



Ashford University Campus Security and Fire Safety Report Published October 1, 2016

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Introduction

Ashford University (“University”) is providing the following information to all current and prospective students and employees as part of the University’s commitment to safety and

security pursuant to the requirements of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) and the Violence Against Women Reauthorization Act of 2013 (“VAWA”), which added Campus SaVE Act provisions.

VAWA amended the Clery Act, requiring institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports. Effective July 1, 2015, the U.S. Department of Education published final regulations implementing the changes to the Clery Act by VAWA. Prior to July 1, 2015, in accordance with the Department’s Dear Colleague Letter GEN 14-13 dated July 14, 2014, the Department required institutions to make a “good-faith effort to comply with the statutory provisions as written” until the effective date of the final regulations.

This report was prepared in cooperation with the local Clinton, Iowa Police Department, the Safety & Security Office, the Office of Residence Life, and Student Affairs. Campus crime, arrest, and referral statistics include those reported to the Campus Public Safety Office, designated campus officials (including but not limited to the Director of Student Affairs, the Associate Director of Campus Student Affairs, the Campus Registrar, the Campus Director of Security & Safety, the Associate Director of Security & Safety, other directors, deans, department heads, designated residence life staff, faculty advisors, and athletic coaches), and local law enforcement agencies.

This report is compiled annually under the direction of the Associate Vice President, Student Affairs, ADA/Title IX Coordinator and the Associate Director of Safety & Security, who are responsible for checking the accuracy of reports and reconciling statistics to assure proper categorization and to avoid double counting. For questions about any of the information provided in this report, please contact the Associate Vice President, Student Affairs, ADA/Title IX Coordinator, Poppy Fitch, at 866.974.5700 Ext. 20702.

Clery Geography

For the period covered by this report, crimes were broken down by geographic location according to the following categories **on-campus, non-campus building or property, and public property within the immediate vicinity.**

On campus is defined as: Any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University’s educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to (1)(C)(i)(1)(a) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

This included:

- St Clare Hall

- Durgin Hall
- Durham Hall
- St. Francis
- The Red House
- Parking Lot (Cemetery across Springdale) - Leased
- Practice Soccer Field – Leased
- Ladd Science Building

On-campus housing facilities are defined as: Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus. This included:

- Regis Hall
- Durham Hall

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

This included:

- BW*
- I Wireless
- Ashford University Field
- Tennis Center
- * Residential but non-campus

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

This included:

- Park
- Roadways (near sidewalk, road and far sidewalk)
- Municipal Lot across the street
- Across Springdale Dr.
- N Bluff Rd
- Valley Way
- Lincoln Way

The Associate Director of Safety & Security maintains an up-to-date list of the buildings and properties that the University owns or controls and the addresses for these properties and identifies the geographic categories to which the buildings and property belong. The Associate Director of Safety & Security identifies the public property that is within or immediately adjacent to and accessible from the campus.

Campus Security and Crime Prevention Policy

Notification of the Campus Security and Fire Safety Report

Annually by no later than October 1, the University distributes the [Ashford University Campus Security and Fire Safety Report](#) (“Report”) to every student (whether physically attending the Clinton, Iowa ground campus or attending online) and employee via e-mail and posts the Report for the general public on its website. Ashford University also provides the Report to prospective students and applicants for employment. Anyone may also request a hard copy by emailing studentaffairs@ashford.edu.

Reporting Crimes and Emergencies

It is important for students, as well as other members of the campus community, to take responsibility for their own safety and well-being. The University strongly encourages students to take steps to ensure the safety and security of their belongings, themselves, and others.

The Safety & Security Office maintains a crime log documenting any criminal incident or alleged criminal incident that occurs on the campus, on public property within or immediately adjacent to and is accessible from the campus, and is reported to the Office. This log extends beyond Clery Act crimes. This information is available for public inspection, upon request, during normal business hours. Information in the crime log includes the following: the nature of the crime, the date and time the crime occurred, a general location of the crime, the case number, and any known disposition of the complaint. Any portion of the log older than 60 days will be made available within two business days of a request for public inspection. The University reserves the right to maintain the privacy of both the victim and the accused in any of these situations except as may be required by law.

Procedures for Reporting Criminal Actions or Emergencies

The University encourages individuals to report any crime accurately and promptly to local police and to the Safety & Security Office when the victim of such crime elects or is unable to make such a report. For immediate assistance, please contact Security Supervisor, the Campus President, or the Associate Director of Safety & Security. Students may also contact the Clinton Police Department if they are the victim of a crime, if they witness a crime, or if they have information that would aid in solving a crime. Additional persons to whom a student or employee may report a crime or emergency include the Associate Vice President of Student Affairs, or the Associate University Registrar.

Contact Information to Report a Crime or Emergency	
Clinton Police Department	911 or 563.243.1458
Security Supervisor	563.468.3758
Associate Vice President, Student Affairs	563.249.5416
Associate University Registrar	563.249.9882
Campus President	509-721-0128

Persons may also contact the Associate Director of Safety & Security at 858-345-0870.

