



# 2023 ANNUAL SECURITY AND FIRE SAFETY REPORT

INCLUDES CRIME AND FIRE STATISTICS FOR CALENDAR YEARS 2020, 2021 AND 2022



ALASKA PACIFIC UNIVERSITY  
MAIN CAMPUS  
4101 UNIVERSITY DRIVE  
ANCHORAGE, AK 99508  
[www.alaskapacific.edu](http://www.alaskapacific.edu)

ALASKA PACIFIC UNIVERSITY  
KELLOGG CAMPUS  
6404 N. LOSSING ROAD  
PALMER, AK 99645  
[www.alaskapacific.edu](http://www.alaskapacific.edu)



# TABLE OF CONTENTS

<b>WELCOME TO ALASKA PACIFIC UNIVERSITY .....</b>	<b>1</b>
<b>History of APU .....</b>	<b>1</b>
<b>APU Campuses .....</b>	<b>2</b>
<b>THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY &amp; CRIME STATISTICS .....</b>	<b>3</b>
<b>CAMPUS SAFETY and SECURITY .....</b>	<b>4</b>
<b>The Office of Campus Safety .....</b>	<b>4</b>
<b>APU Daily Crime Log .....</b>	<b>4</b>
<b>Campus Safety, Security Services and Law Enforcement .....</b>	<b>5</b>
<b>Building Access, Safety, and Maintenance of Campus Facilities.....</b>	<b>6</b>
<b>Criminal Activity at NonCampus Locations .....</b>	<b>6</b>
<b>Prevention Programs .....</b>	<b>6</b>
<b>Campus Safety Awareness &amp; Prevention .....</b>	<b>7</b>
<b>Crime Prevention and Personal Safety Tips .....</b>	<b>9</b>
<b>CRIME REPORTING and RESOURCES .....</b>	<b>10</b>
<b>Reporting a Crime .....</b>	<b>10</b>
<b>Campus Security Authorities .....</b>	<b>11</b>
<b>Voluntary and Confidential Reporting .....</b>	<b>12</b>
<b>EMERGENCY NOTIFICATIONS and PROCEDURES .....</b>	<b>12</b>
<b>Timely Warning Notices .....</b>	<b>12</b>
<b>Emergency Response, Evacuation and Notifications .....</b>	<b>13</b>
<b>Missing Student Notification .....</b>	<b>14</b>
<b>ALCOHOL AND DRUG POLICIES .....</b>	<b>15</b>
<b>SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE and STALKING .....</b>	<b>18</b>
<b>Federal Clery Definitions .....</b>	<b>19</b>
<b>State of Alaska Definitions .....</b>	<b>20</b>
<b>Title IX and Anti-Harassment and Sexual Misconduct Policy .....</b>	<b>31</b>
<b>Procedures Complainants Should Follow if an Incident Occurs .....</b>	<b>44</b>
<b>Title IX Grievance Procedure .....</b>	<b>46</b>
<b>RELATED UNIVERSITY POLICIES AND PROCEDURES .....</b>	<b>61</b>
<b>Sex Offender General Information .....</b>	<b>61</b>
<b>APU Smoke and Tobacco Free Policy .....</b>	<b>62</b>
<b>Student Code of Conduct Provisions .....</b>	<b>62</b>
<b>Weapons-Free Campus Policy .....</b>	<b>62</b>
<b>Non-Discrimination Policy .....</b>	<b>62</b>
<b>CRIME STATISTICS .....</b>	<b>63</b>
<b>Definitions of Clery Terms Used in Statistics Tables .....</b>	<b>66</b>
<b>Statistics Tables for APU Main Campus .....</b>	<b>60</b>

<b>Statistics Tables for APU Kellogg Campus .....</b>	<b>69</b>
<b>ANNUAL FIRE SAFETY REPORT .....</b>	<b>72</b>
<b>Fire Safety Systems .....</b>	<b>72</b>
<b>Fire Drills .....</b>	<b>73</b>
<b>Fire Statistics .....</b>	<b>74</b>
<b>APU Main Campus .....</b>	<b>74</b>
<b>APU Kellogg Campus .....</b>	<b>75</b>
<b>Fire Prevention Policies .....</b>	<b>75</b>
<b>Reporting a Fire .....</b>	<b>77</b>
<b>Fire Safety Education .....</b>	<b>78</b>
<b>Improvement Plans for Fire Safety .....</b>	<b>78</b>
<b>MAP OF APU MAIN CAMPUS .....</b>	<b>Last Page</b>

# **WELCOME TO ALASKA PACIFIC UNIVERSITY**

Founded in 1959, Alaska Pacific University is a small liberal arts university where students are the center of all that is done at APU. Located on the land of the Dena'ina people, APU is federally recognized as an Alaska Native-serving institution. APU seeks to honor this heritage with the commitment to place-based learning, celebration of community and tradition, and good stewardship of this land.

At APU, an education is an adventure in living and learning. Students are at the center of all that is done at APU. Representing the aspirations and collective wisdom of the APU community, APU delivers an education that is collaborative, innovative, and transformational. Encouraging student development, supporting community engagement, and honoring Alaska's Indigenous heritage, APU seeks to cultivate a unique and powerful educational experience.

APU continues to graduate students who are engaged in rigorous, real-world issues of critical importance to Alaska, and who will make a difference in their world. APU is adaptive, nimble, and responsive to community needs. APU will deepen and strengthen its curriculum with an emphasis on interdisciplinary, experiential learning communities and project-based learning.

APU offers dozens of degree programs offering Associate, Undergraduate, and Master's degrees and Graduate Certificates. Intentionally small class sizes supports APU's commitment to a world-class, hands-on, culturally responsive educational experience. APU prides itself on active learning and flexible schedules, including both online and in-person classes.

## **HISTORY OF APU**

### **ALASKA METHODIST UNIVERSITY**

Under the direction of Peter Gordon Gould, an Unangax from the village of Unga, Alaska Methodist University (AMU) offered its first classes in 1960. Peter Gordon Gould was an Unangax from the village of Unga in the Aleutian Islands. His mother encouraged Gould to leave home in order to receive a quality education and return with strengthened leadership skills to help his people. He left Unga to attend the Jesse Lee Home for Children in Unalaska, attended Seminary school, received his undergraduate degree from Syracuse and became the first Alaska Native minister in the United Methodist Church. Gould recognized a strong need "for indigenous leadership reared, educated and trained in Alaska for Alaska." He was a pivotal member of a successful fundraising effort for the first private liberal arts college in Alaska.

### **AMU TO APU**

AMU was renamed in 1978 to Alaska Pacific University (APU) but remains a Methodist-affiliated institution. It retains its commitment to its heritage of Alaska Native education while emphasizing rigorous academics and challenging field work in the arts and sciences.

# APU CAMPUSES

## **APU Main Campus**

APU Main Campus (“APU Main”) sits on 170 heavily wooded acres just a few miles from downtown Anchorage on the traditional homelands of the Dena’ina people. APU is situated in the UMed District of Anchorage adjacent to the Alaska Native Tribal Health Consortium, Alaska Native Center, Providence Hospital, and the University of Alaska Anchorage (“UAA”). The campus includes summer and winter recreational trails, state-of-the art facilities and magnificent views of the Chugach Mountains.

APU shares a consortium research library with UAA. The Consortium library is located on UAA campus but within walking distance of APU Main Campus.

## **APU Kellogg Campus**

APU Kellogg Campus sits on over 800-acres in the Matanuska Susitna Valley, 3 miles north of Palmer, Alaska, and 40 miles north of Anchorage, Alaska. In 1973, the land was given in trust to Alaska Methodist University by its owner, V. Louise Kellogg, a Board of Trustees member. APU Kellogg Campus is now managed by APU, overseen by the Dewolf Kellogg Trust.

APU programs on the Kellogg Campus include Spring Creek Farm, a vegetable farm that uses organic practices, the Kellogg FIELD School, an outdoor, place-based homeschool program for K-8 students, Camp Kellogg, a nature-based summer day camp program, the Master of Science degree in Outdoor and Environmental Education program, and a variety of grant-funded agricultural education programs. In 2018, the Trust finalized an agricultural land easement, preserving 74 acres of this campus as agricultural land in perpetuity.

# THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY & CRIME STATISTICS

The Federal Student Right-to-Know, Crime Awareness, and Campus Security Act, now cited as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and herein identified as the Clery Act, and the safety-related requirements of the Higher Education Opportunity Act (including the Violence Against Women Reauthorization Act of 2013 amendments to the Clery Act and provisions of The Campus Sexual Violence Elimination (SaVE) Act), requires institutions of higher learning to prepare, publish, and distribute a report concerning campus crime statistics and security policies on an annual basis through appropriate publications, mailings, or computer networks to all current students and employees, and all prospective students and prospective employees upon request. This publication contains the annual report concerning specific campus crime and arrest statistics as well as information about campus policies and practices intended to promote crime awareness, campus safety, and security.

Alaska Pacific University (“APU” or “University”) Office of Campus Safety, produces an Annual Security and Fire Safety Report. The Office of Campus Safety works with many other departments and agencies, such as the Dean of Students Office, Office of Campus Life, the Compliance and Risk Office and local, state and federal law enforcement to compile the information contained in the report.

This report includes policy statements and specific information regarding the APU’s procedures, practices, and programs concerning safety and security. It includes information about the services and programs of the Office of Campus Safety and details the process by which persons can report and prevent crimes or suspicious activity. The report provides information about programs the University provides to prevent the abuse of drugs and alcohol as well as awareness, prevention, and response to all forms of sexual misconduct. The report also provides reported crime statistics for the previous three (3) calendar years (2020, 2021 and 2022) for particular types of crimes that occurred on campus, fire safety data, policies, procedures, and systems. APU encourages members of the University community to use this report as a guide for safe practices on and off campus.

Developing a safe and secure environment in an academic institution is a partnership. Within the APU community, the Office of Campus Safety is tasked with the primary responsibility of identifying those programs, methods and tactics necessary to assist the entire APU community in reducing risk, and achieving a safe and secure environment. In order to maintain such an environment, we encourage every member of the community to learn and demonstrate responsible personal behaviors regarding safety and security at all times and to immediately report crimes or suspicious activity.

Each year, an email notice is sent to APU students, faculty and staff informing them of the availability of this report. The report is available for download at <https://www.alaskapacific.edu/campus-safety/campus-statistics/>.

APU campus crime and judicial statistics are compiled by the Office of Campus Life, Office of Campus Safety, Dean of Students Office and the Compliance and Risk Office. The yearly Campus Security Report, including supplemental documentation, is created, published and maintained by the Dean of Students Office and the Compliance and Risk Office at Alaska Pacific University. To obtain a written copy of the report please contact the Dean of Students Office at (907) 564-8287 or by email at [DOSOff@alaskapacific.edu](mailto:DOSOff@alaskapacific.edu).

# **I. CAMPUS SAFETY and SECURITY**

## **THE OFFICE OF CAMPUS SAFETY**

A member of Campus Safety is available by phone 24 hours per day, 365 days per year and can be reached by calling: 907-564-8888. Campus Safety can also be contacted using the APU Safe App (see the Timely Notification section below for more information on the APU Safe App). If a call is made on campus to 911, the 911 operator will subsequently follow up with APU Campus Safety after the call is concluded. The Office of Campus Safety is located in the Atwood Center on the first floor.

The duties of the Office of Campus Safety include, but are not limited to, maintaining security of University buildings, providing crime prevention programs to students and employees, organizing parking and parking rules, responding to requests for service, providing safety escorts on the campus, maintaining the campus lost and found, building and room unlocks, vehicle jumpstarts and notifying authorities of possible criminal activity.

The Office of Campus Safety employs one full time professional staff member who works under the guidance of the Campus Life Office and the Dean of Students Office. There is one nighttime professional staff member and up to five Campus Safety Assistants who are employed as well. The Campus Safety officers monitor and generally maintain order on University property as well as provide special services unique to the University setting.

Employees of Campus Safety are not law enforcement officers and do not have police arresting authority and are not authorized to carry firearms. Campus Safety staff are instructed to observe and report and, when necessary, will notify local, state and federal law enforcement authorities of persons unlawfully or illegally in buildings or on University grounds, being uncooperative, or involved in criminal activity as well as issues with wildlife on campus.

By monitoring local, state and national law enforcement information, Campus Safety is usually aware of crimes around the campus that threaten APU community, as well as weather conditions that could produce dangerous conditions. When circumstances are appropriate, Campus Safety notifies APU community to take protective measures. Communications occur via any or all of the following mediums: APU Safe App; APU website; campus-wide e-mail, text messaging, and postings in campus buildings.

Campus Safety does not provide security services to APU Kellogg Campus, but relies on local, state and federal law enforcement and local emergency services to ensure campus safety and security at APU Kellogg Campus.

## **APU DAILY CRIME LOG**

The Office of Campus Safety maintains statistics and daily crime logs of all allegations of crimes reported to Campus Safety to have occurred on both APU Main Campus and APU Kellogg Campus. This log includes the date the crime was reported, the nature of the crime, the date and time the crime occurred, the general location of the crime, and the current disposition of the complaint. Updates to the log are made within two business days from when a crime is reported or there is a change in the disposition of a complaint except when the disclosure is prohibited by law or would jeopardize the confidentiality of the victim. Information may be temporarily withheld from the log when it would jeopardize an ongoing investigation, jeopardize the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence.

A printed log of all crimes reported to Campus Safety as having occurred within the past 60 days on and around University property is available to the public at the Campus Safety office upon request. A log of crimes reported to Campus Safety prior to the past 60 days will be made available within two business days of the request.

### **CAMPUS SAFETY, SECURITY SERVICES and LAW ENFORCEMENT**

Campus Safety staff serves as a first responder on APU Main Campus by monitoring campus safety issues including building security, incident response and oversight of campus visitors. APU also has an agreement with Nana Management Services (NMS) to provide additional security coverage on APU Main Campus 7 days a week starting at 6:00 p.m. until 6:00 a.m. NMS Security Staff are required to be certified that meet or exceed industry standards. NMS Security Staff do not carry weapons and are required to be trained in CPW, use of force, verbal de-escalation, theft situations, violence in the workplace and other training topics as appropriate for the functions of providing security. Uniformed NMS Security Staff patrol campus during the night on foot and/or in vehicles with security lights activated while patrolling APU Main Campus parking lots. NMS Security Staff are required to patrol APU Main Campus and provide door checks for each building on APU Main Campus a minimum of every 2 hours during their shift.

For APU Main Campus, the Office of Campus Safety maintains a working relationship with the Anchorage Police Department, UAA Police Department, and all appropriate authorities of the criminal justice system. For APU Kellogg Campus, while there are no campus safety or security on campus, APU Kellogg Campus maintains a working relationship with Alaska State Troopers and the Palmer Police Department. For both campuses, meetings are held as needed with these law enforcement agencies, both on a formal and informal basis. Crime-related reports, statistics and crime/incident strategies are exchanged when available. While APU, at both campuses, have no Memorandum of Understanding (MOU) with any response agencies, the Anchorage Fire and Police Departments and UAA Police Department includes APU Main Campus as part of their emergency response obligation and also provides assistance and support to the Office of Campus Safety when requested. Alaska State Troopers and Palmer Fire and Police Departments includes APU Kellogg Campus as part of their emergency response obligation and also provides assistance and support to APU Kellogg Campus when requested.

All criminal incidents and arrests made on APU Main Campus property are processed by the Anchorage Police Department, or by UAA Police Department at APD's request. All criminal incidents and arrests made on APU Kellogg Campus property are process by the Alaska State Troopers, or by Palmer Police Department at Alaska State Troopers' request. Campus Safety staff and NMS Security Officers are not law enforcement officers and do not have police arresting authority and are not authorized to carry firearms.

APU Main Campus non-emergency law enforcement phone numbers:

Anchorage Police Department: 907-786-8900 (primary jurisdiction)

UAA Police Department: 907-786-1120

APU Kellogg Campus non-emergency law enforcement phone numbers:

Alaska State Troopers: 907-269-5511

Palmer Police Department: 907-745-4811



## **BUILDING ACCESS, SAFETY AND MAINTENANCE OF CAMUS FACILITIES.**

APU is a private, liberal arts university. Most administrative, educational and recreational buildings on both APU Main Campus and APU Kellogg Campus are accessible to members of the community, guests and visitors and are secured after their scheduled use times. After that time, access is limited to persons with authorized electronic door (“badge”) access. During certain holidays, all buildings will have 24-hour badge access and may only be access by approved staff, faculty and students. Campus Safety, along with contracted NMS Security Staff, provide

The APU Campus provides on-campus housing for 100 students. Traditional residence halls are secured 24 hours a day and accessible only by residents through an ID badge system and keys. Keys are for personal use only and students are not allowed to loan their keys to others at any time. Lost or stolen keys should be reported to Campus Life office immediately. Access to residential community living spaces is restricted to residents of a specific residence hall or apartment, and their escorted guests. Guests must be escorted by a resident at all times. All overnight guests must be checked in with the Campus Life office or the RA on Duty. In all areas, resident advisors are on duty from 5:00 p.m. to 9:00 a.m. weekdays and 24 hours a day on weekends and University holidays.

APU maintenance staff respond to request for repairs. Requests for repairs can be submitted online by using the “Maintenance Request” tab under myAPU or by calling 907-564-8230.

Campus Safety maintains security of all campus buildings for APU Main Campus. Except certain holidays, all campus buildings are locked at 11:00 p.m. and are unlocked at 7:00 a.m. Campus Safety staff patrols the APU Main Campus and walk through buildings daily. NMS Security patrols APU Main Campus with security lights activated 7 days a week starting at 6:00 p.m. until 6:00 a.m. and provide door checks for each building on APU Main Campus a minimum of every 2 hours during their shift. Surveillance cameras are installed in many areas around APU Main Campus, both external and internal cameras.

## **CRIMINAL ACTIVITY AT NONCAMPUS LOCATIONS**

APU operates no off-campus housing or off-campus student organization facilities. However, students may live in neighborhoods nearby APU Main Campus and APU Kellogg Campus. While the Anchorage Police Department (APD) has primary jurisdiction for APU Main Campus, UAA University Police do respond to other calls for service near APU Main Campus. For APU Kellogg Campus, Alaska State Troopers has primary jurisdiction for areas outside Palmer, Alaska, municipal limits and Palmer Police Department has primary jurisdiction for area within Palmer municipal limits and each such law enforcement agency do respond to other calls for service if not in their primary jurisdiction. Students living off-campus who experience an emergency/crisis should call 911

## **PREVENTION PROGRAMS.**

APU engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

1. 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
2. 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 and that includes:

1. A statement that the APU prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act);
2. The definitions of domestic violence, dating violence, sexual assault, and stalking according to any applicable jurisdictional definitions of these terms;
3. What behavior and actions constitute consent, in reference to sexual activity, in the State of Alaska and APU and the purposes for which that definition is used;
4. 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;
5. 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;
6. An overview of information contained in the annual security report in compliance with the Clery Act. Such information includes information regarding:
  - a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs;
  - b. how the institution will protect the confidentiality of victims and other necessary parties;
  - c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;
  - d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;
  - e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking;

## **CAMPUS SAFETY AWARENESS & PREVENTION**

APU strives to create safe and secure environments where students flourish. Some program highlights include: Safety Tips, Basic Self Defense, Disaster Response Training, Bystander Intervention, Sexual Consent, and Sexual Assault Prevention. Campus Life takes extra steps to educate students about safety. Emails are sent out through the Dean of Students Office and the Office of Campus Safety regarding important information including but not limited to: Emergency Notification sign ups, Clery Act reporting, and wildlife danger. Students are provided access to the Campus Life Handbook and Student Handbook which includes guidelines on how to remain safe in a residential living environment, including fire safety, discrimination, Title IX, physical violence, and other tips. Students in the residential community also have monthly meetings that feature relevant safety information. Fire drill evacuations occur in the residential community every year.

