



ABILENE CHRISTIAN UNIVERSITY

2024 Annual Campus Crime, Security, and Fire Safety Report



In accordance and compliance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, the Higher Education Opportunity Act (the Clery Act), and amendments required by the Violence Against Women Reauthorization Act of 2013, the Abilene Christian University Police Department 2024 Annual Campus Crime, Security and Fire Safety Report (The Report) is distributed annually to all students and employees, is made available to all prospective students and employees, and is also listed for public view via the ACU Police Department (ACUPD) web page.

The Report for 2024 includes crime statistics and other information for each of the three most recent calendar years of 2023, 2022, and 2021. The crimes listed in The Report for each ACU campus are those required for disclosure under The Clery Act, and which occurred on the campus, in campus buildings, non-campus buildings and properties owned or controlled by ACU, and on public properties immediately adjacent to and accessible from an ACU campus. These crimes include those reported to ACUPD and certain other university officials, as well as those reported to local law enforcement authorities such as the City of Abilene Police Department, the Addison Police Department (for ACU-Dallas), or local foreign law enforcement agencies at any of the applicable ACU Study Abroad campuses in England, Uruguay, or Germany.

The Report includes crime statistics (separated by campus), reporting procedures, and services available at ACU-Abilene, ACU-Dallas, and the three ACU Study Abroad campuses in England, Uruguay, or Germany. In addition to campus police records, statistics provided by other campus offices including the Dean of Students and other Campus Security Authorities as defined by Federal Law, are also documented or included in this report. The ACUPD Chief of Police is responsible for preparing and publishing this report.

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

The crime statistics published in this report are also filed annually with the US Department of Education, Office of Postsecondary Education, and can be viewed at the US Dept. of Education link:

<https://ope.ed.gov/campussafety/#/>

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To the ACU community,

On behalf of the men and women of the Abilene Christian University's Police Department (ACUPD), we would like to thank you for allowing us to serve you each day. We consider it a privilege to serve and protect such a wonderful community. Each one of our officers makes your safety a top priority each day and are committed to making this community an enjoyable experience for you.

The mission of ACUPD is to provide the entire Wildcat community – students, faculty, staff, alumni and visitors to our campus and neighborhoods on the Hill – a safe place to live, learn and work. However, we cannot complete that mission on our own. We recognize that each member of the community plays a vital role in our overall safety. We depend on everyone, including you, to do their part. Always report crimes and suspicious activity to ACUPD immediately, 24/7 at 325-674-2911.

I appreciate you taking an interest in this annual report showing certain policies, crime statistics and fire safety information as required by federal law. The document, legally referred to as the Annual Security Report, is required under federal law known as the Jeanne Clery Disclosure of Campus Security Police and Crime Statistics Act. It is intended to be a resource to help keep our community informed, aware and enabled to make decisions about crime, policies and how they can best protect themselves.

Thank you for being a part of this amazing university and the Wildcat family. We are honored to be a part of your life and thank you for allowing us to be entrusted with your safety. It is a responsibility we take seriously. We encourage you to read through this report thoroughly and welcome your feedback. If you have suggestions on how we can better serve you or have other questions about ACUPD, please call at 325-674-2305 or email acupolice@acu.edu

Sincerely,

Jason Ellis

Chief of Police

Abilene Christian University Police Department

ABILENE CHRISTIAN UNIVERSITY MAIN CAMPUS – ABILENE: CLERY REPORTABLE CRIMES

CLERY REPORTABLE OFFENSES	2021				2022				2023			
	ON CAMPUS PROPERTY		PUBLIC PROPERTY	NON-CAMPUS	ON CAMPUS PROPERTY		PUBLIC PROPERTY	NON-CAMPUS	ON CAMPUS PROPERTY		PUBLIC PROPERTY	NON-CAMPUS
	ON CAMPUS	RES HALL			ON CAMPUS	RES HALL			ON CAMPUS	RES HALL		
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	1	1	1	0	1	1	0	0	0	0	0	0
FONDLING	1	0	0	0	2	2	0	0	1	0	0	0
INCEST	0	0	0	0	0	0	0	0	1	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	1	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	1	1	0	0	0	0	0	0	1	1	0	0
BURGLARY	5	0	0	0	5	0	0	0	2	0	0	0
MOTOR VEHICLE THEFT	1	0	0	0	0	0	0	0	2	0	0	0
ARSON	1	0	0	0	0	0	0	0	0	0	0	0
ARREST												
DRUG VIOLATIONS	8	8	0	0	3	3	0	0	0	0	1	0
LIQUOR LAW VIOLATIONS	12	9	1	0	9	7	1	0	3	3	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
REFERRALS FOR DISCIPLINARY ACTION												
DRUG VIOLATIONS	0	0	0	0	1	1	0	0	5	5	0	0
LIQUOR LAW VIOLATIONS	5	5	0	0	3	2	0	0	23	20	3	0
WEAPONS LAW VIOLATIONS	1	1	0	0	0	0	0	0	1	1	0	0
VIOLENCE AGAINST WOMAN ACT REPORTABLE OFFENSES (VAWA)												
DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	2	0	0	0	2	2	0	0	1	0	0	0
STALKING	3	0	0	0	5	2	0	0	2	0	0	0

Data sources include the ACU Police Department, Abilene Police Department, and Dean of Students. This information is subject to modification or update at any time. Statistics consist of all categories and subsets of crimes required for reporting under the Clery Act: **HATE CRIMES:** 2020, 2021, 2022(zero) Hate Crimes were reported. **PUBLIC PROPERTY:** all public property, including thoroughfares, streets, sidewalks, and parking facilities within the campus or immediately adjacent to, and accessible from the campus. **NON-CAMPUS PROPERTY** refers to any off-campus building or property owned or controlled by ACU and which is used in direct support of, or in relation to, ACU's educational purpose, is frequently used by students, and is not within the same reasonable contiguous geographic area of ACU. **UNFOUNDED CRIMES:** 2020: 0; 2021 -0; 2022 - 0

ABILENE CHRISTIAN UNIVERSITY – DALLAS: CLERY REPORTABLE CRIMES

CLERY REPORTABLE OFFENSES	2021				2022				2023			
	ON CAMPUS PROPERTY		PUBLIC PROPERTY		ON CAMPUS PROPERTY		PUBLIC PROPERTY		ON CAMPUS PROPERTY		PUBLIC PROPERTY	
	ON CAMPUS	RES HALL	NON-CAMPUS	NON-CAMPUS	ON CAMPUS	RES HALL	NON-CAMPUS	NON-CAMPUS	ON CAMPUS	RES HALL	NON-CAMPUS	NON-CAMPUS
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	0	0	0	0	0	0	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0	0	0	0	0	0	0
INCEST	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	1	0	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0	0	0	0	0
ARREST												
DRUG VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
REFERRALS FOR DISCIPLINARY ACTION												
DRUG VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
VIOLENCE AGAINST WOMAN ACT REPORTABLE OFFENSES (VAWA)												
DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0
STALKING	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes – 2021, 2022, 2023 – Zero Hate Crimes Reported
 Unfounded Crimes – 2021, 2022, 2023 – Zero Unfounded Crimes

ACU DALLAS CAMPUS

ACU Dallas, located on the 8th floor of the One Hanover Park office building at 16633 Dallas Parkway, Suite 600, Addison, Texas is a separate Abilene Christian University campus coordinating ACU Online class offerings as well as hosting limited on-site Communication Sciences and Disorders Master's Degree and other short-term graduate classes to students and a variety of training classes for students and non-students.

ACU Dallas is a non-residential site, with no on-campus housing offered. Clery Act Crime Statistics as furnished to ACUPD by the Addison Texas Police Department are included in the table. All ACU main campus policies are in effect at ACU Dallas, including Clery, Title IX, VAWA Crime Investigations, and Emergency and Timely Warning notification systems. The ACU main campus in Abilene maintains a fully licensed Texas police department on its campus. Those ACUPD officers also have jurisdiction and authority in any Texas county in which ACU owns or controls property while the officers are in the county carrying out assigned duties. For immediate ACU Dallas emergencies, students/faculty/staff are instructed to call 911, which engages the City of Addison Police Department, the first responders for ACU Dallas. Although there is no written memorandum of understanding between ACUPD and Addison PD, verbal meetings of both departments' commanders have generated a verbal understanding that if a crime is reported with which ACUPD can assist Addison PD, the investigation will be conducted jointly with the necessary officers from ACUPD. For Clery crime reporting purposes, reportable crimes can be reported to ACU Dallas Campus Security Authorities described in greater detail later in this Report, OR directly to ACUPD. The process of reporting crimes is also detailed later in this Report.

ABILENE CHRISTIAN UNIVERSITY – LEIPZIG, GERMANY
CLERY REPORTABLE CRIMES

CLERY REPORTABLE OFFENSES	2021				2022				2023			
	ON CAMPUS PROPERTY		PUBLIC PROPERTY	NON-CAMPUS	ON CAMPUS PROPERTY		PUBLIC PROPERTY	NON-CAMPUS	ON CAMPUS PROPERTY		PUBLIC PROPERTY	NON CAMPUS
	ON CAMPUS	RES HALL			ON CAMPUS	RES HALL			ON CAMPUS	RES HALL		
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	0	0	0	0	0	0	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0	0	0	0	0	0	0
INCEST	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0	0	0	0	0
ARREST												
DRUG VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
REFERRALS FOR DISCIPLINARY ACTION												
DRUG VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
VIOLENCE AGAINST WOMAN ACT REPORTABLE OFFENSES (VAWA)												
DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0
STALKING	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes – 2021, 2022, 2023 – Zero Hate Crimes Reported
 Unfounded Crimes – 2021, 2022, 2023 – Zero Unfounded Crimes

ABILENE CHRISTIAN UNIVERSITY – MONTEVIDEO, URUGUAY
CLERY REPORTABLE CRIME

CLERY REPORTABLE OFFENSES	2021				2022				2023			
	ON CAMPUS PROPERTY				ON CAMPUS PROPERTY				ON CAMPUS PROPERTY			
	ON CAMPUS	RES HALL	PUBLIC PROPERTY	NON-CAMPUS	ON CAMPUS	RES HALL	PUBLIC PROPERTY	NON-CAMPUS	ON CAMPUS	RES HALL	PUBLIC PROPERTY	NON-CAMPUS
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	0	0	0	0	0	0	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0	0	0	0	0	0	0
INCEST	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0	0	0	0	0
ARREST												
DRUG VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
REFERRALS FOR DISCIPLINARY ACTION												
DRUG VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
VIOLENCE AGAINST WOMAN ACT REPORTABLE OFFENSES (VAWA)												
DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0
STALKING	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes – 2021, 2022, 2023 – Zero Hate Crimes Reported
 Unfounded Crimes – 2021, 2022, 2023 – Zero Unfounded Crimes

ABILENE CHRISTIAN UNIVERSITY – OXFORD, ENGLAND
CLERY REPORTABLE CRIME

Campus Closed Fall 2021 9 & 10 Canterbury Road, Oxford, OX2 6LU, United Kingdom

CLERY REPORTABLE OFFENSES	2021				2022				2023			
	ON CAMPUS PROPERTY		PUBLIC PROPERTY		ON CAMPUS PROPERTY		PUBLIC PROPERTY		ON CAMPUS PROPERTY		PUBLIC PROPERTY	
	ON CAMPUS	RES HALL	NON-CAMPUS	ON CAMPUS	RES HALL	NON-CAMPUS	ON CAMPUS	RES HALL	NON-CAMPUS	ON CAMPUS	RES HALL	NON-CAMPUS
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	0	0	0	0	0	0	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0	0	0	0	0	0	0
INCEST	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0	0	0	0	0
ARREST												
DRUG VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
REFERRALS FOR DISCIPLINARY ACTION												
DRUG VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
VIOLENCE AGAINST WOMAN ACT REPORTABLE OFFENSES (VAWA)												
DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0
STALKING	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes – 2021, 2022, 2023 – Zero Hate Crimes Reported
 Unfounded Crimes – 2021, 2022, 2023 – Zero Unfounded Crimes

ABILENE CHRISTIAN UNIVERSITY – OXFORD, ENGLAND
CLERY REPORTABLE CRIME

NEW CAMPUS OPENED FALL 2021 – 163 Woodstock Road, Oxford, OX2 7NA

CLERY REPORTABLE OFFENSES	2021				2022				2023			
	ON CAMPUS PROPERTY		PUBLIC PROPERTY		ON CAMPUS PROPERTY		PUBLIC PROPERTY		ON CAMPUS PROPERTY		PUBLIC PROPERTY	
	ON CAMPUS	RES HALL	NON-CAMPUS	NON-CAMPUS	ON CAMPUS	RES HALL	NON-CAMPUS	NON-CAMPUS	ON CAMPUS	RES HALL	NON-CAMPUS	NON-CAMPUS
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	0	0	0	0	0	0	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0	0	0	0	0	0	0
INCEST	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0	0	0	0	0
ARREST												
DRUG VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
REFERRALS FOR DISCIPLINARY ACTION												
DRUG VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
VIOLENCE AGAINST WOMAN ACT REPORTABLE OFFENSES (VAWA)												
DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0
STALKING	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes –2021, 2022 – Zero Hate Crimes Reported
 Unfounded Crimes –2021, 2022 – Zero Unfounded Crimes

ACU POLICE DEPARTMENT AUTHORITY AND JURISDICTION

Abilene Christian University is authorized by Texas law to operate a campus police department. The Abilene Christian University Police Department (ACUPD) staff consists of fourteen (14) full-time police officers, reserve (5) reserve / other police officer, three (3) part-time, noncommissioned parking enforcement student employees, and various office clerical personnel. ACUPD is staffed and fully operational twenty-four hours a day, seven days a week, and 365 days a year.