University policies do not allow victims or witnesses to report crimes on a voluntary, confidential basis. For confidential reporting, contact the Clinton County Sheriff's Office Crime Stoppers at 563.242.6595 or toll free at 888.883.8015. The Clinton Police Department (CLPD) maintains a "Text-A-Tip" anonymous hotline. Individuals may "Text-A-Tip" to CLPD by texting a message to 274637 (CRIMES).

The University neither employs professional counselors or pastoral (faith-based) counselors for use by students, faculty or staff nor follows a policy that encourages pastoral counselors and professional counselors to inform the persons whom they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

All campus incident reports are forwarded to the Associate Vice President of Student Affairs for review and potential action by Student Affairs if Student Community Standards and/or violations of law are suspected. When appropriate, these will be referred to law enforcement agencies. When a potentially dangerous threat to the University community arises, timely reports or warnings will be issued as set forth in the section entitled *Timely Reports of Specific Crimes or Offenses* below.

Timely Reports of Specific Crimes or Offenses

When a known crime is considered to have a serious or continuing threat to University students or employees, the Campus President or the Associate Director of Safety & Security and Student Affairs will notify the campus community in a timely manner, withholding the names of victims as confidential, through one or more of the following methods, depending upon the nature of the incident:

- Immediate notification of student body, faculty and staff utilizing the SendWordNow emergency notification system;
- Resident students may be notified via building meetings, flyers, etc.
- Entire student body and faculty and staff may be notified via flyer, posted information, email, or use of the SendWordNow emergency notification system,
- If necessary, notification to the larger community via written press release or telephone call.

The University, without delay and taking into account the safety of the community, will determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible persons, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

Public Safety Office

The University maintains a security team supervised by the Associate Director of Safety & Security. Students and employees in Clinton should also report a crime or emergency to the

Security Supervisor or the Campus President. Additional persons to whom a student or employee may report a crime or emergency include the Campus President, Associate Vice President of Student Affairs, Associate University Registrar, and the local police.

During the period covered by this Report, the University contracts with a professional security firm to provide additional security services. Campus public safety officers have the authority to ask persons for identification and to determine whether individuals have lawful business at the University. In addition, they have the authority to issue parking tickets for parking violations on University property. Campus public safety officers have no formal arrest authority. City, county, or state law enforcement officers make arrests, if necessary.

The University works closely with the Clinton Police Department, Clinton County Sheriff's Office, and the Iowa Highway Patrol, and refers all criminal incidents to local authorities who have jurisdiction on campus. The Campus President, Associate Director of Safety & Security and local authorities confer on issues of campus security and safety. The University and the local law enforcement authorities have not entered into a formal memorandum of understanding.

Students and staff may contact the authorities directly. Campus public safety officers will make contact on behalf of the University or individuals involved if the officers determine it is necessary or when such contact is requested. The University takes any reported criminal action seriously and responds to it accordingly; the University relies on law enforcement authorities to assist during criminal investigations and emergencies.

Security of and Access to Campus Facilities

During business and non-business hours, access to all University facilities is by access card or key, or by admittance via Campus public safety staff. Visitors to the campus are subject to school policies. Their student and employee hosts share responsibility for the lawful and appropriate behavior of visitors. All criminal incidents involving, or observed by, campus visitors should be reported immediately.

Emergencies may necessitate changes or alterations to posted schedules. Public safety officers conduct rounds of all campus buildings 24 hours a day, seven days per week. Campus public safety officers have access to all areas of campus. During the academic year, the Campus President, the Associate Director of Safety & Security, and the Director of Facilities meet periodically to discuss any issues of pressing concern related to facilities, security, and maintenance.

The University does recognize official student organizations that have sanctioned off-campus living or meeting facilities.

Campus Awareness of Security Services

Ashford University takes crime prevention seriously and informs students and staff throughout

the year regarding various programs and opportunities to learn about campus security procedures and practices. The New Student Orientation held in August, 2015 included presentations on topics such as personal safety, home security, sexual assault prevention, domestic violence, hate crimes, and workplace violence, and offered a variety of experts in these areas. Faculty, staff, and continuing (including non-residential) students were strongly encouraged to attend these programs. A common theme of all awareness and crime prevention programs was to encourage students and employees to be aware of the shared responsibility for the safety and security of the University community. All faculty and staff received emergency wallet cards that offer emergency procedure information and emergency contact numbers.

Crime prevention information was posted on campus bulletin boards, in the Campus Safety Tips Brochure, and at presentations offered throughout the year. The Associate Director of Safety & Security and Student Affairs maintain documentation of educational programming and safety updates.

Alcohol and Drug Policies and Procedures

The University continues to remain in compliance with the requirements of the Drug-Free Schools and Communities Act and has adopted and implemented programs to prevent the abuse of alcohol and use or distribution of illicit drugs by its students and staff. It is the University's intent to provide a drug-free, healthful, safe, and secure academic environment. The University maintains written policies on alcohol and other drugs and has developed a thorough method for distributing this policy to every student and employee.

The written materials are annually distributed in the [Ashford University Drug Free Schools & Communities Act Program](#) and contain the following information:

- Standards of conduct that prohibit unlawful possession, use or distribution of illicit drugs and alcohol on its property or as a part of its activities
- A description of the health risks associated with the use of illicit drugs and abuse of alcohol
- A description of applicable legal sanctions under local, state or federal law
- A description of counseling or treatment programs
- A clear statement and description of the disciplinary sanctions the institution will impose on students and employees.