APU utilizes a mobile app called APU Safe which is downloadable for students, staff, faculty and other community members to their electronic devices that offers multiple services including the ability to initiate a report, emergency contacts, support services, friend walk feature, interactive map, parking services, anonymous reporting, emergency plans and information about how to stay safe and secure on campus.

**Awareness Programs:** Community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

**Ongoing Prevention and Awareness Programs:** Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

**Primary Prevention Programs:** Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexual intimacy, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

### **Bystander Intervention.**

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 acting to intervene.

Everyone has a role in changing community knowledge, attitudes and behaviors. Change happens as each person is able to identify risky situations and take action to confront, interrupt, or prevent acts of sexual violence. Bystander intervention programs can help individuals observe a situation and determine an appropriate intervention where someone could use some help. Bystander intervention means just that; people taking care of others. If you find a friend in a situation that concerns you, consider the following strategies to intervene safely and effectively:

- Create a distraction to interrupt the flow of events such as:
  - Stop it indirectly by diffusing the situation or calming things down for a moment
  - Spill a drink
  - Set off car alarm
  - Pretend to know the person
  - Ask for directions
  - Ask to borrow a phone charger
- Involve others to help you
- Make an excuse to remove a friend from the situation
- Point out the unwanted behavior in a safe and respectful manner
- Call for help, if needed

### **Risk Reduction.**

Risk reduction information provides students and employees along with other individuals with options designed to decrease perpetration and bystander inaction. Moreover, information on risk reduction increases empowerment for victims in order to promote safety and to help individuals, our APU community, and other communities to address conditions that facilitate acts of violence.

Personal safety habits directly translate to campus safety habits by changing the mindset of all members of our community to be engaged in and with what is happening around them.

- Be aware of your surroundings.

- Walk with purpose.
- Trust your instincts.
- Make sure your cell phone is with you.
- When you go to social gatherings, go with a group of friends.
- Don't leave your drink unattended.
- Don't accept drinks from people you don't know or trust.
- Watch out for your friends.
- Have your friends watch out for you.
- If you suspect you or a friend have been drugged, contact law enforcement immediately.
- Try to think of an escape route.

If you need to get out of an uncomfortable or unpleasant situation here are some things you can try:

- Remember that being in this situation is not your fault. You did not do anything wrong, it's the person who is making you uncomfortable that is to blame.
- 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.
- Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse.

Sexual assault is never a victim's fault. However, there are ways that may reduce the risk of being sexually assaulted including being prepared, alert, and assertive. Consider the following tips:

- Be aware of your surroundings
- Practice responsible drinking; alcohol is a factor in many sexual assaults
- Never leave your drink unattended
- Don't accept drinks from someone you don't know or trust
- Stay with your friends and make sure your friends stay with you
- Be careful of online relationships
- Trust your instincts

Further information on more strategies to reduce one's risk of assault or harassment may be found on RAINN's (Rape, Abuse & Incest National Network) website at <https://www.rainn.org/>.

## **CRIME PREVENTION AND PERSONAL SAFETY TIPS**

### **Personal Safety**

- Walk or jog with a friend, not alone.
- Avoid isolated areas.
- Know your limits on dates and communicate them to your partner.
- Tell a friend where you are going and when you will return.
- Report concerning behaviors (unwanted texts, threats, etc.).
- Use a cell phone or raise the hood and stay in your car if it breaks down. If people stop to assist, ask them to call the police.
- Be aware of your surroundings.
- Never leave your drink unattended. Because they are colorless and odorless, date rape drugs can be slipped into any type of beverage.
- Do not accept drinks from anyone but a server.

### **Residential Safety**

- Lock your dorm room or apartment whenever you leave and when you are sleeping.
- Call 911 if you see someone in the building who does not belong.
- Do not allow strangers to follow you into the building.

### **Workplace Safety**

- Keep personal items (purses, book bags) locked up.
- Secure the work area when no one is in it.
- Report suspicious people to the police.

### **Protecting Your Property**

- Record the serial numbers of your valuables.
- Keep your vehicle locked when it is parked and when you drive.
- Do not leave textbooks, purses, or book bags unattended.
- Do not leave laptop computers unattended.
- Report lost or stolen cards.

### **Walking Around Campus**

- Make sure your cell phone is easily accessible and fully charged.
- Take major, public paths rather than less populated shortcuts.
- Avoid dimly lit places and talk to the Dean of Students or their designee if lights need to be installed in an area.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- Walking back from the library very late at night is sometimes unavoidable, so try to walk with a friend.
- Carry a noisemaker (like a whistle) on your keychain.
- Carry a small flashlight on your keychain.
- If walking feels unsafe, contact Campus Safety, an RA, or other students to walk with you.

## **II. CRIME REPORTING and RESOURCES**

### **REPORTING A CRIME**

#### **ALL LIFE-THREATENING EMERGENCIES SHOULD BE IMMEDIATELY REPORTED TO 911**

APU encourages students, staff, faculty, visitors and community members to report all crimes, emergencies, suspicious incidents, security problems and public safety related incidents and concerns to the Office of Campus Safety at 907-564-8888 or by using APU Safe app in an accurate and timely manner. Campus Safety is available 24 hours a day, 7 days a week. In response to a call, Campus Safety will take the required action, either responding to victim or file an incident report. All reported crimes will be investigated by the University and may become a matter of public record. All Campus Safety incidents reports involving student conduct are forwarded to Campus Life or the Dean of Students office for review and referral to the student conduct process, as appropriate. If assistance is required from local law enforcement and/or fire and rescue agency, Campus Safety will contact the appropriate agency. If a sexual assault or rape should occur, staff on the scene, including Campus

Safety, will offer the victim a wide variety of resources. Incident reports involving dating violence, domestic violence, sexual assault, stalking and gender-based or sexual misconduct will be forwarded to the Title IX Coordinator.

Crimes should be accurately and promptly reported to the Office of Campus Safety or the appropriate police agency when the victim of crime elects to or is unable to make such a report. Prompt reporting to the Office of Campus Safety helps ensure that Campus Safety can comply with the requirements of the Clery Act, including reviewing these reports for the purpose of including them in the crime log and annual statistical disclosure and assessing them for issuing Crime Alerts (timely warning notices) when deemed necessary.

**APU Kellogg Campus**

Students, staff, faculty, visitors and community members to report campus crimes, emergencies, suspicious incidents, security problems and public safety related incidents and concerns to the Alaska State Patrol and the Office of Campus Safety in an accurate and timely manner, including when the victim elects to, or is unable to, make such a report. A report is assessed for inclusion in the annual crime statistics and for determination if it warrants providing timely warning notices to the APU community, when appropriate.

In an emergency, dial 911, and then contact the Office of Campus Safety.  
For non-emergencies, contact Alaska State Troopers at 907-269-5511 and then the Office of Campus Safety.

**CAMPUS SECURITY AUTHORITIES**

APU recognizes that some may prefer to report to other individuals or university offices. The Clery Act recognizes certain University officials and offices as “Campus Security Authorities” (CSA). The Act defines CSA as an “official of an institution who has significant responsibility for student and campus activities, but not limited to, student housing, student discipline, and conduct proceedings. An official is any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.” CSAs are responsible for reporting crimes to the Campus Safety, including crimes where the victim chooses to remain anonymous and cannot promise confidentiality. Reports filed with CSAs are counted and disclosed in the Annual Security Report.

APU recognizes the following offices/positions as Campus Security Authorities:

<u>Title</u>	<u>Phone and Office</u>
Office of Campus Safety	907-564-8888 Atwood Center 109
Dean of Students	907-564-8287 Atwood Center 116
Office of Campus Life, including Resident	907-564-8299 Atwood Center 108
Compliance and Risk Officer	907-564-8890 Grant Hall 105

Title IX Coordinator	907-564-8890 Grant Hall 105
Director of Human Resources	907-564-8265 Grant Hall 120
Director of Nordic Ski Team	907-564-8906 Atwood Center B33

### **VOLUNTARY and CONFIDENTIAL REPORTING**

Victims or witnesses may report crimes on a voluntary, confidential basis to Campus Safety for inclusion in the annual security report by requesting to make a confidential report for statistical purposes only when contacting Campus Safety. However, information may be shared with appropriate individuals, departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the APU community. Pastoral and professional counselors are encouraged to refer persons they are counseling to report crimes to Camps Safety on a voluntary, confidential basis for inclusion in the annual security report by following this procedure.

## **III. EMERGENCY NOTIFICATIONS and PROCEDURES**

### **TIMELY WARNING NOTICES**

#### **ALL APU Campuses**

Timely warning notices may be issued when a Clery-reportable crime that occurs on or within APU's Clery Geography (On Campus, Public Property and Non-campus property), is reported to a campus security authority and is considered to represent a serious or continuing threat to students and employees. APU may issue a Timely Warning Notice for the following: arson; aggravated assault; criminal homicide; domestic violence; dating violence; robbery; burglary; sexual assault; hate crimes; and stalking. APU may also issue a Timely Warning Notice for alcohol, drug, and weapon arrests or referrals that may cause a continuing threat to the community.

The purpose of the Timely Warning Notice is to notify the APU community of the incident and to provide information that may enable the community to take steps to protect themselves from similar incidents. APU will issue A Timely Warning Notice on a case-by-case basis after considering the following criteria: (1) one of the above listed crimes are reported; (2) the perpetrator has not been apprehended; and (3) there isa substantial risk to the safety of other members of the campus community because of this crime.

APU has incorporated the national standard 30-minute response when notifying the campus community of possible emergency/crisis incidents on campus. When circumstances warrant, the Dean of Students Office, Campus Safety and/or Campus Life will distribute these warnings through a variety of ways, including, but not limited to APU Safe app, post on APU website, posting on campus bulletin boards, building entries, or other public places, SMS or e-mail transmissions to University staff, faculty and students; announcements in classes, official press releases, and through other various media outlets.

APU Safe is the University's Campus Safety app which contains alerts, emergency contact information, crime tip reporting, emergency plans, parking services information, and other support resources. The APU Safe App can be downloaded for free for most mobile phone platforms. All timely warning notices will include the following, unless issuing any of this information would risk compromising law enforcement efforts:

- Date and time or timeframe of the incident
- A brief description of the incident
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips)
- Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)
- Local law enforcement contact information
- Other information as deemed appropriate by the University Police Department

The description of subjects in a case will only be included in the timely warning notification if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the notification.

Timely warning notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences. The Violence Against Women Act (VAWA) strictly prohibits publishing victim names in timely warning notifications.

### **EMERGENCY RESPONSE, EVACUATION and NOTIFICATIONS**

APU maintains an emergency response plan that outlines the initial response by APU campus employees to major emergencies and to assign roles and responsibilities for the implementation of emergency response resources during an emergency. This plan encompasses all persons attending, visiting, or employed by APU.

Emergency events will be evaluated by Campus Safety for APU Main Campus, and by the APU Kellogg Campus Manager for APU Kellogg Campus, and member(s) of the Emergency Response Committee who will make recommendation(s) to the President as appropriate. Only the President or designee has the authority to declare a campus wide emergency and activate the Emergency Response Plan. Depending upon the nature of the emergency, campus safety personnel or FEMA trained volunteers from the campus Emergency Response Team will act as the Incident Commander until, if necessary, relieved by Municipal, State, or Federal emergency response officials.

In the event that a building needs to be evacuated, occupants will be directed to an emergency assembly area. In the event that the entire campus needs to be evacuated, the President may close that campus. The Dean of Students, along with Campus Life, with the assistant of the President's Office, will assist with finding alternative housing for on-campus residents of both APU Main Campus and APU Kellogg Campus. Shelter-in-place may also be a viable solution for response, depending on the type of emergency. Instructions for evacuation or shelter-in-place, including periodic updates, would be communicated to the APU campus community through the emergency response team. When it is safe to leave the shelter, University officials will either send out a notification or clear the building.

**Non-emergency alerts.** Campus Safety and Members of the Emergency Response Team shall have the authority to send email, SMS, and similar message notifications through the APU Safe app to



alert employees and students to routine hazards such as moose and/or bear on campus, slippery sidewalks, construction closures, and similar minor interruptions in services.

**Emergency alerts/closures.** APU President, or designee, shall have sole authority for decisions relating to campus closures or other major interruptions in service due to natural disaster, active assailant, intruder, and similar scenarios. The Provost and CFO have authority for announcing weather closures

**Response Plan.** In the event of a declared emergency, notifications and instructions will be disseminated through the appropriate media such as, but not limited to APU Safe app, email, SMS, and web site updates. Both the initial incident notification and subsequent updates will be provided in the most expedient manner possible.

**Emergency Procedures.** A comprehensive list of emergency procedures are included in the red Emergency Management Guides that are posted at numerous areas in all campus buildings, including resident's halls, on both the APU Main Campus and APU Kellogg Campus. Some examples listed in the red Emergency Management Guide include, but is not limited to, Reporting Emergencies, Fire or Explosion, Armed Subject or Hostage, Bomb Threats, Abducted Persons, Earthquake and Severe Weather.

#### **MISSING STUDENT NOTIFICATION**

Following is a list of titles of the persons or organizations to which APU staff, students and faculty should report that a student has been missing for 24 hours:

- APU
  - President
  - Dean of Students
  - Director of Campus Life
  - Assistant Director of Campus Life for Campus Safety
  - Chief Financial Officer
  - Compliance and Risk Officer
  - In-town Coordinator
  - Outdoor Risk Management Committee
- Municipality of Anchorage
- Municipality of Palmer
- Alaska State Troopers
- Federal Bureau of Investigations
- Coast Guard

Students living in an APU housing facility may register a confidential contact person with the Campus Life Office to be notified in the case that the student is determined to be missing. In that event, only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information.

All students should be aware that should they be declared missing, even if they have not registered a contact person, local law enforcement will be notified. The parents/guardians of missing students less than 18 years of age and not emancipated will be notified.

Missing student reports will be referred immediately to the Campus Safety office which will notify the Dean of Students immediately.

If an on-campus student has been missing for 24 hours, APU will seek information and notify emergency contacts on file in the Campus Life office. If emergency contacts are unaware of the student's location, the Dean of Students office may notify local police agencies.

Students determined to be obviously missing and suspected of being potential victims of accidents, criminal incidents, or other types of crisis situations may be declared missing with notifications beginning in less than 24 hours if circumstances warrant a faster implementation

Any APU community member (student, staff, or faculty) can inform Campus Safety of an individual who is missing for more than 24 hours. An Incident Report Form should be filed in person or online under MyAPU. After checking to ensure the community member is missing, the following non-sequential procedures will occur within 24 hours:

- An emergency contact(s) (filed in CAMS, Housing and Residence Life, or Human Resources) will be contacted if Campus Safety or another authorized staff member has been notified that a community member is reported missing.
- The parents or guardians of any student under 18 year of age (who is not emancipated) who is reported missing will be contacted.
- A notification will be sent to President's Council and information disseminated as needed to faculty and staff directly associated with the missing individual.
- Local law authorities will be contacted and utilized to help find the student and emergency contacts if needed.

University officials will gather information about the missing student to aid in the search (description, photos, class schedule, etc.). Campus Life staff and Resident Assistants may also take additional action such as visiting the resident's room, contacting roommates or friends, checking the resident's vehicle, and attempting to contact the resident.

## **IV. ALCOHOL AND DRUG POLICIES**

### **Campus Life Policy**

Unless a student resident 21 or over has been approved for an exemption pursuant to the Exempt Suite Program (requires approval of Dean of Students or Director of Campus Life, and the President), possession, consumption, being under the influence, or furnishing an alcoholic beverage on APU owned or controlled property, or at University supervised functions, unless authorized by the President, is prohibited. The exemption can be revoked if the student is found to be in violation of APU alcohol policies, including, but not limited to, providing alcohol to minors.

### **APU's Drug and Alcohol Free Workplace Policy**

#### **Scope.**

APU requires the cooperation of the entire campus community in its pursuit to maintain a drug-free environment. Any Board member, employee, independent contractor, vendor, alumni, volunteer, student or other individual who conducts business for APU, is applying for a position, or is conducting business on APU's property ("Covered Individuals") is covered by our Drug-Free Workplace Policy. This policy is distributed annually through the applicable handbooks. This Drug-free Workplace Policy is intended to apply whenever anyone is representing or conducting business for APU. Therefore, this

policy applies whenever conducting business or representing the organization and at APU-sponsored events.

### **Statement of Prohibited Activity.**

APU prohibits the unlawful manufacture, distribution, dispensation, sale, purchase, transfer, possession, or use of controlled substances and alcohol by Covered Individuals on campus and APU's property or at any APU-sponsored or APU-related function, whether on or off-campus. The term "campus" is defined as any building or property owned or controlled by the institution within a reasonably contiguous geographic area used in direct support of the institution's educational purposes or used by students and supporting institutional purposes. It is a violation of our Drug and Alcohol-Free Workplace Policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs, or intoxicants. However, this policy does not prohibit the lawful and non-excessive consumption of alcohol by persons of legal age at APU-sponsored social events or when acting as the APU's representative at a third-party event or personal consumption unrelated to APU.

### **Notice of Potential Sanctions.**

APU expects its employees to obey the laws established and enforced by local, state and federal agencies concerning the possession, use or distribution of illegal drugs. APU is also opposed to the illegal or irresponsible use of alcohol and expects its employees to obey both its regulations and the local, state, and federal laws concerning the possession, use, or distribution of alcoholic substances. One of the goals of APU's drug-free workplace program is to encourage individuals to voluntarily seek help with alcohol and/or drug problems. If, however, a Covered Individual violates the Drug and Alcohol-Free Workplace Policy, the consequences are serious.

### **Summary of APU's Disciplinary Sanctions.**

Any Covered Individual who violates this policy, any city ordinances, state criminal laws, or federal laws relating to alcohol or drug use, or who does not cooperate with APU in its attempts to maintain a drug-free environment, will face appropriate disciplinary action up to and including expulsion or dismissal from APU, cancellation of their contract or other appropriate responsive action. In the case of applicants, the offer of employment can be withdrawn and the applicant may not reapply.

APU action may also take such forms as education, counseling or referral to rehabilitation programs, referral to outside agencies, or suspension. Successful completion of counseling or rehabilitation may be a condition of re-employment. Student-employee violations may be brought to the attention of the Dean of Students and may be subject to disciplinary action as set forth in APU's Student Code of Conduct and Student Handbook. In addition, APU officials will cooperate with legal authorities whenever necessary, including making referrals for prosecution, in compliance with local, state, and federal laws.

