



# Annual Security Report 2021

(This report contains information for the 2021-2022 academic year and statistical information for calendar years 2018, 2019, and 2020.)

Published October 1, 2021

## **Safety and Security: It's a Shared Responsibility**

This report is provided to you as part of the Academy's commitment to safety and security on campus and complies with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (Clery Act), and subsequent amendments specified in the Higher Education Opportunity Act (HEOA), and the reauthorization of the Violence Against Women Act (VAWA). This act requires institutions of higher education to provide information annually on campus crime, safety and security policies, and Title IX rights and procedures.

## **Risk Mitigation: If You See Something, Say Something!**

Safety and security are institutional responsibilities shared by all. If you see or experience any type of unsafe condition, please report it promptly. The best possible practice is: *"If you see something, say something."* It is up to each of us to help foster a secure and supportive environment at the Academy. Thank you for all you do to keep our school community a safe and respectful place to visit, work and study.

If you have any questions regarding the safety and security of campus facilities, please ask a Campus Safety Officer. Upon request, this publication is available in an alternate format. For more information, contact 352.335.2332 or email [info@acupuncturist.edu](mailto:info@acupuncturist.edu).

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## PREPARATION OF THE ANNUAL SECURITY REPORT & DISCLOSURE OF CRIME STATISTICS

The school collects and reports crime statistics as specified in the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act)*. Each year, the school notifies all enrolled students, faculty and employees, via email, that they can view the report at: <https://acupuncturist.edu/wp-content/uploads/2020/10/Crime-Report-for-Year-2020.pdf>

The Gainesville Police Department provides current information about its safety and security educational efforts and programs as well as statistical data.

Reports of criminal activity presented to Campus Security Authorities (CSAs) and reports of crimes made to local law enforcement agencies are requested and included in the Annual Security Report as required by the Clery Act. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

A “CSA” is an individual with responsibility for campus safety and security. This includes individuals who are responsible for monitoring buildings or school grounds, or with similar security responsibilities; and school officials, not limited to, directors, deans, chairs, Title IX coordinator, and staff with student conduct responsibilities (excluding clerical and maintenance staff).

Statistics are gathered, compiled, and reported to the school community via this report. The Academy submits the annual crime statistics published in this report to the Department of Education. The statistical information gathered by the Department of Education is available to the public through the Department’s website.

The Fire Log has information pertaining to the agency that responded to the fire, the police department report number of the incident, the report date/time, type of fire, cause of fire, date/time of fire, location, number of injuries/deaths, and estimated cost of property damage.

As with the Crime Log, the Fire Log is updated with an entry or addition within two business days of receiving the information. Also, like the Crime Log, for the purpose of the Fire Log, a business day is any day Monday through Friday, except for days when the institution is closed. This log is open to public inspection anytime by contacting the Title IX Coordinator at 352.335.2332 during normal business hours.

Emergency & Support Service Numbers	
ALL EMERGENCIES.....	911 (V/TDD)
Gainesville Police Non-Emergency .....	352.955.1818
Alachua County Crisis Center .....	352.264.6789
Alachua County Victim Services & Rape Crisis Center .....	352.264.6760
Peaceful Paths Domestic Abuse .....	352.377.8255
Office of the State Attorney Victim/Witness Program .....	352.337.6174
Gainesville Fire Rescue Non-Emergency .....	352.335.5078
Title IX Coordinator & Lead Campus Safety Authority (CSA).....	352.335.2332
When trying to contact an office that does not list a TDD, please use the Florida Relay Service (FRS) by calling 7-1-1.	

## POLICIES & PROCEDURES FOR REPORTING CRIMES & OTHER EMERGENCIES

### Voluntary, Confidential Reporting

The Academy encourages anyone who is the victim or witness of any crime to promptly report the incident to the police. Reports of criminal activity given to CSAs and reports of crimes made to local law enforcement agencies are requested and included in the Annual Security Report as required by the Clery Act. Individuals may report to CSAs without including personally identifying information. However, all CSAs are also *Responsible Employees* under Title IX, and must report information involving sexual misconduct, domestic/dating violence, and stalking, including information about the identity of the victim and the accused, to the Title IX Coordinator. Additionally, reports made to professional and pastoral counselors may be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to report crimes confidentially to CSAs.

### REPORTING TO THE GAINESVILLE POLICE

The Academy expects that campus community members accurately and promptly report all crimes and other emergencies directly to the GPD at 911. In some cases, when crime reports are not emergencies, it is understood that individuals may want to report crimes to other campus security officers. The school supports this decision when it is safe.

### Pastoral And Professional Counselors

While the school requests that all crimes on its campus be reported promptly, the school supports professional and pastoral counselors' professional obligations not to disclose or report certain incidents according to respective professional ethics.

- Pastoral Counselor: An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is counseling and functioning within the scope of that recognition as a pastoral counselor.
- Professional Counselor: An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community, and who is functioning within the scope of his or her license or certification.

Should a professional or pastoral counselor determine that police involvement and reporting is needed, the Academy will work with the counselor to respond appropriately. The Academy does not require pastoral and professional counselors to notify individuals they are counseling about the option to report crimes on an anonymous or confidential basis for inclusion in the annual statistical disclosure of crime statistics. Additionally, the Academy is not required to provide a timely warning with respect to crimes reported to pastoral or professional counselors.

## TIMELY WARNING REPORTS – CRIME ALERTS

The Academy provides campus-wide timely warning notices when a Clery Act crime is reported to have occurred on the Academy's campus and contiguous public non-campus property that, in the judgement of the school leader or designee, constitutes a serious or continuing threat. These warnings will be distributed if an incident is reported to the Academy directly or indirectly through a local law enforcement agency or a CSA.

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These warnings will contain the following:

- Information about the crime that triggered the warning
- Information that would promote safety
- Information that would aid in the prevention of similar crimes

Timely Warnings will be distributed as soon as pertinent information is available, in a manner that will not provide any personally identifying information of reporting parties or victims and will withhold the names of victims as confidential, with the goal of aiding in the prevention of similar crimes. The school distributes timely warning announcements when there appears to be a serious or continuing threat to the safety and security of persons on campus.

Timely Warnings are typically issued for the following crime classifications:

- Criminal homicide (includes Murder, Non-negligent Manslaughter, and Negligent Manslaughter)
- Sexual assault, including Rape, Fondling, Incest, and Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Domestic Violence
- Dating Violence
- Stalking
- Arrests or referrals for disciplinary action for liquor law violations, drug law violations, and weapons law violations
- Hate crimes, including the following listed below, if such crime manifests evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, gender, gender identity, ethnicity, or disability
- Crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property

This list is not exhaustive and a Timely Warning may be distributed for other crimes or incidents as deemed necessary.

Decisions concerning whether to issue a timely warning will be made on a case-by-case basis using the following criteria:

- Nature of the crime
- Danger and continuing danger to the campus
- Risk of compromising law enforcement efforts

Criminal reports are considered on a case-by-case basis, depending on the facts and the information known. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other community members, and a timely warning may not be distributed. In cases involving sexual assault, reports are often made some time after the incident occurred, thus there may be limited ability to distribute a "timely" warning notice. The school leader or designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a timely warning is warranted.

Timely warning notices will be issued to the campus community via email blast to all Academy assigned email accounts. Timely Warnings may also be distributed via text. They generally contain information about the nature of the threat and allow members of the community to take protective action.

### **Emergency Response & Evacuation Procedures**

The Academy regularly reviews and annually updates plans and procedures for emergency response and evacuation for the campus community.

The Academy maintains an Emergency Response Plan that outlines responsibilities of campus units during emergencies. This plan outlines incident

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priorities, campus organization and specific responsibilities of each campus building and position.

Emergency notification systems are tested at least once annually. Each test is documented and includes, at a minimum; a description of the test, the date, and time, and whether it was announced or unannounced at least once a year.

### **Emergency Notification**

While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an emergency (immediate) notification after confirmation:

- armed/hostile intruder
- bomb/explosives (threat)
- communicable disease outbreak
- severe weather
- terrorist incident
- civil unrest
- natural disaster
- hazardous materials incident
- campus fires

Individuals can report emergencies by calling the GPD at 911.

In the event of an emergency, the Academy will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the school community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the life, safety, or security of the campus community. The Academy will without delay — and taking into account the safety of the community - determine the content of emergency notification messages and initiate the notification system. The content of an emergency notification will contain information that will aid the campus community in responding to a particular situation or provide evacuation procedures when/if necessary.

Emergency notification will be issued unless issuing a notification will, in the professional judgment of the responsible authorities, compromise efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency.

The GPD is responsible for responding to reported emergencies and confirming the existence of an emergency, sometimes in conjunction with campus administrators, local first responders and/or the national weather center.

### **Campus Security Authorities**

The following school officials have been designated to serve as authorized officials who are empowered to determine and approve the content and issuance of written emergency notifications:

- School Director or designee
- Academic Dean
- Clinic Director

When an authorized official receives a report of an imminent situation or a situation in progress that poses an immediate threat to life, safety, or security on campus, they will confirm the report. Depending on the situation, confirmation may be achieved through one or more of the following sources:

- Investigation by GPD
- School director or designee
- Media reports originating from the incident scene

The authorized official will determine, in consultation with other officials as appropriate, how much information to disseminate at different points in time. This determination will be based on the following:

- Nature of the incident or threat
- Segment to be notified
- Location of the incident or threat

Depending on the circumstances, the Academy may send emergency notification

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messages to the entire campus community or only a segment of the population, depending on which segment(s) would most likely be affected. If the potential exists for a very large segment of the campus community to be affected by a situation or when a situation threatens the operation of the campus as a whole, then the entire campus will be notified.

In either any case, there will be a continuing assessment of the situation and additional segments of the campus community may be notified if the situation warrants such action. The authorized official will, considering the nature of the threat and the population to be notified, choose the appropriate communication tool(s) to disseminate the emergency notifications to the campus community.