This program is intended to supplement and not limit the provisions of the University's Drug-Free Workplace policy applicable to University employees.

The following policies and guidelines have been established to uphold the University's obligation to its students, faculty, and surrounding community:

University Student Alcohol Use Policies

The University neither condones nor sanctions the use of alcohol. All individuals must observe the alcoholic beverage laws of the State of Iowa. The University strictly prohibits the unauthorized use, consumption, possession, and distribution of alcohol by any student, regardless of legal drinking age, within the residence halls, if any, on campus grounds, or at University-sponsored activities. The University Sanctions section set forth below provides additional explanation of the institution's disciplinary procedures for students who violate this policy.

For certain University events or functions, alcohol may be served only to those persons of legal drinking age who can verify their age with a state-issued identification, passport, or similar document. Written permission from the Campus President or University President to serve alcohol and any legally required alcohol permits must be obtained prior to the function.

University Student Drug Use Policies

The unlawful possession, use, sale, or distribution of illegal drugs or controlled substances is prohibited within the residence halls, if any, on campus grounds, or at University-sponsored events. Drug paraphernalia is strictly prohibited within the residence halls, if any, on campus grounds, or at University-sponsored activities. The *University Sanctions* section set forth below provides additional explanation of the institution's disciplinary procedures for students who violate this policy.

Alcohol and Drug Prevention Programs

The University provides counseling services related to drug and alcohol use and abuse for students. In addition, employees may receive services through the Employee Assistance Program. The University disseminates informational materials, education programs, and referrals regarding the use of alcohol and /or a controlled substances. Students who violate University policies related to the use of drugs or alcohol are subject to the disciplinary procedures set forth in the Student Community Standards. Employees who violate the Drug Free Workplace policy face discipline, up to and including termination. Student Affairs coordinates the Drug-Free Schools and Communities Act Program; however, students in Clinton may avail themselves of University departments and staff located at Ashford's Main Campus:

Alcohol and Drug Education: Access and Wellness, Student Affairs, Human Relations

Counseling Referrals: Access and Wellness, Human Resources

University Disciplinary Actions: Director of Student Affairs

Employee Disciplinary Actions: Human Resources

The University provides local and national toll-free telephone numbers to help any member of the University community who may require assistance in dealing with a drug or alcohol problem. The University maintains this information in the Clinton Community Health and Wellness Guide located on the [Emergency Assistance page](#) of the website.

State and Federal Laws Regarding Drugs and Alcohol

Both state and federal laws prohibit distribution of, manufacture of, or possession with intent to manufacture or distribute a controlled substance or a counterfeit controlled substance. In general, state penalties for conviction under these laws range from up to two years to 50 years of confinement and a fine of \$625 to \$1,000,000, depending upon the type and quantity of drug involved. Specific drugs, amounts, and penalties are described in Iowa Code Chapter 124. For penalties relating to federal drug law violations, please see 21 U.S.C. Chapter 13, Subchapter I, Part D and http://www.justice.gov/dea/druginfo/ftp_chart1.pdf.

Chapter 123 of the Iowa Code sets forth state law relating to the consumption of alcohol, and the following excerpts provide a partial summary of the statute:

- It is unlawful to be intoxicated (or simulate being intoxicated) in a public place (§ 123.46(2)).
- Persons under the legal age (21 years) are prohibited from purchasing or possessing alcoholic beverages (§ 123.47(2)).
- It is unlawful to sell, give, or otherwise supply alcoholic beverages to a minor (§ 123.47(1)).
- Those under the legal age may not present false evidence or misrepresent their age to a permittee or licensee for purposes of obtaining alcoholic beverages (§ 123.49(3)).
- No person may sell or give alcoholic beverages to an intoxicated person (§ 123.49(1)).

Anyone under the age of 21 who is caught driving with a blood alcohol level of 0.02 or more will lose his or her driver's license or permit for at least 60 days (§ 321J.2A). Temporary driving permits for school, work, or other reason, will not be issued during the suspension period. A blood alcohol level of 0.02 is a very small amount—as little as one beer or drink.

University Sanctions Regarding Drugs and Alcohol

The University seeks to uphold state and federal laws and University drug- and alcohol-related policies, and will impose disciplinary sanctions against those students and employees who violate them. Sanctions could lead to suspension or expulsion from the institution.

Employees will be disciplined, up to and including, termination, and the University may refer students, faculty or employees who violate related laws to law enforcement for prosecution. As part of the disciplinary process, the University may also request that the student complete a rehabilitation program. Employees may self-refer or have a University referral to the Employee Assistance Program for assistance in dealing with the use of alcohol or a controlled substance.

A criminal conviction is not necessary to find that a student or employee has violated the University Student Community Standards or the provisions of the Employee Handbook, and the University need not (and ordinarily will not) defer its own actions and sanctions pending the outcome of any criminal proceeding. Students and employees may refer to the Student

Community Standards as outlined below. This information can also be found in the Academic Catalog and in the Employee Handbook respectively, for additional information.