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

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

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

ACUPD maintains a close working relationship with the City of Abilene Police Department, Taylor County Sheriff's Department, the local office of the Texas Department of Public Safety, and the local field office of the FBI. ACUPD operates on the City of Abilene Police Department radio system which serves APD, the Abilene Fire Department, ACUPD, and the City of Abilene Emergency Management Office. Because ACUPD is on this City of Abilene system, ACUPD has continuous radio contact with the Abilene Police Department, Abilene Fire Department, and the city of Abilene Emergency Management Office. As requested by APD, ACU community members, or other area residents, ACUPD responds to police-related, and emergency calls in the neighborhoods immediately adjacent to the campus. ACUPD is an active member of a formal network of information sharing maintained by the Abilene Police Department.

By written agreement via a Memorandum of Understanding between ACUPD and Abilene PD, ACUPD acts as the primary response agency for law enforcement and investigative needs for all calls and offenses that occur on the ACU campus and other ACU owned non-campus properties. When necessary, ACUPD may call upon APD for response investigative assistance of certain criminal offenses that occur on campus. In the event that either ACUPD or a victim requests APD's involvement in the investigation of an on-campus offense, the investigation is conducted as a joint investigation by both agencies. When ACUPD handles students or

university employees or non-ACU affiliated individuals in matters constituting violations of local, state, or federal laws, the involved parties are subject to arrest, citation, prosecution as authorized by applicable criminal laws. When ACU students or employees are the subject of criminal investigations or offenses being investigated by ACUPD in addition to the applicable criminal filing or prosecution processes, if the matter involves a violation of the ACU Student Code of Conduct or ACU Employee Standards, the matter is also referred to the ACU Dean of Students (if involving a student), or the ACU Chief Human Resources Officer (if involving a staff or faculty member) as applicable for any possible administrative violations, sanctions or discipline.

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

ACU POLICE DEPARTMENT LOCATION AND CONTACT INFORMATION

ACUPD is located on the ACU campus at 1634 Campus Court and can be contacted by telephone 24/7 by dialing either 325-674-2305 or 325-674-2911. Callers using a campus network telephone may call ACUPD by dialing “2305” or “2911”. Calls made to any of these four numbers are answered and handled by ACUPD personnel. Callers may also dial “9-1-1,” in which case the call will be routed to the city of Abilene 9-1-1 Call Center for assessment and subsequent dispatching of ACUPD and/or APD officers, EMS, fire, other emergency personnel as appropriate.

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

GENERAL PROCEDURES FOR REPORTING A CRIME OR EMERGENCY

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

ACUPD RESPONSE TO A CALL FOR SERVICE

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

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

CONFIDENTIAL REPORTING PROCEDURES

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

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

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

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

MISSING PERSONS REPORTING PROCEDURES

The Clery Act and the Higher Education Opportunity Act of 2008 requires institutions that maintain on-campus housing facilities to establish a missing student notification policy and procedure. The following policy and procedure are applicable to ACU-Abilene; ACU – Oxford, England; ACU – Leipzig, Germany; ACU – Montevideo, Uruguay.

Whenever **any** student is believed to be missing, that information should be reported immediately to ACUPD at (325) 674-2911. In addition to ACUPD, missing person reports for students who reside in any on-campus housing facility may also be filed with any ACU Residence Life staff member or the Office of the Vice President for Student Life. Missing person reports for Abilene students who live off-campus should be reported directly to ACUPD.

All reports regarding missing students filed with Residence Life staff members or the office of the Vice President of Student Life, are to be immediately referred to ACUPD for investigation.

Once ACUPD has been made aware of a possible missing student situation, an ACUPD Missing Person report will be initiated, and an investigation begun immediately.

All students residing in on-campus student housing (ACU residence halls, ACU's University Park Apartments, and all ACU owned residential rental properties located adjacent to the ACU-Abilene campus) have the option to annually register confidential contact person(s) to be notified by ACUPD in the event the student is officially reported as missing and has been determined by ACUPD to be missing for 24 hours or more. The Missing Person Contact Person(s) can be registered by students within the ACU Banner System Registration process at the time of registering for classes each semester. The student can also update their contact information at any time in Banner.

The Missing Person Contact Person(s) information will be maintained as confidential and will only be accessible by authorized campus officials and may not be disclosed to anyone except to law enforcement personnel in furtherance of a missing person investigation.

The Missing Person Contact Person(s) is separate from any "Emergency Contacts" that a student might register elsewhere with the institution. Missing Person Contacts apply ONLY to missing student situations. Missing Person Contact Persons can be the same individuals a student may have as Emergency Contacts, but specifically, should be someone who will always have a general idea of the student's daily routines, whereabouts, and travel plans, information that would be pertinent to investigators.

Individuals named as a Missing Person Contact will be notified by ACUPD or ACU administrative officials at any time within 24 hours of when the student has been determined by the institution to be missing.

For students who are under 18 years of age and who are NOT legally emancipated/independent of their parents, in addition to notifying any Missing Person Contacts the student has registered, the institution is also required by law to notify a custodial parent or guardian within 24 hours of determining that the student is missing.

In the initial investigation Missing Person Investigation, ACUPD will complete a Missing Person case report and will focus on obtaining all known identifiers, description, and information pertaining to the missing person, including cell phone number, known vehicle information, ACU class schedule, etc. If the missing person resides in a residence hall or at ACU's University Park Apartments or any of the off-campus residential rental houses used as Student Housing, ACUPD will also contact the applicable Resident Director or Off-campus Housing coordinator to help ascertain any additional information related to the investigation such as checking the assigned room of the missing person, interviewing roommates/friends, last known whereabouts, current relationships, etc.

If a student has been determined to be missing for 24 hours or more, regardless of whether the student has identified a Missing Person Contact, or is above the age of 18, or is an emancipated minor, ACUPD will notify the Abilene Police Department (or if the missing persons case originates at any non-Abilene ACU campus, ACUPD will contact the law enforcement authority with applicable local jurisdiction) to coordinate missing person notification to that agency, begin information sharing/joint-investigative efforts in the ongoing investigation. *(Note that ACUPD is required to involve local law enforcement anytime a student has been determined to be missing for 24 hours but may also enact these local law enforcement notifications and partnerships at any time prior to 24 hours elapsing during a missing person investigation.)*

DAILY CRIME LOG

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

CRIME PREVENTION AND SAFETY/SECURITY AWARENESS PROGRAMS

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

Any presentation or topic is readily available to any student or employee group upon request. The standing theme of all ACU campus safety awareness and crime prevention programs is that students, faculty, and staff share responsibility for their own safety and the campus community's safety. Each person can do his/her part by immediately reporting all criminal or suspicious activity to ACUPD.

TIMELY WARNINGS

In an effort to provide timely notice to the ACU campus community in the event of a Clery Act category crime that occurs on any of the ACU campuses or on ACU owned/controlled properties, certain non-campus buildings/facilities, or on public property immediately adjacent to and accessible from ACU campus properties (or other near-campus areas not listed above) and which may pose a serious or continuing threat to members of the community, the ACU Police Department (ACUPD) issues "Timely Warnings." ACUPD will generally issue Timely Warnings for the following types of crimes only, and only if there is a continuing or serious threat the ACU community:

- Arson
- Aggravated Assault
- Burglary
- Criminal Homicide
- Hate Crimes
- Motor Vehicle Thefts
- Robbery
- Sexual Assaults
- Stalking
- Dating Violence
- Family Violence

Examples of certain criminal incidents that may not necessarily present a serious or continuing threat and therefore might not merit a Timely Warning, include the following:

- An assault between two individuals who have a disagreement and know each other. This may be an isolated event and presents no ongoing threat to the community.
- In the case of a delayed report. Some reports of crime are received well after they occurred creating situations where the information is no longer "timely." These will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information available.
- Crimes in which the perpetrator(s) have been apprehended, thereby eliminating the threat.
- Crimes in which an identified perpetrator is only targeting specific individuals to the exclusion of others, such as domestic violence.

NOTE: Universities are not required to provide a Timely Warning Notice related to crimes which were reported to ACU personnel in the course of their assigned employment capacity as a university chaplain or professional counselor.

ACUPD may post these Timely Warning notices through a variety of ways, including but not limited to campus-wide e-mails, ACU ALERT text messages/emails, and other media.

All Timely Warning notices will begin with “ACU POLICE TIMELY WARNING/CRIME ADVISORY” to indicate the severity of the message and will provide a brief description of the timely warning or emergency response notice. The information provided in a Timely Warning Notice may provide vital information on what actions you need to take if you are on campus during such a situation. A Timely Warning may include following information:

- Type of crime
- Date, time, and location of the crime
- Brief description of the incident
- Available suspect information
- Safety tips to help with the risk of being involved in a similar incident.
- For purposes of Timely Warning information, the names of victims will be considered as confidential and will always be excluded from Timely Warnings.

The purpose of these Timely Warnings is to notify the campus community of the incident and to provide information that may enable community members to protect themselves from similar incidents. ACUPD will issue Timely Warnings whenever the following criteria are met:

- 1) A Clery Act category crime has been reported and determined to have occurred on an ACU campus or on ACU owned/controlled properties, certain non-campus buildings/facilities, or on public property immediately adjacent to and accessible from ACU campus properties
- 2) The perpetrator has not been apprehended; and
- 3) There is a serious or continuing threat to the physical safety of other members of the campus community because of this crime.

Such crimes include but are not limited to Clery Act crimes that are reported to ACUPD or to local police, or to any campus security authority who refers the report to ACUPD.

Additionally, ACUPD may in some circumstances issue Timely Warnings for certain non-Clery category crimes or for crimes occurring at non-ACU locations near ACU campus properties, or when there is a pattern of crimes against persons or property. At Abilene Christian University, the ACUPD Chief of Police or designee, will generally make the final determination, sometimes in consultation with other senior university officials, if a Timely Warning will be issued.

Anyone with information warranting a timely warning or emergency response notification for any ACU campus may contact ACUPD-Abilene anytime 24hrs per day at 325-674-2911.

If you have urgent information or emergency circumstances pertaining to any ACU campus besides the main ACU-Abilene campus, please alert your local police or emergency services in your area or simply call 9-1-1 first, then follow-up as soon as possible with ACUPD-Abilene so that assessment of the situation and Timely Warning/Emergency Notification applicability can begin.

ACCESS TO MAIN CAMPUS FACILITIES

RESIDENCE HALLS

Abilene Christian University offers traditional residence halls and apartment style living that provide campus housing for approximately 2,500 ACU students. The safety and security of these residents, their property, and the facilities are important to the University. The office of Residence Life manages all on campus housing facilities and programming through residence halls and the on-campus apartments. Each ACU residence hall is staffed by a professional, live-in residence hall director (RD). In addition to RD's, each hall has a contingent of live-in Resident Advisors (RAs), Senior Resident Advisors (SRAs), and Community Assistants (CAs).

The RD position is a full-time exempt position with the university and is responsible for caring for student staff, residents, and the residence hall they are assigned to and live in. The SRA position is a student leadership position, focused on assisting the RD and providing peer mentorship to the RA positions in the hall. The RA position is focused primarily on the outreach to residents living on their assigned hallway as well as building community within the building. The CA position is primarily focused on providing a lobby presence and customer service during nighttime and early morning hours to the students living in the residence hall.

Each freshman residence hall maintains lobby presence between the hours of 6pm-5am through the combined effort of RDs, SRAs, RAs, and Cas. The second-year residence halls maintain lobby presence from 6pm – 12am. All staff, professional and student staff have responsibility for residence hall safety and spiritual and daily community life mentoring for residents. All Residence Life staff members undergo comprehensive training each year regarding community living environments and are taught that safety and security are vital parts of that environment. All members of Residence Life are Campus Security Authorities [CSA's] and are trained for that role by ACUPD as one aspect of promoting and fostering residence halls safety and security. An on-call RD is available 24/7 to manage residence hall matters. RD's work closely with ACUPD to address safety and compliance issues.

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

The apartment style living on campus is owned by ACU. University Park Apartments, located on the main ACU campus consisting of nine-buildings, 200-unit apartment complex. This facility offers 420 beds for upperclassmen, graduate students, and ACU-affiliated housing. Each building is either two or three stories and entry to each unit provided by exterior door placement. Each student accesses his or her apartment via a knob and deadbolt door and each interior door via key locks. Entry and egress are available twenty-four hours per day. There is an on-site Director of university apartments and a team of an SRA and RAs that live and serve students living at the apartment complex.

ACADEMIC AND ADMINISTRATIVE BUILDINGS

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

ACUPD General Orders direct officers to conduct routine automobile, golf cart and foot patrols of ACU academic, administrative, and housing facilities to monitor and assess security measures. ACUPD officers routinely and randomly check the security of campus structures during non-business hours and as time is allotted, physically enter the common area/lobby of residence hall facilities to check for security of exterior doors [Note: The University Park Apartments do not have internal common areas, but patrols are conducted throughout the parking and general complex area].

SECURITY CONSIDERATIONS IN THE MAINTENANCE OF CAMPUS FACILITIES

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

ALCOHOL POLICIES

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

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

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

- The possession, consumption, or distribution of alcoholic beverages on campus (including all ACU residence halls and University Park Apartments) is strictly prohibited. Moreover, any

student present where alcohol is found on campus (including but not limited to residence halls or apartment rooms, vehicles, or in personal belongings) may be subject to sanctions.