Emergency notifications will be sent using some or all of the following distribution methods, depending on the type of emergency:

- Email
- Fire alarms
- Posted advisory message
- Emergency responder announcements
- Student portal (Populi)
- Social media
- Local media
- Webpage and/or in person communication
- If any of these systems fail or the school deems it appropriate, in person communication may be used to communicate an emergency.

The nature of the emergency will determine the types and extent of the notification. The authorized official will approve and send the message as soon as possible and will notify administration officials.

A combination of one or all methods listed above will be used to issue a follow-up message to the campus community (except for fire alarms). Information regarding the status of emergency situations will be developed and disseminated to other interested parties, such as neighbors, as soon as possible by the GPD and/or other

campus authorities. This information may come in the form of updates to the Academy's website and/or communications directly with the media, if necessary.

If there is an immediate threat to the health or safety of students, faculty or employees occurring on campus, the institution will follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the school community as needed.

All students and employees who have an [@acupuncturist.edu](mailto:@acupuncturist.edu) email address are automatically registered to receive email and text alerts through Populi. In case of an emergency, a message will be sent to registered email and phone numbers.

### **Evacuation Procedures**

Emergency evacuation procedures are tested at least twice each year. Students, faculty and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each building during evacuation.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. Evacuation maps are posted in multiple areas of every building on campus.

If you receive instructions to evacuate or if a fire alarm is activated, immediately proceed to the nearest exit and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe

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location using the nearest exit, and notify the Fire Department by calling 911.

During an evacuation, please follow the following guidelines:

- Remain calm
- If needed, assist persons with access or functional needs
- If a person is unable to evacuate, attempt to move them to a safe location
- Once you have evacuated the building, immediately inform first responders of the person's location
- Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles
- Do not re-enter the building

### **Sheltering-in-Place**

If an incident occurs and the buildings or areas around you become unsafe, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to "shelter-in-place" means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

### **Basic Shelter-in-Place Guidance**

If an incident occurs and the building you are in is not damaged, stay inside until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, and proceed to the nearest exit). Once you have evacuated, seek shelter at the nearest building quickly. If police or fire department personnel are on the scene, follow their directions.

A shelter-in-place notification may come from several sources, including the GPD, staff or other emergency authorities.

### **How to Shelter-in-Place**

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - an interior room; and
  - without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. Academy staff will turn off the ventilation as quickly as possible.
6. Make a list of the people with you and ask someone (staff or faculty) to call the list in to the GPD so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Monitor social media and listen for further instructions.
8. Make yourself as comfortable as possible.

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## SECURITY OF AND ACCESS TO SCHOOL FACILITIES

During business hours, school facilities will be open to students, employees, contractors, and visitors. During non-business hours, access to all facilities is by key or other electronic access control devices. Access for authorized individuals can be obtained through the Administration Office.

Facilities personnel maintain school property with a concern for safety and security. Lighting surveys are conducted on a regular basis to spot any lighting concerns or areas in need of repair. Other members of the school community may report equipment problems to the office manager by calling the Administration office.

The Academy conducts security surveys as needed to continually assess facility security needs. Key control is established by school policy and access to building master keys is restricted. Security alarm systems on campus are monitored by a third-party alarm monitoring company.

## PROCEDURES REGARDING ALLEGED DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING

### Introduction

The Academy prohibits discrimination on the basis of sex in its educational programs. Sexual harassment and sexual violence are types of sex discrimination. Other acts also can be forms of sex-based discrimination and are prohibited whether sexually based or not and include dating violence, domestic violence, and stalking.

The Academy issues this statement of policy to inform the community of our procedures that address sexual assault, domestic violence, dating violence and stalking, whether the

incident occurs on or off campus, and when it is reported to a school official.

In this context, the Academy prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the school community.

Title IX Sexual Harassment refers to sexual misconduct against a person participating in or attempting to participate in a school's educational program or activity that meets one or more of the following three behaviors:

- A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity, or
- "Sexual Assault," "Dating Violence," "Domestic Violence" or "Stalking" as defined in referenced statutes.

Sexual Misconduct is a broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes but is not limited to sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. Sexual misconduct can be committed by men or women, strangers, or acquaintances, and can occur between or among people of the same or opposite sex.

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*Please note that the Title IX definition of sexual harassment is more specific. All instances of sexual harassment are addressed in the school's policies through procedures that ensure adherence to both the Title IX regulations and the institutional efforts to address all sexual-based misconduct and relationship violence*

*Title IX only applies when an Academy student is involved; the Academy does not have jurisdiction over non-students. Title IX also does not cover cases that occur off-campus, unless part of a school-sponsored activity.*

### **Policy Jurisdiction**

This Policy applies to prohibited conduct, defined below, that is committed against a person in the United States by students, faculty, staff, Academy appointees, or third-party affiliates who have formal (including contractual) relationships with the school community, whenever the conduct occurs:

- On Academy property; or
- Off Academy property, if the conduct was in connection with a school or school-recognized program or activity which includes locations, events, or circumstances over which the Academy exercised substantial control over both the person accused of the conduct and the context in which the sexual harassment occurred.

Employee and volunteer misconduct falling outside the jurisdiction of this Policy is managed by the School Director.

Student misconduct falling outside the jurisdiction of this Policy is managed by the Academic Dean.

The School Director is responsible for overseeing the process by which the Academy addresses allegations of Prohibited Conduct; this process has no relationship to the criminal justice system and will not result in an arrest or incarceration. Parties have the right to report their allegations through the criminal court

system in addition to, or in lieu of, the Academy's process. However, if both processes are initiated, they will be completely separate and will result in separate outcomes. The Academy's ultimate goal pursuant to this Policy is to eliminate the unwanted, unlawful behavior, prevent its recurrence and address its effect on the complainant and the school community.

### **DEFINITIONS**

The following definitions clarify key terminology used in this policy.

**Complainant** refers to the individual(s) who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment.

**Formal Complaint** refers to a document filed by a complainant (meaning a document or electronic submission, such as by electronic mail that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the individual filing the Formal Complaint) alleging Title IX Sexual Harassment against a respondent and requesting that the Academy investigate the allegation 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 the Academy. A Formal Complaint may be filed with the Academy's Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information provided in this policy, and by any additional method identified in this policy.

Formal Complaint may also refer to a document signed by the Academy's Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent. Where the Academy's Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a complainant or otherwise a Party.

**Party or Parties** refer to the Complainant(s) and the Respondent(s).

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**Report** refers to information brought to the attention of an Official with Authority alleging conduct prohibited under this policy; a Report is not considered to be a Formal Complaint. A Party may bring a Report and then subsequently file a Formal Complaint.

**Respondent** refers to the individual(s) who has been alleged to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

**Supportive Measures** refers non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to parties before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the school's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school's educational and work environment or deter conduct prohibited under the policy.

**School Prohibited Conduct**

The Academy is committed to creating and maintaining educational communities in which everyone is respected, appreciated, and valued. The Academy diligently strives to foster an environment that permits and encourages everyone to perform at their highest levels in academia. The focus on tolerance, openness, and respect is key in providing every member of the school community with basic human dignity free from harassment, exploitation, intimidation, or other sexual misconduct (to include domestic violence, dating violence, sexual assault and stalking as defined below). Any report of behavior that threatens our institutional values and breaches this policy shall be promptly investigated and remediated in accordance with principles of law, fairness, and equity to all parties involved.

The Academy is firmly committed to maintaining an educational environment free from all forms of

sex discrimination. Sexual misconduct, as defined in this policy, is a form of sex discrimination and will not be tolerated. The Academy will maintain an environment that promotes prompt reporting of all types of sexual misconduct and timely and fair resolution of sexual misconduct complaints.

The school will take prompt and appropriate action to eliminate sexual misconduct when such is committed, prevent its recurrence, and remedy its effects.

This policy defines and describes prohibited sexual conduct, establishes procedures for processing complaints of sexual misconduct, permits appropriate sanctions, and identifies available resources.

All school community members have the duty to understand student rights and responsibilities; therefore, it is important that you are familiar with the following policies and procedures as they relate to gender equity and gender-based discrimination, harassment, and violence.

**DEFINITIONS**

Title IX Prohibited Conduct includes the following specifically defined forms of alleged conduct— Quid Pro Quo Harassment (Employee-Student), Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking—where the conduct occurred within the jurisdiction of this Policy.

**Quid Pro Quo Harassment:** An employee of the Academy conditioning the provision of an aid, benefit, or service of the Academy on an individual's participation in unwelcome sexual conduct;

**Sexual Harassment:** Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the Academy's education program or activity;

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**Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. This includes the following:

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

**Domestic Violence:** A felony or misdemeanor crime of violence committed: (a) by a current or former spouse or intimate partner of the victim; (b) by an individual with whom the victim shares a child in common; (c) by an individual who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by an individual similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred; (e) by any other individual against an adult or youth victim who is protected from that individual's acts under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred.

**Dating Violence:** Violence committed by an individual 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 individual's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. This 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:** Engaging in a course of conduct directed at a specific individual that would cause a reasonable person to: (a) fear for the individual's safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of the Stalking definition: Course of conduct means two or more acts, including acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, under the domestic or family violence laws of the State of Florida.

**Retaliation** under this policy: No individual may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy or because an individual has made a Report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Any individual who makes a materially false statement in bad faith during the course of an investigation, proceeding, or hearing under this policy, may be subject to disciplinary action

### Reporting Complaints

The Academy has policies, procedures and disciplinary sanctions in place that are sensitive to those who report sexual assault, domestic

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violence, dating violence and stalking, including informing individuals about their right to file criminal charges as well as availability for counseling, health, legal assistance, and other services on or off campus. This report covers the general policies. The employee and faculty handbooks discuss the topic as an aspect of the terms and conditions of employment for faculty and administrative staff.

If any member of the Academy community is a victim of a sexual assault, including rape, acquaintance rape, sexual harassment, or sexual violence, there are many services available to assist, but first, the individual's safety is of the utmost importance. If you or a member of the community is a victim of sexual assault, please contact: law enforcement by dialing 911.