Student Community Standards

The following Student Community Standards are applicable to individuals during all periods of enrollment following the submission of an admissions application and including institutional breaks or approved Academic Leaves from the University. Regardless of whether an individual has applied to or enrolled at the University, any concerns relating to sexual misconduct or discrimination are addressed in the sections entitled Nondiscrimination and Sexual Misconduct Policy.

Ashford University is responsible for creating and maintaining an environment that is conducive to the pursuit of learning and living and to the development of students as scholars and citizens. Ashford University is committed to preserving the exercise of freedom of inquiry, freedom of thought, freedom of discussion and expression, and the right of peaceful assembly. Each student shall enjoy certain freedoms as a member of the academic community and should exercise his or her freedoms with responsibility. The responsibility to secure and maintain conditions conducive to the freedom to learn is shared by all members of the University community.

University policies are necessary to safeguard the mission of Ashford University, thus protecting the freedom of students to learn without undue interference by others. If misconduct occurs, the University community must respond in ways that protect the rights and freedoms of all members of the community. The welfare and development of the individual student are primary concerns. To fulfill its function as an educational institution and to protect the rights of all the members of the University community, the University has the right and the duty to maintain order within the University and to exclude persons who disrupt the educational process. When necessary, the University will call upon the local, state, and/or federal authorities to maintain order.

All students are expected to make themselves familiar with the Student Community Standards (hereinafter referred to as Standards). Ignorance of these Standards, including behavioral expectations, specific prohibited conduct, or consequences for misconduct is not a defense to, nor grounds for, excusing violations of the Standards.

Please note that prospective students are required to uphold all relevant Student Community Standards. A prospective student who is found to have violated these Standards could be precluded from enrolling in Ashford University Online.

The University reserves the right to refuse admission to any online applicant whose behavior is deemed inappropriate based on communication with University employees. Admissions decisions are final.

All references to “student” in the Student Community Standards section of this Catalog refer to current students, students no longer in attendance, and alumni.

The University reserves the right to create, modify, or make changes to the Standards from time to time, as needed, or when it determines necessary in particular circumstances. The Standards may also be extended or amended to apply to new and unanticipated situations that may arise.

Conduct Procedures - Student Community Standards Procedures

Whenever a complaint is made for alleged misconduct or a Student Community Standard appears to be violated, the Conduct Administrator or designee will conduct an investigation of the allegations as soon as possible (generally, for offenses against the academic community, the President will designate the Vice President of Academic Services (online) or designee). The Conduct Administrator or designee may make any necessary modification to these procedures that does not materially jeopardize the fairness owed to any party.

Notice of Complaint

Once a determination is made that reasonable cause exists for the Conduct Administrator or designee to investigate and process a complaint, notice will be given to the accused student. Notice will be in writing, and may be delivered in person during a meeting with the Conduct Administrator or designee or via email. Email is considered an official form of University-related communication.

Once emailed, such notice will be presumptively delivered when an email is sent. If a student is under the age of eighteen (18) years, a copy of the notice will be sent to the parents or guardian of the student.

The letter of notice will state briefly a description of the incident alleged, as well as stating all policies the accused student is alleged to have violated and the possible consequences if the accused student is found in violation. The letter of notice will direct the accused student to contact the Conduct Administrator or designee within two business days (Monday through Friday) of receipt to respond to the complaint.

The failure of a student to acknowledge the notice within two (2) business days will result in an administrative hold on the student’s account. This administrative hold will remove the student from all future scheduled courses and prevent transcripts from being issued. The hold will not be lifted until the student participates in either an informal or formal hearing and the Student Community Standards proceedings for the student are closed.

Within the two business day period, the accused student may pose any questions about the charges or process to the Department of Student Affairs, and at that time or before, will respond to the charge in writing and may indicate to the Conduct Administrator or designee

whether he or she admits or denies the allegations of the complaint. If the accused student admits the violation(s), an informal hearing will be held and the Conduct Administrator or designee will impose appropriate sanctions. Such a disposition will be final and there will be no subsequent proceedings, unless the sanctions include suspension or expulsion. In that case, the accused student may request a hearing by the Student Community Standards Committee on the issue of sanctions, only, or can choose to accept the sanctions imposed by Conduct Administrator or designee during the informal hearing.

Ashford University divides complaints into minor and serious violations. Generally, with the exception of Academic Integrity violations, any misconduct that will result in less than separation is considered minor, and any misconduct that is likely to result in suspension or expulsion is considered serious. If the student accepts responsibility for the violation(s), prior to the hearing, whether minor or serious, the complaint will be resolved in an informal hearing, as previously described. If the student does not accept responsibility, minor complaints will be referred for an informal hearing, and more serious complaints will be referred to the Student Community Standards Committee for a formal hearing (see subsequent details on the proceedings of this committee). The Conduct Administrator or designee has discretion to determine the severity of the alleged violation(s), and whether informal or formal hearing procedures will apply.

Decisions made by the Student Community Standards Committee or the Conduct Administrator or designee will be final, and sanctions implemented, pending the normal appeal process, described subsequently. The Conduct Administrator or designee has the authority to stay implementation of sanctions pending the appeal, at his or her discretion.

Informal Hearings Procedures

For hearing procedures relating to matters involving sexual misconduct or other sensitive issues, please see *Special Procedural Provisions for Sexual Misconduct Sanction Hearings* located in this section of the *Catalog*. For minor violations (or admitted serious violations), the Conduct Administrator or designee will, upon receipt of a written response from the accused student, schedule a hearing.