### **Summary of Legal Sanctions Covering Alcohol and Controlled Substances.**

Under federal, state, and local laws, illegal use of drugs and alcohol are serious crimes. Conviction can lead to imprisonment, fines, and assigned community service work. Courts do not lift prison sentences to allow convicted persons to continue their jobs, and a felony conviction can prevent individuals from entering many fields of employment. In addition, persons convicted of possession of controlled substances are ineligible for federal student grants and loans for up to one year after the first conviction and five years after the second.

Penalties for possession of controlled substances vary according to the drug, the amount involved, and whether conviction is for a first or subsequent offense. While penalties for possession are generally not as great as for distribution, possession of a relatively large quantity may be considered distribution and many laws dictate mandatory prison terms, with the full minimum being served.

A list of up-to-date federal penalties for drug trafficking is available on the U.S. Drug Enforcement Administration web site at <https://www.dea.gov/drug-information/drug-policy>. Current Alaska state laws concerning alcohol and controlled substances are available at <http://w3.legis.state.ak.us/>. In addition to criminal penalties, civil consequences may also occur for illegal activity involving controlled substances. Applicable local alcohol and drug laws and ordinances are in accordance with state statutes but may be subject to change with the passage and implementation of possible new laws. Local laws and ordinances for the Municipality of Anchorage are available at [https://library.municode.com/ak/anchorage/codes/code\\_of\\_ordinances](https://library.municode.com/ak/anchorage/codes/code_of_ordinances).

### **Summary of Health Risks Associated with Illicit Drug Use and Alcohol Abuse.**

Illicit drug use and abuse of alcohol present several health risks, including: blackouts, alcohol poisoning, and overdose; physical and psychological dependence; damage to vital organs such as the brain, heart, and liver; inability to learn and remember information; psychological problems including depression, psychosis, and severe anxiety; withdrawal symptoms, tremors and cramps; impaired judgment and coordination that may increase risk of assault and rape, DUI/DWI arrests, hazing, falls, drowning, contracting sexually-transmitted infections including AIDS, and unwanted or unplanned sexual experiences and pregnancy. Further information regarding the health risks of illicit drugs may be found at the National Institute on Drug Abuse web site at <https://www.drugabuse.gov/>.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, and moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions, and alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

### **Summary of Local Alcohol and Drug Resources.**

APU is committed to helping students and employees resolve alcohol and drug abuse problems. APU offers the Counseling and Wellness Center (CWC) as a confidential and safe place for employees and students to discuss behavioral health changes such as, but not limited to, alcohol and substance abuse. Contact information and appointment times are listed on the following website <https://www.alaskapacific.edu/counseling-wellness/counseling-wellness-center/>. Students and employees can contact the University Chaplain at 907-564-8355 for pastoral services. Other referral services and information are available through the Dean of Students Office.

In addition to the above services, the following community and national agencies are available to assist employees and students seeking alcohol and drug counseling and treatment.

- Akeela: 907-433-7080; [www.akeela.us](http://www.akeela.us)
- Al-Anon Family Groups: 907-276-6646; [www.al-anon.org](http://www.al-anon.org)

- Alaska Department of Health and Human Services; 907-269-3600; [www.dhss.alaska.gov/dbh](http://www.dhss.alaska.gov/dbh)
- Alaska Human Services; 907-561-4535; [www.alaskahumanservices.com](http://www.alaskahumanservices.com)
- Alaska VA Healthcare System; 907-257-4854; [www.va.gov/alaska-health-care](http://www.va.gov/alaska-health-care)
- Alcoholics Anonymous, Anchorage Area Intergroup: 907-272-2312; [www.anchorageaa.org](http://www.anchorageaa.org)
- Alaska Behavioral Health: 907-563-1000; [www.alaskabehavioralhealth.org](http://www.alaskabehavioralhealth.org)
- ANTHC Substance Misuse Prevention: 907-729-3547; [www.anthc.org](http://www.anthc.org)
- Anchorage Safety Patrol and Center; 907-343-4006
- ASAP Counseling Center (Fort Richardson); 866-720-3784; <https://www.drug-rehab-headquarters.com/alaska/facility/asap-counseling-center-fort-richardson/>
- Clitheroe Treatment Center – The Salvation Army: 907-279-0522; <https://clitheroe.salvationarmy.org/>
- Cook Inlet Tribal Council Recovery Service: 907-793-3200; [www.citci.org](http://www.citci.org)
- Genesis Recovery Services; 907-243-5130; [www.genesisrecovery.org](http://www.genesisrecovery.org)
- Intervention Hotline: 907-272-1174
- Narcotic Drug Treatment Center; 907-276-6430; [www.ndtcak.org](http://www.ndtcak.org)
- Narcotics Anonymous: 907-277-5483; [www.akna.org](http://www.akna.org)
- Providence Breakthrough Substance Abuse Program; 907-212-6970; [www.providence.org](http://www.providence.org)
- Southcentral Foundation: 907-729-2500; [www.southcentralfoundation.com](http://www.southcentralfoundation.com)
- Substance Abuse and Mental Health Services Administration (SAMHSA): [www.findtreatment.samhsa.gov](http://www.findtreatment.samhsa.gov)
- Treatment Connection: [www.treatmentconnection.com](http://www.treatmentconnection.com)
- Volunteers of America Alaska; 907-279-9634; [www.voaak.org](http://www.voaak.org)
- 673d Medical Group – Joint Base Elmendorf-Richardson Alcohol and Drug Abuse Prevention and Treatment (ADAPT): 907-580-2181; <https://elmendorfrichardson.tricare.mil/>

### **Statement on Medical and Recreational Marijuana.**

Although state law may permit the use of medical marijuana (i.e., use by persons possessing lawfully issued medical marijuana cards) and/or the recreational use of marijuana, federal laws still prohibit marijuana use, possession, and/or cultivation at educational institutions and on the premises of other recipients of federal funds. The use, possession, or cultivation of marijuana for medical or recreational purposes is therefore not allowed on any APU property; nor is it allowed at any APU-sponsored event or activity off campus.

## **V. SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE and STALKING**

### **Introduction**

Alaska Pacific 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, Alaska Pacific University issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the 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.

## FEDERAL CLERY DEFINITIONS

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault, and stalking as follows:

### **Domestic Violence:**

1. A Felony or misdemeanor crime 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 in which the crime of violence occurred; or
  - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
2. For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**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.

1. The existence of such a relationship shall be 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.
2. 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.
3. For the purposes of complying with the requirements of this section and § 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 (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- **Rape** is defined as 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** is defined as the touching of the private parts of another person for the purposes 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** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

## **Stalking:**

1. 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.
2. For the purposes of this definition-
  - Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
  - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
  - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
3. For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**STATE OF ALASKA DEFINITIONS.** The State of Alaska defines the crimes of domestic violence, dating violence, sexual assault, and stalking.

**Domestic Violence:** Alaska State law defines domestic violence and a crime involving domestic violence to mean one or more of the following offenses, or an attempt to commit one of these offenses, by a household member against another household member: murder, manslaughter, criminally negligent homicide, assault, reckless endangerment, stalking, kidnapping, custodial interference, human trafficking, sexual offenses including, among others, sexual assault and sexual abuse of a minor, robbery, extortion, coercion, burglary, criminal trespass, arson or criminally negligent burning, criminal mischief, terrorist threatening, violating a protective order, harassment, and cruelty to animals.

Household members to which the Alaska domestic violence laws apply include:

- A current or former spouse;
- A person who lives, or has previously lived with you, in the same household;
- A person you have dated, or are presently dating;
- A person with whom you have or have had a sexual relationship;
- A parent, stepparent, grandparent, child or grandchild, aunt, uncle, cousin, second cousin or children of any of these persons.

The complete definition of domestic violence is found in Alaska Statute AS 18.66.990 as noted below.

(3) "domestic violence" and "crime involving domestic violence" mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:

- (A) a crime against the person under AS [11.41](#);
- (B) burglary under AS [11.46.300-11.46.310](#);
- (C) criminal trespass under AS [11.46.320-11.46.330](#);
- (D) arson or criminally negligent burning under AS [11.46.400-11.46.430](#);
- (E) criminal mischief under AS [11.46.475-11.46.486](#);
- (F) terrorist threatening under AS [11.56.807](#) or [11.56.810](#);

- (G) violating a protective order under AS [11.56.740](#) (a)(1); or
- (H) harassment under AS [11.61.120](#) (a)(2)-(4) or (6); or
- (I) cruelty to animals under AS 11.61.140(a)(5) if the animal is a pet;

(4) "domestic violence program" means a program that provides services to the victims of domestic violence, their families, or perpetrators of domestic violence;

(5) "household member" includes

- (A) adults or minors who are current or former spouses;
- (B) adults or minors who live together or who have lived together;
- (C) adults or minors who are dating or who have dated;
- (D) adults or minors who are engaged in or who have engaged in a sexual relationship;
- (E) adults or minors who are related to each other up to the fourth degree of consanguinity, whether of the whole or half blood or by adoption, computed under the rules of civil law;
- (F) adults or minors who are related or formerly related by marriage;
- (G) persons who have a child of the relationship; and
- (H) minor children of a person in a relationship that is described in (A)-(G) of this paragraph;

**Dating Violence:** Alaska State law does not currently include a specific legal definition of dating violence. However, Alaska's definition of domestic violence covers individuals who are in current and former dating relationships and therefore incorporates acts of dating violence into the general definition of domestic violence.

**Sexual Assault:** Under Alaska state law, sexual penetration and sexual contact of another person without consent is sexual assault and can occur under a variety of circumstances, including:

- Engaging in sexual penetration or contact with someone without consent of the person;
- Attempting to engage in sexual penetration with someone without consent of the person, causing serious physical injury as a result;
- Engaging in sexual penetration or contact with someone known to be mentally incapable or unaware, or while in certain legal or professional relationships with the person;
- Engaging or attempting to engage in sexual penetration or sexual contact with someone who is incapacitated, or temporarily incapable of appraising the nature of one's own conduct or physically unable to express unwillingness to act.

The Alaska Statutes on sexual assault are found in AS 11.41.410 - 11.41.470 as noted below.

**AS 11.41.410 – Sexual Assault in the First Degree**

(a) An offender commits the crime of sexual assault in the first degree if

- (1) the offender engages in sexual penetration with another person
  - (A) without consent of that person by
    - (i) the use of force or the express or implied threat of force against any person or property;
    - or
    - (ii) causing the person to become incapacitated;
  - (B) by impersonating someone known to the person for the purpose of obtaining consent;
- (2) the offender attempts to engage in sexual penetration with another person without consent of that person and causes serious physical injury to that person;
- (3) the offender engages in sexual penetration with another person
  - (A) who the offender knows is mentally incapable; and
  - (B) who is in the offender's care



- (i) by authority of law; or
  - (ii) in a facility or program that is required by law to be licensed by the state; or
- (4) the offender engages in sexual penetration with a person who the offender knows is unaware that a sexual act is being committed and
  - (A) the offender is a health care worker; and
  - (B) the offense takes place during the course of professional treatment of the victim.
- (b) Sexual assault in the first degree is punishable as provided in AS 12.55 and is
  - (1) an unclassified felony if the offender violates (a)(1)(A), (2), (3), or (4) of this section;
  - (2) a class A felony if the offender violates (a)(1)(B) of this section.

**AS 11.41.420. Sexual Assault in the Second Degree**

- (a) An offender commits the crime of sexual assault in the second degree if
  - (1) the offender engages in sexual contact with another person
    - (A) without consent of that person by
      - (i) the use of force or the express or implied threat of force against any person or property;
      - or
      - (ii) causing the person to become incapacitated;
    - (B) by impersonating someone known to the person for the purpose of obtaining consent;
  - (2) the offender engages in sexual contact with a person
    - (A) who the offender knows is mentally incapable; and
    - (B) who is in the offender's care
      - (i) by authority of law; or
      - (ii) in a facility or program that is required by law to be licensed by the state;
  - (3) the offender engages in sexual penetration with a person who is
    - (A) mentally incapable;
    - (B) incapacitated; or
    - (C) unaware that a sexual act is being committed;
  - (4) the offender engages in sexual contact with a person who the offender knows is unaware that a sexual act is being committed and
    - (A) the offender is a health care worker; and
    - (B) the offense takes place during the course of professional treatment of the victim; or
  - (5) under circumstances not proscribed under AS 11.41.410, the offender engages in sexual penetration with another person without consent of that person.
- (b) Sexual assault in the second degree is a class B felony.

**AS 11.41.425. Sexual Assault in the Third Degree**

- (a) An offender commits the crime of sexual assault in the third degree if the offender
  - (1) engages in sexual contact with a person who is
    - (A) mentally incapable;
    - (B) incapacitated; or
    - (C) unaware that a sexual act is being committed;
  - (2) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, engages in sexual penetration with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment;

- (3) engages in sexual penetration with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Family and Community Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of the person;
  - (4) while employed in the state by a law enforcement agency as a peace officer, or while acting as a peace officer in the state, engages in sexual penetration with a person with reckless disregard that the person is in the custody or the apparent custody of the offender, or is committed to the custody of a law enforcement agency;
  - (5) while employed by the state or a municipality of the state as a probation officer or parole officer, or while acting as a probation officer or parole officer in the state, engages in sexual penetration with a person with reckless disregard that the person is on probation or parole;
  - (6) while employed as a juvenile probation officer or as a juvenile facility staff, engages in sexual penetration with a person 18 or 19 years of age with reckless disregard that the person is committed to the custody or probationary supervision of the Department of Family and Community Services; or
  - (7) under circumstances not proscribed under AS 11.41.420, the offender engages in sexual contact with another person without consent of that person; in this paragraph, "sexual contact" does not include an offender knowingly causing a person to come into contact with semen.
- (b) In this section,
- (1) "juvenile facility staff" means a person employed in a juvenile detention facility or juvenile treatment facility as those terms are defined in AS 47.12.990;
  - (2) "juvenile probation officer" has the meaning given in AS 47.12.990 ;
  - (3) "parole officer" has the meaning given in AS 18.65.290;
  - (4) "peace officer" has the meaning given in AS 01.10.060;
  - (5) "probation officer" includes a
    - (A) probation officer as defined in AS 18.65.290; or
    - (B) person who supervises a participant in a specialty court, including a therapeutic or wellness court addressing alcohol or drug use, a court addressing the needs of veterans, an adult or juvenile mental health court, a fetal alcohol spectrum disorder court, or a family care or preservation court.
- (c) Sexual assault in the third degree is a class C felony.

**AS 11.41.427. Sexual Assault in the Fourth Degree**

- (a) An offender commits the crime of sexual assault in the fourth degree if
- (1) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, the offender engages in sexual contact with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment;
  - (2) the offender engages in sexual contact with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Family and Community Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of the person;
  - (3) while employed in the state by a law enforcement agency as a peace officer, or while acting as a peace officer in the state, the offender engages in sexual contact with a person with reckless disregard that the person is in the custody or the apparent custody of the offender, or is committed to the custody of a law enforcement agency;
  - (4) while employed by the state or a municipality of the state as a probation officer or parole officer, or while acting as a probation officer or parole officer in the state, engages in sexual contact with a person with reckless disregard that the person is on probation or parole; or

- (5) while employed as a juvenile probation officer or as a juvenile facility staff, engages in sexual contact with a person 18 or 19 years of age with reckless disregard that the person is committed to the custody or probationary supervision of the Department of Family and Community Services.
- (b) In this section,
  - (1) "juvenile facility staff" has the meaning given in AS 11.41.425;
  - (2) "juvenile probation officer" has the meaning given in AS 47.12.990;
  - (3) "parole officer" has the meaning given in AS 18.65.290;
  - (4) "peace officer" has the meaning given in AS 01.10.060;
  - (5) "probation officer" has the meaning given in AS 11.41.425.
- (c) Sexual assault in the fourth degree is a class A misdemeanor.

**AS 11.41.432. Defenses**

- (a) It is a defense to a crime charged under AS 11.41.410(a)(3), 11.41.420(a)(2), 11.41.420(a)(3), 11.41.425, or 11.41.427 that the offender is
  - (1) mentally incapable.
  - (2) *[Repealed, Sec. 138 ch 4 FSSLA 2019.]*
- (b) Except as provided in (d) or (e) of this section, in a prosecution under AS 11.41.410 - 11.41.427, it is not a defense that the victim was, at the time of the alleged offense, the legal spouse of the defendant.
- (c) It is an affirmative defense to a crime charged under AS 11.41.425(a)(5) or 11.41.427(a)(4) that
  - (1) the offender and the person on probation or parole had, before the person was placed on probation or parole, a dating relationship or a sexual relationship that continued until the date of the alleged offense; and
  - (2) the person on probation or parole consented to the act for which the offender is charged.
- (d) It is a defense to a crime charged under AS 11.41.425(a)(2) - (6) or 11.41.427 that the offender is married to the person, neither party has filed with the court for separation, divorce, or dissolution of the marriage, and the person consented to the act for which the offender was charged.
- (e) It is an affirmative defense for a crime charged under AS 11.41.410(a)(3), 11.41.420(a)(2), 11.41.420(a)(3)(A), or 11.41.425(a)(1)(A) that the offender is married to the person, neither party has filed with the court for separation, divorce, or dissolution of the marriage, and the person consented to the act for which the offender is charged while capable of understanding the nature or consequences of the offender's conduct.

**AS 11.41.434. Sexual Abuse of a Minor in the First Degree**

- (a) An offender commits the crime of sexual abuse of a minor in the first degree if
  - (1) being 16 years of age or older, the offender engages in sexual penetration with a person who is under 13 years of age or aids, induces, causes, or encourages a person who is under 13 years of age to engage in sexual penetration with another person;
  - (2) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian; or
  - (3) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 16 years of age, and
    - (A) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim; or
    - (B) the offender occupies a position of authority in relation to the victim.

- (b) Sexual abuse of a minor in the first degree is an unclassified felony and is punishable as provided in AS 12.55.

**AS 11.41.427. Sexual Assault in the Second Degree**

- (a) An offender commits the crime of sexual abuse of a minor in the second degree if,
- (1) being 17 years of age or older, the offender engages in sexual penetration with a person who is 13, 14, or 15 years of age and at least four years younger than the offender, or aids, induces, causes, or encourages a person who is 13, 14, or 15 years of age and at least four years younger than the offender to engage in sexual penetration with another person;
  - (2) being 16 years of age or older, the offender engages in sexual contact with a person who is under 13 years of age or aids, induces, causes, or encourages a person under 13 years of age to engage in sexual contact with another person;
  - (3) being 18 years of age or older, the offender engages in sexual contact with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian;
  - (4) being 16 years of age or older, the offender aids, induces, causes, or encourages a person who is under 16 years of age to engage in conduct described in AS 11.41.455(a)(2) - (6);
  - (5) being 18 years of age or older, the offender engages in sexual contact with a person who is under 16 years of age, and
    - (A) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim; or
    - (B) the offender occupies a position of authority in relation to the victim;
  - (6) being 18 years of age or older, the offender engages in sexual penetration with a person who is 16 or 17 years of age and at least three years younger than the offender, and the offender occupies a position of authority in relation to the victim; or
  - (7) being under 16 years of age, the offender engages in sexual penetration with a person who is under 13 years of age and at least three years younger than the offender.
- (b) Sexual abuse of a minor in the second degree is a class B felony.