Similarly, if any member of the Academy community experiences relationship violence, sexual misconduct, or stalking, there are also many services available to assist, but first, the individual's safety is still of the utmost importance. If you or a community member experiences relationship violence, sexual misconduct, or stalking, contact local law enforcement by dialing 911.

The Academy has procedures in place to respond sensitively to those who report relationship violence, sexual assault, sexual misconduct, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, and other services on and/or off the campuses, and additional remedies to prevent contact between a complainant and an accused party, such as academic, and working accommodations, if reasonably available.

The Academy will make such accommodations, if the victim requests them and if they are reasonable, regardless of whether the victim chooses to report the crime to local law enforcement. Victims receive information in writing about accommodations and assistance.

A person may report relationship violence, sexual assault, sexual misconduct, or stalking that occurs on or off-campus to GPD (Emergency: 911 or Non-Emergency: 352.955.1818). When making a report to police, one may choose to report using a pseudonym so that one's name will not appear in public files.

A student who has experienced relationship stalking, or who believes such conduct may have occurred may inform the Title IX Coordinator, email: [TitleIX@acupuncturist.edu](mailto:TitleIX@acupuncturist.edu)

### **Preserving Evidence**

Following an assault, find a safe place away from the attacker and out of danger. To preserve physical evidence, victims should not bathe, urinate, douche, shower, drink, or change clothes. This will preserve evidence that can be used later if a victim decides to file a police report or to press charges or it may be helpful in obtaining a protection order.

Victims should go immediately for a sexual assault examination and to receive prompt, thorough medical care (see *Victim Assistance Agencies*). Victims may choose to have someone take them to the emergency room or a police officer can meet them at their location to provide transportation. For victims of dating violence, domestic violence, and stalking, it is important to preserve pictures, text messages, social media posts and messages, emails, notes and letters, etc.

## VICTIM ASSISTANCE AGENCIES

If you or someone you know is the victim of the crime or a violation of the Professional Code of Conduct, it is important that you contact agencies that can provide the resources to help resolve the matter. Listed below are some of the agencies that may be able to assist you.

<b>SHANDS HOSPITAL EMERGENCY DEPT</b> 352.265.8000	<b>ALACHUA CO. VICTIM SERVICES &amp; RAPE CRISIS CENTER</b> 352.264.6760
<b>NORTH FL REGIONAL MEDICAL EMERGENCY CENTER</b> 352.333.3670	<b>PEACEFUL PATHS DOMESTIC ABUSE NETWORK</b> 352.TALK (8255) (24-hour hot line) or 1.800.393-SAFE (7233)
<b>GAINESVILLE POLICE DEPARTMENT</b> 352.955.1818	<b>THE ALACHUA COUNTY CRISIS CENTER</b> 352.264.6789
<b>ALACHUA COUNTY SHERIFF'S OFFICE</b> 352.367.4000	<b>THE STATE ATTORNEY'S OFFICE OF VICTIM SERVICES</b> 352.374.3670

### Informal Resolution (Mediation)

Informal resolution is available after a formal complaint has been filed in a Title IX Sexual Harassment incident or a report has been received in a Non-Title IX Sexual Misconduct incident. Informal Resolution may be pursued if:

- Both Parties are willing to engage in mediation and consent to do so in writing;
- The complainant and the respondent are both students or are both employees of the Academy;
- The Title IX Coordinator agrees that informal resolution is an appropriate mechanism for resolving the complaint;
- The school provides written notice to the Parties in accordance with the sexual misconduct policies.

When the Title IX Coordinator determines informal resolution is appropriate and the Parties consent in writing, the Title IX Coordinator will arrange or facilitate mediation in attempt to resolve the complaint. Agreements reached in mediation will be put in writing and signed by both parties. Agreements will be maintained by the Title IX Coordinator and shared only as necessary to implement the agreed resolution or as required by law.

The Title IX Coordinator will terminate informal resolution and continue the investigation if:

- The Parties are not able to reach an agreement prior to the exhaustion of the administrative process,
- One or more of the Parties withdraws consent to informal resolution, or,
- Title IX Coordinator determines that informal resolution is no longer appropriate.
- The matter will then be referred for investigation in accordance with the procedures outlined herein.

## REPORTING MECHANISMS & DECISIONS

### TITLE IX AND NON-TITLE IX SEXUAL HARASSMENT

A wide variety of options are available to assist those who have experienced sexual harassment, including sexual violence. The first step for individuals considering whether to make a Report is to decide if they want to seek out confidential support and stop there, or officially report the alleged violation. Should an individual report an incident of alleged sexual-based misconduct, they will not be required to move forward with an investigation if that is not their desire (see below for further information on the Title IX Process).

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However, the School may continue to investigate if it believes that a threat to the safety and security of the community exists.

### **Confidential Resources**

Confidential Resources are available to provide individuals with assistance, support, and additional information and are prohibited from disclosing confidential information unless: (1) given consent by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order. Confidential Resources may be required to report non-identifying information for crime reporting purposes.

### **Non-Confidential Reporting**

Non-Confidential Resources are also available to provide individuals with assistance, support, and additional information, but may have broader obligations to report information that is shared with them. Non-Confidential Resources will make reasonable efforts to respect and safeguard the privacy of the individuals involved. To this end, concerns about Prohibited Conduct will only be shared with school representatives responsible for assessment, investigation, or resolution of the Report or otherwise properly responding to issues raised, and to the extent required by law or court order.

- Incident Reporting form
- Title IX Coordinator: 352.335.2332
- Gainesville Police Department:  
352.955.1818

Once notified of an allegation of sexual harassment, the person charged with the investigation communicates with involved Parties to provide them with the information and support they need to decide the best options for them moving forward. Complainants will decide whether to choose a formal investigation, request an informal resolution, or defer further action in the matter. In some

circumstances, supportive measures may be identified to provide immediate relief to Parties as they move through the process; the Title IX Coordinator will assist/oversee the implementation of these measures.

### **Timeframe for Filing Formal Complaints**

Complainants and other reporting individuals are encouraged to report any violation of this policy as soon as possible in order to maximize the school's ability to respond promptly and effectively. Reports and Formal Complaints may be made at any time without regard to how much time has elapsed since the incident(s) in question. If the Respondent is no longer a student or employee at the time of the Report or Formal Complaint, the school may not be able to gather evidence sufficient to reach a determination as to the Formal Complaint and/or the school may not be able to take disciplinary action against the Respondent. However, the school will still seek to provide support for the Complainant and seek to take steps to end the Prohibited Conduct, prevent its recurrence, and address its effects.

### **Amnesty in Reporting**

The school community encourages the reporting of Prohibited Conduct. Parties or witnesses may be hesitant to report Prohibited Conduct or participate in an investigation because they fear that they themselves may be in violation of certain policies, such as illicit drug use at the time of the incident. To encourage reporting under this Policy and participation in the investigation process, the school will not pursue disciplinary action against Complainants, Respondents, or witnesses for disclosure of minor policy violations—such as illegal personal consumption of drugs or alcohol—where such disclosures are made in connection with a good faith report or investigation of Prohibited Conduct. This provision does not apply to more serious allegations such as physical abuse of another or illicit drug or alcohol distribution that contributed to the commission of a policy violation.

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### **Presumption of Non-Responsibility**

A Respondent identified in a Formal Complaint is presumed to be not responsible for the alleged misconduct unless and until the Respondent is determined, by a preponderance of the evidence, to have violated the policy.

### **Sexual Harassment Grievance Process (Title IX Non-Title IX)**

The specific investigative and disciplinary procedures for Prohibited Conduct under this policy are based on the relationship of the Respondent to the Academy.

### **Complaints Against Students, Faculty & Staff Intake**

Once notified of alleged sexual-based misconduct, the Title IX Coordinator communicates with all parties to provide supportive measures, whether immediate or throughout the process.

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator at the following link: [TitleIX@acupuncturist.edu](mailto:TitleIX@acupuncturist.edu).

The Title IX Coordinator will meet with the Complainant and review the grievance process, student rights and responsibilities, available resources, requests for supportive measures, and more. The Complainant will have the opportunity to ask questions and, at the culmination of the meeting, the Complainant will choose how they would like to proceed (through the grievance process, informal resolution or defer).

If the Complainant decides to move forward with the grievance process, the Title IX Coordinator or designee will then provide both Parties written notice of the allegations. The case will then progress through the grievance process and, from this point forward, the Complainant will no longer be able to maintain anonymity. It is at the discretion of both Parties

to retain an advisor through the initial grievance process, which includes the intake and investigatory stage. The advisor may be, but need not be, an attorney. (The school is not required to appoint an advisor at this stage.)

Once the hearing stage begins, it is required that each Party have their own advisor, which they may acquire on their own. This advisor may be the same advisor through the entire grievance process or assist only with the hearing stage. If either Party is without an advisor at the hearing stage, the school will appoint an advisor for that Party before the hearing stage begins. Supportive measures will continue for all Parties in need regardless if the grievance process is pursued or not.

Informal resolution (mediation, restorative justice, no contact order, apology, etc.) is an option if both Parties are students and the suggested resolution from the Complainant is appropriate. If the Respondent gives voluntary, informed, written consent to attempt informal resolution, the Title IX Coordinator or designee will oversee this process with both Parties.

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. If the Complainant chooses to defer their decision about moving forward, this will be documented, and further action, other than support services, will be discontinued unless the Complainant subsequently decides to move forward.

### *Investigation*

If the Complainant requests to pursue the formal grievance process, then the Title IX Coordinator will assign an Investigator and an investigation will begin.

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### **Presumption of Non-Responsibility**

The investigation is a neutral fact gathering process. The Respondent is presumed to be not responsible; this presumption may be overcome only where the Decision Maker concludes that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding that the Respondent violated this Policy.

### **Timeframe for Resolution**

The school will make a good faith effort to complete the grievance process within one hundred twenty (120) business days, including appeal. This timeframe may be temporarily delayed or extended for good cause, with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include, but is not limited to, the absence of a Party, a Party's adviser, a school break, or the complexities of a case.