- Alcohol is prohibited at all University-sponsored events, *including* off-campus events. No ACU-provided channels of communication may be used to promote or advertise any event (on or off-campus) that involves alcohol.
- Any officially recognized student clubs or organizations (regardless of legal drinking age of its members) are prohibited from hosting or participating in any formal event (on or off-campus) that involves alcohol. Such groups include, but are not limited to special interest groups, social clubs, athletic and intramural teams.
- Intoxicated students found on campus or at a university-sponsored event will be sanctioned. For the purposes of ACU's student conduct policy and process, intoxication will be defined as any disruptive, destructive, hazardous, vulgar, or uncontrolled behavior during or following the consumption of alcoholic beverages.
- Alcohol paraphernalia such as glassware commonly used to serve alcoholic beverages; empty beer bottles or cans; posters, clothing, or signs promoting alcohol, etc. is not permitted on campus nor in on-campus Resident Halls.
- Local neighborhood disturbances of the peace caused by ACU students may result in administrative disciplinary action/sanctions by the office of Student Life/Dean of Students in accordance with applicable ACU Student Code of Conduct Standards, and where alcohol is involved, additional or further sanctions may apply. For the purposes of ACU's student conduct policy and process, a disturbance involving alcohol will be defined as an event in which alcohol is present and one or more of the following occur: the student(s) fail(s) to maintain control of the event, complaints are reported, and/or police respond to the scene.
- All students must abide by Texas law related to the possession, consumption, and distribution of alcohol. Specifically, Texas law prohibits:
 - The purchase, possession, or consumption of alcoholic beverages by a person under 21 years of age (Texas Alcohol Beverage Code Sec. 106.02, 106.04-106.05, 106.071);
 - Being intoxicated in public to the degree that one poses a danger to him/herself or to others (Texas Penal Code Sec. 49.02);
 - Furnishing alcohol to a minor (Texas Alcohol Beverage Code Sec. 106.06). For the purposes of this policy, ACU defines furnishing as purchasing for, giving to, or making alcoholic beverages available to a minor. This includes, but is not limited to, creating a situation where there is a risk a minor may be provided with, or obtains alcohol. Driving while intoxicated (Texas Penal Code Sec. 49.04)

- Driving under the influence of alcohol by a minor (TABC Code 106.041). Per Texas law, any detectable amount of alcohol in the minor's system (such as alcohol emitting from the person's breath) is defined as driving under the influence.

ALCOHOL POLICY VIOLATION SANCTIONS

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

- Fines ranging from \$100 to \$250.
- Completion of an alcohol education program, which involves a \$75 fee to students.
- Counseling.
- Disciplinary probation.
- Indefinite suspension; and
- Dismissal from the University

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

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

DRUG POLICIES

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

The university upholds local, state, and federal laws governing the possession, use, and distribution of illegal drugs and/or drug paraphernalia. Offenses involving on-campus possession, use or distribution of illegal drugs

and controlled substances may be referred to the ACU Police Department for investigation and possible filing of applicable criminal charges. Violations of this policy will be assessed the full range of disciplinary responses, including the possibility of immediate dismissal from the university.

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

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

FEDERAL LAW REGARDING CONVICTION FOR VIOLATIONS OF CERTAIN LAWS

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

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

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

ALCOHOL AND DRUG ABUSE PREVENTION AND TREATMENT INFORMATION

& RESOURCES AVAILABLE FOR COUNSELING, TREATMENT AND REHABILITATION

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

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

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

STATEMENT OF PARTNERSHIP OF THE ACU DEAN OF STUDENTS AND ACUPD

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

PREVENTION AND EDUCATION EFFORTS

The office of the Dean of Students is currently conducting research as a method of expanding the University's efforts to educate our student body about the hazards of alcohol misuse, illicit drug use, and abuse of prescription medications. During the spring 2019 semester we worked with ARCADA (Abilene Regional Council on Alcohol and Drug Abuse) and the Public Policy Research Institute at Texas A & M University to administer a survey to our student body. This was done in an effort to find meaningful data that will help guide our student education efforts as well as shape our institution's response to police violations. At a practical, but overtly challenging level, we find that the minimal number of offenses calling for arrest or referral does not readily lend itself to statistical analysis. We believe that our partnering with ARCADA and Public Policy Research Institute at Texas A & M University is helping to provide more effective analysis tools and results. A side effect of these partnerships is the inclusion of ACU campus data in the broader higher education survey database of violations, programming, and hopefully stimulate the development of effective proactive and reactive operating policies.

JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT,

AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

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

- Domestic violence
- Dating violence
- Sexual assault
- Stalking

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

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

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

DOMESTIC VIOLENCE – A felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; **or**
- Any other person against an adult or youth victim, who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

DATING VIOLENCE – Violence committed by a person

- Who is or has been in a social relationship of a romantic or intimate nature with the victim and
- The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of:
 - The length of the relationship.
 - The type of relationship.
 - The frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition –
 - Dating violence includes, but is not limited to sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.

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

SEXUAL ASSAULT – An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

STALKING– Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress.

- For the purposes of this definition:
 - Course of conduct - two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
 - Reasonable person - a reasonable person under similar circumstances and with similar identities to the victim.
 - Substantial emotional distress –significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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

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

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

FAMILY VIOLENCE

- An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
- Abuse, as that term is defined by Sections 261.001(1)(C), (E), (G), (H), (I), (K) and (M) by a member of a family or household toward a child of the family or household; or

The Texas Family Code {Title 4 Sec. 71.0021} defines DATING VIOLENCE as:

An act, other than a defensive measure to protect oneself, by an actor that:

- 1) is committed against a victim or applicant for a protective order:
 - A. With whom the actor has or has had a dating relationship; or
 - B. Because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
- 2) Is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.
 - a) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
 - (1) The length of the relationship;
 - (2) The nature of the relationship; and
 - (3) The frequency and type of interaction between the persons involved in the relationship.
 - b) A casual acquaintanceship or ordinary fraternization in business or social context does not constitute a "dating relationship".

The Texas Penal Code [Sec. 22.011] defines SEXUAL ASSAULT as:

- A. A person commits an offense if the person: Intentionally or knowingly:
 - Causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
 - Causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

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

The Texas Penal Code [Section 42.072] defines **STALKING** as:

- A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
 - constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening:
 - Bodily injury or death for the other person;
 - Bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
 - that an offense will be committed against the other person's property;
- causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
- would cause a reasonable person to:
 - fear bodily injury or death for himself or herself;
 - fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
 - fear that an offense will be committed against the person's property; or
 - feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended

TEXAS LAW REGARDING CONSENT

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

- the actor compels the other person to submit or participate by the use of physical force or violence;
- the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and
- the other person believes that the actor has the present ability to execute the threat;

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

PROCEDURES FOR REPORTING A SEXUAL VIOLENCE COMPLAINT

The University has developed procedures that serve to be sensitive to those who report sexual assault, domestic violence, dating violence and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, and information for international students regarding any possible effect on their visa or immigration status should criminal charges be filed against them, and other services on and/or off campus. The University also affords other options and remedies to prevent contact between a complainant/victim and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will consider such accommodations if either party requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the ACUPD or Abilene Police Department (APD). To initiate requests for these types of options and accommodations, students and employees should contact the ACU Title IX Office at 325-674-6802 or the Office of the Vice President of Student Life at 325-674-2067.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at Hendrick Medical Center, 1900 Pine, Abilene, Texas, 325-670-2000. In Texas, evidence may be collected even if the victim decides against making a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 120 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a

protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are also encouraged to preserve evidence by saving applicable text messages, instant messages, social networking pages, other communications, and photographs, logs or other copies of documents, if they have any, that would be useful to university hearing boards, administrative investigators, or to law enforcement/police. Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is always the victim's choice whether or not to make such a report. Victims have the right to decline involvement with the police, but, if victims so desire, ACU's Title IX Co-Coordinator, Wendy Jones, 325-674-2359 can assist them in notifying local police. The ACUPD may be reached 24/7/365 at 325-674-2305, 1634 Campus Court, Abilene, Texas. Additional information about the ACUPD is available online at [ACU Police Department](#) The Abilene Police Department may be reached directly by calling 9-1-1, the non-emergency number 325-673-8331, or in person at 4565 S. 1st Street, Abilene, Texas.

If a campus community member has been the victim of domestic violence, dating violence, sexual assault, or stalking, they should report the incident promptly to the ACU Police Department –and- to Title IX Co-Coordinator, Chief Human Resource Officer Wendy Jones at 325-674-2359 in the Hardin Administration Building, Room 213, or to Deputy Title IX Investigator, Sherita Nickerson at 325-674-6802 in the Hardin Administration Building, Room 204 by calling, writing, or coming into the office to report in person. The University will provide resources on campus, off campus or both, to include medical, health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with the applicable legal requirements, and to impose appropriate sanctions on violators of this policy. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigations, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the ACUPD or, if off-campus, the Abilene Police Department to preserve evidence in the event that the victim changes her/his mind at a later date.

ABILENE CHRISTIAN UNIVERSITY TITLE IX – SEXUAL MISCONDUCT

(Including Sexual Harassment, Sexual Exploitation, Sexual Assault, Stalking and Relationship Violence)

1. PURPOSE

The purpose of this policy is to maintain a work and academic environment that is free of sexual misconduct as defined herein. This policy provides information related to sexual misconduct reporting, supportive measures, and prompt and equitable procedures to resolve complaints.

II. SCOPE & JURISDICTION

This policy provides reporting options, supportive measures and prompt and equitable procedures to resolve sexual misconduct complaints for ACU students, employees, or anyone else participating in or

attempting to participate in ACU's Educational Programs and Activities. As explained below, its application is not necessarily limited solely to ACU's campus, but extends to its Educational Programs or Activities or conduct that, while occurring elsewhere, impacts the educational or employment environment. Misconduct that is alleged to have occurred outside of these contexts or that is committed by a person outside the ACU community may be more difficult to investigate and remedy. Still, where the university's response is so limited, it will advise the reporting party regarding their right to applicable Supportive Measures and rights to file a complaint with the alleged Complainant's school or local law enforcement within the jurisdiction where the misconduct occurred.

III. POLICY

A. Prohibition Against Sexual Misconduct – Sexual misconduct, as defined below, will not be tolerated at Abilene Christian University. It is a breach of community that expresses disrespect, exploits and undermines relationships based on trust, and interferes with learning and productive work. Inquiries about the application of these laws may be referred to the Title IX Coordinator or the Assistant Secretary of the Department of Education.

B. Responding and Reporting – Any person who experiences sexual misconduct or who otherwise becomes aware of such an incident may object to this behavior by telling the Respondent to stop. Reporting options and obligations related to alleged conduct violations are set out in Sections V and VI of this policy. ACU encourages all reports to be made in good faith. If an investigation results in a finding that an accusation of Sexual Misconduct or Retaliation was made in bad faith or maliciously, the accuser may be disciplined appropriately. However, filing a complaint or providing information that a party or witness genuinely believes is accurate, but which is ultimately dismissed due to insufficient evidence or found to be untrue, does not constitute intentional false reporting.

C. Amnesty from Code of Conduct Violations – Under Texas law, the university may not take any disciplinary action against an enrolled student or employee who in good faith reports to the institution being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking or a violation by the student or employee of the university's Code of Conduct occurring at or near the time of the incident (e.g., underage drinking, drug use, or curfew violations), regardless of the location at which the incident occurred or the outcome of the institution's disciplinary process regarding the incident, if any. This means that while the university may provide support and education options, it will not discipline students or employees for conduct violations in such cases. Such immunity does not apply to students or employees who are the subject of the complaint.

D. No Retaliation – Neither ACU nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a

report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by this policy, constitutes retaliation. A party may also be responsible for retaliation by someone affiliated with them (e.g., a friend or family member). Any such behavior should be reported to the Title IX Coordinator or designee immediately. Allegations of retaliation will be investigated and addressed under the process set out in this policy.

E. Conflict of Interest or Bias – If the Complainant or Respondent contends that the Coordinator, Deputy Coordinator, Investigator, Adaptable Resolution Facilitator or a Decision Maker has a conflict of interest in fulfilling their responsibilities under this policy, the university encourages the party to raise those issues with the Coordinator so that they can be considered and addressed. Parties must raise the issue of a conflict of interest within two business days of learning the identity of the administrator and their role in the process. Failure to raise a conflict of interest concern within two business days of learning the identity of the administrator assigned will act as a waiver of any perceived conflict.

F. Notification and Training – In an effort to prevent sexual misconduct, ACU will provide, near the beginning of each long semester, all employees and students with a notification regarding this policy and protocols for reporting including where to file a complaint. It will also provide periodic training for employees and training for all new freshmen and undergraduate transfer students before or during the first semester enrolled. Participation in such training is required.

IV. DEFINITIONS & PROHIBITED CONDUCT

- A. “Report”** – information related to an alleged incident of sexual misconduct.
- B. “Reporter”** – the person that reports the alleged sexual misconduct to the Title IX and Sexual Misconduct Office (Title IX Office) or Title IX Coordinator. Reporters might be the Complainant or someone else like an employee, friend, or parent.
- C. “Supportive Measures”** – Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. (also known as Interim or Protective Measures)
- D. “Complainant”** – an individual who is alleged to be the victim of conduct that could constitute Sexual Misconduct.
- E. “Respondent”** – an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct.
- F. “Formal Complaint”** – A written document signed by the Complainant and/or Title IX Coordinator alleging sexual misconduct against a Respondent.
- G. “ACU’s Educational Program and Activities”** – includes locations, events, or circumstances over which ACU exercised substantial control over both the Respondent and the context in

which the Sexual Misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by ACU.

H. “Sexual Misconduct” – A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. This term includes, sexual harassment, Quid Pro Quo harassment, sexual assault, dating or domestic violence or stalking. Sexual Misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex. Based on varying applicable laws, ACU has developed the following categories and related definitions for the types of Sexual Misconduct.