- Informal hearings will be heard by the Conduct Administrator or designee and will be non-adversarial and conversational in nature.
- Written notice of the time, date, and location of the hearing will be sent to the accused student at least two (2) business days prior to the informal hearing date and time. The accused student may additionally be notified in person, by telephone, or by email. Students may waive the two (2) day notice requirement if they prefer an expedited hearing, if available.
- If a student fails to attend a scheduled hearing, the hearing may proceed as scheduled, and the Conduct Administrator or designee will make a determination on the basis of the evidence available at the hearing. If appropriate, sanctions will be implemented. A

student may not avoid the impositions of sanctions by withdrawing with conduct charges pending. The hearing will still proceed, and any finding of a violation will result in a “WF” grade and other appropriate transcript notation. The conduct administrator may also impose an administrative hold on the student’s account in addition to or in lieu of resolving the charges in the student’s absence. This administrative hold will remove the student from all future scheduled courses and prevent transcripts from being issued. The hold will not be lifted until the student participates in either an informal or formal hearing and the Student Community Standards proceedings for the student are closed.

- At the informal hearing, witnesses and admissibility of information will be determined at the discretion of the Conduct Administrator or designee. The informal hearing will consist mainly of informal questioning and discussion of the alleged incident.
- The parties will notify the Conduct Administrator or designee, at least forty-eight (48) hours prior to the informal hearing, of the names of any advisors who may be accompanying the parties at the hearing; advisors are to be selected from members of the Ashford University community unless special permission for an outside advisor is granted by the Conduct Administrator or designee.
 - The advisor is only present to support the student. The advisor will not represent the student, speak on behalf of the student, or play an active role of any kind in the informal hearing process.
 - Advisors are permitted to speak with the student as necessary, privately or during the informal hearing, to fully perform a supportive role.
- After the informal hearing, the Conduct Administrator or designee will deliberate and determine whether it is more likely than not that the student has violated the Student Community Standards. Once a finding is determined, if that finding is that of a policy violation, the Conduct Administrator or designee will determine an appropriate sanction. The Conduct Administrator or designee will prepare a written finding, which will be shared with the accused student no later than two (2) business days following the hearing.

Student Community Standards Committee Formal Hearing Procedures

For hearing procedures relating to matters involving sexual misconduct or other sensitive issues, please see *Special Procedural Provisions for Sexual Misconduct Sanction Hearings* in this section of the *Catalog*.

Notice

Written notice of the time, date, and location of the formal hearing will be sent to all parties, who may additionally be notified in person, by telephone, or by email. The conduct administrator will utilize the email and telephone number on file with the University unless otherwise provided by the student.

Composition

The Conduct Administrator or designee will name a Student Community Standards Committee to conduct a formal hearing to review complaints. The Student Community Standards Committee will consist of members selected by the Conduct Administrator or designee, and will consist of representatives from full-time faculty, Financial Services, Student Services, the Office of the Registrar, and senior academic administration. At any formal hearing before the committee, three (3) committee members and several alternates will be selected to transact the business of the committee. In sexual misconduct and related hearings, a three-member administrative panel will be utilized. Any member of such committee who believes he or she has a conflict of interest rendering him or her incapable of making an impartial decision will disqualify him or herself from that hearing and the Conduct Administrator or designee will appoint a person to take his or her place at that hearing.

Record of Proceeding

Proceedings before the Student Community Standards Committee will be recorded and will be made available or a copy will be provided to the parties if requested.

Committee Procedures

Once an accused student responds to an alleged violation, the parties will be given a minimum of seven (7) business days to prepare for a hearing. Students may request to waive the seven (7) day preparation requirement if they prefer an expedited hearing, if available.

At least forty-eight (48) hours before any scheduled hearing, the following may occur:

- The accused student will deliver to the Conduct Administrator or designee a written response to the complaint;
- The parties will deliver to the Conduct Administrator or designee a written list of all witnesses they each want the University to call on their behalf at the hearing, giving the full contact information of any such witness, if known;
- The parties will deliver to the Conduct Administrator or designee a written list of all items of physical information the parties intend to use or need to have present at the hearing, and will provide such information or indicate who has possession or custody of such information, if known;
- The parties will notify the Conduct Administrator or designee, at least forty-eight (48) hours prior to the formal hearing, of the names of any advisors who may be accompanying the parties at the hearing; advisors are to be selected from members of the Ashford University community unless special permission for an outside advisor is granted by the Conduct Administrator or designee.
 - The advisor is only present to support the student. The advisor will not represent the student, speak on behalf of the student, or play an active role of any kind in the formal hearing process.

- Advisors are permitted to speak with the student as necessary, privately or during the formal hearing, to fully perform a supportive role.
- The Conduct Administrator or designee will ensure that this information and any other available written documentation is shared between the complainant(s) and accused student(s) at least twenty-four (24) hours before any scheduled hearing. Hearing officers may be unseated if Conduct Administrator or designee concludes that their bias precludes an impartial hearing of the complaint. Additionally, any Student Community Standards Committee member or hearing officer who feels they cannot make an objective determination must recuse himself or herself from the proceedings.

