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

### **Ongoing Prevention and Awareness Campaign**

The University also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. 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 dating violence, domestic violence, sexual assault, and stalking.



## PPAP and OPAC Programming Methods

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.** Students and faculty must review and acknowledge the Title IX training each year. The Title IX training includes what Title IX is, the University's responsibilities under Title IX, what behaviors are covered under Title IX, what rights and protections are granted under Title IX, how to report a Title IX concern, and possible sanctions if a violation of Title IX is found.
- **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. 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 at each local campus. 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., CARE strategies) and risk reduction
  - Resources for survivors
  - Information on how alcohol and other drug use could impact the risk of sexual assault
- The University 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 the online student eCampus website under the *Program* tab in the *Student Support* section. The LRC offers services that are confidential, available 24/7/365, accessible by calling (866) 320-2817, and free to students.
- The University provides an **Employee Assistance Program** (EAP) as an employee benefit. All employees have access to the EAP whether or not they obtain other benefits through the University. Information about the program is available at all times through the *Benefit Central* site at <https://compass.empyreanbenefits.com/UOPX>. This service provides information on sexual assault, dating violence, domestic violence, and stalking along with referral services and treatment sessions as 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 University's Corporate Security and Title IX teams have 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 other 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](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.

## 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 (602) 557-7000 or (866) 992-3301, the University's Title IX Coordinator at (602) 557-1823, 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 University of Colorado Hospital (UCHealth) at 12605 E. 16<sup>th</sup> Ave., Aurora, CO 80045; (720) 848-8451.

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) (602) 557-7000 or (866) 992-3301
- Lone Tree Police Department; 9220 Kimmer Dr. #120, Lone Tree, CO 80124; (303) 799-0533
  - 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***

In Colorado, victims may obtain a protection order, which provides protective relief for victims of dating violence, domestic violence, sexual assault, or stalking. A protection order may be obtained by filing a petition with the court. Several protection orders are available in Colorado. Information about Colorado Protection Orders may be found at:

[https://www.courts.state.co.us/Forms/Forms\\_List.cfm?Form\\_Type\\_ID=24](https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=24).

Filing for an order of protection can take place at any courthouse, police department, or sheriff/constable office. Contact the Douglas County Courthouse, 4000 Justice Way, Ste. 2009, Castle Rock, CO 80109, (720) 437-6200, [douglasjury@judicial.state.co.us](mailto:douglasjury@judicial.state.co.us). A victim should be prepared to present documentation and/or other forms of evidence when filing for an order of protection.

Victims may contact local domestic violence and sexual assault advocates for assistance in obtaining a protective order:

- The Colorado Coalition Against Sexual Assault (CCASA) provides leadership, advocacy, and support to address and prevent sexual violence. CCASA is located at 1330 Fox St., Ste. 2, Denver, CO 80204. To reach CCASA call (303) 839-9999, e-Mail [info@ccasa.org](mailto:info@ccasa.org), or visit <https://www.ccasa.org/>.

When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.



The institution will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator, CSA and/or Campus Safety Coordinator, and the SOC and provide a copy of the restraining order so that it may be kept on file with the institution and can be enforced on campus, if necessary. Upon learning of any orders, the institution will take all reasonable and legal action to implement the order.

The institution does not issue legal orders of protection; however, as a matter of institutional policy, UOPX may impose a no-contact order between individuals in appropriate circumstances. UOPX may also issue a “no trespass warning” if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

## 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 eCampus website under the "Program" tab in the *Student Support* section. The Life Resource Center offers free services that are confidential, available 24/7/365, accessible by calling (866) 320-2817. Services include:
  - life coaches to assist in areas such as time management skills, work-life balance skills, managing change/transitions, and managing stress;
  - the Online Counseling Center to get short-term counseling on issues including managing stress, relationship issues, family concerns, substance abuse, grief, trauma, loss, anxiety, and depression;
  - career coaching for students during any part of the career development process, from setting career goals to negotiating a salary; and
  - online seminars.
- **Employee Resources** - University of Phoenix provides an Employee Assistance Program (EAP) as an employee benefit. All employees have access to EAP whether or not they obtain other benefits through the university. Information about the program is available at all times through the Benefit Central site at <https://compass.empyreanbenefits.com/UOPX>. This service provides referral services and treatment sessions as needed. Work-Life Services are also offered to help with problems that often overwhelm people; those problems include legal, financial, identity theft, elder and childcare, housing, education, personal services, and a host of other needs. Calls and online inquiries are tracked by category. Employees enrolled in health care plans can obtain additional substance abuse benefits, including outpatient and inpatient services through providers contracted with their health care plan.
- **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, he/she 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**