1. Category One Sexual Misconduct

- A. Sexual Harassment in Employment Context – unwelcome, sex-based verbal or physical conduct which unreasonably interferes with a person’s work performance or creates an intimidating, hostile, or offensive work environment.
- B. Sexual Harassment in Education Context – unwelcome, sex-based verbal or physical conduct which is sufficiently severe, persistent, or pervasive that the conduct interferes with a student’s ability to participate in or benefit from educational programs or activities at a postsecondary educational institution.
- C. Sexual Exploitation – Any act where one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another. Sexual exploitation may include: surreptitiously observing another individual’s nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved; recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate or sexual images, audio recordings, or sexual information without the knowledge and consent of all parties involved; exposing one’s genitals or inducing another to expose their own genitals in non-consensual circumstances.

2. Category Two Sexual Misconduct – Applies to conduct occurring anywhere that negatively impacts the Complainant’s educational or employment environment (i.e., non-Title IX).

- A. Sexual Assault – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another
 - i. *Rape* - The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- ii. *Other Sex Offenses* – Any sexual act direct against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - a. *Fondling* – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - b. *Statutory Rape* – Sexual intercourse with a person who is under the statutory age of consent.

- B. Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

- C. Domestic Violence – A felony or misdemeanor crime of violence committed by (i) a current or former spouse or intimate partner of the victim; (ii) a person with whom the victim shares a child in common; (iii) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- D. Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.
 - i. *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property;
 - ii. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim;

- iii. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - E. Complicity in Sexual Assault – Any act that knowingly aids, facilitates, promotes, or encourages the commission of Sexual Assault by another person. A Complainant may allege that someone besides the Respondent is complicit in the Sexual Assault and that allegation will be investigated and addressed pursuant to the policies set out here as an allegation of Complicity in Sexual Assault.
- 3. **Category Three Sexual Misconduct** – Applies only to conduct on the basis of sex occurring in ACU’s Education Programs and Activities within United States (i.e., Title IX applies)
 - A. Sexual Harassment
 - i. *Quid Pro Quo Harassment by Employee* – An ACU employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct.
 - ii. *Denial of Equal Access* – Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the ACU education program or activity (including employment).
 - B. *Sexual Assault* – a forcible or nonforcible sex offense including rape under the uniform crime reporting system of the Federal Bureau of Investigation.
 - i. *Rape* - The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - ii. *Other Sex Offense* – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - a. *Fondling* – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- b. *Statutory Rape* – Sexual intercourse with a person who is under the statutory age of consent.
 - C. Dating Violence – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
 - D. Domestic Violence – includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
 - E. Stalking – engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.
- I. **“Consent”** – An informed, deliberate, and voluntary decision to engage in mutually acceptable sexual activity.
- 1. Consent must be mutually understood and clear: Consent can be given by words or actions as long as those words or actions create clear, unambiguous, mutually understandable permission regarding the conditions of sexual activity. However, relying solely on non-verbal communication can lead to misunderstandings and harmful consequences for all of the parties involved because this form of communication may be unclear. Consent may not be implied by silence, passivity, or lack of resistance. Instead, consent must be part of a mutual and ongoing process by both parties throughout the sexual interaction. Consent to engage in one sexual activity does not imply consent to engage in another or different sexual activity. A current or previous dating relationship or sexual relationship may not be taken to imply consent. Consent cannot be implied or inferred by attire, time or place (e.g., being invited to a person’s residence at a certain time of night). Consent to sexual activity may be revoked at any time, as long as the revocation is communicated clearly, at which point sexually activity must cease immediately.
 - 2. Consent must be free and voluntary – Consent is not valid if acquired through means of physical force, threat of physical force, intimidation, coercion, incapacitation, or any other fact that would eliminate an individual’s ability to exercise his or her own free will to choose whether or not to participate in a sexual activity. Because consent may

never be provided by an incapacitated person, one must assume consent has been withdrawn should an individual become incapacitated at any point during a sexual act or encounter. However, Respondent must know or reasonably should have known that the Complainant was incapacitated at the time of the sexual activity.

J. “Incapacity” - Any state where individuals cannot make a rational, reasonable decision because they lack the ability to understand the consequences of their actions. They cannot fully understand what is happening, and therefore cannot consent even if they appear to be a willing participant. This includes but is not limited to persons incapacitated based on their voluntary or involuntary use of drugs or alcohol, unconsciousness, blackout or sleep. Because it can be difficult to know when someone has passed from the state of intoxication to a point of incapacitation, if you have any doubt about a person’s ability to consent, you should not engage in sexual contact with them. Moreover, engaging in sexual activity while under the influence of alcohol or drugs can impair an individual’s ability to make sure they have received consent. The use of alcohol and/or drugs by the person initiating sexual activity will never be an excuse for failing to obtain consent.

K. “Force” - The use of force to cause someone to engage in sexual activity is, by definition, non-consensual contact. Force is not limited to physical violence, but also includes threats, intimidation, abuse of power, coercion, duress or any combination of these behaviors.

1. Physical Force, Violence: Physical force is the use of power, violence or strength upon another person’s body. An individual’s use of physical force, or violence, or threat of physical force or violence to make another person participate in or perform a sexual activity they might not have otherwise agreed to, or did not want to engage in, is a violation of this policy.
2. Threats: A threat often occurs when someone says or implies that there will be negative consequences from failing to acquiesce to or comply with sexual activity. It is a violation of this policy if an individual uses threats to make another person participate in or perform a sexual activity that they would not have agreed to engage in otherwise.
3. Intimidation or Abuse of Power/Authority: Intimidation or abuse of power/authority occurs when individuals use their real or perceived authority to influence other people to acquiesce or submit to sexual activity. Intimidation happens through a real or perceived display of superior power that someone uses to make another do what they want them to do.
4. Coercion or Duress: Coercion and duress occur when continual and repeated pressure is used to compel someone to engage in sexual activity. Coercion and/or duress can be bullying an individual into sexual activity that they did not and/or would not have wanted to participate in but for the coercion and/or duress. Coercion or duress can be physical or verbal. Coercion can be a process that happens over a period of time. In assessing whether coercion was used, the frequency, duration, and intensity of the pressure applied will be taken into consideration.

(1) The conduct discussed in this policy may also constitute violations of the criminal and civil law, which may provide opportunity for redress beyond the scope of this policy. Criminal definitions under state and federal law for some of the conduct described under this policy can be found in Appendix A to this policy.

The university will respect a Complainant’s decision either to pursue law enforcement remedies or to decline to pursue that option as discussed further in Section VI.C.

V. EMERGENCY ASSISTANCE, MEDICAL TREATMENT, AND EVIDENCE PRESERVATION

If a person has concerns for their safety, they should contact the **ACU Police Department (ACUPD) (325-674-2911)** or the **Abilene Police Department (APD) (9-1-1)**. If on campus, ACUPD can also be contacted by activating one of the blue safety phones located throughout campus. Police can help with transportation to the hospital for sexual assault exams, connecting a person to other resources, and help in obtaining a restraining order. For more information, see [In Case of Emergency](#).

Regardless of whether an incident of sexual misconduct is reported to the police or the university, ACU strongly encourages individuals who have experienced sexual misconduct to go to Hendrick Medical Center both to obtain medical treatment and to preserve evidence to the greatest extent possible, as this will best maintain all legal options for them in the future. Additionally, such evidence may be helpful in pursuing a complaint with ACU. While the university does not conduct forensic tests for parties involved in a complaint of sexual misconduct, the results of such tests that have been conducted by law enforcement agencies (including ACUPD) and medical assistance providers may be considered as evidence in a university investigation or proceeding, provided they are available at the time of the investigation or proceeding. Additionally, ACUPD has officers specifically trained to work with Complainants who can explain their rights and options and provide relevant resources. (For more information see “Hendrick Medical Center” section under [In Case of Emergency](#)).

VI. REPORTING OPTIONS AND EMPLOYEE OBLIGATIONS

A variety of resources are available at ACU and in the area around campus to assist those who have experienced sexual misconduct. If you have experienced any of the behaviors described in this policy, the university encourages you to seek help and support by reporting this conduct. The university recognizes that reporting misconduct can be difficult, and Complainants may experience a multitude of emotions when considering whether or not to report the conduct. In that regard, there are multiple options to address this conduct, both through our disciplinary process and/or through the legal system or simply seeking support. **Regardless of whether an individual ultimately chooses to file a Formal Complaint, upon receiving a Report, the university will provide Complainants with options related to Supportive Measures and provide information regarding filing a Formal Complaint and related resolution options.** These various reporting options are detailed in the sections that follow.

A. Direct Reporting to Title IX and Sexual Misconduct Office (“Title IX Office”) – Reports can be made directly to members of the Title IX Office, including the Title IX Coordinator, the Deputy Coordinator, or Case Manager, who ACU has designated as the sole officials who have authority to administer this policy and institute corrective actions and measures on ACU’s behalf. As noted above, reporting to the Title IX Office does not require pursuing a Formal Complaint (Please see Section VII for more information). Using the information below, reports can be made using the electronic reporting form, by email or telephone voice mail at any time or in person during business hours.

When using the online reporting form, providing contact information is optional except in situations where employees are required to report under Texas law, as explained in Section E. Anonymous Reporters should understand that while the university will do its best to address anonymous reports, it may be limited in its ability to investigate and otherwise respond to or address them.

Title IX Coordinator

Wendy Jones, SPHR, SHRM-SCP
Chief Human Resources Officer
Hardin Administration Building, Rm. 213
Abilene, Texas 79699
325-674-2359
wendy.jones@acu.edu

Title IX Deputy Coordinator for Prevention and Support

Sherita Nickerson, M.Ed.
Hardin Administration Building, Rm. 204
Abilene, Texas 79699
325-674-6802
sherita.nickerson@acu.edu

For complaints related to pregnant or parenting students:

Report to the Title IX Coordinator listed above

B. Confidential Reporting/Support Options – If a Complainant desires to report but desires that their personally identifiable information not be reported to the university’s Title IX Office, they are encouraged to speak with one of the following: (1) On or off-campus mental health professional or health care service providers; (2) off-campus rape crisis resources; (3) off-campus clergy, and (4) on-campus Chaplains, who are designated as Confidential Individuals by the university. See [Resources](#) for contact information about making a confidential report. These individuals will maintain the confidentiality of a Complainant’s identity unless (i) they are given permission to share information by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 17; or (iv) as otherwise required or permitted by law or court order. On-campus individuals are still required to report to the Title IX Coordinator only the type of incident reported and may not include any information that would violate an expectation of privacy.

C. Reporting to Law Enforcement – Separate and apart from violations of this policy, many sexual misconduct offenses may also be crimes in the state or locality in which the incident occurred (See Appendix A).

1. Reporting Encouraged and Assistance Available – ACU encourages any related criminal violations to be reported to ACUPD so that Complainants can consider legal options. The Title IX Office can provide a Complainant with assistance in notifying ACUPD, or if a

Complainant decline reporting the crime to law enforcement, the Title IX Office will only provide the type of incident reported and its approximate location as required by federal law. These options are available to the Complainants, who may change their minds about pursuing them at any time. For example, Complainants may seek a protective order from a court against the alleged Respondent(s); pursue a civil action; and/or participate in a law enforcement investigation and criminal prosecution of the alleged Respondent. The university will honor such protective orders. It is important to note that reporting to ACUPD or any other law enforcement does not require filing criminal charges and that there are options for filing criminal complaints using a pseudonym. ACUPD can be contact at:

ACU Police Department

325-674-2305 (non-emergency)

325-674-2911 (emergency)

acupolice@acu.edu

ACU Box 28010

1634 Campus Court

Abilene, Texas 79699

2. Timely Public Warning – Under federal law, the ACUPD must issue immediate timely warnings for certain types and circumstances of Sexual Misconduct reported to them if they believe they represent a serious or continuing threat to students and employees. If that is necessary, ACU will make every effort to ensure that Complainant’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.
3. Cooperation with Law Enforcement Requests – The University will comply with a law enforcement request for cooperation, and such cooperation may require the University to temporarily suspend any fact-finding aspect of an investigation while the law enforcement agency is in the process of gathering evidence. The University will promptly resume its resolution/investigation of the complaint after receiving approval from law enforcement or as soon as notified that law enforcement has completed the evidence gathering process, whichever is earlier. This length of time will vary depending on the specific circumstances of each case, but in no case will the university suspend any investigation for an ongoing or indefinite period.

E. External Reporting – Complainants always have the right to file a complaint with the United States Department of Education. A complaint must be filed within 180 calendar days of the date of the alleged conduct unless the time for filing is extended by OCR for good cause shown under certain circumstances.

Office for Civil Rights

Dallas Office

U.S. Department of Education

1999 Bryan Street, Suite 1620

Dallas, TX 75201-6810

Telephone: 214-661-9600
Facsimile: 214-661-9587
Email: [:OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)

U.S. Department of Education, Office for Civil Rights (OCR)

Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
1.800.421.3481
Email: ocr@ed.gov

F. Employee Reporting Requirements - Under Texas law, all university employees (besides the university Chaplains and health care professionals mentioned above) are considered mandatory reporters. This means if, in the course and scope of their employment, they witness or receive information regarding the occurrence of an incident that (1) they reasonably believe constitutes Sexual Misconduct under this policy and (2) is alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident, they must promptly report (preferably within 24 hours) the incident to the Title IX Coordinator or Title IX Office.

1. Contents of Report – The report should include all relevant details needed to determine what occurred and address the situation including the name(s) of the parties or witnesses and any relevant facts including date, time and location and requests for confidentiality. The University provides an incident reporting form for such reports to be made.
2. Modifications to Reporting Requirements – There are two modifications to these reporting requirements:
 - a. *Modification for Confidential Employees* – The University Chaplain(s); on-campus medical and mental health service providers; or other employees who receive such information under circumstances that render the employee’s communication confidential or privileged under other law are only required to report the type of incident that occurred to the Title IX Office (and may not include information that would violate the legal expectation of privacy, absent consent to do so.)
 - b. *Public Awareness Events* – Employees who learn of incidents as a part of a public awareness event sponsored by ACU or related student organizations (e.g., Take Back the Night) are not required to report.
3. Confidentiality – Although employees are required to report conduct under this policy to the Coordinator, they will otherwise maintain the privacy of the information related to the matter reported. In other words, notification to an employee does not necessarily mean information will be shared with the accused individual.
4. Notice of Obligations – To the extent possible, the employee should explain this obligation to the Reporter before the report is made, identify reporting options (i.e., confidential, direct,

and law enforcement) and clarify that the individual has an option to ask that the Coordinator maintain his or her confidentiality.