**AS 11.41.438. Sexual Abuse of a Minor in the Third Degree.**

- (a) An offender commits the crime of sexual abuse of a minor in the third degree if being 17 years of age or older, the offender engages in sexual contact with a person who is 13, 14, or 15 years of age and at least four years younger than the offender.
- (b) Except as provided in (c) of this section, sexual abuse of a minor in the third degree is a class C felony, punishable as provided in AS 12.55.125 (e).
- (c) Sexual abuse of a minor in the third degree is a class C felony, punishable under AS 12.55.125 (i), if, at the time of the offense, the victim was at least six years younger than the offender.

**AS 11.41.440. Sexual Abuse of a Minor in the Fourth Degree.**

- (a) An offender commits the crime of sexual abuse of a minor in the fourth degree if
- (1) being under 16 years of age, the offender engages in sexual contact with a person who is under 13 years of age and at least three years younger than the offender; or
  - (2) being 18 years of age or older, the offender engages in sexual contact with a person who is 16 or 17 years of age and at least three years younger than the offender, and the offender occupies a position of authority in relation to the victim.
- (b) Sexual abuse of a minor in the fourth degree is a class A misdemeanor.

#### **AS 11.41.445. General Provisions**

- (a) In a prosecution under AS 11.41.434 - 11.41.440 it is an affirmative defense that, at the time of the alleged offense, the victim was the legal spouse of the defendant unless the offense was committed without the consent of the victim.
- (b) In a prosecution under AS 11.41.410 - 11.41.440, whenever a provision of law defining an offense depends upon a victim's being under a certain age, it is an affirmative defense that, at the time of the alleged offense, the defendant
  - (1) reasonably believed the victim to be that age or older; and
  - (2) undertook reasonable measures to verify that the victim was that age or older.
- (c) In a prosecution under AS 11.41.410 - 11.41.427, where consent is at issue,
  - (1) an expression of lack of consent through words or conduct means there is no consent; an expression of lack of consent under this paragraph does not require verbal or physical resistance and may include inaction;
  - (2) a current or previous dating, social, or sexual relationship between the defendant and the person involved with the defendant in the conduct at issue may not by itself constitute consent;
  - (3) a person cannot consent if the person is fraudulently made to believe that the sexual act serves a professional purpose; in this paragraph, "professional purpose" means an act the defendant has represented as a necessary part or component of a provided service, part of the routine course of a procedure, or a component of the defendant's profession that would occur if a person sought services from another practitioner in the same field as the defendant.

#### **AS 11.41.450. Incest**

- (a) A person commits the crime of incest if, being 18 years of age or older, that person engages in sexual penetration with another who is related, either legitimately or illegitimately, as
  - (1) an ancestor or descendant of the whole or half blood;
  - (2) a brother or sister of the whole or half blood; or
  - (3) an uncle, aunt, nephew, or niece by blood.
- (b) Incest is a class C felony.

#### **AS 11.41.452. Online Enticement of a Minor.**

- (a) A person commits the crime of enticement of a minor if the person, being 18 years of age or older, knowingly communicates with another person to entice, solicit, or encourage the person to engage in an act described in AS 11.41.455(a)(1) - (7) and
  - (1) the other person is a child under 16 years of age; or
  - (2) the person believes that the other person is a child under 16 years of age.
- (b) In a prosecution under (a)(2) of this section, it is not a defense that the person enticed, solicited, or encouraged was not actually a child under 16 years of age.
- (c) In a prosecution under this section, it is not necessary for the prosecution to show that the act described in AS 11.41.455(a)(1) - (7) was actually committed.
- (d) Except as provided in (e) of this section, enticement of a minor is a class B felony.
- (e) Enticement of a minor is a class A felony if the defendant was, at the time of the offense, required to register as a sex offender or child kidnapper under AS 12.63 or a similar law of another jurisdiction.

#### **AS 11.41.455. Unlawful Exploitation of a Minor.**

- (a) A person commits the crime of unlawful exploitation of a minor if, in the state and with the intent of producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally

depicts the conduct listed in (1) - (7) of this subsection, the person knowingly induces or employs a child under 18 years of age to engage in, or photographs, films, records, or televises a child under 18 years of age engaged in, the following actual or simulated conduct:

- (1) sexual penetration;
  - (2) the lewd touching of another person's genitals, anus, or breast;
  - (3) the lewd touching by another person of the child's genitals, anus, or breast;
  - (4) masturbation;
  - (5) bestiality;
  - (6) the lewd exhibition of the child's genitals; or
  - (7) sexual masochism or sadism.
- (b) A parent, legal guardian, or person having custody or control of a child under 18 years of age commits the crime of unlawful exploitation of a minor if, in the state, the person permits the child to engage in conduct described in (a) of this section knowing that the conduct is intended to be used in producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct.
- (c) Unlawful exploitation of a minor is
- (1) a class A felony; or
  - (2) an unclassified felony if the
    - (A) person has been previously convicted of unlawful exploitation of a minor in this jurisdiction or a similar crime in this or another jurisdiction; or
    - (B) minor who is exploited is under 13 years of age at the time the exploitation occurs.
  - (d) In this section, "audio recording" means a nonbook prerecorded item without a visual component, and includes a record, tape, cassette, and compact disc.

**AS 11.41.458. Indecent Exposure in the First Degree.**

- (a) An offender commits the crime of indecent exposure in the first degree if the offender violates AS 11.41.460 (a) and
- (1) while committing the act constituting the offense, the offender knowingly masturbates; or
  - (2) the offender has been previously convicted under
    - (A) this section;
    - (B) AS 11.41.460 (a); or
    - (C) a law or ordinance of this or another jurisdiction with elements similar to a crime listed under (A) or (B) of this paragraph.
- (b) Indecent exposure in the first degree
- (1) is a class C felony; or
  - (2) is a class B felony if the offense occurs within the observation of a person under 16 years of age.

**AS 11.41.460. Indecent Exposure in the Second Degree.**

- (a) An offender commits the crime of indecent exposure in the second degree if the offender knowingly exposes the offender's genitals in the presence of another person with reckless disregard for the offensive, insulting, or frightening effect the act may have.
- (b) Indecent exposure in the second degree before a person under 16 years of age is a class A misdemeanor. Indecent exposure in the second degree before a person 16 years of age or older is a class B misdemeanor.

**AS 11.41.468. Forfeiture of Property Used in Sexual Offense.**

- (a) Property used to aid a violation of AS 11.41.410 - 11.41.458 or to aid the solicitation of, attempt to commit, or conspiracy to commit a violation of AS 11.41.410 - 11.41.458 may be forfeited to the state upon the conviction of the offender.
- (b) In this section, "property" means computer equipment, telecommunications equipment, photography equipment, video or audio equipment, books, magazines, photographs, videotapes, audiotapes, and any equipment or device, regardless of format or technology employed, that can be used to store, create, modify, receive, transmit, or distribute digital or analog information, including images, motion pictures, and sounds.

**AS 11.41.470. Definitions.**

For purposes of AS 11.41.410 – 11.41.470, unless the context requires otherwise,

- (1) "health care worker" includes a person who is or purports to be an acupuncturist, advanced practice registered nurse, anesthesiologist, certified direct-entry midwife, chiropractor, dentist, health aide, hypnotist, massage therapist, mental health counselor, midwife, nurse, occupational therapist, occupational therapy assistant, osteopath, naturopath, physical therapist, physical therapist assistant, physician, physician assistant, psychiatrist, psychological associate, psychologist, radiologist, religious healing practitioner, surgeon, x-ray technician, or a substantially similar position;
- (2) "incapacitated" means temporarily incapable of appraising the nature of one's own conduct or physically unable to express unwillingness to act;
- (3) "legal guardian" means a person who is under a duty to exercise general supervision over a minor or other person committed to the custody of the Department of Family and Community Services under AS 47.10 or AS 47.12 as a result of a court order, statute, or regulation, and includes Department of Family and Community Services employees, foster parents, and staff members and other employees of treatment institutions, group homes, or youth facilities where the minor or other person is placed as a result of a court order or the action of the Department of Family and Community Services, and police officers, juvenile and adult probation officers, and social workers when those persons are exercising custodial control over a minor or other person;
- (4) "mentally incapable" means suffering from a mental disease or defect that renders the person incapable of understanding the nature or consequences of the person's conduct, including the potential for harm to that person;
- (5) "position of authority" means one of the following, or a person in a substantially similar position: an employer, youth leader, scout leader, coach, teacher, counselor, school administrator, religious leader, doctor, nurse, psychologist, guardian ad litem, babysitter, police officer, correctional employee, juvenile facility staff, staff member of a treatment institution, or juvenile or adult probation officer other than when the officer or staff member is exercising custodial control over a minor;
- (6) "sexual act" means sexual penetration or sexual contact;
- (7) "victim" means the person alleged to have been subjected to sexual assault in any degree or sexual abuse of a minor in any degree;
- (8) "without consent" means that a person
  - (A) with or without resisting, is coerced by the use of force against a person or property, or by the express or implied threat of death, imminent physical injury, or kidnapping to be inflicted on anyone; or
  - (B) is incapacitated as a result of an act of the defendant;
- (9) "juvenile facility staff" has the meaning given in AS 11.41.425 (b);

(10) "without consent" means that, under the totality of the circumstances surrounding the offense, there was not a freely given, reversible agreement specific to the conduct at issue; in this paragraph, "freely given" means agreement to cooperate in the act was positively expressed by word or action.

**Consent:** Alaska State law does not currently include a definition for consent. However, Alaska defines the following terms including "incapacitated," "mentally incapable," and "without consent" as related to sexual assault:

- *Incapacitated:* temporarily incapable of appraising the nature of one's own conduct or physically unable to express unwillingness to act;
- *Mentally Incapable:* suffering from a mental disease or defect that renders the person incapable of understanding the nature or consequences of the person's conduct, including the potential for harm to that person;
- *Without Consent:* that a person, under the totality of the circumstances surrounding the offense, there was not a freely given, reversible agreement specific to the conduct at issue; in this paragraph, "freely given" means agreement to cooperate in the act was positively expressed by word or action.

The complete definitions of the above terms are found in AS 11.41.470, as noted above.

**Age of Consent:** Under Alaska state law, the age of consent for sexual activity depends on the age of both partners. Generally, an individual 16 years old or older can engage in sexual activity with an older participant provided the older participant is not in a position of authority over the younger participant and is not the younger participant's legal guardian. In addition, depending on the age and relationship of the participants, teenagers may not be able to provide legal consent. In summary, an individual who agrees with any of the following statements may not be capable of providing consent, and a crime may have occurred:

- I am under 18 and the other person has authority over me (coach, teacher, boss).
- I am a teen and there is a 3-year or more age difference between us.

The complete provisions regarding the age of consent are found in Alaska Statutes 11.41.434 – 11.41.445 and 11.41.455, as listed immediately above.

**Stalking:** Under Alaska law, it is illegal for another person to knowingly engage in a course of conduct that recklessly places you or someone else in fear of death or physical injury to either yourself or a member of your family. A course of conduct is repeated acts of "non-consensual contact" that is initiated or continued without that person's consent, or after someone has expressed a desire to cease contact, or is outside of the scope of consent given by that person. Some examples include:

- following or appearing within the sight of that person;
- approaching or confronting that person in a public place or on private property;
- appearing at the workplace or residence of that person;
- entering onto or remaining on property owned, leased, or occupied by that person;
- contacting that person by telephone;
- sending mail or electronic communications to that person;
- placing an object on, or delivering an object to, property owned, leased, or occupied by that person;
- utilizing social media to monitor an individual via false pretenses;
- following or monitoring that person with a global positioning device or similar technological means; or



- using, installing or attempting to use or install a device for observing, recording, or photographing events occurring in the residence, vehicle, or workplace used by that person, or on the personal telephone or computer used by that person.

The complete definition of stalking is found in Alaska Statutes 11.41.260 – 11.41.270, as noted below.

**AS 11.41.260. Stalking in the First Degree.**

- (a) A person commits the crime of stalking in the first degree if the person violates AS 11.41.270 and
- (1) the actions constituting the offense are in violation of an order issued or filed under AS 18.66.100--18.66.180 or issued under former AS 25.35.010(b) or 25.35.020;
  - (2) the actions constituting the offense are in violation of a condition of probation, release before trial, release after conviction, or parole;
  - (3) the victim is under 16 years of age;
  - (4) at any time during the course of conduct constituting the offense, the defendant possessed a deadly weapon;
  - (5) the defendant has been previously convicted of a crime under this section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another jurisdiction with elements similar to a crime under this section, AS 11.41.270, or AS 11.56.740; or
  - (6) the defendant has been previously convicted of a crime, or an attempt or solicitation to commit a crime, under (A) AS 11.41.100--11.41.250, 11.41.300--11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, 11.61.120, or (B) a law or an ordinance of this or another jurisdiction with elements similar to a crime, or an attempt or solicitation to commit a crime, under AS 11.41.100--11.41.250, 11.41.300--11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, or 11.61.120, involving the same victim as the present offense.
- (b) In this section, “course of conduct” and “victim” have the meanings given in AS 11.41.270(b).
- (c) Stalking in the first degree is a class C felony.

**AS 11.41.270. Stalking in the Second Degree.**

- (a) A person commits the crime of stalking in the second degree if the person knowingly engages in a course of conduct that recklessly places another person in fear of death or physical injury, or in fear of the death or physical injury of a family member.
- (b) In this section,
- (1) “course of conduct” means repeated acts of nonconsensual contact involving the victim or a family member;
  - (2) “device” includes software;
  - (3) “family member” means a
    - (A) spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew, or niece, of the victim, whether related by blood, marriage, or adoption;
    - (B) person who lives, or has previously lived, in a spousal relationship with the victim;
    - (C) person who lives in the same household as the victim; or
    - (D) person who is a former spouse of the victim or is or has been in a dating, courtship, or engagement relationship with the victim;
  - (4) “nonconsensual contact” means any contact with another person that is initiated or continued without that person's consent, that is beyond the scope of the consent provided by that person, or that is in disregard of that person's expressed desire that the contact be avoided or discontinued; “nonconsensual contact” includes
    - (A) following or appearing within the sight of that person;
    - (B) approaching or confronting that person in a public place or on private property;
    - (C) appearing at the workplace or residence of that person;

- (D) entering onto or remaining on property owned, leased, or occupied by that person;
  - (E) contacting that person by telephone;
  - (F) sending mail or electronic communications to that person;
  - (G) placing an object on, or delivering an object to, property owned, leased, or occupied by that person;
  - (H) following or monitoring that person with a global positioning device or similar technological means;
  - (I) using, installing, or attempting to use or install a device for observing, recording, or photographing events occurring in the residence, vehicle, or workplace used by that person, or on the personal telephone or computer used by that person;
- (5) “victim” means a person who is the target of a course of conduct.

(c) Stalking in the second degree is a class A misdemeanor.

## **TITLE IX and ANTI-HARRASSMENT AND SEXUAL MISCONDUCT POLICY**

Alaska Pacific University (APU) is committed to protecting the rights and dignity of each individual in the University community. This policy prohibits sexual harassment or any kind of harassment (harassment) in the workplace, on the campuses, or within academic or sponsored activities. APU’s Interim Anti-Harassment and Sexual Harassment Policy applies to all students, employees, applicants for employment, paid or unpaid interns, volunteers, contractors and non-employees “invitees” conducting business with APU.

### **Statement of Non-Discrimination**

APU does not discriminate on the basis of race, color, religion, gender, ethnic or national origin, disability, age, marital status, veteran status, membership in uniformed services, gender identity, sexual orientation, or any other category protected by applicable law in the administration of its education policies, admission policies, scholarship and loan programs, other school-administered programs, or employment.

### **Prohibited Conduct**

APU is committed to establishing and maintaining a safe learning, living, and working environment where healthy, respectful, and consensual conduct represents the campus cultural norm. To that end, this policy prohibits the following types of conduct, collectively, “Prohibited Conduct”:

- sexual and gender-based harassment, quid pro quo, unwelcome sexual conduct, sexual assault, sexual exploitation, relationship and interpersonal violence, provision of alcohol and/or other drugs for purposes of prohibited conduct, and stalking, as defined below;
- retaliation against an individual for making a report of Prohibited Conduct or for participating in an investigation or resolution of an alleged violation of this policy; or
- Any acts above, regardless of whether it is claimed to be voluntary and consensual, that involves a minor under the age of 18 years of age. Any Prohibited Conduct involving a minor is required to be reported to APU. Additionally, APU will report all cases of misconduct, whether suspected or confirmed, involving a minor to local law enforcement.

Prohibited Conduct undermines the character and mission of APU and will not be tolerated. Students, Faculty, or Staff who engage in Prohibited Conduct may be subject to disciplinary action, including permanent separation from APU. In addition, APU will take steps to eliminate Prohibited Conduct, prevent its recurrence and remedy its effects, as appropriate.

It is the responsibility of every member of the APU community to foster an environment free from Prohibited Conduct. All members of the community are strongly encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. This may include direct intervention when safe to do so, enlisting the assistance of others, contacting law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive responsibility will be supported by APU and protected from retaliation.

### **To Whom This Policy Applies**

This policy applies broadly to the entire APU community, including students (current and prospective), all faculty members, and all staff positions (including all exempt and non-exempt positions, both current and prospective, non-faculty academic positions such as Research Associates and senior administrative and leadership positions), as well as those who are not employed by APU but have affiliate appointments for the purpose of teaching and/or research at APU; and contractors, vendors, or other third parties contractually obligated to APU (“Third Parties”). These definitions are solely for the purpose of this policy and the processes for resolving reports under this policy, and do not apply to any other APU policy.

This policy pertains to acts of Prohibited Conduct committed by or against Students, Faculty, Staff, Third Parties, and Invitees when:

- the conduct occurs on APU premises or premises leased by or otherwise under the control of APU;
- the conduct occurs in the context of APU employment, education, or research program or activity, including but not limited to APU-sponsored, funded or otherwise supported study off campus and/or abroad, research, internship, mentorship, summer session, conferences, meetings, social events, or other affiliated programs or premises, either online or in person over which APU exercised substantial control over both the Respondent and the context in which the sexual harassment occurs; or
- the conduct, regardless of location or context, has continuing adverse effects occurring on APU premises or in any APU employment, education, or research program or activity.