If there is an alleged victim of the conduct in question, the alleged victim may serve as the complainant, or may elect to have the administration serve as complainant. Where there is no victim, the administration will serve as complainant. In any joint hearing, separate determinations will be made as to the responsibility of each student accused. The conduct administrator may elect to separate hearings that have been referred jointly or join those that have been referred separately.

After a formal Student Community Standards Committee hearing, the Committee will deliberate and determine by majority vote whether it is more likely than not that the student has violated the Student Community Standards. The Conduct Administrator or designee will serve as the non-voting Chair during the hearing and deliberations to resolve all questions of admissibility, evidence and precedent. Once a finding is determined, if that finding is that of a policy violation, the Student Community Standards Committee will determine an appropriate sanction. The Chair is responsible for informing the Student Community Standards Committee of applicable precedent and any relevant previous violations of Student Community Standards by the accused student. All committee hearings will be recorded and the Chair will be responsible for completing the hearing file. The Conduct Administrator or designee will prepare a written deliberation report detailing the finding to include in the case record, including how each body member voted, the information cited by the body in support of its finding, and any information that the body excluded from its consideration, and why. This report should conclude with any recommended sanctions. This report typically should not exceed two pages in length, and must be submitted to the Conduct Administrator or designee within 48 hours after the end of deliberations. The Conduct Administrator or designee may make appropriate modifications and then will implement the final determination and inform the parties within seven (7) business days after the hearing.

Admissible Information

The committee will consider all information that is relevant and credible. The Committee may in its discretion limit or bar character witnesses.

Sanctions

The following sanctions may be imposed upon any student found to have violated the Student Community Standards:

Written Warning: A notice in writing to the student that the student is violating or has violated institutional policies. The letter informs the student that continued misconduct will result in further conduct action up to and including removal from the University. The letter will be emailed and/or delivered to the student's campus address for Clinton Campus students. For online students, the letter will be sent to the student's email address on file with the University.

Types of Probation

Conduct Probation: The hearing body determines the beginning and ending dates. Students on conduct probation may incur additional sanctions for any subsequent violation of University policies and/or rules, whether or not this violation is related to the original violation for which conduct probation was imposed.

Probation Restrictions: Students on probation may be subject to the following restrictions:

- They may not hold any office or leadership role in any student or University organization or activity.
- They may not represent the University in any on- or off-campus event.
- Other restrictions may be established for individual situations by the Conduct Administrator or designee.

Loss of Privileges: Means a denial of specified privileges for a definite period of time. Privileges that may be lost include, but are not limited to, the following:

- **Restricted Access:** Student may be restricted from entering specified buildings or areas on campus, from attendance at specified campus events, or from use of specified equipment or facilities for definite periods of time.
- **Fines:** Fines may be imposed to restore damage to physical property. In addition, the hearing body may recommend that the University refuse: (1) to grant academic credits or degrees; or (2) to issue grades or transcripts to the student offender(s) or student member(s) of an offending organization, until such fine is paid. The method of payment will be specified by the hearing body imposing the fine.
- **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement. The conduct body may recommend that the University refuse: (1) to grant academic credits or degrees; or (2) to issue grades or transcripts to the student offender(s) or student member(s) of an offending organization, until restitution is complete.
- **Educational Projects:** Completion of an educational or developmental project such as, but not limited to, the following: attending a specific workshop or program, writing an article or research paper on a specified topic, making an oral presentation to a campus group, participating in specified counseling/evaluation, work assignments, and/or

service to the University. The Conduct Administrator or designee may develop additional educational sanctions to meet individual student needs on a case-by-case basis.

- **Suspension:** Separation of the student from campus/online university access, classes and all privileges for a definite period of time, after which the student is eligible to return. The offender may not be on campus at any time or participate in University classes except to come to the Administration Building for matters directly related to the suspension. In cases where suspension prevents the completion of course work, the student will receive a “W” grade. Tuition and fees will be refunded as per applicable refund policies outlined in the Financial Information section of this *Catalog*. Any conditions for readmission will be stated in the order of suspension.
- **Expulsion:** Permanent separation of the student from the University. Tuition and fees will be refunded as per applicable refund policies outlined in the Financial Information section of this Catalog. The student is barred from being present on-campus and at University-sponsored events.

The following sanctions may be imposed upon groups or organizations:

- Those sanctions listed previously;
- **Deactivation:** Loss of all privileges, including University recognition, for a specified period of time.

More than one of the sanctions listed previously may be imposed for any single violation.

Special Provisions

Attempted Violations

In most circumstances, Ashford University will treat attempts to commit any of the violations listed in the Student Community Standards as if those attempts had been completed.

University as Complainant

As necessary, Ashford University reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.

False Reports

Ashford University will not tolerate intentional false reporting of incidents. It is a violation of the Student Community Standards to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Group Violations

When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group, and a hearing may

proceed against the group as joint accused students. In any such action, however, determinations will be made with respect to the involvement of each accused individual.

Immunity for Victims

Ashford University encourages the reporting of conduct code violations and crimes by victims. Sometimes, victims are hesitant to report to University officials because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to University officials. To encourage reporting, Ashford University pursues a policy of offering victims of crimes amnesty from policy violations related to the incident.