5. **Importance of Information** – Even if no action is requested by the reporter or they are unsure about what they want to do, such reporting to the Coordinator is legally required by Texas law and is necessary for various reasons, including to ensure that persons possibly subjected to such conduct receive appropriate services and information; that ACU can track incidents and identify patterns; and that, where appropriate, ACU can take steps to protect the University community. Reported allegations will be reviewed by the Coordinator or Deputy Coordinator, who will assess the report and consult with the Complainant.
6. **Failure to Report** – Employees who have an obligation to report under this policy and fail to do so may be subject to disciplinary action, including termination, as required by Texas law for failure to report Sexual Misconduct. Determinations related to such action will be made in accordance with any applicable disciplinary procedure as established by policy or contract (e.g., Special Termination).

VII. INTAKE, SUPPORTIVE MEASURES, NOTICE OF RIGHTS AND OPTIONS

- A. **Intake and Notice** – Once the Title IX Office receives a report of sexual misconduct it will attempt to contact the Complainant within 24 business hours in order to offer Supportive Measures and explain the Complainant’s rights and options under this process including evidence preservation, support in notifying law enforcement, prohibitions against retaliation, an explanation of the relevant resolution procedures, and the Complainant’s ability to pursue no action or file a Formal Complaint that results in either adaptable or structured resolution. The Complainant will be provided with a copy of the relevant rights and options and provided with a link to this policy.
- B. **Supportive Measures** – Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant (or the Respondent) before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. They are designed to restore or preserve equal access to ACU’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or ACU’s educational environment, or to deter Sexual Misconduct.
 1. **General Examples** – Such measures can include but are not limited to counseling or academic support services, leaves of absence, increased security and monitoring certain areas of campus, or modification of classes or ACU work schedules (e.g., either a Complainant or Respondent may be permitted to drop an academic course without any academic penalty when the parties are enrolled in the same course). (To the extent possible, Complainant and Respondent will be offered counseling services by different counselors in the ACU Counseling Center.) The parties will also be informed regarding relevant on-campus and off-campus resources, which include the assignment of a Title IX

Liaison, academic support services, and the right to report a crime or seek a protective/restraining order from campus or local law enforcement. These measures and resources are available to Complainants even if they choose not to file or pursue a Formal Complaint or if the status of a Respondent to the university is unclear (e.g., un-enrolled student or non-employee). In keeping with legal requirements, such measures should be individualized and appropriate based on the information gathered by the Coordinator or designee, making every effort to avoid depriving any student of her or his education. The Coordinator or other designee is responsible for ensuring the implementation of Supportive Measures.

2. Temporary Mutual No Contact Order – Mutual restriction on contact between the parties may be ordered by the Coordinator upon request of either party or based on the administrative prerogative of the Coordinator as a Supportive Measure. Such an order will be in writing and serves to bar any communication between the parties allegedly involved prohibiting any attempt to contact or respond to any communication from the other party, either directly or through others (e.g., friends, family members). The Coordinator or designee will work with the parties involved to help facilitate the order between the parties, so that they may attend classes and use common university facilities as appropriate. A No Contact Order may be extended after the conclusion of any resolutions process at the request of either party or based on the determination by the Decision Maker (i.e., Permanent Mutual No Contact Order). In cases where a demonstrated violation of this No Contact Order has been shown, the responsible party may face disciplinary sanction under this policy including separation from the university pending the final resolution.
3. Emergency Removal of a Student – If, based on a report of Sexual Misconduct, the Title IX Coordinator believes that the safety of any person is in imminent danger as a result of the incident, he/she will notify the President. The university also reserves the right to remove a student from campus or student housing based on the Title IX Coordinator’s individualized safety and risk analysis that determines the student presents a threat to the physical health or safety of any student or other individual arising from the report of Sexual Misconduct. Notification of emergency removal and the reasons for it will be communicated to the student as part of the removal process and sent to the student’s email following the process. The email will also explain that the student has the immediate opportunity to appeal the removal decision by email to the Vice President for Enrollment Management and Student Engagement. If the appeal is granted, the student may be allowed to return pending other necessary stipulations. If the appeal is denied, the removal will remain in effect until a final decision has been made pursuant to the standard procedures unless, before a final decision is made, the Coordinator determines that the reasons for imposing the removal no longer exist.
4. Administrative Leave of an Employee – The Title IX Coordinator may place an employee on paid or unpaid administrative leave based on Reports of Sexual Misconduct pending the outcome of any subsequent structured or adaptable resolution process.

VIII. COMPLAINANT RESPONSE

After understanding their rights, Complainants have the option of requesting no action be taken or filing a Formal Complaint.

A. **Request for No Further Action** – If Complainant requests that their name not be revealed to the Respondent and/or request no further action against the Respondent, the Coordinator will evaluate such requests by balancing the Complainant’s desire with the university’s responsibility to provide a safe and nondiscriminatory environment as well as its ability to proceed without Complainant’s cooperation or participation. In other words, while the university wants to respect the Complainant’s request, it is important to note the law may require the university to override the request especially in cases involving sexual violence that poses an ongoing risk to the campus community. In making this decision, the university will consider a number of factors, including but not limited to:

- The seriousness of the alleged incident (e.g., force or violence was used, weapon involved, multiple Respondents);
- Whether the institution has received other reports of Sexual Misconduct committed by the alleged Respondent;
- Whether the alleged incident poses an increased risk of harm to others;
 - Does the incident pose an increased risk of the alleged Respondent committing additional acts (e.g., other complaints against the Respondent or threats of additional action by Respondent)?
 - Does the incident pose an increased risk of someone else committing additional acts under similar circumstances (e.g., a pattern of acting or certain location)?
- Whether the university possesses other means to obtain relevant evidence to proceed without Complainant’s participation (e.g., security cameras or physical evidence).

1. Honoring Complainant’s Request – If the university determines that it can honor the Complainant’s request, it will ask the Complainant to sign a case drop form and the case will be closed with the understanding that the Complainant can later change his or her mind. The university will still take any steps it determines necessary to protect the health and safety of the ACU community in relation to the Report consistent with the Complainant’s requests. For example, this might include taking steps to limit the effects of alleged misconduct such as providing increased monitoring, supervision or security at a location where the misconduct occurred, or additional prevention or public awareness training with specific groups.

2. Moving Forward Without Complainant – When the university determines it must move forward despite the Complainant’s request, the university will inform the Complainant of its need to move forward prior to commencing a Formal Complaint, which would include the identity of the Complainant. In response, the Complainant may request that the university inform the Respondent that he or she asked the university not to move forward, and the university will honor that request. In this type of case, the Coordinator will sign the Formal Complaint but will not be considered the adverse party or Complainant.

B. **Formal Complaint** – Moving forward with either an adaptable or structured resolution process (see Sections XII and XIII) requires that the Complainant make and a Respondent receive a Formal Complaint, which is a written document signed by the Complainant (or Coordinator, if the Complainant is no longer involved) alleging Sexual Misconduct against a Respondent.

1. Contents – The university will provide the complainant with a form that will allow the Complainant to provide a summary of the allegations including time, date, and location of the alleged conduct and the name of the Complainant. The Formal Complaint will also include and briefly explain whether Complainant prefers an adaptable or structured resolution process.
2. Timing of Complaint – There is no time limit for the submission of a Formal Complaint under this policy. Although laws specify timeframes within which any related legal claim must be brought, the University will assess all Formal Complaints as outlined below.

IX. INITIAL ASSESSMENT

No later than five business days after receiving the Formal Complaint, the Coordinator will make an initial assessment related to whether the alleged conduct would constitute Sexual Misconduct even if proved. This is sometimes referred to as a reasonable cause determination. No reasonable cause exists when, even assuming that all the facts reported by the Complainant are true, no violation of this policy could exist.

- A. **Mandatory Dismissal (No Reasonable Cause)** – The Coordinator will dismiss the Complaint if the initial assessment reveals the alleged conduct, even if proved as Complainant alleges, would not qualify as Sexual Misconduct under this policy. The case will be closed and a Notice of Dismissal will be provided to the parties in accordance with Section X.
- B. **Discretionary Dismissal** – The coordinator may dismiss the Complaint if the initial assessment reveals that the Respondent is no longer enrolled or employed by the university at the time the Complaint is filed or specific circumstances prevent ACU from gathering evidence sufficient to reach a determination as to the alleged conduct. The Coordinator may also dismiss a Formal Complaint if at any time the Complainant notifies the Coordinator in writing that he/she would like to withdraw the complaint or any allegations. If dismissed, the case will be closed and a Notice of Dismissal will be provided to the parties, as explained in Section X. If a Formal Complainant is dismissed for any reason, any related reports of University Code of Conduct violations may be forwarded to the Dean of Students or to Human Resources, as applicable, to be addressed under those policies and processes.
- C. **Category One Transfer** – If the Coordinator determines that reasonable cause exists, but the alleged conduct qualifies as Category One Sexual Misconduct under Section IV. H. 1., he/she may transfer the case to the Dean of Students or to Human Resources to be handled pursuant to applicable code of conduct or special termination processes, as applicable. In that case, a Notice of Transfer will be provided to the parties in writing along with a copy of the Formal Complaint.

- D. Reasonable Cause Exists** – If reasonable cause exists, the Notice of Complaint will be provided to the parties, as explained in Section X. The Coordinator will also consider the appropriate resolution process in keeping with the Complainant’s request, category of misconduct, and his/her own discretion.

X. NOTICE OF DISMISSAL OR COMPLAINT

Depending on the outcome of the initial assessment of the Formal Complaint, the Coordinator will issue a Notice of Dismissal or Notice of Formal Complaint to the parties.

- A. Notice of Dismissal** – The written Notice of Dismissal will include the Formal Complaint as well as the Coordinator’s rationale and basis for the dismissal. It will also include whether the Coordinator has provided any information related to the alleged conduct to the Dean of Students or Human Resources, as applicable, to be addressed under other university policies and processes. Complainant may file an appeal related to the Coordinator’s decision to dismiss the complaint pursuant to Section XV, F of this policy.
- B. Notice of Complaint** – The written Notice of Complaint will include the Formal Complaint as well as the Coordinator’s determination of the appropriate Category (1,2, or 3) of the alleged conduct and outline the available and recommended resolution process (See Definitions, Section IV. H. and Resolution Processes, Sections XII-XV). The Notice will also contain legally-required statements related to the following:
1. Presumption of Innocence – Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the resolution process;
 2. Advisor – Parties may have an advisor of their choice, who may be an attorney;
 3. Evidence – Parties may inspect and review evidence (inculpatory and exculpatory) in keeping with applicable law before a decision is made;
 4. False Statements – Both this policy (Section III, B) and ACU’s Student Code of Conduct that prohibits knowingly providing false or misleading information to a university authority;
 5. Meetings – Parties will receive written notice of the date, time, location, participants, and purpose of all investigative interviews, hearings, or other meetings, with sufficient time for the party to prepare to participate; and
 6. Supplement – If, in the course of an investigation, ACU decides to investigate allegations that are not included in the notice, ACU will provide notice of the additional allegations.
- C. Timeframes for Resolution Processes** – Generally, the university attempts to conclude all adaptable resolutions, internal or pre-hearing investigations within 60 calendar days of issuing the Notice of Complaint as set out in the relevant sections below, an additional 30-60 calendar days is

typically required for (1) parties to review the draft resolution agreements or investigations reports (and related evidence); (2) the investigator or facilitator to finalize the report or resolution agreement; Decision Makers to conduct a live hearing, where applicable; (3) Decision Makers to consider the evidence and draft a ruling; and (4) a separate Decision Maker to consider and rule on any appeals. Depending on the complexity and extent of the alleged conduct, more or less time may be required. In other words, the timeframes are not exact as the university allows for temporary delays of the resolutions processes or the limited extension for good cause with written notice to the parties of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

XI. RESPONDENT'S RESPONSE TO NOTICE OF COMPLAINT

- A. **Initial Meeting with Respondent** – After receiving the Notice of Complaint, the Respondent will have the opportunity to meet with the Coordinator or designee to address any questions related to the process and to explain the Respondent's relevant rights and options including (1) available Supportive Measures and resources and (2) whether Respondent is willing to pursue an adaptable resolution, if available. (The Coordinator will ultimately decide the appropriate resolution process in keeping with the parties' requests, category of misconduct, and his/her own discretion. That determination will be shared with the parties in writing.)

- B. **Refusal to Participate, Withdrawal, or Transfer** – If a Respondent refuses to respond or participate, the Coordinator will move forward with the applicable structured process. Pursuant to Texas law, after the Notice of Complaint has been issued alleging that the Respondent committed any sexual harassment, sexual assault, dating violence, or stalking, ACU may not end the disciplinary process or issue a transcript to the student until the institution makes a final determination of responsibility. Upon a student's request, the university may remove the transcript hold if the institution determines that good cause exists. Such requests should be made in writing to the Title IX Coordinator. In such incidences, ACU will expedite the resolution process as possible and necessary to accommodate the parties' interests in a speedy resolution.

XII. ADAPTABLE RESOLUTION OPTIONS

With approval of the Coordinator, the parties may elect to pursue adaptable resolution options, which can include but are not necessarily limited to those listed below. The use of adaptable resolution procedures is optional and voluntary and may be ended at any time at the request of either party or at the discretion of the Coordinator or designee. Offering such options is not meant to discourage an individual from pursuing a structured resolution. In instances where the parties do not wish to engage in the adaptable procedure or in situations where attempts at the adaptable procedure are unsuccessful, the structured procedure may be followed.