### **Title IX Coordinator and Title IX Deputy Coordinators**

APU’s Title IX Coordinator is charged with coordinating APU’s compliance with Title IX, with the assistance and support of Deputy Title IX Coordinators. The Title IX Coordinator is responsible for overseeing and providing education and training; coordinating APU’s investigation, response, and resolution of all reports under this policy; and tracking and reporting annually on all incidents in violation of this policy. The names and contact information of APU’s current Title IX Coordinator and Deputy Title IX Coordinators are as follows:

Title IX Coordinator: Robert Meyer  
Grant Hall, Office #105  
4101 University Drive  
Anchorage, AK 99508  
Phone: (907) 564-8890  
Email: [rmeyer@alaskapacific.edu](mailto:rmeyer@alaskapacific.edu)

Title IX Deputy: Eric Johnson  
Atwood Center, Office #108  
4455 University Drive  
Anchorage, AK 99508  
Phone: (907) 564 - 8299  
Email: ejjohnson@alaskapacific.edu

Title IX Deputy: Hilton Hallock  
Grant Hall, Office #102  
4101 University Drive  
Anchorage, AK 99508  
Phone: (907) 564-8209  
Email: rmeyer@alaskapacific.edu

Title IX Deputy: Kathleen Wyrick  
Grant Hall, Office #120  
4101 University Drive  
Anchorage, AK 99508  
Phone: (907) 564-8265  
Email: rmeyer@alaskapacific.edu

Harassment is a violation of our policies, is unlawful, and subjects APU to liability for harm to victims of harassment. Each claim of harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

To implement this policy, APU has developed processes to investigate and/or resolve a report of Prohibited Conduct that could implicate this policy.

Whenever the Title IX Coordinator, Deputy Title IX Coordinators, Dean of Students Human Resources and/or Campus Life and Campus Safety receives a complaint about harassment or otherwise knows of possible harassment occurring, APU will conduct a prompt, thorough and confidential investigation that ensures due process for all parties. Corrective action will be taken whenever harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of harassment.

Concerns about APU's application of this policy may also be addressed to the Title IX Coordinator, the Deputy Title IX Coordinators, or the following:

**U.S. Department of Education, Office for Civil Rights**  
8th Floor  
5 Post Office Square  
Boston, MA 02109-3921  
Telephone: 617-289-0111 or toll-free at 1-800-421-3481  
Facsimile: 617-289-0150  
Email: OCR.Boston@ed.gov

## **United States Equal Employment Opportunity Commission**

John F. Kennedy Federal Building

475 Government Center

Boston, MA 02203

Telephone: 1-800-669-4000

Facsimile: 617-565-3196

TTY: 1-800-669-6820

ASL Video Phone: 1-844-234-5122

## **Alaska State Commission for Human Rights**

800 A Street, Suite 204

Anchorage, AK 99501-3669

Telephone: 907-276-7474

Facsimile: 907-278-8588

Additional Links:

[U.S. Equal Employment Opportunity Commission](#)

[U.S. Department of Justice, Civil Rights Division](#)

### **Privacy and Confidentiality**

APU is committed to making reasonable efforts to protect the privacy interests of a Complainant, a Respondent and/or other individuals involved in a report under this policy.

**Privacy:** For the purposes of this policy, privacy generally means that information related to a report of Prohibited Conduct will be shared with a limited number of individuals who “need to know” in order to ensure the prompt, equitable and impartial review, investigation, and resolution of the report. All employees who are routinely involved in APU’s Title IX response receive specific training and guidance about safeguarding private information in accordance with applicable laws.

**Confidentiality:** For the purposes of this policy, confidentiality means that campus or community professionals with the statutorily granted ability to maintain information as privileged cannot reveal identifiable information shared by an individual to any other person without express permission of the individual, or as otherwise permitted or required by law.

Consistent with the requirements of this policy, APU shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. This means that APU will protect the party’s privacy consistent with this Policy but may disclose information to those who have a legitimate need to know and in order to process complaints under this policy.

Confidentiality is not absolute, however. Where criminal conduct has occurred, or where the health and/or safety of others in the community may be in danger, it may be necessary for APU to take appropriate steps to protect the safety of its students and employees, including the person who has reported the misconduct.

**Confidential Resources:** Those campus and community professionals who have the ability to maintain privileged communications and keep information confidential, referred to as Confidential Resources, include:

- mental health professionals (and those who assist in the provision of confidential services) in the APU's Counseling Center, in the Employee Assistance Program (EAP), and in any programs that contract with APU to provide mental health professional services; and
- ordained clergy, all of whom normally have privileged confidentiality that is recognized by Alaska state law.

These individuals are prohibited from breaking confidentiality when they receive information in any of the above capacities, unless

- i. given permission to do so 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 18; or
- iv. as otherwise required or permitted by law or court order.

### **Employee Responsibility to Report Allegations**

All employees are encouraged to report any harassment or behaviors that violate this policy. APU will provide a complaint form for anyone to report misconduct and file complaints.

All employees are **required** to report any harassment or behaviors that violate this policy if the incident, harassment, or behavior **involves a minor**, under the age of 18.

Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe to the person or office designated to receive complaints. Once information is disclosed to a manager or supervisor, they are required to immediately convey all known details of incidents of Prohibited Conduct involving Students, Faculty and Staff, Third Parties and Invitees to the Title IX Coordinator, but are able to maintain the privacy of the individual(s) who made the report.

Individuals who are required to report complaints include, but are not limited to: the Title IX Coordinator; Deputy Title IX Coordinators; the President; members of the President's Senior Leadership Team; the Provost; Institute Directors; Campus Life and Campus Safety; Human Resources; faculty department chairs; all teaching faculty; teaching assistants; undergraduate advisors; coaches; and anyone who leads, administers, advises, or directs APU programs or departments. Students serving in certain positions of leadership or authority, and/or Student employees with significant responsibility for the welfare of other Students, Faculty or Staff are also required to report any complaint they become aware of. This list is not exhaustive; any questions about the status of an employee or their reporting requirements should be addressed to the Title IX Coordinator and/or a Deputy Title IX Coordinator.

An individual who is listed by APU as a Confidential Resource can maintain an individual's confidentiality, including any disclosures by a Complainant, Reporting Party or Respondent, and will not share any information with APU, subject to the exceptions listed above.

Clery Act Reporting: Pursuant to the Clery Act, APU includes statistics about Clery Act crimes in its safety logs and Annual Security Report and provides those statistics to the United States Department of Education; in all these instances, the information is reported in a manner that does not include personally identifying information about persons involved in an incident. APU will also issue a timely

warning to the community for reports of Clery-defined conduct that may constitute a serious and ongoing threat, as outlined in the Annual Security Report.

### **Prohibition Against Other Types of Harassment and Retaliation**

All employees have a legal right to a workplace free from harassment, whether of a sexual nature or not, and employees can enforce this right by filing a complaint internally with APU, or with a government agency or in court under federal, state, or local antidiscrimination laws.

Harassment of any kind will not be tolerated. Any employee or individual covered by this policy who engages in harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.

### **Retaliation.**

No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of harassment, provides information, or otherwise assists in any investigation of a harassment complaint. APU has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected harassment. Any employee of APU who retaliates against anyone involved in a harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, Provost or the Compliance and Risk Officer.

No student, faculty or staff member may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right established 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 policy.

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 under this Policy constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation prohibited under of this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith

### **Definitions**

**Consent.** Consent is an affirmative, conscious, and voluntary agreement to engage in specific forms of sexual contact with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely chosen to engage in sexual contact. Consent cannot be obtained through:

- the use of coercion or force; or
- by taking advantage of the incapacitation of another individual.

Silence, passivity, or the absence of resistance does not imply consent. It is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stop and clarify the other's willingness to continue.

Consent can be withdrawn at any time. When consent is withdrawn and outwardly communicated as such, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual contact.

An essential element of consent is that it be freely given. Freely given consent might not be present, or may not even be possible, in relationships of a sexual or intimate nature between individuals where one individual has power, supervision, or authority over another. More information, policy and guidance regarding such relationships can be found in IX below.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a Complainant affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from intimidation, fear, or coercion; whether a reasonable person in the Respondent's position would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the Respondent, demonstrating incapacitation or lack of consent.

**Coercion or Force.** Coercion is verbal and/or physical conduct, including manipulation, intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm. Force is the use or threat of physical violence or intimidation to overcome an individual's freedom-of-will to choose whether or not to participate in sexual contact.

**Complainant.** means an individual who is alleged to be the recipient of conduct that could constitute harassment or sexual harassment under this policy. The Complainant may also be a mandatory reporter, or another individual who is not the recipient of the conduct but who is reporting on alleged conduct.

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

**Domestic Violence.** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shared 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 State of Alaska 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 State of Alaska.

**Formal Complaint.** A document filed by a Complainant or signed by the Title IX Coordinator alleging harassment or sexual harassment against a Respondent.



**Grievance Process.** The fact-finding process from the time of the filing of the Formal Complaint through the final determination of an appeal (if any).

**Harassment.** Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

**Incapacitation.** An individual who is incapacitated lacks the ability to make informed judgments and cannot consent to sexual contact. Incapacitation is the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to verbally or otherwise communicate consent or unwillingness to an act.

Where alcohol or other drugs are involved, incapacitation is a state beyond impairment or intoxication. Where alcohol or other drugs are involved, evaluating incapacitation requires assessment of how the consumption of alcohol and/or drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

**Non-Employee.** Someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

**Respondent.** An individual who has been reported to be the perpetrator of conduct that could constitute harassment or sexual harassment under this policy.

**Retaliation.** Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation. Such retaliation is unlawful under federal, state, and (where applicable) local law. The Alaska State Commission of Human Rights Law protects any individual who has engaged in "protected activity."

Protected activity occurs when a person has:

- filed a complaint of harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving harassment under the Human Rights Law or other anti-discrimination law;
- opposed harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- complained that another employee has been harassed; or
- encouraged a fellow employee to report harassment.

**Sexual Harassment.** A form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment is harassment on the basis of sex, sexual orientation, gender identity, or the status of being transgender that satisfies the definition for quid pro quo conduct, unwelcome conduct, or sexual assault.

- **Quid Pro Quo Conduct.** When an employee conditions the provision of an aid, benefit, or service of APU on an individual's participation in unwelcome sexual conduct;
- **Unwelcome Conduct.** Unwelcome conduct that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to APU's education program or activity; or
- **Sexual Assault.** An offense classified as a forcible or nonforcible sex offense. This category of prohibited conduct includes the following:
  - **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.
  - **Rape.** (Except Statutory Rape) The actual or attempted carnal knowledge of a person, forcibly and/or against that person's will or not forcibly against the person's will in instances where the victim is incapable of giving consent because of their temporary or permanent mental or physical incapacity.
  - **Sodomy.** Oral or any sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
  - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against the person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
  - **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
  - **Incest.** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape.** Nonforcible sexual intercourse with a person who is under the statutory age of consent, which is 16 years of age in Alaska.

**Sexually Harassing Hostile Work Environment.** A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance. Adoption of this policy does not constitute a conclusive defense to charges of unlawful harassment. Each claim of harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

**Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

**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. Such measures are designed to restore or preserve equal access to APU's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or APU's educational environment, or deter sexual harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures may also include written notification about available services both within the institution and the community and options for available assistance as required by the Clery Act. Supportive measures are not disciplinary measures.

### **Sexual or Intimate Relationships Between Individuals in Unequal Positions.**

Relationships of a sexual or intimate nature in which one individual has power, supervision or authority over another at the point such a relationship begins or thereafter pose significant risks to the atmosphere of trust integral to the educational and work environment because, to varying degrees, they may undermine the assurance of freely given consent.

APU adopts the principle that no APU community member should have a role of supervision or authority over any individual with whom they have or have had a relationship of a sexual or intimate nature.

An APU employee who is, or has been, in a relationship with another employee or student, is required to follow the policy and procedures in APU's Nepotism Policy.

### **Resources and Reporting Options**

APU offers trained professional resources for Students, Faculty and Staff, whether as Complainants, Reporting Parties, or Respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. For comprehensive information on emergency assistance; hospitals; on-campus, community, and available support with academics, housing, and work, please refer to APU's Title IX website.

Any individual who is uncertain what they wish to do in response to an alleged incident of Prohibited Conduct, including how or whether to report the conduct, may contact and consult a Confidential Resource to address questions and concerns in a confidential setting. Individuals with questions or concerns about APU's processes may also contact the Title IX Coordinator directly as part of reporting the conduct to APU. Any individual may make a report of Prohibited Conduct under this policy regardless of affiliation with APU.

APU recognizes that deciding whether to make a report of Prohibited Conduct is a personal decision. The following principles and values will guide APU as facts and circumstances permit:

- APU will seek to respect a Complainant's autonomy in making the determination regarding how to proceed.
- In limited circumstances, typically where a risk of imminent harm to an individual or others or a threat to the health and safety of the campus is determined to exist, APU may be required to take

immediate action upon receipt of a report of Prohibited Conduct. In such circumstances, the reasons and steps APU will take will be explained to the Complainant and, as appropriate, the Reporting Party.

- APU is committed to educating and informing individual(s) regarding the choices and options available to them, including resources and processes inside and outside APU.
- APU is committed to protecting all participants in any investigation or proceeding related to this policy from retaliation.
- An individual may choose to seek assistance, support or guidance from a Confidential Resource on campus or in the community. A disclosure to a Confidential Resource does not constitute a report to APU.
- An individual may choose to make a report: (1) to APU, via an employee required to report misconduct or the Title IX Office and/or (2) to external law enforcement. While conduct reported to an employee will be conveyed to the Title IX Office, the most direct manner to make a report is to contact the Title IX Coordinator directly.

**Resources** – The following resources are available at APU to individuals wishing to seek information and support, make a report, and/or file a Complaint:

- Confidential Resources – Confidential Resources are prohibited from breaking confidentiality unless (1) given permission to do so 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 18; or (iv) as otherwise required or permitted by law or court order. Examples of Confidential Resources are mental health professionals (and those who assist in the provision of confidential services) in the APU’s Counseling Center, in the Employee Assistance Program (EAP), and in any programs that contract with APU to provide mental health professional services and ordained clergy, all of whom normally have privileged confidentiality that is recognized by Alaska state law.
- Designated Reporting Options – Making a report does not require an individual to decide whether to require a specific course of action. Deciding how to proceed can be a process that unfolds over time with support and assistance. The following are resources that an individual can use to report conduct that could be a violation of the Policy. Likewise, the persons listed below are familiar with the Policy and may be contacted to address questions or concerns about the Policy.
  - Title IX Coordinator
  - Deputy Title IX Coordinators
  - Dean of Students
  - Human Resources
  - Campus Life and Campus Safety

**Local Law Enforcement** – APU also strongly encourages anyone who becomes aware of an incident of Prohibited Conduct which may constitute a violation of law to report the incident to local law enforcement and will provide support, resources, and assistance to those who do so.

**Anonymous Report** – Anyone can make an anonymous report through APU’s Campus Conduct Hotline, APU’s confidential reporting tool. The Hotline allows the reporter to report concerns while maintaining anonymity. Depending on the nature of the information provided, APU’s ability to respond may be limited. Campus Conduct Hotline toll free number is 1-866-943-5787 or online at <http://www.lighthouse-services.com/CCH1017>.

### **Time Frame for Reporting.**

There is no time limit on reporting violations of this policy, although APU's ability to respond fully may become more limited with the passage of time. If the Respondent is no longer affiliated with APU (e.g., a report is made after a student has left or graduated or an employee no longer works for APU), APU will still provide reasonably available remedial measures to the Complainant, assist the Complainant in identifying external reporting options, and may take other appropriate action.

### **Interim Remedial and Protective Measures (Supportive Measures).**

APU will take and/or make available reasonable and appropriate interim measures designed to preserve access to education and employment opportunities; address safety concerns of the Complainant, the Reporting Party, the Respondent, or broader APU community maintain the integrity of the investigative and/or resolution process; and deter retaliation. Depending on the nature and specific facts and circumstances of the reported conduct, these actions may be remedial (measures designed to provide support and maintain continued access to educational opportunities) or protective (involving a restrictive action against a Respondent).

Interim remedial measures may be available regardless of whether a Complainant pursues an investigation or seeks formal disciplinary action. Interim remedial measures are also available to Respondent.

#### **Interim remedial measures** may include:

- Facilitating access to counseling and medical services;
- Guidance in obtaining a sexual assault forensic examination;
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines;
- Academic supports;
- Assistance in requesting accommodations through the appropriate office, if the Complainant qualifies as an individual with a disability;
- Voluntary changes in the Complainant's or Respondent's class schedule (including the ability to transfer course sections or withdraw from a course), work schedule, or job assignment;
- Voluntary change in the Complainant's campus housing;
- Escort and other safety planning steps;
- Voluntary agreement by the parties to a mutual "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals;
- Voluntary leave of absence;
- Referral to resources to assist in obtaining a protective order;
- Referral to resources to assist with any financial aid, visa, or immigration concerns; or
- Any other remedial measure that does not interfere with either party's access to education or employment opportunities can be used to achieve the goals of this policy.

In contrast, interim protective measures are typically only available when APU has an articulable factual foundation that would support the taking of a restrictive measure against a Respondent prior to the conclusion of the investigation.

#### **Interim protective measures** may include:

- Imposition of a "no contact order" prohibiting the Respondent or other individuals from having contact or communications with the Complainant or other individuals, or a requirement to have such contact only in specified circumstances and under monitoring;
- Change in the Respondent's class schedule;

- Change in the Respondent's APU work schedule or job assignment, including teaching, research, and service responsibilities;
- Paid or unpaid administrative leave for the Respondent;
- Withdrawal from sponsored research projects;
- Change in the Respondent's campus housing;
- Exclusion from all or part of campus housing;
- Exclusion from specified activities or areas of campus;
- Prohibition from participating in student activities or representing APU in any capacity such as playing on an official team; serving in student government; performing in an official band, ensemble, or production; participating in a recognized student organization; participating in Greek life activities; or participating in academic honor ceremonies;
- Interim suspension; or
- Any other protective measure that can be used to achieve the goals of this policy.

APU will also provide reasonably available remedial measures for Invitees or Third Parties, provided that the remedial measures are within the scope of that individual's relationship to APU.

### **Disciplinary Actions**

A Student or Employee determined to have committed an act of Prohibited Conduct in violation of this policy or any other relevant APU policy is subject to disciplinary action. Disciplinary action may include – but is not limited to – informal counseling, a verbal warning, a letter of warning, implementation of a Performance Development Plan, unpaid suspension, or termination of employment from APU. Third Parties or Invitees who violate this policy may have their relationship with APU terminated and/or their privilege of being on APU premises withdrawn.

If a Student withdraws from APU, or an Employee separates from APU, at any time after a report has been made, APU may continue with any of the processes for informal or formal resolution, even without the Respondent's participation. The determination as to how to resolve the report once a Student or Employee is no longer affiliated with APU will be based on the Title IX Coordinator's assessment of the actions necessary to eliminate Prohibited Conduct, prevent its recurrence, and address its effects, in consultation with other institutional officials as appropriate.

### **Free Speech and Integrity.**

APU is committed to the principles of free speech. Vigorous discussion and debate and academic freedom are fundamental to this commitment and may include speech that is offensive – for instance, speech that is controversial. That offensiveness, on its own, is not sufficient for the speech to constitute Prohibited Conduct. Rather, the conduct must be sufficiently serious to unreasonably interfere with an individual's ability to participate in employment or educational programs and activities from both a subjective and objective perspective. Such behavior compromises APU's integrity and tradition of intellectual freedom and will not be tolerated.