Good Samaritan

The welfare of students in the University community is of paramount importance. At times, students on and off-campus may need assistance. Ashford University encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, as student who has been drinking underage might hesitate to help take a sexual misconduct victim to Campus Security). Ashford University pursues a policy of immunity for students who offer help to others in need for any minor violations the Good Samaritan was involved in at the time.

Parental Notification

Ashford University reserves the right to notify parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, Ashford University will contact parents/guardians to inform them of situations in which there is a health and/or safety risk. Ashford University also reserves the right to designate which University officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA).

Notification of Outcomes

The outcome of a Student Community Standards hearing is part of the education record of any student personally identified, and is protected from release under FERPA, a federal law. However, Ashford University observes the following legal exceptions:

- Complainants and accused in sexual misconduct and sexual harassment incidents have a right to be informed of the outcome and sanctions of the hearing, in writing, without condition or limitation, and to be kept apprised of the status of investigations;
- The University may release the final results of a disciplinary proceeding in which a student who is an alleged perpetrator of a crime of violence or non-forcible sex offense, is found in violation of the University's Student Community Standards. A crime of violence includes arson, burglary, robbery, criminal homicide (manslaughter by negligence, murder, and non-negligent manslaughter), forcible sex offenses, assault,

destruction/damage/vandalism of property and kidnapping/abduction. The University may not disclose the name of any other student, including the victim or witness, without the prior written consent of the other student. The University will also release this information to the complainant in any of these offenses regardless of the outcome;

- In the event that the alleged victim is deceased as a result of the crime or offense, the notification will be made to next of kin (upon written request).

Defenses

It has become common for students accused of policy violations to try to defend their actions with excuses, such as prescription drug interactions, self-defense, alcohol, etc. Defending actions is admitting to a policy violation. While a student's defense will not excuse his or her actions, Ashford University will take the legitimacy of his or her defense into consideration in addressing the proper sanction.

Emergency Administrative Leave

In situations requiring immediate action, and after consultation with concerned individuals (e.g., students, faculty, administrators, other staff members, internship, or student teaching supervisors, etc.), the Conduct Administrator or designee may place the student on an emergency administrative leave. Students placed on Emergency Administrative Leave are removed from all current and future courses.

During Emergency Administrative Leave, the University administration will conduct a timely investigation. Students will remain on an administrative leave no more than 14 days from the student's last date of attendance. Within that 14-day period, the University administration will follow University procedures for administration of the Student Community Standards and render a decision as to any change in status and/or and sanctions to be imposed by the University. Students on Emergency Administrative Leave are not permitted to return to campus or to participate in University classes or events.

Involuntary Leave

Ashford University considers the safety and well-being of its students, faculty, and staff as a top priority. The Involuntary Leave policy is not intended to be a substitute for appropriate disciplinary action when discipline is warranted, but may be used in cases when regular disciplinary proceedings cannot or should not be used, and after attempts to encourage the student to initiate a Voluntary Leave have been exhausted. Involuntary Leave is available to protect the health and safety of the University Community and is not a penalty.

Grounds for Involuntary Leave

A student may be subjected to Involuntary Leave if there is evidence that the student's continued attendance presents an unreasonable risk of harm to members of the University Community. The leave will endure for a pre-determined period, or until the student no longer poses an unreasonable risk of harm, at which time the leave will end and the student will be

reinstated. Grounds for Involuntary Leave include representing a significant threat to the safety and/or health of members of the University Community

Procedure

When the Conduct Administrator or designee receives credible information regarding a student's behavior, statements, or actions that may constitute grounds for Involuntary Leave, the Conduct Administrator or designee will meet with the student to review the reported behavior, actions, and/or statements. If the Conduct Administrator or designee has a reasonable basis to believe that that the student meets the criteria for Involuntary Leave, he or she may take any of the following actions:

- Impose an immediate Emergency Administrative Leave if there is compelling evidence that the student poses high probability of substantial harm to others that cannot be mitigated by appropriate accommodations; and/or
- Require the evaluation of the student by an appropriate professional chosen by the University. The cost of the evaluation shall be paid for by the University. The evaluation shall be completed within 10 business days after the initial meeting with the Conduct Administrator or designee, unless an extension is granted.

Evaluation

In situations where a mandatory evaluation by a professional is expected, the student will be expected to sign written authorization to allow for the exchange of relevant information between the University and the evaluating professional. Failure to cooperate with the evaluation or sign the written authorization may result in a referral to the student conduct process. The professional making the evaluation shall assess the student's ability to safely participate in the University's educational program. The assessment shall inform the Department of Student Affairs' determination of:

- The severity of risk posed by the student to the health and safety of members of the University community;
- The probability that potential harm may occur; and,
- Whether reasonable modification of policies, practices, and procedures will sufficiently mitigate the risk.

If the evaluation results in a determination that the student's continued attendance poses no significant threat to the health and safety of others, the University will take no further action under the Involuntary Leave policy.