- A. **Verbal Warning** – An adaptable resolution might take the form of the Coordinator or designee, appropriate supervisor/administrator, and/or Complainant discussing the issues with the

Respondent in order to establish the kind of behavior that Complainant feels is objectionable and how repetition might lead Complainant to seek a structured resolution and related sanctions.

B. Respect Agreement Process – The Respect Agreement Process (RAP) is a form of restorative justice that provides students with an opportunity for the parties to reach an agreement related to the harm caused by the alleged misconduct. (RAP is not available to employees). Rather than focusing on what policies have been violated, RAP identifies the harm caused, provides opportunities for those that caused harm to take responsibility for their behavior, and identifies mutually agreeable actions necessary to repair the harm. By fully participating in this process, the Respondent will not be charged with a policy violation.

1. RAP Terms – While there are various ways to attempt to reach a Respect Agreement, the parties must agree to the following terms should they wish to participate in the process:

- Both the parties must participate in individual conference meetings with appropriate staff to learn more about the RAP prior to participating;
- Participation in the process does not constitute a responsible finding of a policy violation and therefore is not reflected on a Student’s disciplinary record;
- Either party can end RAP at any time prior to signing the agreement (and Complainant retains ability to file formal complaint);
- RAP can only be used once per Respondent;
- Neither party will rely on or share statements or information disclosed as a part of the RAP process in any subsequent structured process. However, parties must be aware that information used during the RAP process is subject to subpoena for use in any related or potential legal action. Participants can have advisor present for any and all meetings;
- Any agreements that are reached during RAP must be documented, approved by the Title IX Coordinator, and signed in-person or electronically by the both parties; and
- If no agreement is reached, the matter may be referred to the Title IX Coordinator for further action;
- If parties fail to comply with final agreement, they can be sanctioned under Code of Conduct for failure to comply with university directive;
- If the Respondent is later found responsible for any violations in the future the respect agreement can be used in the sanctioning phase;
- University reserves the right to suspend or terminate the process at any time, prior to both parties formally agreeing to the terms in the contract, and revert back to the structured process;

2. RAP Options – Examples of possible options that students and the Coordinator or designee may utilize in the RAP include but are not limited to the following: individual meetings with the parties, co-located or “shuttle” meetings, facilitated face-to-face meetings, exchange of written letters or statements that address structured questions related to the harm caused, impact and addressing the harm. Statements could be shared either in-person or by the Title IX Coordinator.

XIII. STRUCTURED RESOLUTION GENERALLY

ACU has established two structured resolution tracks that apply based on how the Coordinator categorizes the alleged conduct. The Internal Administrative Investigation track applies to Category One or Two Sexual Misconduct, while the Live Hearing track applies to Category Three Sexual Misconduct. Both of these processes are outlined below. However, the following information applies to both tracks. (It is important to note that at any time prior to reaching a determination under the structured process, the parties, with the Coordinator's approval, can voluntarily agree to pursue an adaptable resolution.)

- A. **Goals** – The goals of the structured resolution processes are to determine (1) if a preponderance of the evidence shows that the alleged violation occurred (i.e., it is more likely than not) and (2) if so, what actions the university should take to respond to the violation and prevent recurrence. In so doing, the university strives for the resolution processes to be prompt, fair, and equitable.
- B. **Advisor** – Parties involved in a structured resolution process may be more comfortable navigating the process with the help of a support person (Advisor). An Advisor is someone whom the party trusts to provide advice and support during the process. The Advisor need not be affiliated with the university but may not have personal involvement regarding any facts or circumstances of the alleged misconduct (e.g., the Advisor can be a friend, a family member, a person from a support or advocacy agency, or an attorney). The Advisor may accompany the party to any part of the resolution process, including any meetings with university personnel. (The process will not be significantly delayed to accommodate the Advisor's schedule.) During the internal or pre-hearing investigation process, the Advisor's only function will be to assist and/or consult with the party they are advising. In other words, the Advisor may not actively participate in the process in any way. The Advisor may not act as a spokesperson or in any way interfere with the meetings or investigation. As explained further below, during the Live Hearing portion of Track Two, the Advisor also serves the required role of cross-examining the other party or any witnesses. For students, in order for the university to disclose any case information to the selected Advisor, there must be a signed FERPA release form on file for that individual.
- C. **Investigation and Gathering Evidence** – The Coordinator will assign the internal administrative or pre-hearing investigation to an internal or external investigator. Although each investigation will vary based on allegations, scope, and other factors, the parties will be provided an equal opportunity to be interviewed regarding the alleged conduct and present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. During the course of the investigation, the investigator may utilize some or all of the following methods, in whatever order the investigator deems most appropriate: interviewing the parties and key witnesses in order to gather relevant information; documenting or evidence-gathering or review; and consulting expert witnesses including local law enforcement or forensic experts (as necessary and available). It is the responsibility of the investigator, not the parties, to gather the relevant evidence from the parties and witnesses to the extent reasonably possible. Throughout the process, the investigator will maintain appropriate documentation and provide status updates to the parties.
 1. **Party Interviews** – The investigator will interview the Complainant and the Respondent separately. This meeting is an opportunity for the participant to discuss his/her recollection of the event in question, voice any concerns and to work with the investigator to determine what information may be helpful in the investigation of the allegations, including the impact

that this experience has had on them. The investigator may interview the parties more than once, as necessary.

2. Witness Interviews – The parties have the right to identify any relevant witnesses, and the investigator will attempt to contact and interview any witnesses that he or she deems relevant to the resolution of the complaint. Witnesses should only be encouraged to cooperate and to speak the truth. If either party, individually or through others (e.g., friends, family members, attorneys), attempts to threaten, intimidate, or otherwise improperly influence a witness, such action may result in a separate disciplinary action by the university. The investigator will attempt to contact and interview any witnesses identified by the parties that the investigator deems to be relevant to the resolution of the complaint. The investigator may also interview any other persons which he/she finds to be potentially relevant to this matter. Witnesses may not bring support persons to their interviews. The investigator will employ best efforts to interview relevant witnesses who or no longer on campus, attempting to contact them by telephone or email.
3. Expert Witnesses – The investigator reserves the right to consult with any experts deemed necessary to the determination of the facts of this case. An expert witness could be consulted to review or provide a professional opinion regarding evidence discovered in the investigation.
4. Document Review – The investigator will attempt to obtain any documents or other materials deemed relevant to the investigation.
5. Privileged Information – Investigators or Decision Makers, including Hearing Officers, will not require, allow, or rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
 - a) Medical Records – The university, as a part on any structured process, cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the university obtains that party's voluntary, written consent.
 - b) Sexual History – Questions and evidence about the party's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about prior sexual behavior related to (1) Respondent attempting to prove that someone other than the Respondent committed the conduct alleged by the Complainant, (2) specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent; and (3) attempts to prove that

Respondent has a prior pattern or practice as it relates to the conduct alleged in the Complaint.

XIV. TRACK ONE-INTERNAL ADMINISTRATIVE INVESTIGATION

- A. Review of Investigation Report Draft and Relevant Evidence** – Once the investigation has been completed, the investigator will evaluate the information obtained during this process and prepare a preliminary draft report summarizing the relevant facts received through the investigation, noting and disclosing any evidence relevant and probative to whether the alleged conduct occurred (including both inculpatory and exculpatory evidence). This typically includes but is not limited to interview transcripts, any written or electronic communications between the parties, social media posts, or physical evidence, redacted as necessary to comply with any applicable federal or state law regarding confidentiality. The investigator will share the preliminary report and related evidence with the parties and give them one week to provide written comments or feedback to the investigator.

- B. Report Finalized and Submitted** – The investigator will then take up to an additional week to consider the feedback and revise the report as the investigator deems necessary and prepare a final report. The final report will include written findings of facts and the investigator’s recommendation as to whether a violation occurred, based on a preponderance of the evidence (whether a policy violation is more likely than not). The investigator may also draw conclusions regarding the credibility of witnesses and reliability and relevance of documentation. The investigator will then submit the final report to the Coordinator.

- C. Determination by Coordinator** – Upon determination by the Coordinator that all of the issues regarding the complaint have been appropriately investigated and addressed, he/she will take up to five business days to review the report and relevant evidence and determine whether it is more likely than not that the accused individual(s) violated the policy. In making this decision, the report will be considered and given deference by the Coordinator but is not binding on his/her decision. If the Coordinator concludes that it is more likely than not that the policy was violated, the Coordinator will also consider sanctions for violations (See Section XVI). If the Coordinator concludes that the preponderance of the evidence does not support a violation, the parties will be notified as set out below.

- D. Notice of Determination** – When a determination is reached regarding findings and/or sanctions, the Coordinator will concurrently provide both parties with written notice of the same within seven days of the decision through email. The notice will inform both parties regarding (1) how the Coordinator weighed the evidence and information presented based on preponderance standard; (2) how the evidence and information support the result and sanctions. The Complainant should also be informed of any other remedies offered to him or her individually or actions taken by the university to prevent a recurrence. Finally, the notice will also include information regarding the parties’ right to appeal. Sanctions, especially those requiring separation from campus, may be implemented immediately if deemed appropriate. The Coordinator also has the discretion to allow

a student Respondent to complete any pending coursework remotely if deemed appropriate by the relevant faculty members.

- E. Appeal** – Either party may appeal the findings or sanctions imposed to a different Decision Maker(s) by filing a written appeal with the Office of General Counsel (via email to ogc@acu.edu within three business days of the above notification. The grounds for appeals are as follows:
1. Procedure – Procedural irregularity that affected the outcome
 2. New Evidence – New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
 3. Conflict or Bias – The Title IX Coordinator or investigator had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

After receiving an appeal, the Office of General Counsel will notify the opposing party of the appeal and allow him or her the opportunity to file a response within one week. The appeal will be considered by an Appellate Panel of up to three trained administrators selected by the Office of General Counsel. The Appellate Panel will review the written appeal, any response from the opposing party, the Investigation Report, and the Coordinator’s decision. Within fourteen calendar days after the appeal is filed or the response is received, the Panel will issue a final written decision simultaneously to both parties.

XV. TRACK TWO-PRE-HEARING INVESTIGATION AND LIVE HEARING

- A. A Review of Pre-Hearing Investigation Report Draft and All Directly Related Evidence** – Once the investigation has been completed, the investigator will evaluate the information obtained during this process and prepare a draft pre-hearing report summarizing the relevant evidence received through the investigation. The investigator will provide the parties and their Advisors, if any, with an opportunity to inspect and review both a copy of the draft report and any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including inculpatory or exculpatory evidence whether obtained from a party or other source. Such evidence will be provided in either electronic format or hard copy and will be preceded by a non-disclosure agreement for any Advisors. This typically includes but is not limited to interview transcripts, any written or electronic communications between the parties, social media posts, or physical evidence, redacted as necessary to comply with any applicable federal or state law regarding confidentiality. The parties will have ten calendar days to review this material and provide any written comments or feedback to the investigator.
- B. Report Finalization and Rereview to Parties** – The investigator will then take up to an additional seven calendar days to consider the party’s feedback and revise the report as the investigator deems necessary and prepare a final report. The final report will include sections related to the

allegations, procedure and findings of facts. Then, at least ten calendar days prior to any hearing, the investigator will provide the parties and their Advisors, if any, with a copy of the final report in either an electronic format or hard copy. The parties will then have the option of providing feedback on the final report prior to the hearing.

- C. Pre-Hearing Review** – Prior to the hearing, the Decision Maker(s) will consider both the final report and any feedback. Procedures for the hearing will be provided at least ten calendar days in advance to all parties by the Office of General Counsel. If a party does not have an Advisor, ACU will assign an Advisor to the party. The Decision Maker(s) may also elect to meet with the parties and their Advisor to discuss any relevant evidentiary issues prior to the hearing and review the hearing process that sets out additional information related to the format of the hearing and roles of participants.
- D. Live Hearing** – The Decision Maker(s) and/or designated Hearing Officer will conduct a live hearing during which both parties' Advisors will have the opportunity to cross-examine the other party and any witnesses that the Decision Maker(s) deem relevant.
1. General Format – The hearing will be conducted live either in person or, at ACU's discretion, any or all parties, witnesses, and other participants may appear virtually, with technology enabling participants simultaneously to see and hear each other. Regardless of format, ACU will create an audio or audiovisual recording, or transcript and make it available to the parties upon request for inspection and review.
 2. Roles and Cross Examination
 - a) Decision Maker(s) and/or Hearing Officers – The Decision Makers and/or Hearing Officer will consider each question posed by the parties' Advisors or anyone else for relevance and explain any decision to exclude a question that is not relevant. The Decision Makers and/or Hearing Officer may invite explanation or argument related to why a question is relevant prior to making this decision. Decision Maker(s) may also pose relevant questions to the parties and witnesses.
 - b) Advisors – Advisors' only role in the hearing is to ask relevant questions of the other party and any witnesses invited to the hearing by the Decision Makers.
 - c) Parties – Parties may not directly question the other party or witnesses.
 3. Evidence
 - a) Relevance – As mentioned above, relevance is the primary standard of admissibility of evidence and questions posed. Evidence is relevant if it

has any tendency to make a fact more or less probable than it would be without the evidence; and the fact is of consequence in determining the Complaint. Although relevant, the Decision Maker may exclude evidence if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues or being misleading, or by considerations of undue delay, or needless presentation of cumulative evidence.