### **Conflict of Interest.**

A conflict of interest may arise when a member of the APU community uses or has the authority to use their position to improperly influence an APU decision, action or outcome with regard to the implementation and enforcement of this policy, including associated investigative and disciplinary procedures. It is the responsibility of all members of the APU community involved in any aspect of a report of Prohibited Conduct to disclose potential or actual conflicts as they arise to the Title IX Coordinator and/or Human Resources. APU community members who are covered by APU's Conflict

of Interest Policy are reminded of their obligation to comply with the requirements of that Policy. In the event any individual with a responsibility identified in this policy is a witness or has a conflict of interest that would compromise that individual's objectivity in discharging that responsibility, APU will appoint a designee.

### **Violations of Law**

Harassment is not only prohibited by APU but is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at APU, employees may also choose to pursue legal remedies with the appropriate governmental entities at any time.

Behavior that violates this policy also may violate the laws of the local jurisdiction in which the incident occurred and subject a respondent to criminal prosecution by the presiding authority. An individual can choose to make a report to external law enforcement at any time and doing so does not preclude the individual from making a report to APU. Both processes can be pursued if an individual chooses to do so. APU encourages individuals to report an incident which may be a violation of Alaska State Law to external law enforcement. Prompt reporting to external law enforcement is important in a criminal prosecution.

Students, Faculty and Staff studying, working, or engaging in other APU activities outside the State of Alaska are governed by the applicable laws regarding sexual assault and other criminal offenses implicated by this policy.

Behavior that violates this policy also may subject a respondent to civil or criminal liability. Please note that the preponderance of the evidence standard used by APU is not the standard used for criminal culpability in most jurisdictions and a determination of responsibility under this Policy does not equate with a finding of a violation of criminal laws.

### **PROCEDURES COMPLAINANTS SHOULD FOLLOW IF AN INCIDENT OCCURS**

If you are sexually assaulted, stalked, harassed, or have otherwise been the victim of sexual violence, we urge you to seek medical and psychological help as soon as possible. If you feel comfortable, you may seek assistance directly from the Dean of Students office, the Counseling and Wellness Center, Campus Life Office, or Human Resources. There is also help available from a number of other sources. You are encouraged to consider calling the police soon after any assault – even if you don't plan on pressing criminal charges or a civil complaint. Anchorage's Police Department has specially trained workgroups to help a person who has been sexually assaulted (Anchorage Police Department (907) 786-8500 or 911). If you don't feel comfortable calling the police, contact S.T.A.R. (Standing Together Against Rape) 24-hour Rape Crisis Line (907) 276-7273 and/or visit their website at: <http://www.staralaska.com>.

A "victim advocate" will contact you and offer objective professional advice about the situation to help you decide how to proceed. What is important is that you tell someone what happened.

STAR offers a wide variety of services statewide. If you are a victim of sexual assault, incest, or child sexual abuse, if you have a friend or family member who is a victim, or if you have questions regarding sexual violence, please call the 24-hour Crisis and Information Line for information and support. All services are free and confidential. STAR's mission is to provide the best quality of crisis intervention, education, and advocacy services to victims of sexual assault and sexual abuse, and their families and our community.

## TITLE IX GRIEVANCE PROCEDURE

### Purpose.

The purpose of the following reporting and complaint procedures is to secure prompt and equitable resolution of complaints alleging discrimination prohibited by Title IX of the Education Amendments of 1972 (“Title IX”) (including sexual harassment and sexual violence).

### Scope

The following Title IX Grievance Procedure applies to all Alaska Pacific University (“APU” or “University”) community members, including students, staff, faculty, visitors, vendors, contractors, applicants for employment, paid or unpaid interns, volunteers, and non-employee “invitees” conducting business with APU, who experience prohibited sexual harassment in APU’s education programs or activities. This includes locations, events, or circumstances over which APU exercised substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by APU. APU has other policies and procedures that may be applicable if the conduct does not meet the definition of prohibited sexual harassment under Title IX.

This procedure applies to Title IX Sexual Harassment alleged to have occurred on or after August 14, 2020. Allegations of conduct occurring prior to this date will be subject to APU policy in place at the time of the alleged conduct.

### Procedure

#### PROHIBITED SEXUAL HARASSMENT.

In accordance with its obligations under the Title IX Regulations of 2020, APU prohibits sexual harassment, which is conduct based on sex, including gender identity, gender expression, or sexual orientation, that satisfies one or more of the following definitions:

- A. **Quid Pro Quo Conduct.** An employee conditions the provision of an aid, benefit, or service of APU on an individual’s participation in unwelcome sexual conduct;
- B. **Unwelcome Conduct.** Unwelcome conduct that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to APU’s education program or activity; or
- C. **Sexual assault.** This category of prohibited conduct includes the following:
  1. **Sex Offenses.** Any sexual act directed against another person, without the affirmative consent of the victim including instances where the victim is incapable of giving affirmative consent. Sexual Act is defined as conduct between persons consisting of:
    - a. Contact between the penis and the vulva.
    - b. Contact between the penis and the anus.
    - c. Contact between the mouth and the penis.
    - d. Contact between the mouth and the vulva.
  2. **Non-Consensual Penetration.** Actual or attempted 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 affirmative consent of the victim. This includes penetration forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving affirmative consent because of their temporary or permanent mental or physical incapacity.

3. **Fondling.** The non-consensual touching of the private body parts of another person for the purpose of sexual gratification, without affirmative consent, whether forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving affirmative consent because of their youth or because of their temporary or permanent mental or physical incapacity.
4. **Other Lawfully Prohibited Sexual Intercourse.** This category includes conduct constituting sexual assault that does not meet the definition of Non-Consensual Penetration or Fondling:
  - a. Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law, regardless of affirmative consent.
  - b. Nonforcible sexual intercourse with a person who is under the statutory age of consent, regardless of affirmative consent.

**D. Dating violence.** Violence committed by a person

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. The length of the relationship.
  - b. The type of relationship.
  - c. The frequency of interaction between the persons involved in the relationship.

**E. Domestic violence.** A 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 state of Alaska 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 state of Alaska.

**F. Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

1. fear for their safety or the safety of others; or
2. suffer substantial emotional distress.

**G. Sexual Exploitation** occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person, without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include but are not limited to: prostituting another person; recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent; distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or

nakedness if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and, viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, re, and for the purpose of arousing or gratifying sexual desire. Sexual exploitation may occur regardless of whether sexual activity takes place.

## **DEFINITIONS.**

These definitions should be read in concert with the defined terms in the Interim Nondiscrimination and Anti-Harassment Policy.

### **A. Affirmative consent.**

- 1.** means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.
  - a.** Lack of protest or resistance does not mean consent.
  - b.** Silence does not mean consent.
  - c.** The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.
- 2.** It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:
  - a.** The Complainant was asleep or unconscious.
  - b.** The Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity.
  - c.** The Complainant was unable to communicate due to a mental or physical condition.
- 3.** In addition, it shall not be a valid excuse to alleged lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances:
  - a.** The Respondent's belief in affirmative consent arose from the intoxication or recklessness of the Respondent.
  - b.** The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

**B. Complainant** means an individual who is alleged to be the target of conduct that could constitute Title IX Sexual Harassment.

**C. Decisionmaker** means an individual responsible for reaching a determination regarding responsibility in a formal complaint. The appellate decisionmaker means an individual responsible for reviewing an appeal of a decision to dismiss or a determination regarding responsibility. Neither the decisionmaker nor the appellate decisionmaker can be the Title IX Coordinator or the investigator(s) assigned to the same formal complaint.

- D. Education program or activity** means locations, events, or circumstances over which APU exercises substantial control over both the complainant and respondent and the context in which the Title IX Sexual Harassment occurs, such as but not limited to, any building owned or controlled by a student organization that is officially recognized by APU.
- E. Formal Complaint** means a document signed and filed with APU by a complainant or signed by the Title IX Coordinator on behalf of the complainant, alleging Title IX Sexual Harassment against a respondent and requesting that APU investigate the allegations of Title IX Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of APU with which the Formal Complaint is filed.
- F. Grievance Process** means the fact-finding process from the time of the filing of the Formal Complaint through the final determination of an appeal (if any).
- G. Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sex-based discrimination or Title IX Sexual Harassment.
- H. Supportive Measures** means 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. Such measures are designed to restore or preserve equal access to APU's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or APU's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures may also include written notification about available services both within the institution and the community and options for available assistance as required by the Clery Act. Supportive measures are not disciplinary measures.

## **REPORTING PROHIBITED SECUAL HARRASSMENT**

- A. Notice of Allegations.** APU has notice of Title IX Sexual Harassment or allegations of Title IX Sexual Harassment when such conduct is reported to the Title IX Coordinator or any official of APU who has authority to institute corrective measures on behalf of APU. Employees designated as Responsible Employees are expected to report Title IX Sexual Harassment to the Title IX Coordinator and all other members of APU community (including students) are encouraged to report such incidents as well.
- B. Response to a Report.** With or without a Formal Complaint, upon a report of Title IX Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

**C. Information Packet.**

1. Upon a receipt of a report of sexual assault, dating violence, domestic violence or stalking, APU shall provide an information packet that contains procedures to follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about:
  - a. The importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order and the identification and location of witnesses;
  - b. How and to whom the alleged offense should be reported;
  - c. Options regarding law enforcement and campus authorities, including notification of the option to:
    - i. notify proper law enforcement authorities, including on-campus and local police;
    - ii. be assisted by campus authorities in voluntarily notifying law enforcement authorities; and
    - iii. decline to notify such authorities;
  - d. Where applicable, their rights and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court;
  - e. Information about appropriate and available services both at the institution and in the community including information about the availability of, and contact information for, on- and off-campus resources and services, and coordination with law enforcement, as appropriate; and
  - f. Options for, available reasonably available assistance and accommodations and how to request them; and
  - g. Information about the participation of victim advocates and other supporting people.
2. APU's information packet for victims of sexual assault, dating violence, domestic violence and stalking is available from the Title IX Coordinator.

**D. Implementation of Supportive Measures.** APU shall treat parties equitably by offering Supportive Measures to the Complainant, and by following a grievance process that complies with this Title IX Procedure before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures as against the Respondent. APU will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of APU to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures. The Title IX Coordinator should record and retain records regarding requests and provision of Supportive Measure in accordance with the requirements set out in the Policy under "Record Keeping".

**E. Emergency removal.** Nothing in this part precludes APU from removing a Respondent from APU's education program or activity on an emergency basis, provided that APU undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

**F. Administrative Leave.** APU reserves the right to place a non-student employee Respondent on administrative leave during the pendency of a grievance process.

**G. Amnesty for Student Code of Conduct Violations.** Sometimes, individuals are reluctant to come forward to report perceived violations of this policy out of fear that they may be charged with violations of other policies. To ensure that all perceived violations of this policy are reported so that those affected can receive the support and resources needed APU may choose not to charge students who report violations of this policy with violations of other policies.

## **PROCEDURES FOR RESOLVING COMPLAINTS OF PROHIBITED SECUAL HARASSMENT.**

### **A. Informal Resolution.**

- 1.** Consistent with the requirements of this section, at any time prior to reaching a determination regarding responsibility, APU may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that APU:
  - a.** Provides to the parties a written notice disclosing:
    - i.** The allegations,
    - ii.** The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint, and
    - iii.** Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
  - b.** Obtains the parties' voluntary, written consent to the informal resolution process; and
  - c.** Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
  - d.** Completes the informal resolution process within 60 days of receiving the Formal Complaint, unless unusual or complex circumstances exist.
- 2.** APU does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of sexual harassment under this policy. APU shall not require the parties to participate in an informal resolution process and will not offer an informal resolution process unless a Formal Complaint is filed.

### **B. Formal Complaint and the Grievance Process.**

- 1. Filing a Formal Complaint.** A Formal Complaint may be filed with the Title IX Coordinator in person, by telephone, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator above. A "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by APU) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party. A Formal Complaint shall trigger an investigation except as specified below. The Formal Complaint should include the

date(s) of the alleged incident(s), the name of the Respondent, and should describe the circumstances of the incident(s), where known.

## **2. Dismissal of a Formal Complaint.**

- a.** APU shall investigate the allegations in a Formal Complaint, except as follows:
  - i. Mandatory Dismissal.** APU shall dismiss the Formal Complaint if the conduct alleged in the Formal Complaint
    - would not constitute sexual harassment as defined by this policy, even if proved,
    - did not occur in APU’s education program or activity,
    - or did not occur against a person in the United States.
    - This dismissal does not preclude action under another policy or procedure of APU.
  - ii. Discretionary Dismissal.**
    - APU may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:
    - A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
    - The Respondent is no longer enrolled in or employed by APU; or
    - Specific circumstances prevent APU from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
- b.** APU may dismiss at Formal Complaint at any time in the process if it becomes known that one of the foregoing reasons for dismissal applies.
- c.** Upon a dismissal required or permitted under this section, APU will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. APU may also refer the matter for resolution under APU’s Student Handbook, Faculty Handbook, Employee Handbook, or other applicable APU policies and/or procedures.

**3. Consolidation of Formal Complaints.** APU may consolidate Formal Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

## **4. Notice of Charges.**

- a. Initial Notice of Charges.** Upon receipt of a Formal Complaint, prior to commencing the investigation, APU shall provide the following written notice to the parties who are known. This notice shall include:
  - i.** APU’s Interim Nondiscrimination and Anti-Harassment Policy and APU’s Title IX Grievance Procedure (as a link or attachment).
  - ii.** Notice of the allegations of sexual harassment potentially constituting Title IX Sexual Harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under this policy, and the date and location of the alleged incident, if known.

- iii. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- iv. Notification to the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney.
- v. Notification to the parties that they may inspect and review evidence, as set forth in this policy.
- vi. Any provision in APU's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- vii. APU will use the preponderance of the evidence standard – this means the factfinder will determine whether the evidence supports a finding it was more likely than not the allegations occurred—when making a determination whether a violation of the Policy occurred.
- viii. All possible sanctions the institution may impose are set forth below under “Remedies and Sanctions”.

**5. Amended Notice of Charges.** If, in the course of an investigation, APU decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice of charge, APU must provide notice of the additional allegations to the parties whose identities are known.

**6. Principles for the Grievance Process.**

- a. Under this grievance process, APU shall:
  - i. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on APU and not on the parties, provided that APU 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 APU obtains that party's voluntary, written consent to do so for a grievance process under this section (if a party is not an “eligible student,” as defined in 34 CFR 99.3, then APU must obtain the voluntary, written consent of a “parent,” as defined in 34 CFR 99.3).
  - ii. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
  - iii. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
  - iv. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, APU may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. For the purposes of this procedure, the role of the advisor is limited to the following: the advisor may attend any interview or meeting connected with the grievance process, but may not actively participate in interviews nor provide testimony or argument on

behalf of the party. The advisor may attend the live hearing and may conduct cross-examination of the other party and any witness at the hearing; otherwise, the advisor may not actively participate in the hearing.

- v. Allow each party to be accompanied by a support person if they do not wish to have an advisor. Each party may be accompanied by only one other person unless there is good cause, such as a disability-related accommodation or union representative.
- vi. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- vii. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person’s status as a Complainant, Respondent, or witness.
- viii. Require that any individual designated as a Title IX Coordinator, investigator, decisionmaker, or any person to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. APU may use internal personnel or external parties in the informal resolution process or the grievance process, provided that they meet this requirement.
- ix. Include a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- x. Use the following standard of evidence to determine responsibility for allegations in a Formal Complaint of sexual harassment: the preponderance of the evidence standard. The standard of evidence shall be the same for Formal Complaints against students as for Formal Complaints against faculty and staff.
- xi. Not require, allow, 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.

## **7. Extensions of the Grievance Process.**

- a. The Title IX Coordinator may grant or deny requests from either party to temporarily delay the grievance process or may issue the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.
- b. 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.

## **8. Investigation of Formal Complaints.**

- a. If not serving as the Investigator, the Title IX Coordinator will appoint an Investigator, who may be an employee or official of APU or may be an external investigator with appropriate experience or expertise. The parties will be provided with notice of the identity of the appointed Investigator, and will be informed that any objections to the service of the appointed Investigator on grounds of conflict of interest or a lack of impartiality should be submitted in writing to the Title IX Coordinator within three days of notice of the appointment. The Title IX Coordinator will decide promptly whether the appointed Investigator will or will not continue to conduct the investigation. Any



materials collected or notes prepared by the Investigator during the objection period will be turned over to any replacement Investigator. The replacement Investigator will decide whether to use such materials or not.

- b.** When investigating a Formal Complaint APU shall, within thirty (30) days of receiving the Formal Complaint, unless unusual or complex circumstances exist:
  - i.** Engage in fact-gathering of all relevant facts. Credibility resolutions and fact-finding shall be conducted in the live hearing phase of the grievance process.
  - ii.** Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which APU does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
  - iii.** Prior to completion of the investigative report, send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report.
  - iv.** Make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
  - v.** Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) days prior to a hearing or other time of determination regarding responsibility, the Title IX Coordinator shall send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Upon finalization of the investigative report, the Title IX Coordinator shall provide it to the decision-maker(s).

## **LIVE HEARINGS UNDER THE GRIEVANCE PROCESS.**

### **A. Requirement of a Live Hearing for Fact-Finding and Determining Responsibility.**

- 1.** Following the investigation, within thirty (30) days of sending the final investigative report to the parties, unless unusual or complex circumstances exist, APU shall conduct a live hearing in front of the decision-maker(s), which may be an individual or a Review Panel, for the purposes of determining responsibility for allegations of sexual harassment in the Formal Complaint. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator or the investigator(s). A decision-maker may include internal employees or external third-parties contracted by APU. All potential individual members will receive annual training as specified by this policy.
- 2.** The live hearing will be closed. The only individuals permitted to participate in the hearing are as follows: the Complainant and Respondent, the decision-maker(s), the advisor for each party, any witnesses (only while being questioned), and any individual providing authorized accommodations or assistive services.
- 3.** If a party does not have an advisor present at the live hearing, APU shall provide without fee or charge to that party, an advisor of APU's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that party. APU is obligated to ensure each party has an advisor, either of the party's or APU's choice regardless of

whether or not the party is present at the hearing. To ensure timely proceedings, a party shall alert the Title IX Coordinator as soon as practicable if the party will need an advisor. If a party's selected advisor is unavailable for a hearing date, the live hearing date may be postponed for good cause.

4. Live hearings may be conducted with all parties physically present in the same geographic location or, at APU's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
5. At the request of either party, APU shall provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
6. APU shall create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Any other recording is prohibited, and violations may result in discipline.
7. The parties shall separately participate in a pre-hearing meeting with the APU to go over the process and administration of the live hearing. Prior to or during this meeting, the APU will set the deadlines for submitting and exchanging names of witnesses, evidence, and pre-hearing questions. (The parties will also be permitted to submit questions during the live hearing.) Participation in this pre-hearing meeting is required in order to facilitate the efficient and fair administration of the live hearing process.