### **Commencement of the Investigation**

The assigned Investigator will begin by interviewing the Complainant regarding the allegations. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or accused and will remain neutral throughout the investigation.

The Investigator will document all material information reported, accept related documents/materials, as available, and obtain a list of witnesses, if any. The Investigator will then interview the witnesses to obtain their observations and other information related to the allegations, and collect documentation, as available.

After the witness interviews conclude, the Investigator will request an interview with the Respondent. During this interview, the specific allegations will be reviewed, the Respondent will be asked to provide their perspective on the matter and answer questions. The Respondent will also be asked to provide

documents/materials, if available, and witness contact information, if any. Interviews with the witness(es) will occur next and material information will be collected as available.

### **Report/Response**

At the culmination of a student investigation, the investigator will compile all information into an Investigative Report. This Report will: a) identify the allegations reported; b) outline all individuals interviewed and the material information they reported and, c) present all supporting documents submitted as evidence.

When the investigator is not the Title IX Coordinator, the Investigative Report will be submitted to the Title IX Coordinator to ensure that all elements of the investigation have been completed. The Title IX Coordinator will forward the Investigative Report to the Decision Maker.

After an investigative report is prepared, the draft and all evidence obtained will be made available for both Parties to review. The Complainant and Respondent will have at least ten (10) days to respond to the Report in writing.

The finalized investigative Report will be provided to both Parties at least ten (10) days prior to the hearing.

### *NOTE: Prohibition against Retaliation*

Retaliation against any person participating in the investigation of a sexual misconduct Complaint is strictly prohibited. Any person who suspects retaliation has occurred as a result of an investigation should immediately inform the Investigator, the Title IX Coordinator, or their immediate supervisor. Allegations of retaliation or intimidation of any person participating in the investigative process are taken very seriously by the school and may result in conduct charges for students or disciplinary action for employees responsible.

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## Live Hearings

All investigations not dismissed will have a live hearing. The following are the participants at a live hearing:

- *Decision Maker.* The Decision Maker determines the relevancy of all questions asked during the hearing, may ask questions of any witness or Party during the hearing, and ultimately issues the written decision of responsibility and sanction, if any, after the hearing. The school's Title IX Coordinator or the Investigator who conducted the investigation or prepared the Investigative Report may not serve as Decision Maker.
- *Parties.* The Parties are the Complainant and Respondent. Each Party may give a statement, answer questions, present evidence, and witnesses, and cross-examine the other Party and witnesses through their Advisor.
- *Advisor.* Each Party is entitled to have an Advisor of their choice at the hearing. Each Party must have an Advisor to conduct cross-examination of the other Party and witnesses. An Advisor may, but is not required to be, an attorney. In addition to cross-examination, the Advisor may provide support, guidance, or advice to Complainant or Respondent, but may not otherwise directly participate in the hearing. If a Party does not have an Advisor, the school will appoint an Advisor of the school's choice, without fee or cost to the Party, for the limited purpose of conducting cross-examination, including questions challenging the Party or witness's credibility. A school is not required to appoint an attorney as an Advisor.
- *Investigator.* The Investigator will be present at the hearing, and may answer questions from either Party about the investigation and the summary of evidence in the Investigative Report.

- *Title IX Coordinator.* The Title IX Coordinator may be present at the live hearing.

## Hearing Process

An individual Hearing Officer will be appointed to hear every case. The Hearing Officer will have absolute discretion with respect to administering the hearing. The Hearing Officer will decide whether evidence and witnesses are relevant and, therefore, admissible. The Hearing Officer will be responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive behaviors, including adjourning the hearing or excluding the disruptive individual, including a Party, witness, or adviser.

At least five (5) business days prior to the hearing, the Parties and their advisers will be notified of the hearing date, time, and location (or relevant electronic information, if the hearing will be conducted remotely).

In advance of the hearing, Parties will be required to identify witnesses requested to be called at the hearing, as well as to provide a brief written explanation of the information each witness will be asked to provide, such that the Hearing Officer can determine the relevance of each witness's testimony. The Hearing Officer has the discretion to exclude from the hearing evidence, witnesses, and questions deemed irrelevant.

At the Hearing Officer's discretion, pre-hearing meetings may be scheduled with each Party and their advisers to explain the hearing process

## Standard of Evidence

The standard of evidence that will apply under this Policy is the Preponderance of the Evidence standard. "Preponderance of the Evidence" means that the evidence presented supports the finding that it is more likely than not that the Respondent violated this policy.

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### **Expectations Regarding the Complainant, the Respondent, and the Witnesses throughout the Hearing**

At all times during the Title IX process under this policy, including the hearing, the Complainant, Respondent, witnesses, and other individuals sharing information are expected and required to provide truthful information.

If the Complainant, the Respondent, or a witness informs the school that they will not attend the hearing (or will refuse to be cross-examined), the hearing may proceed, as determined by the school Title IX Coordinator. The Hearing Officer may not, however: (a) rely on any statement or information provided by that non-participating individual in reaching a determination regarding responsibility; or (b) draw any adverse inference in reaching a determination regarding responsibility based solely on the individual's absence from the hearing (or their refusal to be cross-examined).

Each Party may make requests related to the format or the nature of their participation in the hearing. The Hearing Officer will accommodate requests by either Party for the hearing to occur with the Parties located in separate locations with technology enabling the Hearing Officer and the Parties to simultaneously see and hear the Party answering questions. As appropriate and/or at the discretion of the Hearing Officer, hearings may be conducted in person or by video conference or any other means of communications by which all individuals participating are able to see and hear each other.

### **Case Presentation**

While the hearing is not intended to be a repeat of the investigation, the Parties will be provided with an equal opportunity for their advisers to conduct cross examination of the other Party and of relevant witnesses. A typical hearing may include brief opening remarks by the Hearing Officer; questions posed by the Hearing Officer to one or both Parties; questions posed by the

Hearing Officer to any relevant witnesses; and cross-examination by either Party's adviser of the other Party and relevant witnesses.

The Parties' advisers will have the opportunity to cross examine the other Party (and witnesses, if any). Such cross examination must be conducted directly, orally, and in real time by the Party's adviser and never by a Party personally. Only relevant cross examination questions may be asked of a Party or witness. Before a Party or witness answers a cross-examination question that has been posed by a Party's adviser, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Other school administrators may attend the hearing at the request of or with the prior approval of the Hearing Officer, but the Parties will be notified in advance of anyone else who will be in attendance.

### **Record of Hearing**

The school shall create an official record in the form of a recording or transcript of any live (or remote) hearing and make it available to the Parties for inspection and review. Any other record of the hearing or any other recording is prohibited.

### **Written Determination**

Following the hearing, the Hearing Officer will consider all the relevant evidence and deliberate regarding responsibility. The Hearing Officer shall determine, by a preponderance of the evidence, whether the Respondent has violated the policy. The Hearing Officer shall provide a written determination, which will contain:

1. the allegations of Title IX sexual harassment;
2. 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 (if any), methods used to gather other information, and the hearing;
3. findings of fact supporting the determination;
  4. conclusions regarding the application of this policy to the facts;
  5. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a policy violation occurred), any disciplinary sanctions to be imposed by if there has been a finding of responsibility, and whether any remedies designed to restore or preserve equal access to the school's education program or activity or working environment will be implemented; and
  6. relevant appeal information for the Parties. Disciplinary sanctions and remedies will be determined in accordance with the procedures listed below, and the information will be provided to the Hearing Officer for inclusion in the written determination.

The written determination will be sent simultaneously to the Parties along with information about how to file an appeal.

### Appeals

Either Party may appeal a determination regarding responsibility or the school's dismissal of a Formal Complaint or any allegations therein, on the following bases:

- Procedural irregularity that affected the outcome of the matter. The appeal must specify the procedural provision(s) that were violated and how it affected the outcome of the Formal Complaint. Procedural or technical irregularities will not be sufficient to sustain an appeal unless found to have affected the outcome of the Formal Complaint.
- Newly discovered evidence that could affect the outcome of the matter. An appeal on this basis is limited to new evidence that was not reasonably available at the time the determination regarding responsibility was made that could affect the outcome of the Formal Complaint.
- School personnel had a conflict of interest or bias, that affected the outcome of the matter. The appeal must specify the basis on which the Party believes the Title IX Coordinator, Investigator(s) or Decision Maker had an actual conflict of interest or bias and how it affected the outcome of the Formal Complaint.

### Disciplinary Sanctions and Remedies

If a Party is found to have violated this policy, before finalizing the written determination, the Hearing Officer will refer the matter to the appropriate school official(s) to determine sanctions and remedies. Sanctions being imposed will be included in the written determination. Sanctions will consider the seriousness of the misconduct as compared to like cases in the past, the Respondent's previous disciplinary history (if any), and institutional principles. Specifically, sanctions will be set by the following Officers:

1. If a student is found responsible for violating the policy, the case record (consisting of the case file and responses, investigative Report, and responses, hearing recording, and written determination relating to the finding of responsibility) will be provided to the Academic Dean or designee, who will determine sanctions and remedies in consultation with appropriate school administrators. Any sanctions and remedies will be subject to appeal under this policy.
2. If a faculty member or staff is found responsible, the case record (consisting of the case file and responses, investigative Report, and responses, hearing recording, and written determination relating to the finding of responsibility) will be forwarded

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to the School Director or designee, who will determine sanctions and remedies in consultation with appropriate school administrators. Any sanctions and remedies will be subject to appeal under this policy.

3. The school will provide annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability. This training will be provided to the Academy's Title IX Coordinator, employees in the Office, investigators, Hearing Officers, and those who oversee the appeals process. The School will ensure that Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process receive training on the definition of sexual harassment, the scope of the school'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.