- b) Evidence Not Subject to Cross Examination – If a party or witness does not submit to cross-examination at the hearing, the Decision Maker(s) must not rely on any prior statement of that party or witness in reaching a determination regarding responsibility. This includes prior statements offered through third parties. However, the Decision Maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.
- c) Availability of Evidence – The University will ensure that directly related evidence that is subject to the parties' inspection and review is available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

E. Written Determination of Outcome – Following the hearing, the Decision Maker(s) will decide whether it is more likely than not that the policy was violated, and if so, the Decision Maker(s) will also consider appropriate sanctions for violations (See Section XVI). When a determination is reached regarding findings and/or sanctions, the Coordinator will concurrently provide both parties with written notice of the same within seven calendar days of the decision through email. The notice will address the following areas:

1. Allegation – Procedural irregularity that affected the outcome.
2. Procedure – New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. Findings of Fact – The Title IX Coordinator or investigator had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
4. Conclusion – Conclusions regarding the application of the policy to the facts;
5. Findings of Fact – A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, and disciplinary sanctions ACU imposes on the Respondent, and whether remedies designed to restore or preserve

equal access to ACU's education program or activity will be provided by ACU to the Complainant; and

6. Findings of Fact – ACU's procedures and permissible bases for appeal.

The Complainant should also be informed of any other remedies offered to him or her individually or actions taken by the university to prevent a recurrence. Sanctions, especially those requiring separation from campus, may be implemented immediately if deemed appropriate. The Coordinator also has the discretion to allow a student Respondent to complete any pending coursework remotely if deemed appropriate by the relevant faculty members.

F. Appeal – Either party may appeal the findings or sanctions imposed to a different Decision Maker(s) by filing a written appeal with the Office of General Counsel (via email to ogc@acu.edu) within seven business days of the above notification. The grounds for appeals are as follows:

1. Procedure – Procedural irregularity that affected the outcome
2. New Evidence – New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. Conflict or Bias – The Title IX Coordinator, investigator(s), or decision-maker(s) or hearing officer had a conflict of interest or bias for or against Complainants or Respondents generally or the individual complainant or respondent that affected the outcome of the matter.

After receiving an appeal, the Office of General Counsel will notify the opposing party of the appeal and allow him or her the opportunity to file a response within one week. The appeal will be considered by an Appellate Panel of up to three trained administrators selected by the Office of General Counsel. The Appellate Panel will review the written appeal, any response from the opposing party, the Investigation Report, and the Coordinator's decision. Within fourteen calendar days after the appeal is filed or the response is received, the Panel will issue a final written decision simultaneously to both parties.

XVI. SANCTIONS

A. Range of Sanctions – Anyone who violates this policy will be subject to appropriate disciplinary sanctions. Disciplinary measures available to remedy violations include, but are not limited to, the following: verbal warning/reprimand; written warning/reprimand placed in employee or student files; requirement of verbal and/or written apology to Complainant; mandatory education and training on harassment; referral for psychological assessment or treatment; alternate placement, suspension, probation, termination, or expulsion; or other action the university deems appropriate under the circumstances. Additionally, supportive or emergency measures may become permanent. If a student or student groups are found to be in violation of this policy, any of the

sanctions set forth in the ACU Student Code of Conduct may also be involved. If a faculty member is found to have violated this policy and if the discipline is determined to include termination, this process will substitute for any other including Special Termination in the Faculty Handbook.

- B. Determining Sanctions** – In determining what disciplinary or corrective action is appropriate, the university will consider the totality of the circumstances, including but not limited to: number of Complainants and Respondents involved; employment/student positions or status of the parties; relevant portions of prior disciplinary record of the Respondent; threatened or actual harm caused by the Respondent; and frequency and/or severity of the alleged conduct.

- C. Transcripts** – Texas law requires that the university include a notation on the transcript of any student ineligible to reenroll at ACU for a reason other than an academic or financial reason including violation of this policy. Additionally, on request by another university, ACU is required to provide to the requesting university information relating to a determination by ACU that a student enrolled at the institution violated this policy by committing sexual harassment, sexual assault, dating violence, or stalking. Upon a student's request, the university may remove the notation if the student is eligible to reenroll or the institution determines that good cause exists to remove the notations. Such requests should be made in writing to the Title IX Coordinator.

XVII. APPENDIX A

Selected State of Texas Definitions

Sexual Assault: (a) A person commits an offense if the person: (1) intentionally or knowingly: (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or (2) intentionally or knowingly: (A) causes the penetration of the anus or sexual organ of a child by any means; (B) causes the penetration of the mouth of a child by the sexual organ of the actor; (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor. (b) A sexual assault under Subsection (a)(1) is without the consent of the other person if: (1) the actor compels the other person to submit or participate by the use of physical force or violence; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge; (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat; (8) the actor is a public servant who coerces the

other person to submit or participate; (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor; (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code. **Tex. Penal Code § 22.011.**

Assault: (a) A person commits an offense if the person: (1) intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse; (2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; or (3) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. **Tex. Penal Code § 22.01.**

Dating Violence: (a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that: (1) is committed against a victim: (A) with whom the actor has or has had a dating relationship; or (B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault. (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of (1) the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship. (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b). **Tex. Fam. Code § 71.0021.**

Family Violence: "Family violence" means: (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; (2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or (3) dating violence, as that term is defined by Section 71.0021. **Tex. Fam. Code § 71.004.**

- Household: "Household" means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other. Tex. Fam. Code § 71.005.
- Member of a Household: "Member of a household" includes a person who previously lived in a household. Tex. Fam. Code § 71.006.

Stalking: (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: (1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening: (A) bodily injury or death for the other person; (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or (C) that an offense will be committed against the other person's property; (2) causes the other person, a member of the other person's family or household, or an individual with whom

the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and (3) would cause a reasonable person to: (A) fear bodily injury or death for himself or herself; (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship; (C) fear that an offense will be committed against the person's property; or (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended. **Tex. Penal Code § 42.072.**

Clery Act/Selected Federal Crime Definitions

- Sex Offenses, Forcible: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
 - Sex Assault: An offense that meets the definition of rape, fondling, incest or statutory rape as stated in the FBI's Uniform Crime Reporting program.
 - Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- Sex Offenses, Non-forcible: Unlawful, non-forcible sexual intercourse.
 - Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence: (i) A felony or misdemeanor crime of violence committed—(A) By a current or former spouse or intimate partner of the victim; (B) By a person with whom the victim shares a child in common; (C) By a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner; (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship. (ii) For purposes of this definition—(A) dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (B) Dating violence does not include acts covered under the definition of domestic violence.

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

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

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

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- Identify domestic violence, dating violence, sexual assault and stalking as prohibited conduct:
- Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent for sexual activity in the State of Texas and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent;
- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate

violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The ACU Student Life Division Offered the Following Primary Prevention and Awareness Programs for Students in 2023

2023 SEXUAL ASSAULT PREVENTION, TITLE IX, AND SUPPORT SERVICES TRAINING

PROGRAM TITLE	DESCRIPTION / AUDIENCE	TOPICS COVERED	FACILITATORS
DBMM Pre-Session	Bible Department, Staff	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Marriage and Family Studies	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Study Abroad	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Athletics / ACU Cheerleaders	Sexual Assault Awareness, Title IX	Sherita Nickerson
Res Life	RD's and SRA's	Sexual Assault Awareness, Title IX	Sherita Nickerson
DBMM – Pre Session	Faculty	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sex, Drugs, Rock n' Roll	NSO – Freshman & Transfers	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sex, Drugs, Rock n' Roll	NSO – Freshman & Transfers	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sex, Drugs, Rock n' Roll	NSO – Freshman & Transfers	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sex Drugs Rock-n-Roll	NSO – Freshman & Transfers	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Student Life Fraternities and Sororities	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Marriage and Family Studies	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Female Athletes	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Male Athletes	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Coaches and Trainers	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Football players	Sexual Assault Awareness, Title IX	Sherita Nickerson
Sexual Assault Reporting / Consent	Social Work – Grad Level	Sexual Assault Awareness, Title IX	Sherita Nickerson

HUMAN RESOURCES DIVISION OFFERED THE FOLLOWING MANDATOR PROGRAMS FOR NEW AND CURRENT EMPLOYEES, I.E., STAFF AND FACULTY 2023

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

Name of Program	Location Held	Prohibited Behavior Covered
New Employee Orientation	Human Resource	DoV, DaV, SA & S
New Employee Orientation	Human Resource	DoV, DaV, SA & S

RISK REDUCTION CONSIDERATIONS

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from RAINN- Rape, Abuse, & Incest National Network)

- Stay alert. When you’re moving around on campus or in the surrounding neighborhood be aware of your surroundings. Consider inviting a friend to join you.
- If you’re alone, only use headphones in one ear to stay aware of your surroundings.
- Be careful about posting your location. Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location.
- Adjust your privacy settings on social media sites to your comfort level, and select options that limit who can view your information.
- Have a back-up plan for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can’t use a credit card? Do you have the address to your residential hall or off-campus housing memorized?
- Make sure you have gas in your vehicle before you go out. Don’t wait till the end of the night to refuel.
- If you’re going to a social gathering, go with people *you* trust.
- Watch out for your friends, and vice versa.
- If you’re going out in a group, plan to arrive together and leave together. If you leave early let your friends know.
- If you’re at a party and something doesn’t look right speak up.
- Don’t leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
- If you want to exit a situation immediately and are concerned about frightening or upsetting someone, *it’s okay to lie*. Make-up an excuse you could say “need to go take care of a friend or family member”, “an urgent phone call”, “not feeling well”, etc.
- You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened.
- Trust your instincts. If you notice something that doesn’t feel right, it probably isn’t.

- If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.)
- If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 91-1 in most areas of the U.S.) Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- Be true to yourself. Don't feel obligated to do anything you don't want to do.
- "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you?
- Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgement before doing anything you may regret later.

HOW TO BE AN ACTIVE BYSTANDER

Bystanders play a critical role in the prevention of sexual, gender-based and intimate partner violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have choose to intervene, speak up, or do something about it. ACU wants to promote a culture of community accountability, a caring community where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. If you or someone else is in immediate danger, immediately dial 9-1-1. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found through [RAINN](#) (Rape, Abuse, & Incest National Network) or [Step Up](#) (Step UP).

- Create a distraction this may give the person at risk a chance to get to a safe place.
- Talk directly to the person who may be in trouble.
- Watch out for your friends and fellow students/employees.
- Confront individuals or call the authorities when you observe them trying to take advantage of an incapacitated individual.
- It can be intimidating to approach a situation along. Enlist another person to support you.
- Speak up when someone discusses plans to take sexual advantage of another person.
- If someone confides in you that they were the victim of sexual or gender-based harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, or retaliation, encourage them to report the incident ACUPD or local law enforcement.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of all sexual and gender-based harassment, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In Texas, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights as taken from the Texas Code of Criminal Procedure.

Chapter 56. Rights of Crime Victims

Art. 56.01 Definitions. In this chapter:

- (1) "Close relative of a deceased victim" means a person who was the spouse of a deceased victim at the time of the victim's death or who is a parent or adult brother, sister, or child of the deceased victim.
- (2) "Guardian of a victim" means a person who is the legal guardian of the victim, whether or not the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the victim.
- (2-a) "Sexual assault" means an offense under Section 21.02; 21.11(a)(1); 22.011 or 22.021, Penal code.

TEXAS CRIME VICTIMS' RIGHTS

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

- (1) Has suffered bodily injury or death as a result of criminally injurious conduct, or who has been the victim of a crime involving sexual assault, kidnapping, or aggravated robbery;
- (2) Is the close relative (spouse, parent, brother, sister, or adult child) of a victim; or
- (3) Is the guardian of a victim? As a victim of violent crime, you have the following rights:
 - The right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
 - The right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;
 - The right, if requested, to be informed of relevant court proceedings and to be informed if those court proceedings have been cancelled or rescheduled prior to the event;
 - The right to be informed, if requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district

attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arraignments, restitution, and the appeals and parole process;

- The right to provide pertinent information to a probation department conducting a pre-sentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;
- The right to receive information regarding compensation to victims of crime as provided by Subchapter B, Chapter 56, including information related to the costs that may be compensated under the Act and the amount of compensation, eligibility for compensation, and procedures for application for compensation under the Act, the payment for medical examination under Article 56.06 for a victim of sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance.
- The right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, or parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to the Act, and to be notified, if requested, of the defendant's release;
- The right to be provided with a waiting area, separate or secure from other witnesses, including the offender, and relatives of the offender, before testifying in any proceeding concerning the offender. If a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings:
- The right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose.
- The right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for a good cause.
- The right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection, and testing for acquired immune deficiency syndrome (AIDS), and human immunodeficiency virus (HIV) infection antibodies to HIV, or infection with any other probably causative agent of AIDS, if the offense is an offense under Section 21.11(a)(1) Indecency with a Child, 22.011 Sexual Assault, or 22.021 Aggravated Sexual Assault, Penal Code.
- The right to be present at all public court proceedings, related to the offense, subject to approval of the judge in the case.
- The right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice; and

- The right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered;
 - By the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted;
 - And by the Board of Pardons and Paroles before an inmate is released on parole

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

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

Further, Abilene Christian University follows Texas law in recognizing protective orders of by enforcing the parameters set forth in the judicial decree governing the order. Any person who obtains an order of protection from Texas or any reciprocal state (list reciprocal states) should provide a copy to the ACU Police Department and the Office of the Title IX Coordinator. A complainant may then meet with ACUPD to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming to and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc. The University cannot apply for a legal order of protection, no contact order, or restraining order for a victim from the applicable jurisdiction(s). ACU community members are required to apply directly for these services with the Taylor County District Attorney's office, 325-674-1296, 300 Oak Street, Abilene Texas 79602. The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, university offices will work cooperatively to ensure that the complainant's health, physical safety, work, and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record keeping for purposes of the Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20). Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the names of crime victims nor publish any identifiable information regarding victims in the Clery required Daily Crime Log maintained at ACUPD. Victims may request their

directory information on file be removed from public sources by contacting the Office of the Registrar at 325-674-2300.