- Sky Ridge Medical Center Lone Tree: (720) 225-1000
- UCHHealth Aurora: (720) 848-8451
- Centura Health: (303) 649-3100
- Colorado Crisis Hotline: (844) 493-8255
- Colorado Victims Services: (719) 226-4709

## **National Resources**

- National Domestic Violence Hotline: (800) 799-7233
- National Sexual Assault Hotline: (800) 656-4673
- loveisrespect: (866) 331-9474, <http://www.loveisrespect.org/>, or 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/>
- U.S. Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- The NW Network: (206) 568-7777 or <http://nwnetwork.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>
- Casa de Esperanza: 651-772-1611, [info@casadeesperanza.org](mailto:info@casadeesperanza.org), or <https://www.casadeesperanza.org/>

## **Accommodations and Other Supportive Measures**

For an understanding of how the University applies accommodations and other supportive measures, please view the Equal Opportunity, Harassment, and Nondiscrimination Policy at: [https://www.phoenix.edu/about\\_us/title-ix.html](https://www.phoenix.edu/about_us/title-ix.html).

The University provides information about options for, and available assistance in, changing academic or working situations and other supportive measures. If accommodations or supportive measures are requested, and they are reasonably available, the University is obligated to provide them, regardless of whether a report is made to campus security or local law enforcement.

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





When determining the reasonableness of such a request, the University may consider, among other factors, the following:

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

The University will maintain as private any accommodations or supportive measures provided to the extent that maintaining privacy would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to a third-party in order to implement the accommodation or protective measure. Such decisions will be made by the University in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or supportive measure is provided. In the event it is necessary to disclose information about an involved in order to provide an accommodation or protective order, the University will inform that party of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared, and why.

## Procedures for Disciplinary Action

Allegations of domestic violence, dating violence, sexual assault, or stalking will be processed through the [University's Equal Opportunity, Harassment, and Nondiscrimination Policy](#) and the related complaint resolution procedures.

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](mailto:TIXC@phoenix.edu). To file a report online, an electronic form is available at [https://www.phoenix.edu/about\\_us/title-ix.html](https://www.phoenix.edu/about_us/title-ix.html).

Once a formal complaint is made, the Title IX Coordinator will promptly provide notice, 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 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

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

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 University'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 University'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 impartially and without bias.
  - 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](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. Have the outcome determined using 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.

## **Possible Sanctions or Supportive Measures that the University May Impose for Dating Violence, Domestic Violence, Sexual Assault, or Stalking Offenses**

For the University's full policy on possible sanctions and supportive measures, please view the Equal Opportunity, Harassment, and Nondiscrimination Policy at: [https://www.phoenix.edu/about\\_us/title-ix.html](https://www.phoenix.edu/about_us/title-ix.html).

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 range of sanctions that may be imposed upon students, faculty, and staff.

- **Range of Sanctions – Students**
  - Warning, suspension, expulsion, withholding diploma, revocation of degree, other actions as deemed appropriate
- **Range of Sanctions – Part-Time Faculty**
  - Warning, implementation of a remediation plan, removal from assigned course(s), restrictions on future teaching assignments, loss of teaching privileges altogether, other actions as deemed appropriate
- **Range of Sanctions – Staff and Full-Time Faculty**
  - Warning, performance improvement/management process, required training or education, loss of oversight or supervisory responsibility, demotion, suspension with pay, suspension without pay, termination, other actions as deemed appropriate

In addition, the University can make available a range of supportive 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 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**

The University 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.

### **Victims to Receive Written Notification of Rights**

When a student or employee reports to the University that he or she has 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 as described in the paragraphs above.

### **Sex Offender Registration Program**

The Campus Sex Crimes Prevention Act of 2000 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 Colorado Bureau of Investigation at (303) 239-4222.

State registry of sex offender information may be accessed at the following link:

<https://apps.colorado.gov/apps/dps/sor/>.



## Crime Statistics

Crime statistics are for our previous **UOPX Colorado Campus** location at 10004 Park Meadows Dr., Lone Tree, CO 80124 which is no longer enrolling new students and remaining classes are being taught off-site. The statistical summary of crimes for the **UOPX Colorado Campus** over the past three calendar years follows:

Crime	On-Campus			Noncampus			Public Property		
	2019	2018	2017	2019	2018	2017	2019	2018	2017
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:** The University does not have on-campus student housing facilities.

### Hate Crimes

**2019:** No hate crimes reported.

**2018:** No hate crimes reported.

**2017:** No hate crimes reported.



**Statistics for Unfounded Crimes Provided by Law Enforcement Agencies**

**2019:** 0 unfounded crimes.

**2018:** 0 unfounded crimes.

**2017:** 0 unfounded crimes.

**Data from Law Enforcement Agencies**

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the University's Clery Geography.