### **Related Policies/Information**

Title IX of the Education Amendments Act of 1972 – No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act) – Law enacted in 1990 which is subsumed within the Higher Education Opportunity Act. The goal of this federal law is to ensure that students, prospective students, parents, and employees have access to accurate information about crimes committed on campuses, campus security, sex offense

prevention, and VAWA campus proceeding procedures and information. The spirit of the Clery Act is transparency; schools must inform employees, students, parents, and potential students and employees of crimes that are occurring on or around school campus, as well as what institutions are doing to prevent crimes from occurring and to make campuses safer, and so that they can make informed education and employment decisions. Codified at 20 U.S.C. § 1232g; 34 C.F.R. Part 99, 20 U.S.C. § 1092(f) (8) and 34 C.F.R. § 668.46(b)(11), 20 U.S.C. §1092(f), 20 U.S.C. § 1000, et seq., 42 U.S.C. §13925(a).

*Prohibited Consensual Relationships*– The Academy requires faculty to adhere to their proper role as teacher, intellectual mentor and advisor and not engage in conduct that calls into question the integrity of the evaluative or other academic processes related to students. Additionally, faculty must refrain from exploiting or coercing students or creating the appearance of exploitation or coercion.

*Breastfeeding in the Workplace* – The Academy supports and encourages breastfeeding for nursing mothers upon their return to work. Supervisors of such employees are responsible for making appropriate accommodations to allow employees the flexibility and privacy to express (pump) breastmilk, as needed.

*Workplace Violence* – The Academy is committed to creating and maintaining an environment that is safe and free from violence. To foster a positive working and learning environment, the Academy prioritizes the physical safety of anyone engaged in school activities. School employees share the responsibility and are expected to maintain conduct that does not incite acts of violence, threats, and aggression.

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### Further Assistance

Office for Civil Rights Headquarters:  
U.S. Department of Health and Human Services 200  
Independence Avenue, S.W.  
Room 509F HHH Bldg. Washington, D.C. 20201

### Regional Office:

U.S. Department of Health and Human Services  
Sam Nunn Atlanta Federal Center, Suite 16T70 61  
Forsyth Street, S.W.  
Atlanta, GA 30303-8909

## WRITTEN EXPLANATION OF RIGHTS & OPTIONS

One of the highest priorities at the Academy is maintaining a warm and welcoming campus environment that not only allows everyone the right to be safe, but also to feel safe. Our goal is to cultivate campus environments that allow everyone to study safely and work as they strive to reach their full potential. Our goal is to ensure we provide any survivor of sexual assault, dating violence, domestic violence, or stalking, is provided with information regarding resources that can help you in your time of need.

If a report of sexual assault, dating violence, domestic violence, or stalking is reported to a CSA or an "official with authority" at the Academy, you have rights and options.

### Medical Care

- You have the right to medical care and the school will provide this access.

### Law Enforcement & Safety

- You will be provided written information on how to preserve evidence.
- The Academy will assess the immediate safety needs of both you and the school community and will offer appropriate safety precautions.
- You have the right to contact and report to local law enforcement and the Academy will provide the contact information for local law enforcement.
- You will be provided written instructions on how to apply for a Protective Order.

### Mental Health

- You will be provided with a list of mental health providers.

### Institutional Responses

- The Academy will assess the need to implement interim or longer-term protective measures and will accommodate reasonable requests of such measures as change in class schedule, and "No Contact" directives.
- If appropriate, the Academy will provide a "No Trespass" (PNG) directive to the respondent.
- You will be provided a copy of the procedures for addressing sexual misconduct and will be informed of the time frames for inquiry, investigation, and resolution.
- You will be informed of the outcome of the investigation, whether the respondent will be charged with a violation of the professional code of conduct, and the outcome of the investigation.
- The Academy will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against an individual for reporting of sex-based discrimination or for assisting in the investigation.

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## RESOURCES & PROCEDURES – PROMOTING SAFETY & SECURITY

### NON-TITLE IX CASES

#### How Do I Reduce My Risk of Being a Victim?

The following are strategies to reduce one's risk of sexual assault or harassment (taken from the Rape, Abuse, & Incest National Network, <http://rainn.org>).

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you do not know where you are going, act as if you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably is not the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have ride money.
7. Do not allow yourself to be isolated with someone you do not trust or someone you do not know.
8. Avoid putting headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together.
10. Knowing where you are and who is around you may help you to find a way out of a bad situation. If you see something suspicious, contact law enforcement immediately. Local authorities can be reached by calling 911 in most areas of the U.S.
11. Do not leave your drink unattended while talking, dancing, using the restroom or making a phone call. If you have left your drink alone, just get a new one.
12. Do not accept drinks from people you do not know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, do not drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated in relation to the amount of alcohol they have had or is acting out of character, get him or her to a safe place immediately.
14. If you suspect you or a friend has been drugged, contact law enforcement immediately. Local authorities can be reached by calling 911 in most areas of the U.S. Be explicit with doctors so they can give you the correct tests. You will need a urine test and possibly others.
  - a. If you need to get out of an uncomfortable or scary situation, here are some things that you can try: Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
  - b. Be true to yourself. Do not feel obligated to do anything you do not want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. Have a code word with your friends or family so that if you do not feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. Lie. If you do not 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. Some excuses you could use are needing to take care of a friend or family member, not

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feeling well, having somewhere else that you need to be, etc.

15. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
16. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

The Academy has procedures to ensure sensitivity to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as availability for counseling, health, mental health, victim advocacy, legal assistance, and other services and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The Academy will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.

As referenced previously, if you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you have several options when involving the law enforcement authorities and campus authorities including a) the option to notify law enforcement authorities about the offense; b) to be assisted by campus authorities in notifying law enforcement if you choose to do so and c) the option to decline to notify authorities. However, if you do not wish to report to the law enforcement you are encouraged to report the incident promptly to the Title IX Coordinator. The Academy will provide resources to persons who have been the victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those

who violate Academy policies pertaining to these violations. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with law enforcement to preserve evidence in the event the victim changes his/her mind at a later date.

If a report of sexual assault, stalking, dating violence or domestic violence is reported to the Academy, the below are procedures that the Academy will follow:

#### SEXUAL ASSAULT:

1. Depending on when reported (immediate vs. delayed report), will provide complainant with access to medical care.
2. Assess immediate safety needs of complainant and the school community.
3. Assist complainant with contacting local police if complainant requests *and* complainant provided with contact information for local police department.
4. Provide complainant with referrals to mental health providers.
5. Assess need to implement interim or long-term protective measures, such as change in class schedule and "No Contact" directive between both parties.
6. Provide a "No Trespass" (PNG) directive to accused party if deemed appropriate.
7. Provide written instructions on how to apply for Protective Order.

8. Provide a copy of Sexual Misconduct Policy to complainant and inform complainant regarding timeframes for inquiry, investigation, and resolution.
9. Inform the complainant of the outcome of the investigation, whether the accused will be charged with a violation of the Student Conduct Code and what the outcome of the hearing is.
10. Enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against an individual for reporting of sex-based discrimination or for assisting in the investigation.

#### STALKING:

1. Assess immediate safety needs of complainant.
2. Assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department.
3. Provide written instructions on how to apply for Protective Order.
4. Provide written information to complainant on how to preserve evidence.
5. Assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
6. Provide a "No Trespass" (PNG) directive to accused party if deemed appropriate.
7. Enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against an individual for reporting of sex-based discrimination or for assisting in the investigation.

#### DATING VIOLENCE:

1. Assess immediate safety needs of complainant.
2. Assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department.
3. Provide written instructions on how to apply for Protective Order.
4. Provide written information to complainant

- on how to preserve evidence.
5. Assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
6. Provide a "No Trespass" (PNG) directive to accused party if deemed appropriate.
7. Enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against an individual for reporting of sex-based discrimination or for assisting in the investigation.

#### DOMESTIC VIOLENCE:

1. Assess safety needs of complainant.
2. Assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department.
3. Provide written instructions on how to apply for Protective Order.
4. Provide written information to complainant on how to preserve evidence.
5. Assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.
6. Provide a "No Trespass" (PNG) directive to accused party if deemed appropriate.
7. Enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against an individual for reporting of sex-based discrimination or for assisting in the investigation.

#### RECOMMENDATIONS ON WHAT TO DO IF YOU ARE A VICTIM OF SEXUAL ASSAULT, SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING

- Get to a safe place. For your protection, call the police immediately, especially if the assailant is still nearby: **911 or 352.955.1818**. The police will help you whether or not you choose to prosecute the assailant. Call a friend or family member for support.
- Get medical attention immediately. The primary purpose of a medical examination is to check for physical injury, the presence of sexually transmitted diseases, or pregnancy

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as a result of the assault. The secondary purpose of a medical examination is to aid in the police investigation and legal proceedings.

- Don't bathe or douche. Though bathing or douching might be the first thing you want to do, it is highly recommended that you don't. If you wish to pursue criminal charges in the future as a result of this incident, you might literally be washing away valuable evidence. Please keep in mind that this could be the evidence needed that could lead to the apprehension and conviction of the suspect.
- Save your clothing. It is all right to change clothes, but save the clothing you were wearing at the time of the battery. Also save any bedsheets or comforters that may have been present during the time of the incident. Make sure you do not wash any items that may contain evidence. Place each item of clothing or bedding in a separate paper bag and save it for the police. Your clothing and bedding could also be used as evidence for prosecution.
- Report the incident to police. While this choice is personal, the reporting of a sexual assault, sexual misconduct, dating violence, domestic violence, or stalking is essential to taking that first step to stop the perpetrator from victimizing others. Please note, however, reporting this crime is not the same thing as prosecution. Prosecution can be determined later and will involve your active participation. In order to notify police as quickly as possible, please call 9-1-1.
- Seek further assistance. The school will assist you in both dealing with and reporting a sexual assault. The school also will assist you through the entire legal process regardless of how long that process may take. While the choice is clearly yours, the GPD encourages anyone who becomes a victim of sexual assault to report this incident to law enforcement or other proper authorities. If you are a victim of a sexual assault and decide not to notify law

enforcement, please obtain medical attention immediately and contact any of the victim support resources listed in this guide for assistance as your needs and level of comfort dictate.