ON-CAMPUS RESOURCES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT & STALKING

ACU Police Department	1634 Campus Court, Abilene TX	325-674-2305, 325-674-2911
Student Counseling Center	Student Recreation & Wellness Center	325-674-2626
Student Medical Center	Student Recreation & Wellness Center	325-674-2625
Title IX Co-Coordinator	Hardin Administration Building Rm. 213	325-674-2359
Title IX Office	Hardin Administration Building Rm. 204	325-674-6802

ON-CAMPUS CONFIDENTIAL SUPPORT

Confidential Reporting/Support Options – If a person desires to report confidentially on-campus and not have their personally identifiable information reported to the university, they are encouraged to speak with one of the following:

- On Campus mental health professional or health care service providers at the ACU Medical and Counseling Care Center (MACC). The MACC is located at the northwest entrance of the Royce & Pam Money Student Recreation and Wellness Center, next door to the Teague Special Events Center. Medical and counseling services are both available. The MACC can be reached at 325-674-2625.
- On-campus ACU Chaplain staff Cyrus Eaton is located in the McGlothlin Campus Center, Lower Level, Student Life Offices or by phone at 325-674-2067.

These individuals will maintain the confidentiality of a Complainant's disclosures unless (i) they are given permission to share information by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 17; or (iv) as otherwise required or permitted by law or court order. These on-campus individuals are required to report to the Title IX Coordinator only the type of incident reported and may not include any information that would violate an expectation of privacy.

OFF-CAMPUS AREA RESOURCES FOR VICTIMS

OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, & STALKING

Hendrick Medical Center / SANE (Sexual Assault Nurse Examiner) Program – go to the Emergency Room at Hendrick Medical Center (1900 Pine Street, Abilene TX 79601; 325-670-2151) and request to see a SANE nurse.

Regional Victims Crisis Center 325-677-7895 (24 Hour Crisis Hotline) Anonymous reports can be made here.

OFF CAMPUS CONFIDENTIAL SUPPORT

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

ADDITIONAL RESOURCES AVAILABLE FOR

SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING VICTIMS

Rape, Abuse and Incest National Network: [Rainn](http://rainn.org)

US Department of Justice: <https://www.justice.gov/ovw/sexual-assault>

Department of Education, Office of Civil Rights: [US Department of Education](http://www.ed.gov/office-of-civil-rights)

If you have urgent information or emergency circumstances pertaining to any ACU campus besides the main ACU-Abilene campus, please alert your local police or emergency services in your area or simply call 9-1-1 first, then follow-up as soon as possible with ACUPD-Abilene so that assessment of the situation and Timely Warning/Emergency Notification applicability can begin.

SEX OFFENDER REGISTRATION INFORMATION

In accordance with the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, ACUPD is providing a link to the Texas Department of Public Safety Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide

notice of each institution of higher education in that state at which the person is employed, carries a vocation or is a student. In the State of Texas, convicted sex offenders must also register with the local municipal or county law enforcement agency that holds primary jurisdiction for the area in which the offender lives. Local agencies submit this information to the Texas Department of Public Safety Crime Records Division, Austin, Texas. Details of the Texas Sex Offender Registration Program are detailed in Article 62.163 of the Texas Code of Criminal Procedure: Sex Offender Registry Program, <https://statutes.capitol.texas.gov/Docs/CR/htm/CR.62.htm>

Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular. Unlawful use of the information for purposes of intimidating or harassing another is prohibited. The Texas Department of Public Safety web link for the [Texas Public Sex Offender Registry](#).

ACU IMMEDIATE NOTIFICATION, EMERGENCY RESPONSE, AND EVACUATION PROCEDURES

ACU EMERGENCY MANAGEMENT GUIDE

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

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

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

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

situations. In the event of any campus incident/emergency, the safety and security of ACU's students, faculty, staff, and visitors are the highest priority.

EMERGENCY MANAGEMENT ROLES

LAW ENFORCEMENT

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

INCIDENT COMMANDER

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

EMERGENCY OPERATIONS CENTER

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

EMERGENCY RESPONSE TEAM (ERT) IS COMPRISED OF:

- Chief of Police
- Senior Vice President for Operations
- Senior Advisor to the President
- Chief Human Resources Officer
- Vice President for Student Life
- Chief Marketing Officer (PR)
- Director of Facilities Management
- Other university personnel summoned as needed per incident specifics

The ERT is on-call 24/7 and is responsible for responding to the EOC and coordinating and/or directing the resources necessary to support the IC during emergency situations. The ERT also assists the President and senior University leaders in developing and implementing strategies, tactics, and the overall plan for managing the institutions response to a campus emergency. The ERT provides general oversight of all emergency response and recovery operations and determines the appropriate courses of action to ensure that emergency

management decisions are inclusive of all university operations and lead to timely restoration of the university's mission. ERT members regularly plan, train, and communicate strategies to mitigate campus emergencies.

NOTIFICATION PROCEDURES & EMERGENCY INFORMATION DISSEMINATION

INTERNAL NOTIFICATION SYSTEM

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

EMERGENCY NOTIFICATION

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

In addition to the methods described above, when the circumstances stand to pose a more immediate threat to members of the campus community, the warning/emergency notifications may also be posted via the ACU computer system "MyACU," as well as local TV/Radio media and the City of Abilene CodeRed alert systems. When possible, Emergency Notifications and Timely Warnings (discussed below) will also be distributed and displayed in prominent locations on campus including entrances to Residence Halls, Academic buildings and the ACU McGlothlin Campus Center. Appropriate follow-up including information about the situation's further evolution or resolution will also be disseminated as soon as possible using some or all the communication systems described above.

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

It is the responsibility of the ACUPD Chief of Police or his designee to confirm, with the assistance of other university administrators, local first responders and/or the National Weather Service, whether a legitimate emergency exists and has been determined to pose a danger or imminent threat to the campus community and public. When determination is made, appropriate emergency information will be disseminated to the ACU community and the public without delay. The ACUPD Chief of Police or designee, or other authorized university official (Vice President for Student Life, Senior Advisor to the President, Director of Risk

Management) will assess the content of the emergency message and initiate the notification system as soon as possible unless the notification will, in the judgment of responsible authorities, compromise the efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. In many instances this information may be provided by external emergency responders in lieu of or in addition to the University itself. The means of dissemination may vary on a case-by- case basis depending on the nature of the incident/emergency and the communication process.

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

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

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

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

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

TIMELY WARNINGS

In an effort to provide timely notice to the ACU campus community in the event of a Clery Act category crime that occurs on any of the ACU campuses or on ACU owned/controlled properties, certain non-campus buildings/facilities, or on public property immediately adjacent to and accessible from ACU campus properties (or other near-campus areas not listed above) and which may pose a serious or continuing threat to members of the community, the ACU Police Department (ACUPD) issues “Timely Warnings.” ACUPD will generally issue Timely Warnings for the following types of crimes only, and only if there is a continuing or serious threat the ACU community:

- Arson

- Aggravated assault
- Burglary
- Criminal homicide
- Hate Crimes
- Motor Vehicle Thefts
- Robbery
- Sexual assaults
- Stalking
- Dating Violence
- Family Violence

Examples of certain criminal incidents that may not necessarily present a serious or continuing threat and therefore might not merit a Timely Warning, include the following:

- An assault between two individuals who have a disagreement and know each other. This may be an isolated event and presents no ongoing threat to the community.
- In the case of a delayed report. Some reports of crime are received well after they occurred creating situations where the information is no longer “timely.” These will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information available.
- Crimes in which the perpetrator(s) have been apprehended, thereby eliminating the threat.
- Crimes in which an identified perpetrator is only targeting specific individuals to the exclusion of others, such as domestic violence.
- Also, the university is not required to provide a Timely Warning Notice related to crimes which were reported to ACU personnel in the course of their assigned employment capacity as a university chaplain or professional counselor.

ACUPD may post these Timely Warning notices through a variety of ways, including but not limited to campus-wide e-mails, ACU ALERT text messages/emails, and other media.

All Timely Warning notices will begin with “ACU POLICE TIMELY WARNING/CRIME ADVISORY” to indicate the severity of the message and will provide a brief description of the timely warning or emergency response notice. The information provided in a Timely Warning Notice may provide vital information on what actions you need to take if you are on campus during such a situation. A Timely Warning may include following information:

- Type of crime
- Date, time and location of the crime
- Brief description of the incident
- Available suspect information
- Safety tips to help with the risk of being involved in a similar incident.
- For purposes of Timely Warning information, the names of victims will be considered as confidential and will always be excluded from Timely Warnings.

The purpose of these Timely Warnings is to notify the campus community of the incident and to provide information that may enable community members to protect themselves from similar incidents. ACUPD will issue Timely Warnings whenever the following criteria are met:

1. A Clery Act category crime has been reported and determined to have occurred on an ACU campus or on ACU owned/controlled properties, certain non-campus buildings/facilities, or on public property immediately adjacent to and accessible from ACU campus properties
2. The perpetrator has not been apprehended; and
3. There is a substantial and ongoing risk to the physical safety of other members of the campus community because of this crime.

Such crimes include but are not limited to Clery Act crimes that are reported to ACUPD or to local police, or to any campus security authority who refers the report to ACUPD.

Additionally, ACUPD may in some circumstances issue Timely Warnings for certain non-Clery category crimes or for crimes occurring at non-ACU locations near ACU campus properties, or when there is a pattern of crimes against persons or property. At Abilene Christian University, the ACUPD Chief of Police or designee, will generally make the final determination, sometimes in consultation with other senior university officials, if a Timely Warning will be issued.

Anyone with information warranting a timely warning or emergency response notification for any ACU campus may contact ACUPD-Abilene anytime 24hrs per day at 325-674-2911.

If you have urgent information or emergency circumstances pertaining to any ACU campus besides the main ACU-Abilene campus, please alert your local police or emergency services in your area or simply call 9-1-1 first, then follow-up as soon as possible with ACUPD-Abilene so that assessment of the situation and Timely Warning/Emergency Notification applicability can begin.

EMERGENCY RESPONSE PROCEDURES

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

An incident or series of critical incidents that requires the University to disengage resources from normal operations to provide extraordinary protection of life, property and/or operations will constitute a *campus emergency*. The Chief of Police directs actions to prepare for, or respond to, all incidents or emergencies that may occur, and coordinates the appropriate response depending on the scope and nature of the specific incident or emergency. The first step in mitigating campus emergencies is the development and implementation of an Emergency Action Plan (EAP) for each potential incident. Next, key personnel, e.g.,

facility Emergency Managers and Residence Life staff members, receive training and participate in drills and exercises to test their procedures. Familiarity with procedures, timely execution, and communication are essential elements of emergency management.

FACILITY EMERGENCY MANAGEMENT

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

Evacuation, shelter-in-place, and lockdown can involve the entire campus or only a few facilities, depending on the nature of the threat. The following are the general procedures for effectively managing emergencies affecting facilities.

EVACUATION PROCEDURES AND EMERGENCY INFORMATION

EVACUATION PROCEDURES

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

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

SHELTER-IN-PLACE PROCEDURES

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

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

LOCK DOWN PROCEDURES

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

- Contact ACUPD and provide/receive accurate information concerning the emergency
- Alert occupants to the situation, direct them to lockdown, and lock all exterior facility doors
- Lock doors/windows, close blinds/curtains, and turn off equipment/devices that emit light/sound

- Report lockdown status, headcount, injuries, and control entry/exit to the room
- Prevent people from exiting the facility until receiving the “all clear” or directed to evacuate
- *If you encounter the shooter, you should immediately call 911 to report the incident, seek a secure area, remain calm, reassure others, assist the injured, and wait for law enforcement response.*

CAMPUS EMERGENCY MANAGEMENT

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

SUSPICIOUS DEVICE

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

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

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

BOMB THREAT

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

Ask the caller:

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

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

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

ACUPD officers will respond to the scene and implement procedures to mitigate the situation.

If occupants are directed to evacuate the facility/area, they will be directed to move a minimum of 300 feet from the suspected bomb or suspicious device.

DISRUPTIVE INDIVIDUAL

A disruptive individual is someone who:

- Makes threats of physical harm to others or themselves
- Behaves in a bizarre manner or is out of touch with reality
- Appears to be intoxicated or under the influence of drugs

Steps to take when dealing with a disruptive individual:

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

VIOLENT OR CRIMINAL BEHAVIOR

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

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

PLANNING AND TRAINING

EMERGENCY PLANNING

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

ORIENTATION AND RECURRING TRAINING

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

FACULTY AND STAFF

Basic safety and emergency response information is provided during the University's new employee orientation training. Information is presented concerning basic response protocols and contact information based on the

most likely emergencies/incidents to occur on campus. Regular updates may be provided to faculty and staff via distribution of newsletters or brochures, the Emergency Management web page, or university- wide broadcast email.

STUDENTS

Safety and security information is provided to all students on an annual basis. New students and their parents obtain information during orientation sessions and provide students with emergency response procedures, safety tips, and campus contact information. Students living in on-campus residence halls and apartments participate in mandatory annual meetings with their resident assistant or hall director at the beginning of each academic year. Students living off campus receive this information as part of a required off campus student orientation session each fall. Regular updates may be provided to students via meetings, brochures, the Emergency Management web page, or university wide broadcast email.

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

RESIDENTIAL FACILITY PREPAREDNESS

Residence Life staff members are provided education, resources, and receive special safety and emergency preparedness training. They are required to sign [attest to] training documentation prior to assuming their roles within campus residence facilities. These individuals receive annual training covering facility Emergency Action Plans, applicable fire protection systems, and general safety procedures. All on-campus residential facilities conduct mandatory fire evacuation drills during the fall and spring semesters. In addition, utilities and communications systems are tested regularly to ensure reliability.

EMERGENCY PREPAREDNESS

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

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