#### **B. Questioning at the Live Hearing.**

1. At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
2. Only relevant cross examination and other questions may be asked of a party or witness.
3. Decision-maker(s) also have the right to question a party or witness.
4. Cross examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding APU's ability to otherwise restrict the extent to which advisors may participate in the proceedings.
5. Before the Complainant, Respondent, or witness answers a cross-examination or other question, the Chair must first determine whether the question is relevant. The Chair must explain to the party proposing the questions any decision to exclude a question as not relevant.
6. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

#### **C. Use of Witness Statements.**

1. If a party or witness does not submit to cross examination at the live hearing, the decision-maker(s) may still consider statements made by these individuals that would otherwise be permitted under this Policy, in reaching a final determination of responsibility.
2. 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.

**D. Written Determination of the Decision-Maker.**

1. The decision-maker(s) shall issue a written determination regarding responsibility.
2. To reach this determination, the decision-maker must apply the standard of evidence required by this policy.
3. The written determination must include:
  - a. Identification of the allegations potentially constituting sexual harassment as defined by this policy;
  - b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - c. Findings of fact supporting the determination;
  - d. Conclusions regarding the application of APU's policy to the facts;
  - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to APU's education program or activity will be provided to the complainant; and
  - f. The procedures and permissible bases for the Complainant and Respondent to appeal, as set forth in this policy.
4. APU shall provide the written determination to the parties simultaneously.
5. The determination regarding responsibility becomes final either on the date that APU provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

**APPEALS.**

**A. Grounds.**

1. Within ten (10) days of receiving the written determination, either party may appeal from a determination regarding responsibility, and from APU's dismissal of a Formal Complaint or any allegations therein, on the following grounds:
  - a. **Ground 1:** Procedural irregularity that affected the outcome of the matter;
  - b. **Ground 2:** 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
  - c. **Ground 3:** The Title IX Coordinator, investigator(s), or decision-maker(s) 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.
2. Appeals must be sent to the Title IX Coordinator in writing.

**B. Response to Appeals.** As to all appeals, the Title IX Coordinator (or designee) shall:

1. Notify the other party in writing immediately when an appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;

3. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in this policy;
4. Give the non-appealing party an opportunity to submit a written statement in response to the appeal within ten (10) days of receiving the appeal, which shall be transmitted within two (2) business days to the Appeal decision-maker(s).

**C. Decision on Appeal.** Within twenty (20) days of receiving the appeal and the response, the Appeal decision-maker(s) shall issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both parties. The Appeal decision-maker(s) may deny the appeal or, if the appeal ground(s) has or have been met, may return the case to the initial decision-maker(s) for reconsideration, or convene a new hearing. If a case is returned to the initial decision-maker(s), the Appeal decision-maker(s) shall identify which aspects merit further review.

## **REMEDIES AND SANCTIONS.**

- A. Remedies must be designed to restore or preserve equal access to APU's education program or activity.
- B. Any sanction(s)/responsive action(s) will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal. Supportive measures may remain/be reinstated.
- C. The sanctions/responsive action described in this procedure are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.
- D. The Title IX Coordinator is responsible for effective implementation of any sanctions and/or remedies.
- E. **Examples of Sanctions/Responsive Actions.**
  1. **Student Sanctions:** The following are the usual sanctions that may be imposed upon students or organizations, singly or in combination, upon a finding of violation of APU policy:
    - a. Educational Sanctions: includes, but is not limited to, written research and reflective activities;
    - b. Conduct Reprimand: A formal statement that the conduct was unacceptable and a warning that further violation of any APU policy, procedure, or directive will result in more severe sanctions/responsive actions;
    - c. Probation: A written reprimand for violation of APU policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any APU policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate;
    - d. Suspension: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at APU;

- e. Expulsion: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend university-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript, [subject to any applicable expungement policies];
  - f. Withholding Diploma: The Recipient may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for an alleged violation;
  - g. Organizational Sanctions: Conduct reprimand, loss of some or all privileges (including university registration) for a specified period of time, probation (conduct or social), loss of recognition, or removal from campus;
  - h. Other Actions: In addition to or in place of the above sanctions, APU may assign any other sanctions as deemed appropriate.
- 2. Faculty/Staff Responsive Actions:** Responsive actions for a faculty or staff member include:
- a. Warning – Verbal or Written;
  - b. Performance Improvement Plan/Management Process;
  - c. Enhanced supervision, observation, or review;
  - d. Required Counseling;
  - e. Required Training or Education;
  - f. Probation;
  - g. Denial of Pay Increase/Pay Grade;
  - h. Loss of Oversight or Supervisory Responsibility;
  - i. Demotion;
  - j. Transfer;
  - k. Reassignment;
  - l. Delay of tenure track progress;
  - m. Assignment to new supervisor;
  - n. Restriction of stipends, research, and/or professional development resources;
  - o. Administrative Leave with/without pay;
  - p. Termination;
  - q. Other Actions: In addition to or in place of the above sanctions/responsive actions, APU may assign any other responsive actions as deemed appropriate.
- 3. Third-party and Alumni Responsive Actions.** APU is limited in its actions, but could impose temporary or permanent trespass from campus and all APU-sponsored events.
- 4. Long-Term Remedies/Other Actions.** Following the conclusion of the resolution process, and in addition to any individual sanctions/responsive actions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the prohibited behavior and/or retaliation, remedy the effects, and prevent reoccurrence. These remedies/actions may include, but are not limited to:
- a. Referral to counseling and health services;
  - b. Referral to the Employee Assistance Program;
  - c. Education to the individual and/or the community;
  - d. Permanent alteration of housing assignments;
  - e. Permanent alteration of work arrangements for employees;

- f. Provision of campus safety escorts;
- g. Climate surveys;
- h. Policy modification and/or training;
- i. Provision of transportation accommodations;
- j. Implementation of long-term contact limitations between the parties;
- k. Implementation of adjustments to academic deadlines, course schedules, etc.
- l. At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.
- m. When no policy violation is found, the Title IX Coordinator will address any remedies owed by APU to Respondent to ensure there is no effective denial of access to educational programs and activities.
- n. APU will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair APU's ability to provide these services.

**5. Failure to Comply.**

- a. All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Hearing Officer(s) (including the Appeal Hearing Officer(s)).
- b. Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from APU and may be noted on a student's official transcript or a faculty/staff member's personnel file.

**RETALIATION PROHIBITED.**

- A. No student, faculty or staff member may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right established 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 policy.
- B. 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 under this Policy constitutes retaliation.
- C. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.
- D. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation prohibited under of this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## **CONFIDENTIALITY.**

- A.** Consistent with the requirements of this policy, APU shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. This means that APU will protect the party's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know and in order to process complaints under this policy.
- B.** Confidentiality is not absolute, however. Where criminal conduct has occurred, or where the health and/or safety of others in the community may be in danger, it may be necessary for APU to take appropriate steps to protect the safety of its students and employees, including the person who has reported the misconduct.
- C.** Counselors working at or on behalf of APU are Confidential Resources. In most cases, Confidential Resources at APU will not share the substance of any such communications or that such communications occurred without consent. Individuals who wish to talk about issues related to sexual harassment or sexual misconduct confidentially, with the understanding that APU will not take any action based on such confidential communications, are encouraged to contact one of these Confidential Resources.
- D.** Confidential resources may, however, have an obligation to disclose otherwise-privileged information where they perceive an immediate and/or serious threat to a person and/or property. This is a limited exception to the privileged nature of communications with Confidential Resources. Reports or records maintained by APU (including Counseling Service records), and other confidential, non-privileged records may, however, be subject to a subpoena if civil or criminal charges are filed in court.
- E.** In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Confidential Resources will not report Clery crimes they learn about through confidential communications for purposes of APU's compilation of campus crime statistics. In addition, when appropriate and legally permissible, APU shall conduct record-keeping on reports of dating violence, domestic violence, stalking and sexual assault, such as that collected for legally required disclosures, that excludes personally-identifiable information of any complainants.

## **REQUIRED TRAININGS.**

- A.** The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process (whether internal or external) shall receive training on the definition of sexual harassment under this policy, the scope of APU's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. These individuals

shall receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

- B. Decision-makers shall receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- C. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of sexual harassment.

## **RECORDKEEPING.**

- A. APU shall maintain for a period of seven years records of:
  - 1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under this policy, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to APU's education programs or activities;
  - 2. Any appeal and the result therefrom;
  - 3. Any informal resolution and the result therefrom; and
  - 4. All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process. APU shall make these training materials publicly available on its website OR APU shall make these materials available upon request for inspection by members of the public.
  - 5. Records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of sexual harassment. In each instance, APU will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to APU's education program or activity. If APU does not provide a complainant with Supportive Measures, then APU must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit APU in the future from providing additional explanations or detailing additional measures taken.

## **VI. RELATED UNIVERSITY POLICIES AND PROCEDURES**

### **SEX OFFENDER GENERAL INFORMATION**

The Campus Sex Crimes Prevention Act is a federal law which provides for the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. The Act's intent is to extend the protections of sex offender registries to college campuses. Sex offenders who must register with the State of Alaska must also provide notice to the State that they are employed by, carry on vocation at, or are a student at APU. Information concerning registered sex offenders may be obtained from the Alaska Department of Public Safety through the following web site:

<http://www.dps.state.ak.us/sorweb>



## **APU SMOKE AND TOBACCO FREE POLICY**

This policy applies to smoking and the use of all tobacco and tobacco-related products. Tobacco and smoking-related products are prohibited within all University property, buildings, and vehicles. Littering an area with, or with the remains of, tobacco-related or smoking-related products is also prohibited. This prohibition applies to all University events, events held on University grounds or property and applies to all members of the University community including faculty, staff, students, friends, volunteers, customers, vendors, contractors, guests, and visitors.

## **STUDENT CODE OF CONDUCT PROVISIONS**

The Conduct Code establishes the basic expectations of student life at Alaska Pacific University. APU students are responsible for complying with University rules and regulations, as well as municipal, state, and federal laws. APU students are also responsible for conduct that helps to create and maintain a learning atmosphere in which the rights, dignity, and worth of every individual are respected. APU students are also responsible for their guests while on University-controlled property.

## **WEAPONS-FREE CAMPUS POLICY**

No person, except for on-duty law enforcement officers in the normal course of their law enforcement duties, may possess firearms, ammunition, explosives (including fireworks) or any other weapons that may include, but are not limited to: guns, pellet guns, Air Soft guns, bow & arrow, machetes, martial arts weapons, knives with folding blades over six inches (kitchen knives exempted), and similar devices.

### **Campus Life Policy for Weapons.**

Possession of any firearm, including and not limited to, rifles, shotguns, handguns, paintball guns, and air guns, are strictly prohibited on University property, including resident suites, units, and cars. Possession of ammunition for firearms or any explosives, such as firecrackers, fireworks, dynamite cartridges, bombs, grenades, and mine explosive devices are also prohibited. In addition, possession of weapon parts, knives with blades longer than 6", bows and/or arrows, machetes, martial arts weapons, sling shots, leaded cans, brass knuckles, blackjack, mace/pepper spray, or other similar devices are prohibited. Knives are prohibited, except for kitchen tools and pocket knives. No pocket knife may have a blade longer than six inches. The list of prohibited knives includes bowie knives, daggers, swords, switchblades, or any other knife used with the intent to cause injury to another person.

## **NON-DISCRIMINATION POLICY**

APU is committed to providing equal opportunity in employment, activities, and its academic programs. APU does not discriminate on the basis of race, color, religion, gender, ethnic or national origin, disability, age, marital status, veteran status, membership in uniformed services, gender identity, or sexual orientation in the administration of any of its education policies, admission policies, scholarship and loan programs, athletics, and other school-administered policies and programs, or in its employment related policies and practices.

Discrimination is strictly prohibited by the University and will not be tolerated. Treating an employee or student differently in the terms or conditions of his or her employment or education on the basis of the protected statuses listed above or any other protected status constitutes discrimination. Further, retaliation against any individual for making a complaint of harassment or of any unlawful discrimination, or for assisting in the investigation of such a complaint, will not be tolerated.

## **VII. CRIME STATISTICS**

Crime statistics are compiled pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, designated by calendar year, January 1 through December 31.

Statistics are gathered from crimes reported to the Office of Campus Safety, Dean of Students office, Compliance and Risk Office and other campus officials, and local, state and federal law enforcement agencies.

## DEFINITIONS OF CLERY TERMS USED IN STATISTICS TABLES

### Clery Geographical Locations.

- **On-Campus:** (1) Any building or property that is owned or controlled by an institution within the same reasonably contiguous geographic area and is used by the institution in direct support of, or in a manner related to, the institution educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution, but controlled by another person, is frequently used by students and supports institutional purposes (examples include food or retail vendor).
- **On-Campus Student Housing:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. These crimes will be reported for both On-Campus and Residential Facilities locations. For example, if a crime is reported for Student Housing, it will also be reported for that On-Campus location. For this reason, the total number reported for on On-Campus may not match the total number reported for Student Housing.
- **Non-Campus Building or Property:** (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- **Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus as reported to the Winston-Salem Police department.

### Criminal Offense Definitions.

- **Murder/Non-Negligent Manslaughter:** Murder and Non-negligent Manslaughter is defined as the willful (non-negligent) killing of one human being by another.
- **Negligent Manslaughter.** Manslaughter by Negligence is defined as the killing of another person through gross negligence.
- **Rape.** Rape is 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. This offense includes the rape of any person regardless of gender.
- **Fondling.** Fondling is 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 age or because of temporary or permanent mental incapacity. Fondling is recognized as an element of the other sex offenses. Therefore, count Fondling only if it is the only sex offense.
- **Incest.** Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory Rape.** Statutory Rape is sexual intercourse with a person who is under the statutory age of consent. The age of consent in Washington state is 16 years old.
- **Robbery.** Robbery is the taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault.** Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary.** Burglary is the unlawful entry of a structure to commit a felony or a theft.
- **Motor Vehicle Theft.** Motor Vehicle Theft is the theft or attempted theft of a motor vehicle.
- **Arson.** Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Arrests and Disciplinary Referrals.** Colleges and universities are further required to report three types of incidents if they result in either an arrest or disciplinary referral: 1) Liquor Law Violations; 2) Drug Law Violations; and 3) Illegal Weapons Possession. If both an arrest and referral are made only the arrest is counted.

- Arrest is defined as persons processed by arrest, citation or summons.
- Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.
- **Weapons.** Weapons: Carrying, Possessing, Etc., is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.
- **Drug Abuse Violations.** Drug Abuse Violations are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.
- **Alcohol Violations.** Alcohol Violations are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Violence Against Women Act (VAWA) Offenses.** Colleges and universities are also required to report the following Violence Against Women Act (VAWA) crimes including dating violence, domestic violence and stalking.

- **Domestic Violence.** Domestic Violence is defined as a felony or misdemeanor crime 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 in which the crime of violence occurred;

- 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.** Dating Violence is defined as 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.
- **Stalking.** Stalking is defined as 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

**Hate Crimes.** A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. There are eight categories of bias reported under the Clery Act: Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin and Disability. For Clery Act purposes, Hate Crimes include all of the previously listed Criminal Offenses as well as Larceny-Theft, Simple Assault, Intimidation and Destruction/Damage/Vandalism of Property.

**Unfounded Crimes.** To count a crime as unfounded for Clery Act purposes, the reported crime must have been

- a Clery Act crime;
- reported to have occurred on Clery Act geography;
- thoroughly investigated by sworn or commissioned law enforcement personnel; and
- found through investigation to be false or baseless, meaning that the crime did not occur and was never attempted.

## Statistics Tables for APU Main Campus

### 2020 - Crimes

Types of Crimes	On Campus	On Campus Student Housing	Non-Campus	Public Property
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	1
Aggravated Assault	1	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	1
Arson	0	0	0	0

### 2020 - Arrests

Types of Arrests	On Campus	On Campus Student Housing	Non-Campus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Abuse Violations	0	0	0	0
Liquor Law Violations	0	0	0	0

### 2020 – Disciplinary Referrals

Types of Disciplinary Referrals	On Campus	On Campus Student Housing	Non-Campus	Public Property
Illegal Weapons Possession	1	1	0	0
Drug Abuse Violations	1	1	0	0
Liquor Law Violations	3	3	0	0

### 2020 – Violence Against Women Act (VAWA)

Types of Violence	On Campus	On Campus Student Housing	Non-Campus	Public Property
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0

**2020 Hate Crimes: 0**

**2020 Unfounded Crimes:** Data not received from law enforcement agencies

**2021 - Crimes**

Types of Crimes	On Campus	On Campus Student Housing	Non-Campus	Public Property
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	1	0	0	1
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0

**2021 - Arrests**

Types of Arrests	On Campus	On Campus Student Housing	Non-Campus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Abuse Violations	0	0	0	0
Liquor Law Violations	0	0	0	0

**2021 – Disciplinary Referrals**

Types of Disciplinary Referrals	On Campus	On Campus Student Housing	Non-Campus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Abuse Violations	0	0	0	0
Liquor Law Violations	25	25	0	0

**2021 – Violence Against Women Act (VAWA)**

Types of Violence	On Campus	On Campus Student Housing	Non-Campus	Public Property
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0

**2021 Hate Crimes: 0****2021 Unfounded Crimes:** Data not received from law enforcement agencies

**2022 - Crimes**

Types of Crimes	On Campus	On Campus Student Housing	Non-Campus	Public Property
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	1
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	1
Arson	0	0	0	0

**2022 - Arrests**

Types of Arrests	On Campus	On Campus Student Housing	Non-Campus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Abuse Violations	0	0	0	0
Liquor Law Violations	0	0	0	0

**2022 – Disciplinary Referrals**

Types of Disciplinary Referrals	On Campus	On Campus Student Housing	Non-Campus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Abuse Violations	2	2	0	0
Liquor Law Violations	1	1	0	0

**2022 – Violence Against Women Act (VAWA)**

Types of Violence	On Campus	On Campus Student Housing	Non-Campus	Public Property
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0

**2022 Hate Crimes:**

**2022 Unfounded Crimes:** Data not received from law enforcement agencies

**Statistics Tables for APU Kellogg Campus**

**2020 - Crimes**

Types of Crimes	On Campus	On Campus Student Housing	Non-Campus	Public Property
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0

**2020 - Arrests**

Types of Arrests	On Campus	On Campus Student Housing	Non-Campus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Abuse Violations	0	0	0	0
Liquor Law Violations	0	0	0	0

**2020 – Disciplinary Referrals**

Types of Disciplinary Referrals	On Campus	On Campus Student Housing	Non-Campus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Abuse Violations	0	0	0	0
Liquor Law Violations	0	0	0	0

**2020 – Violence Against Women Act (VAWA)**

Types of Violence	On Campus	On Campus Student Housing	Non-Campus	Public Property
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0

**2020 Hate Crimes: 0**

**2020 Unfounded Crimes: 0**



**2021 - Crimes**

Types of Crimes	On Campus	On Campus Student Housing	Non-Campus	Public Property
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0

**2021 - Arrests**

Types of Arrests	On Campus	On Campus Student Housing	Non-Campus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Abuse Violations	0	0	0	0
Liquor Law Violations	0	0	0	0

**2021 – Disciplinary Referrals**

Types of Disciplinary Referrals	On Campus	On Campus Student Housing	Non-Campus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Abuse Violations	0	0	0	0
Liquor Law Violations	0	0	0	0

**2021 – Violence Against Women Act (VAWA)**

Types of Violence	On Campus	On Campus Student Housing	Non-Campus	Public Property
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0

**2021 Hate Crimes: 0****2021 Unfounded Crimes: 0**

**2022 - Crimes**

Types of Crimes	On Campus	On Campus Student Housing	Non-Campus	Public Property
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0

**2022 - Arrests**

Types of Arrests	On Campus	On Campus Student Housing	Non-Campus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Abuse Violations	0	0	0	0
Liquor Law Violations	0	0	0	0

**2022 – Disciplinary Referrals**

Types of Disciplinary Referrals	On Campus	On Campus Student Housing	Non-Campus	Public Property
Illegal Weapons Possession	0	0	0	0
Drug Abuse Violations	0	0	0	0
Liquor Law Violations	0	0	0	0

**2022 – Violence Against Women Act (VAWA)**

Types of Violence	On Campus	On Campus Student Housing	Non-Campus	Public Property
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0

**2022 Hate Crimes: 0****2022 Unfounded Crimes: 0**

The University of Alaska Anchorage reports crime statistics for their campus which is adjacent to part of the APU Campus at: <https://www.uaa.alaska.edu/students/safety/index.cshmtl>

The Municipality of Anchorage has crime density maps for the municipality at:  
<https://communitycrimemap.com/>

## VIII. ANNUAL FIRE SAFETY REPORT

Fire safety is a high priority at APU. Fire and life safety system testing, fire safety inspections, fire drills, false alarm prevention activities, and fire safety information for students help to make on-campus student housing safer from fire.