### **Go For Help**

Many sexual assault cases go unreported because the victim fears retaliation or possible humiliation if word gets around that they have been the victim of a VAWA crime. It is a violation of Florida State Statute for any agency or media outlet to release the identity of a victim of sexual assault. Often victims tend to feel guilty, as though they did something to cause the attack, and many times keep the incident to themselves, or only share some of the incident with a close friend.

While this may be helpful in the immediate sense, we encourage you to talk to a knowledgeable professional about your reactions to being victimized. The various services provided are available to all victims of violent acts and are designed to assist the victim in overcoming the trauma of the attack and proceeding with their lives. If you were sexually assaulted sometime in the past, you may still need to talk with someone about it. It was a traumatic experience and may still be affecting your life. Talking about being sexually assaulted may help you resolve your feelings.

### **Where To Go for Help**

Many sexual assault cases go unreported because the victim fears retaliation or possible humiliation if word gets out s/he has been the victim of a sex offense. It is a violation of Florida State Statute for any agency or media outlet to release the identity of a victim of sexual assault. Often victims tend to feel guilty, as though they did something to cause the attack, and many times keep the incident to themselves, or only share some of the incident with a close friend. While this may be helpful in the immediate sense, we encourage you to talk to a

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knowledgeable professional about your reactions to being victimized.

The various community services available to all victims of violent acts are designed to assist the victim in overcoming the trauma of the attack and proceeding with their lives. If you were sexually assaulted sometime in the past, you may still need to talk with someone about it. It was a traumatic experience and may still be affecting your life. Talking about being sexually assaulted may help you resolve your feelings.

Listed below are some agencies that may be able to assist you.

### **Gainesville Police Department**

The Gainesville Police Department (GPD) is a full-service policing law enforcement agency dedicated to partnering with the citizens of Gainesville for problem resolution. The goals of the agency are to reduce the number of calls for service, decrease crime through prevention, and enforcement and enhance the quality of life for the citizens of Gainesville.

### **Alachua County Sheriff's Office**

The Alachua County Sheriff's Office (ACSO) is a full-service law enforcement agency. Sworn and civilian employees strive to keep the streets and communities safe for Alachua County's citizens. ACSO works in cooperation with the nine local that make up Alachua County to ensure that the services they provide are supported by the countywide jurisdiction and authority vested in the Sheriff.

### **Alachua County Sheriff's Office Victim Services**

The program offers advocacy and services to victims who report their crimes to the Alachua County Sheriff's Office. Those served include victims of child physical abuse, child sexual abuse, DUI crashes, domestic violence, elder abuse, survivors of homicide victims, stalking victims, robbery victims and assault victims.

Services offered to victims include:

- information on case status
- information regarding the judicial process and victim's rights throughout this process
- community resource information and referral services
- accompaniment and support through criminal proceedings
- ongoing emotional support to victims and their families
- assistance filing for an Injunction for Protection
- assistance filing for crime victim compensation

All services are free and available whether or not an arrest has been made.

### **Alachua County Victim Services & Rape Crisis Center**

The Alachua County Victim Services and Rape Crisis Center provides primarily traditional core services to victims such as criminal justice accompaniment, crisis intervention and assistance with victim compensation. The Center is the cornerstone of victim services in the Gainesville/Alachua County community. The program has received statewide and national recognition for providing creative and non-traditional services for victims of violence.

### **Peaceful Paths**

The Peaceful Paths Domestic Abuse Network is designed to provide solutions for those who are victims of domestic violence. Domestic violence can take many forms. It may involve physical aggression, verbal abuse, emotional manipulation, forced sexual activity, or financial control. Often abuse is not physical, but any abuse is still part of an indication of power and control and could lead to more aggressive actions in the future. Violence in a relationship is not an isolated incident, but a pattern of behaviors designed to control another person. The staff at Peaceful Paths can help those in need understand five basic things to know:

- You are not alone.
- The abuse is not your fault.
- You deserve to live in a safe environment.

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- There are resources to help.
  - Hope can happen here.

The staff also wants you to know that you are not responsible for, nor do you deserve, any abuse that you receive, no matter what the circumstances. If you are experiencing abuse in any form, you deserve the help and support of people who understand the reality of physical and emotional abuse.

### **The Alachua County Crisis Center**

The Alachua County Crisis Center offers 24-hours a day phone crisis and suicide intervention counseling to all residents of Alachua County. For more information about the range of services, visit <https://alachuacounty.us/Depts/CSS/CrisisCenter/Pages/CrisisCenter.aspx>

### **The State Attorney's Office of Victim Services**

The Alachua County Victim Witness Advocate program is designed to ensure victims will work with an Assistant State Attorney and a Victim/Witness Advocate during the investigation and prosecution phases of a criminal case. Advocates provide victims with information and guidance concerning their case. The State Attorney's Office Victim/Witness Program provides the following services:

- Information on case status
- Emotional support to victims and witnesses of crime
- Information and referral to community agencies
- Assistance filing for Crime Victim Compensation
- Courtroom orientation and accompaniment
- Help with preparing a Victim Impact Statement

Whether or not an arrest has been made in your case, the Victim/Witness Program is available to assist you.

### **Shands Hospital Emergency Department**

Shands at the University of Florida Hospital Emergency Room is available to anyone who is injured or assaulted and requires immediate medical assistance. Shands at UF ER is open 24 hours daily. Shands at UF is one of the most comprehensive hospitals and one of the leading referral medical centers in the Southeast.

### **North Florida Regional Medical Center Emergency Center**

The North Florida Regional Medical Center Emergency Center is designed for faster, more patient friendly medical care. The physicians and nurses working in the emergency department have specialized training in emergency medicine.

### **What You Can Do If Someone You Know Has Been Sexually Assaulted**

If you know someone who has been sexually assaulted, you can be of help. In the aftermath of a sexual assault, the victim may experience fear, insecurity, and/or frustration and need care and support from others. You, as a friend (or spouse or family member), can play an important role by providing reassurance, support, and guidance in that time of need.

Allow your friend to reflect upon what has happened and the feelings experienced, but do not press for details. Let her/him set the pace. Listening is one of the best things you can do at this time. In short, be a trusted friend. The decision to report this crime and perhaps move forward in the criminal justice system is a difficult one that is extremely personal for the victim. As a trusted friend, your advice can play a key role in helping her/him make that decision.

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## OFF-CAMPUS CONDUCT AND THE PROFESSIONAL CONDUCT PROCESS

When a student violates city, state, or federal law by an offense committed off-campus that is not associated with a school activity, the disciplinary authority of the school will not be used merely to duplicate the penalty awarded for such an act under applicable ordinances and laws.

The school will take disciplinary action against a student for such an off-campus offense only when it is required by law to do so, or when the nature of the offense is such that in the judgment of the School Director, the continued presence of the student on campus is likely to interfere with the educational process or the orderly operation of the school or that the continued presence of the student on campus is likely to endanger the health, safety, or welfare of the school community. If the School Director determines that disciplinary action is warranted, the School Director shall so notify the student. The action of the school with respect to any such off-campus conduct shall be made independently of any off-campus authority.

If your friend has not received medical attention, encourage her/him to do so immediately. However, it is up to your friend to make the final decision as to whether a formal police report will be initiated.

You can be a valuable resource to your friend by seeking out and providing information that will assist in understanding available options. For example, you can let your friend know that reporting the rape and collecting evidence does not automatically lock her/him into pursuing prosecution of the offender. What it does do is assist the police in identifying the method and possible identity of the assailant. Since those that commit sexual assault tend to do so more than once, any information that can be provided may prevent the sexual assault of someone else. You may be asked to testify in conduct proceedings regarding your friend's remarks, actions, and state of mind, especially if you were one of the first people she/he approached. Please take some time to write down or record a few notes that may prove to be of benefit later.

Making the decision to report a sexual assault to the police and to undergo the subsequent processes of evidence collection and possible legal and conduct proceedings will be very

difficult for your friend. Although it is only natural that you will want to give advice, you must avoid trying to control the situation. A victim of sexual assault must be allowed to make her/his own decisions.

Whatever decisions are made, your friend needs to know that you will not judge, disapprove of, or reject her/him. The victim of sexual assault can suffer a significant degree of physical and emotional trauma, both during and immediately following the incident, that may remain for a long period of time. By being patient, supportive, and non-judgmental, you can provide a safe, accepting climate in to which your friend can release painful feelings.

Sometimes friends or family members take the sexual assault of a loved one very personally, almost as if the assault happened to them. They may feel resentment or anger and unleash this anger on the victim and/or others. Sometimes their sense of frustration and helplessness is pitted against a powerful urge for revenge.

Do not make the mistake of discounting or ignoring your emotional responses. It is very important to realize that you too are responding to an unwanted crisis. You are trying to understand what has happened and adjust to

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unfamiliar realities. Therefore, do not hesitate to take advantage of the many support services found in our community which offer counseling for victims of sexual assault and their significant others

## **VIOLENCE AGAINST WOMEN (VAWA) CRIMES – PROFESSIONAL CONDUCT PROCESS**

### **NON-TITLE IX CASES**

Because of the seriousness of the violation and the consequences to the victims of sexual assault and other crimes of violence, the Academy is committed to providing educational programming, procedures that encourage reporting of sexual assault and other VAWA crime incidents, and information about support services for victims. The below process outlines the process that will be utilized for investigating, adjudicating and imposing sanctions regarding VAWA crimes that do not fall under the scope of Title IX.

Though the primary act of violence discussed in this section focuses on sexual assault, other acts of violence that involve consideration and potential actions taken by school officials include, but are not limited to:

- Sexual assault
- Physical assault
- Relationship violence (Dating Violence, Domestic Violence)
- Stalking and harassment
- Threatening to commit acts of violence against another

Victims are given options concerning how or whether to proceed with an alleged incident of violence within the student conduct process; however, school officials can proceed with conduct action without the victim's consent in order to protect the safety and well-being of the school community.

The three options available to victims within the Academy's student conduct process include:

1. The victim asks for an investigation to be undertaken. If the evidence indicates substantiation, conduct charges are filed against the accused student. The victim is called as a witness in a student conduct hearing.
2. The victim files a report with the School Director and requests that a discussion take place with the accused student about the alleged incident. Information identifying the victim will not be released during the discussion.
3. The victim files a report with School Director and affidavits are obtained to preserve the testimony of witnesses in the event that the victim and the school may want to pursue an action in the future. This option is provided to the victim with the understanding that in crimes of violence, especially sexual assault, timeliness is very important for the preservation of physical evidence as well as oral testimony.

Victims of violence whose cases are handled by the Academy will be provided the following to the extent feasible:

- Freedom from intimidation and harassment on campus after the reporting of an alleged incident including, but not limited to, changes of course sections to ensure the student victim's academic situation is considered after an alleged sex offense has occurred;
- Information describing both the criminal and campus conduct processes;
- Information concerning the status of the case as it proceeds through the student conduct process;
- Information concerning the availability of off campus counseling and medical services as well as academic assistance aimed at retaining the victim as a member of the school community;

- Treatment in a dignified and compassionate manner by representatives of the school community;
- Ability to remain present throughout the evidentiary portion of the conduct hearing;
- Presence of a person who agrees to accompany the victim throughout any investigation or campus conduct proceeding for the purpose of providing support and/or serving as an advisor;
- In cases of sexual assault/abuse or relationship violence, the ability to testify from another room provided that it does not interfere with the accused party's right to question the complaining party or a witness;
- Ability to submit proposed questions for all witnesses in advance of the hearing with the understanding that the hearing officer/chair will determine the appropriate questions to be asked;
- Exclusion of previous, unrelated sexual behavior from the student conduct hearing;
- Submission of a written impact statement to the hearing body to be considered during sanctioning, if the charged student is found responsible;
- Creation of a sensitive environment for the victim throughout the campus conduct process.

In all cases handled by the school's conduct process, both the complaining party and the accused party are entitled to the same opportunities to have others present during a disciplinary proceeding, and both the complaining party and the accused party shall be informed of the outcome of the disciplinary proceeding if requested. These procedures are also required to be followed by the Academy as outlined in federal law and do not constitute a violation of the Family Educational Rights and Privacy Act (FERPA).

### **Potential Sanctions for Violation of Professional Code of Conduct Involving VAWA Crimes (Students)**

A student found responsible for violations of the Professional Code of Conduct, specifically including but not limited to sexual assault, shall be subject to sanctions commensurate with the offenses and any aggravating and mitigating circumstances, which may include one or more of the following unless otherwise expressly provided in the Academy Student Handbook

#### **Status Sanctions**

Status sanctions are outcomes that impact a student's standing with the Academy.

1. Written Reprimand
2. Conduct Review
3. Probation
4. Suspension
5. Expulsion

### **Potential Sanctions for Violation of Professional Code of Conduct Involving VAWA Crimes (Employees - Technical, Executive, Administrative, and Managerial Staff)**

An employee found responsible for perpetrating Dating Violence, Domestic Violence, Stalking or Sexual Assault (VAWA crimes) shall be subject to sanctions commensurate with the offenses. These may include:

1. Reprimand
2. Reassignment
3. Suspension Pending Investigation
4. Termination of Employment

### **Potential Sanctions for Violation of Professional Code of Conduct Involving VAWA Crimes (Faculty)**

1. Termination of Employment
2. Suspension Pending Investigation
3. Required Leave
4. Reassignment

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### **Policy Regarding Possession, Use, And Sale of Alcoholic Beverages**

The use of alcoholic beverages by members of the school community while on campus is at all times subject to the alcohol beverage laws and ordinances of the City of Gainesville, County of Alachua, and State of Florida.

The consumption of alcohol on campus is allowed only under certain circumstances and in designated locations. Violators are subject to Academy disciplinary action, criminal prosecution, fine, and/or imprisonment. Any

### **Policy Regarding Possession, Use and Sale of Controlled Substances**

The possession and use of controlled drugs by members of the school community must at all times be in accordance with the provisions of Florida Law. Under Florida law, no person may possess substances regulated under the provisions of Florida State Statute Chapter 893 which can be viewed on-line at Chapter 893 which can be viewed on-line at [http://www.leg.state.fl.us/STATUTES/index.cfm?App\\_mode=Display\\_Statute&URL=0800-0899/0893/0893.html](http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=0800-0899/0893/0893.html).

Under the Professional Conduct Code, students of the Academy who possess, use, or deliver controlled substances and designer drugs not dispensed and used pursuant to prescription are subject to disciplinary action, up to and including expulsion, from the school. Disciplinary action against a student under the Academy's rules does not preclude the possibility of criminal charges against that individual. The filing of criminal charges similarly does not preclude action by the school.

The use of illegal drugs and the misuse of prescription and other drugs pose a serious threat to the physical and mental well-being of Academy students, faculty, staff, visitors, and guests of the school. The school is committed to providing accurate information and

educational programs to prevent such use of drugs.

The Academy complies with all provisions of the Federal Drug-Free Work Place Act requirements. In conjunction with this Act, the Academy is committed to providing a campus environment free of the abuse of alcohol and

the illegal use of alcohol and other drugs. The school provides information about local programs that seek to prevent the illicit use of drugs and the abuse of alcohol by school community members.

One excellent resource for learning more about the health effects of drug use – including marijuana, prescription medications misuse, club drugs, and designer drugs – is *Gatorwell Health Promotion Services* <http://gatorwell.ufsa.ufl.edu/>.

### **Violence Against Women Act (VAWA) Prevention Programs**

The Academy requires online training related to maintaining a safe and respectful campus; and ending sexual violence, harassment, and discrimination awareness. This is a compliance expectation for every employee, student, and local faculty member of the Academy. Also, this training is ongoing and must be repeated every two years after the initial training following employment. The Academy also identifies the following as helpful reference resources:

- **FACTS ABOUT SEXUAL HARASSMENT**, a simple and straightforward definition of harassment from the EEOC website. <http://www.eeoc.gov/facts/fs-sex.html>
- **TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**, text of the US law that prohibits employment discrimination based on race, color, religion, sex and national origin, and covers cases of sexual harassment. <http://www.eeoc.gov/policy/vii.html>

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- PREVENTING SEXUAL ASSAULT at <https://collegestats.org/resources/sexual-assault-prevention/>

### **Rape Aggression Defense or R.A.D.**

The Alachua County Sheriff's Office offers a free self-defense course for women throughout the year. R.A.D. or Rape Aggression Defense is a four-day, 12-hour course designed to educate, enhance, and empower women to take action to reduce their risk of victimization. R.A.D. educates women on sexual battery and sexual offenses, risk reduction and prevention strategies, and basic self-defense techniques. The R.A.D. system believes that preparation through education and training is usually the best way to survive an assault." If you would like more information or would like to register for the next R.A.D. class, please contact: <http://www.gainesvillepd.org/Virtual-Front-Desk/Initiatives-and-Programs/RAD-Self-Defense>

### **Crime Prevention Programs**

Resources for the school in the areas of crime prevention and personal safety education are available from a variety of sources, including the Gainesville Police Department (GPD). Special emphasis is placed on personal safety and every student, staff, faculty member, or visitor is encouraged to take a responsible and proactive approach to their own personal safety and security. The goal of these programs is to make the school environment as safe and crime-free as possible by raising the level of awareness of individuals and promoting willingness to assume individual responsibility in reducing opportunities for crime to occur.

### **Orientation Program for Crime Prevention**

The Academy provides a new student orientation day. Safety presentations are provided for all new students and transfer students. School administrators provide an overview of safety and security policies, as well as safety tips and resources. Orientation presentations provide students with the

information they need to make informed decisions about the choices they will face while helping them learn how to reduce their risk of becoming a victim of crime.

Personal safety is a top priority at the school and important information and literature are directed towards educating the school community on personal safety issues. , increasing public awareness, and providing facilities to aid in the prevention of crime.

## **ANNUAL DISCLOSURE OF CRIME STATISTICS**

*Crime statistics, provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act are for your information. These statistics are compiled and released annually by the Academy. The totals you see below represent the compilation of all designated Clery Act crimes reported to school security team members.*

To ensure that all designated security team members are knowledgeable of Clery Act reporting requirements, they are sent an email advisory each fall detailing the requirement that they provide to the School Director or Title IX Coordinator any information brought to their attention regarding any Clery Act reportable crime. Please note that under the guidelines of the Clery Act, this information can be brought to the attention of security team members by a victim, witness, other third party or even the offender, regardless of whether or not the individuals involved in the crime, or reporting the crime, are associated with the institution. If the security team member receives the crime information and believes it was provided in good faith, the member is required to report that information as described above. In "good faith" means there is a reasonable basis for believing that the information is not simply rumor or hearsay. That is, there is little or no reason to doubt the validity of the information.

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In order to comply with this portion of the statistical reporting requirement, the Academy requests Clery Act crime statistics from appropriate law enforcement agencies, and follow-up contact to ensure a reasonable, good-faith effort is completed in the collection of required statistics.

## DEFINITIONS

### Crime Statistics Geographic Location

The crime statistics reported include the following geographic categories:

**CAMPUS:** (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area (1 mile) and used by the institution in direct support of, or in a manner related to, the institution's educational purposes.

**NON-CAMPUS BUILDING OR PROPERTY:** 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.

## DEFINITIONS

### Clery Act Crimes

#### Criminal Offenses

##### MURDER AND NON-NEGLIGENT

**MANSLAUGHTER -** The willful (non-negligent) killing of one human being by another.

##### MANSLAUGHTER BY NEGLIGENCE -

The killing of another person through gross negligence.

#### SEXUAL ASSAULT

- **RAPE -** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**FONDLING -** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- **INCEST -** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **STATUTORY RAPE -** Sexual intercourse with a person who is under the statutory age of consent.