The Campus Fire Right to Know Act of 2007 amended the Higher Education Opportunity Act to require each eligible institution to:

- make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including nature, date, time, and general location of each fire; and
- to make annual reports to the campus community on such fires.

The annual fire safety report must also include the following with regards to on-campus student housing facilities

- The number of injuries related to fire that result in treatment at a medical facility.
- The number of deaths related to fire.
- A description of each on-campus student housing facility fire safety system, including the fire sprinkler system.
- The number of regular mandatory supervised fire drills.
- Policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding safety education and training programs provided to students, faculty and staff.

APU Fire Safety Report is compiled by the Dean of Students Office and Office of Campus Safety.

### FIRE SAFETY SYSTEMS

#### APU Main Campus

**North and South Atwood:** There is one smoke/heat detector for each main common area and corridor throughout these buildings. One smoke/heat detector is in each residential room and main common area within a suite. Audible and visual alarms are located in each residential room and each common area in a suite, as well as the main common areas of the buildings. North and South Atwood have a sprinkler system.

**Segelhorst Hall:** There is at minimum, one smoke/heat detector for each main common area and corridor throughout the building. There is one smoke/heat detector in each residential room, two smoke/heat detectors in the corridor and one in the common area in a suite. Audible and visual alarms are located in each residential room and each common area in a suite, as well as the main common areas of the buildings. Segelhorst Hall has a sprinkler system.

**University Village:** The student housing facilities in University Village are apartment style residential units with one smoke/heat detector in each residential room, two smoke/heat detectors in the corridor and one in the common area in each University Village unit.

Location	Fire Alarm Monitoring	Full Sprinkler System	Smoke Detection	Fire Extinguishers	Evacuation Plan and Placards	Number of Evacuation (fire) Drills per year
North Atwood	X	X	X	X	X	1
Segelhorst Hall	X	X	X	X	X	1
University Village R1			X	X		0
University Village R2			X	X		0
University Village L1			X	X		0
University Village L2			X	X		0
University Village L3			X	X		0

**APU Kellogg Campus.**

The student housing facilities on APU Kellogg Campus are apartment style residential units with one smoke/heat detector in each residential room and one in the common area.

Location	Fire Alarm Monitoring	Full Sprinkler System	Smoke Detection	Fire Extinguishers	Evacuation Plan and Placards	Number of Evacuation (fire) Drills per year
Apartment House			X	X		0
NOLS House			X	X		0

**FIRE DRILLS.**

Every year, campus building evacuation drills occur on APU Main Campus to prepare for an unexpected building evacuation. In 2022, there was one fire drill for North Atwood and Segelhorst Hall on APU Main Campus.

University Village residential units and APU Kellogg Campus residential units are apartment style residential units with each unit having a stand-alone smoke detectors and not a central fire alarm panel. Therefore, there were no fire dills in these units.

## FIRE STATISTICS

### APU Main Campus

#### Fire Statistics for 2020

Location	Total Fires	Cause/Nature of Fire	Fire Injuries	Fire Deaths	Value of Property damaged
North Atwood	0	N/A	0	0	0
Segelhorst Hall	0	N/A	0	0	0
University Village R1	0	N/A	0	0	0
University Village R2	0	N/A	0	0	0
University Village L1	0	N/A	0	0	0
University Village L2	0	N/A	0	0	0
University Village L3	0	N/A	0	0	0

#### Fire Statistics for 2021

Location	Total Fires	Cause/Nature of Fire	Fire Injuries	Fire Deaths	Value of Property damaged
North Atwood	0	N/A	0	0	0
Segelhorst Hall	1	Unintentional, cooking	0	0	\$0 - \$99
University Village R1	0	N/A	0	0	0
University Village R2	0	N/A	0	0	0
University Village L1	0	N/A	0	0	0
University Village L2	0	N/A	0	0	0
University Village L3	0	N/A	0	0	0

#### Fire Statistics for 2022

Location	Total Fires	Cause/Nature of Fire	Fire Injuries	Fire Deaths	Value of Property damaged
North Atwood	1	Unfounded	0	0	\$0 - \$99
Segelhorst Hall	2	Both unintentional, cooking	0	0	\$0 - \$99
University Village R1	0	N/A	0	0	0
University Village R2	0	N/A	0	0	0
University Village L1	0	N/A	0	0	0
University Village L2	0	N/A	0	0	0
University Village L3	0	N/A	0	0	0

## **APU Kellogg Campus**

2020

Location	Total Fires	Cause/Nature of Fire	Fire Injuries	Fire Deaths	Value of Property damaged
Apartment House	0	N/A	0	0	0
NOLS House	0	N/A	0	0	0

2021

Location	Total Fires	Cause/Nature of Fire	Fire Injuries	Fire Deaths	Value of Property damaged
Apartment House	0	N/A	0	0	0
NOLS House	0	N/A	0	0	0

2022

Location	Total Fires	Cause/Nature of Fire	Fire Injuries	Fire Deaths	Value of Property damaged
Apartment House	0	N/A	0	0	0
NOLS House	0	N/A	0	0	0

### **FIRE PREVENTION POLICIES.**

Students living on campus are expected to abide by all Campus Life and APU policies, procedures and regulations including, but not limited to, Student Code of Conduct and Campus Life Handbook.

#### **APU Main Campus.**

Each resident of any on-campus student housing facility on APU Main Campus is given a copy of the APU Campus Life Handbook which sets forth, along with the information posted on the APU website on the following page, [Policies & Guidelines – Alaska Pacific University](#), fire prevention policies for living on campus as follows:

#### **Smoke Free Environment.**

APU is a smoke and tobacco free campus. Smoking is not permitted within fifty feet of any entrance, window or air handling unit of a University residence.

#### **Explosives and other Flammable Materials.**

Use or possession of explosives, including firecrackers and other fireworks, is strictly prohibited. Any internal combustion engine, automobile batteries, acids, gasoline, propane tanks, or barbeque grills are not permitted in the residence halls or apartments/houses. Flammable materials, such as fuel, camping fuel and motorized vehicle fuel, or corrosive chemicals are restricted from the residence halls and garages.

## **Resident Halls and Rooms – Decorations**

While students are encouraged to personalize their living spaces with decorations, decorations are not allowed to be hung from the ceiling or placed in rooms or lounges in a manner that would interfere with safe passage or evacuation. Decorations and flyers are not allowed to be placed in building stairwell or exit routes. Exit signs, fire extinguishers, smoke detectors, fire alarm pulls, emergency lights and audible fire signals/strobe lights cannot be decorated, covered or obstructed in any way and nothing may be hung from or attached to sprinkler system pipes or sprinkler heads.

## **Fire Safety Equipment**

Fire extinguishers, smoke detectors, and fire alarm systems are in place for the protection of residents and should be treated with the well-being of all residents in mind. All fire safety equipment (e.g., pull stations, fire extinguishers, smoke detectors) should be used for emergency purposes only. Tampering with fire safety equipment is a misdemeanor and will result in University judicial action and possible criminal and civil action.

## **Smoke Detectors**

All housing rooms are equipped with a smoke detector. Smoke detectors in student rooms are not to be disconnected under any circumstance. If a student is concerned that a smoke detector may not be working, the student is requested to notify the Campus Life Office or place a work order with maintenance.

## **Sprinkler Systems**

When set off, sprinklers cause about \$20,000 of damage a minute. It is important not to accidentally set off a sprinkler. Sprinklers are very sensitive to touch. Hanging or draping items off of sprinkler heads or pipes is prohibited.

## **Open Heating Elements and Open Flames**

Candles, incense, potpourri burners, and all items with an open heating element or an open flame are prohibited within the residential living areas. Special exemptions for religious, cultural, social, or honorary ceremonies may be permitted by petitioning the Director of Campus Life.

## **Electrical Appliances and Cooking Policy**

Open coil appliances are not permitted in the residence halls. This includes, hot plates, ranges, toasters, toaster ovens, electric skillets or anything with an open heating element. Unauthorized appliances will be confiscated and returned to the owner during their final move-out from APU housing. Cooking in North and South Atwood is limited to microwave units of no more than 900 watts, closed-coiled popcorn poppers, sealed unit coffee makers, and thermostat controlled hot pots and crock pots. Residents in Segelhorst and University Village may use the University-provided stove and oven for cooking purposes.

Sun lamps, halogen lamps, air conditioners, and certain space heaters are not permitted. Space Heaters that have a safety shut off, in case of tip over or overheating, are permitted. A limited number of approved space heaters will be available for check out on a first come, first reserved basis.

Only transient voltage surge suppressers should be used as power strips. All other cords or multi-plug adaptors are prohibited.

## **APU Kellogg Campus.**

Residential housing on Kellogg Campus is similar to renting an apartment. Student residents are bound by the terms of the of a housing agreement. The housing agreement includes the following terms:

**Storage of Combustible and Hazardous Materials.** Occupants may not store combustible or “hazardous materials,” as that term is defined in any federal, state or local law, including gasoline, fuel oil, kerosene, paint, paint thinner, etc. in or near any housing unit. If storage units are used for storing such materials, the materials must be placed in a properly labeled, sealed container designed for storage of such material. Occupants and their guests may not smoke, weld, or have open flames near such materials, or otherwise engage in any activities that may result in the ignition of flammable vapors. Storage is only permitted in reasonable quantities appropriate for consumer use. Occupants should immediately report concerns about improperly stored combustible or hazardous materials to the Special Assistant, CRO or the Kellogg Campus Manager.

**Explosives.** Storage of explosives by occupants is not permitted anywhere on campus.

**Fire Safety.** Each occupant should become familiar with escape routes in their housing unit in case of fire, and the locations of fire extinguishers. If a fire occurs in a unit or building the occupant should immediately leave the premises while making sure to close the door to the unit or room behind him/her, if possible, to do so safely. Once out of the building, occupant should immediately call the fire department and then the Kellogg Campus Manager. If an occupant has any questions about what to do in cases of fire, she/he should contact the Kellogg Campus Manager.

**Prohibition on Smoking.** APU is a non-smoking campus, and this applies to APU Kellogg Campus housing units. Occupants are not permitted to smoke while on APU Kellogg Campus premises, including inside residential housing.

## **REPORTING A FIRE.**

**ALL LIFE-THREATENING EMERGENCIES SHOULD BE  
IMMEDIATELY REPORTED TO 911**

## **APU Main Campus.**

Any resident of an on-campus student housing facility who sees smoke or flames in any APU building should report to the on-call Resident Assistant or Campus Safety, or by calling emergency responders at 911 for life-threatening emergencies.

### **Evacuation Procedures in Case of a Fire.**

Every time the fire alarm sounds, or any emergency arises, it must be treated as a real threat, and students and their guests are expected to follow the building evacuation guidelines below:

- Wear shoes and a coat;
- Leave the room with lights on, doors and windows closed, and blinds open;
- Proceed outside and meet in the following designated areas for APU Main Campus;
  - North Atwood—Meet in the Atwood Parking Lot
  - Segelhorst—Meet across the road on the path leading to North Atwood
  - University Village—Meet at the top of the hill, near the dumpster



- Remain outside the building until Campus Life Staff gives the all-clear signal.

**Remember, R.A.C.E.**

- R – Rescue (Assist anyone who may be injured or needs help out of the building)
- A – Alarm/Activate (This will already be happening with the strobes and audible alarms)
- C – Contain/Confine (Close all office, classroom, and bedroom doors behind you)
- E – Evacuate (LEAVE THE BUILDINGS!!!)

**APU Kellogg Campus**

Pursuant the terms in the Housing Agreement:

**Fire Safety.** Each occupant should become familiar with escape routes in their housing unit in case of fire, and the locations of fire extinguishers. If a fire occurs in a unit or building the occupant should immediately leave the premises while making sure to close the door to the unit or room behind him/her, if possible, to do so safely. Once out of the building, occupant should immediately call the fire department and then the Kellogg Campus Manager. If an occupant has any questions about what to do in cases of fire, she/he should contact the Kellogg Campus Manager.

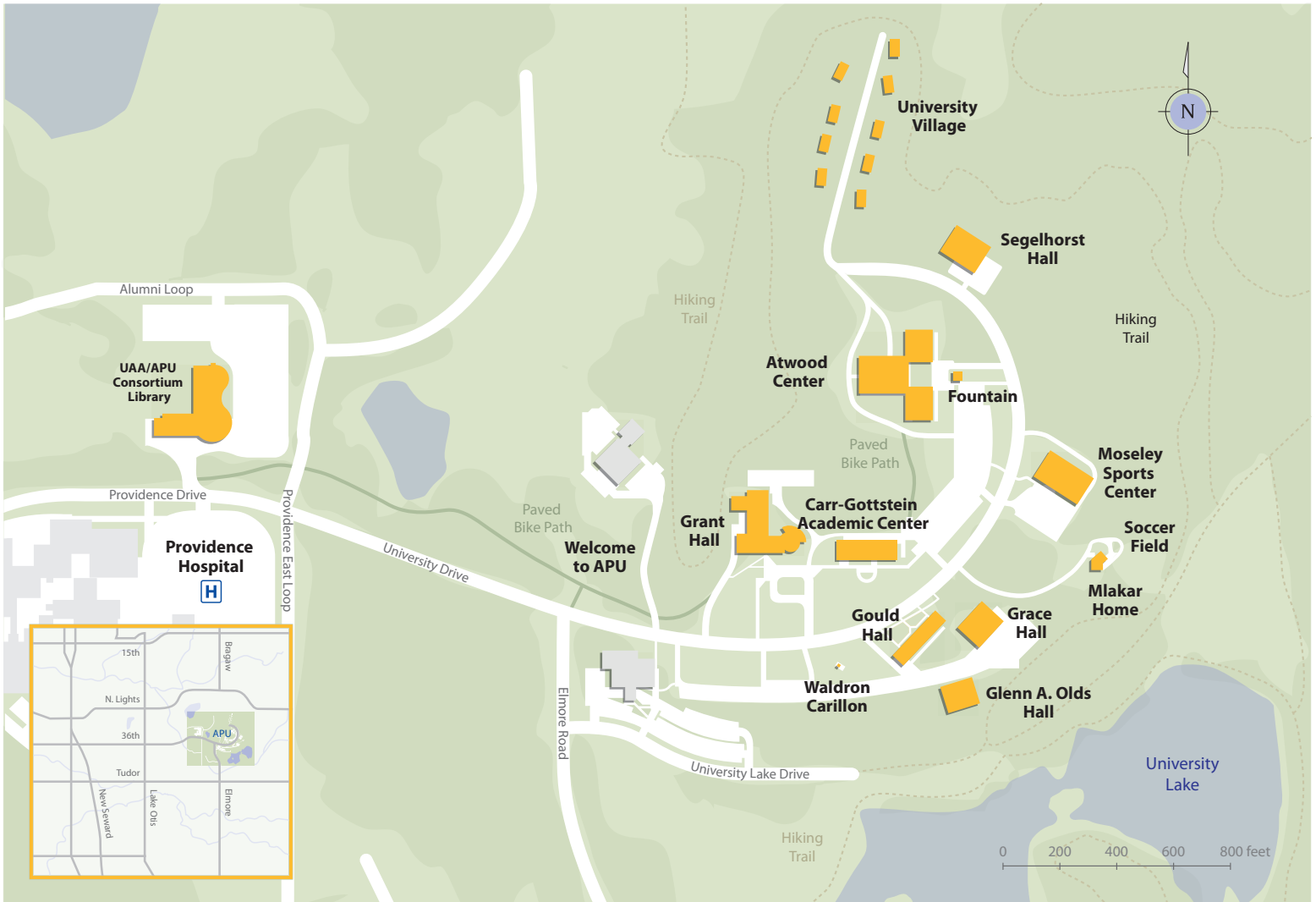
**FIRE SAFETY EDUCATION**

For APU Main Campus, Campus Safety provides presentations to residential students for APU Main Campus during mandatory all hall meetings at the start of each fall and spring semester. Information related to policies, procedures and evacuations are discussed. Programming may also be conducted in coordination with Resident Assistants upon request during the school year.

For APU Kellogg Campus, fire safety is discussed with each resident and included in a welcome package prior to moving into the residential unit.

**IMPROVEMENT PLANS FOR FIRE SAFETY.**

There are no improvement plans at this time. Fire alarm systems, fire alarms, smoke detectors, sprinklers and fire extinguishers are tested annually through a third-party service for every APU building on both campuses. APU will continue to promote fire safety education through annual training, drills and events.



### Alaska Pacific University - 4101 University Drive Anchorage, AK 99508 - 907-564-8248

#### From the Ted Stevens International Airport (ANC) 7.7 Miles

- ↑ Continue to W. International Airport Road (exit Airport)
- ↶ Turn Left onto Arctic Blvd
- ↷ Turn Right onto W. Tudor Blvd
- ↶ Turn Left onto Elmore Rd, at Traffic Circle take 2nd exit to stay on Elmore Rd.
- ↷ Turn Right onto University Drive/Alaska Pacific University

#### From the North (Wasilla, Fairbanks)

-  Take AK-1 South to Bragaw St (Anchorage)
- ↷ Turn Right onto E. Northern Lights Blvd
- ↶ Turn left onto UAA Dr
- ↶ Turn Left onto Providence Dr
- ↑ Continue straight onto University Drive/Alaska Pacific University Campus

#### From the South (Girdwood, Seward)

-  Take AK-1 North
- ↷ Turn Right onto E. 36th Ave
- ↑ Continue onto Providence Dr
- ↑ Continue straight onto University Drive/Alaska Pacific University Campus