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

**AGGRAVATED ASSAULT -** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. 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 -** The unlawful entry of a structure to commit a felony or a theft.

**MOTOR VEHICLE THEFT -** The theft or attempted theft of a motor vehicle.

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

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## Hate Crimes

A hate crime is considered a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported:

- **RACE.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks or African Americans, whites).
- **GENDER.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender (e.g., male or female).
- **GENDER IDENTITY.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-confirming individuals).
- **RELIGION.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **SEXUAL ORIENTATION.** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.
- **ETHNICITY.** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a

common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

- **NATIONAL ORIGIN.** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived country of birth.
- **DISABILITY.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

In conjunction with the Clery Act, hate crimes include any of the following offenses that are motivated by bias:

- Murder and Non-Negligent Manslaughter
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

In addition to the first seven offenses that are defined above, Larceny-Theft, Simple Assault, Intimidation, and Destruction, Damage, and Vandalism of Property, are only included if they are hate crimes.

**LARCENY-THEFT** - The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**SIMPLE ASSAULT** - The unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily

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injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

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

**DESTRUCTION / DAMAGE / VANDALISM OF PROPERTY** - To destroy willfully or maliciously, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

#### **Arrests And Referrals for Disciplinary Action**

**LIQUOR LAW VIOLATIONS** - The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

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

**WEAPON LAW VIOLATIONS** – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

#### **Violence Against Women Act (VAWA)**

##### **Offenses**

**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 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.

**DATING VIOLENCE** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition —

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating Violence does not include acts covered under the definition of domestic violence.

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

**STALKING** - Engaging in a course of conduct directed at a specific person that would cause a

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reasonable person to —

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition —

- Course of conduct means two or more acts, including, but not limited to, acts 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.

### **Jurisdictional Definitions of VAWA Offenses**

**DOMESTIC VIOLENCE** - Means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. F.S.S. §741.28(2)

**DATING VIOLENCE** - Means violence between individuals who have or have had a continuing and significant relationship or a romantic or intimate nature. The existence of such a relationship shall

be determined based on the consideration of the following factors:

- A dating relationship must have existed within the past 6 months;
- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and the frequency and type of interaction between the persons involved in

the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship. F.S.S. §784.046(d)

**SEXUAL ASSAULT** - In the state of Florida, Sexual Battery means oral, anal, or vaginal penetration by, or union with, the sexual organ or another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose. F.S.S. §794.011(h)

**STALKING** - A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.F.S.S. §784.048(2)

### **CONSENT**

**ACADEMY DEFINITION OF CONSENT** –

Consent is an act or statement that is knowing, freely given, and mutually understood to communicate a willingness to engage in the activity. It is the responsibility of each person involved in any sexual act to ensure that they have the Consent of the other(s).

- The existence of a dating or sexual relationship between the people involved, or the existence of a past sexual encounter, is not by itself an indication of Consent for any current or future sexual encounter.
- Consent cannot be obtained by force, threat, Coercion, or by causing a reasonable fear of imminent injury.
- For sexual activity to be consensual, Consent must be ongoing throughout the sexual encounter. A person can withdraw Consent at any time. Consent to one sexual act does not automatically constitute Consent to another sexual act.
- A person withdraws Consent by clearly communicating withdrawal through words or actions.

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- Consent to engage in sexual activity with one person does not automatically constitute Consent to engage in sexual activity with another person.
  - Lack of protest or resistance, alone, is not Consent.
  - A person who is Incapacitated cannot give Consent.

### **Sex Offender/Predator Registration in Florida**

The federal Campus Sex Crimes Prevention Act of 2000 (which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974) and the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921) Section 121 requires colleges and universities to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders/predators may be obtained. The act also requires registered sex offenders/predators to contact the appropriate state officials and provide notice of each higher education institution in that state at which the offender/predator is employed, carries on a vocation, or is a student. In accordance with

Florida State Statute 775.21 ("The Florida Sexual Predators Act") and Florida State Statute 943.0435, convicted sex offenders in Florida must register with the Florida Department of Law Enforcement (FDLE) within 48 hours of establishing permanent or temporary residence.

The FDLE makes information concerning the presence of registered sexual offenders/predators available to local law enforcement officials and the public. It is then the responsibility of the county sheriff or the municipal police chief to make required notification to all community members of the presence of predators only (not offenders) in a manner deemed appropriate by the sheriff or police chief.

Any member of the school community who wishes to obtain further information regarding sexual offender/predators in our area may refer to the FDLE website at <https://offender.fdle.state.fl.us/offender/sops/neighborhoodSearch.jsf>, call 1-888-FL-PREDATOR (1-888-357-7332), or utilize the FDLE website

**Crimes Reported**

All statistical information provided below is designed to assist those viewing the information to assess the level of Clery Act crime occurring within/on Academy for Five Element Acupuncture geographical areas.

Offense Type*	2020	2019	2018
Murder	0	0	0
Manslaughter	0	0	0
Rape (including statutory)	0	0	0
Fondling	0	0	0
Incest	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Arson	0	0	0
Motor Vehicle Theft	0	0	0
Violence Against Women Act (VAWA) Crimes			
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
Number of Arrests/Referrals – Select Offenses			
Liquor Law Violations	0	0	0
Drug Abuse Violations	0	0	0
Weapons law violations	0	0	0
Hate Crimes (by prejudice)			
Race	0	0	0
Gender	0	0	0
Religion	0	0	0
Sexual Orientation	0	0	0
Ethnicity	0	0	0
Disability	0	0	0
<b>FIRES REPORTED</b>			
	0	0	0

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## Crime Prevention Tips

### Personal Safety Tips

- Be aware of your surroundings and of the behavior of the people around you. Follow your intuition; trust your feelings about suspicious situations. Report all suspicious persons or activity to law enforcement.
- Practice the buddy system.
- Be aware of your feelings when you are faced with situations in which you do not feel relaxed or in charge. If you feel uncomfortable, act on it.
- In general, the more information you have about a person, a situation, and your own feelings and reactions, the safer you will feel.
- Be aware that alcohol and drugs compromise your awareness and your ability to identify and act on your feelings. They also increase the opportunity for victimization.
- Be able to identify your sexual limits; it's your body and no one has the right to force or pressure you to do anything you do not want to do.
- Stay alert and tuned in to your environment. Remember that cell phones, and other electronic devices divert your attention from your surroundings and block out environmental sound, which increases your vulnerability.
- Travel in well-lit and high-traffic areas at night. Always avoid shortcuts through wooded areas, parking lots, or alleys.
- Try never to jog or bike alone. If you must go alone, avoid isolated and poorly lit areas. Do not use headphones while biking, jogging, walking, or exercising outdoors.

### Personal Safety & The Internet

The internet is very much like our society. Most people only have the best intentions and behave responsibly. However, there are always potential offenders mixed in the population. Observe the same precautions online that you would in everyday life. Be aware of the possibilities and take the appropriate steps to avoid situations you know or suspect could be dangerous. Below

are some basic personal safety tips that you should consider whenever participating in internet communication.

- Always practice personal safety when using social networking sites. Use the additional privacy settings
- Restrict access to your posted information. Regularly check the settings and make updates as necessary.
- Avoid giving out personal information, such as your home address or telephone number, to people you meet online.
- Avoid posting your personal information, such as your telephone number, the name of your apartment complex or dorm, or your class schedule, on social networking sites.
- Not everyone is who he or she may seem, and posting your personal information online can increase your risk of victimization.
- Before you agree to meet in person with anyone you meet online, try to verify the person's identity, possibly through a third person whom you know and trust, and verify other information the person provided, such as place of employment or classes said person attends. Online predators thrive on the anonymity of the medium. If the person's identity or other provided information is proven to be false, *Stop communication with that person immediately.*
- Exercise caution if you decide to arrange such a meeting and make it on *your* terms. Choose a public location that you know well, and tell a friend about the meeting. Arrange your own transportation to and from the meeting. Bring a friend along for security or consider a "double date" the first time. Set your conditions for the encounter and don't let the person you are meeting change them. Stay near other people and in well-lit areas throughout the meeting. Always keep an available cell phone with you. Note the person's physical description (gender, race, age, height, weight, hair color, clothing, facial hair, scars/marks/tattoos, etc.) in case something goes awry and you need to describe the individual to the police.

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## Study/Workplace Safety

- Practice the buddy system. When working or studying late, let others know where you are, what time you plan to return, how to reach you, and what route you will take on the way home. Do not list such information on any social networking sites.
- When working late, make sure doors are locked. Avoid using stairs in remote sections of a building.
- Never prop doors open, especially fire doors, even for a short time.
- Keep purses and backpacks in a locked cabinet or drawer. Avoid leaving them on or beneath a desk.
- Do not leave your personal belongings unattended, even for a brief time.
- Never allow unknown persons to enter secured facilities.
- Report all suspicious persons or activity to law enforcement.

## Consumer Information for Students

The Academy is committed to providing important information to its students, faculty, and staff.

Consistent with this commitment, and pursuant to the Academy's notice and reporting obligations under various laws and regulations, information concerning the following topics may be found at the following websites:

Requirements for admission to or withdrawal from the Academy, available academic programs, and policies for payment and refund of tuition:

<http://acupuncturist.edu/academic-programs/>

The estimated cost of attending the Academy:

<http://acupuncturist.edu/information/tuition-fees/>

Federal financial assistance available to Academy students:

<http://acupuncturist.edu/information/financial-aid/>

The Academy's policies regarding confidential student records pursuant to the Family Educational Right and Privacy Act: <http://acupuncturist.edu/policies-resources/ferpa/>

The Academy's accreditations:

<http://acupuncturist.edu/about-the-academy/accreditation/>

On-line voter registration forms from the State of Florida:

<http://acupuncturist.edu/about-the-academy/voter-registration/>

You may obtain copies of the Academy's information reports and the Florida's voter registration forms in the registrar office. Should you require assistance with obtaining any of this information, contact the Registrar directly at 352.335.2332.