If the evaluation results in a determination that the continued attendance of the student presents a significant threat to the health and safety of others, the University may refer the matter to the Student Affairs department and/or will conduct an Involuntary Leave hearing to make an individualized and objective assessment of the student's ability to safely participate in the University's educational program. The assessment will include a determination of the

severity of risk posed by the student, the probability that potential harm may occur, and whether reasonable modifications of policies, practices, and procedures will sufficiently mitigate the risk. The student may provide evidence showing he or she should not be placed on Involuntary Leave. If the hearing determines it is more likely than not that there is a direct threat of harm to others based on a high probability of substantial harm, the student will be placed on leave from the University until it can be demonstrated that the student no longer poses a direct threat and has met all appropriate conditions for return.

Appeals of an Involuntary Leave will be handled in accordance with the Ashford University grievance procedures.

During the period of either Emergency Administrative Leave or during a time period of Involuntary Leave after assessment, the student is not permitted to participate in University courses or events, or be present in any University facility or on any campus, except by the express permission of the Conduct Administrator or designee.

Appeal of Involuntary Leave after Evaluation or Emergency Administrative Leave

In situations where a student is involuntarily withdrawn as a result of either an Emergency Administrative Leave or as an action determined appropriate from the results of the assessment, a student shall be informed of his or her right to appeal the University's decision regarding the Involuntary Leave.

The appeal shall be in writing and directed to the Associate Vice President of Student Affairs, or designee and shall be received within ten (10) business days of the determination of the Involuntary Leave. Upon receipt of the appeal, Associate Vice President of Student Affairs, or designee shall set a hearing date no later than 15 business days after receipt of the appeal. The hearing shall be an informal proceeding and is not considered adversarial.

At the hearing, the student will be provided with the opportunity to review any evaluations utilized by the University in the determination to invoke the Involuntary Leave policy. The student will also be provided with the opportunity to present relevant information from his or her perspective. The student may be accompanied by a person acting as an advocate who may be a family member or friend or member of the University community. The

The Associate Vice President of Student Affairs or designee will review all the information presented in the hearing and make a determination of whether to uphold the involuntary leave of the student or consider readmission to the University.

Readmission to the University

A student who is involuntarily withdrawn under the Involuntary Leave policy will have the opportunity to be reinstated according to the time period specified in the decision letter from the Conduct Administrator or designee. The University may impose conditions upon the re-enrollment status as appropriate.

Consequences to Course Grades and Tuition or Other Fee Charges

If the Involuntary Leave policy is invoked, the student will normally receive “W” grades (withdraw grades) in all courses in which he or she is currently enrolled, and will be considered eligible for a tuition credit upon re-enrollment. Regular tuition charges and other applicable fees will be refunded per the tuition refund policies outlined in the *Financial Information* section of this *Catalog*, based on the student’s last date of attendance.

Employee Handbook Procedures

Corrective Action

The Company may impose corrective action, including verbal or written discipline, suspension and/or termination to address performance problems or violations of Company policies. The Company may, in its sole discretion, use whatever form of discipline is deemed appropriate, up to and including termination of employment.

The Company’s use of discipline does not alter the at-will employment status of its employees. Accordingly, either the employee or the Company can terminate the employment relationship at will, at any time, with or without reason and with or without notice.

Grievance Procedure

These procedures apply to staff, faculty, and administrative employees who occupy positions other than “temporary” and have achieved regular employment status.

Any employee of the Company, regardless of status, may bring to the attention of his/her supervisor, the appropriate dean or director, or the Employee Relations Representative, allegations discussed in section A below.

Purpose, Concepts and Definitions

The purpose of this procedure is to promote prompt and efficient investigation and resolution of grievances at the Company. These procedures shall be the method for resolving grievances.

A. Grievance: The term “grievance” as defined in this policy shall apply to the following:

- A grievance is a written complaint by an individual employee or a group of employees alleging that the employee’s employment rights and entitlements have been adversely affected due to a violation, misapplication or misinterpretation of Company policies, regulations, or procedures as outlined in this Handbook.
- a claim by an individual employee regarding a specific management act which is alleged to have adversely affected the employee's existing terms or conditions of employment

This grievance process does not apply to cases of alleged civil rights discrimination, sexual harassment or other forms of harassment. Guidelines and processes for complaints of discrimination or harassment are outlined in this Handbook at Section 4.3. Section 4.3 applies to all employees regardless of status.

B. Grievant: The term “grievant” shall mean a staff, faculty or administrative employee (or group of employees) employed by the Company at the time of the action giving rise to the grievance. A Grievant who voluntarily resigns or retires from employment with the Company shall have their pending grievance(s) immediately withdrawn and will not benefit by any subsequent settlement or disposition of any individual or group grievance.

Days: The term “working days” shall mean those days when the business offices of the Company are open. The term “calendar days” refers to all days in the month including weekends and holidays. Deadlines that fall on a day that is not a regular business day will automatically be extended to the next business day.

The commitment of both the Company and the grievant is necessary so that the grievance procedure will achieve its designed objectives.

Steps in the Grievance Procedure and time limits generally are followed as outlined below. Omission or re-ordering of one or more steps in the procedure may be approved in writing by the Vice President of Human Resources if the circumstances of the grievance justify such action. Delays in time limits at any step in the process may be requested and approved by the Company or the employee.

Offers of Settlement: Settlement offers made at any stage of this grievance process including informal resolution, shall be inadmissible as evidence in subsequent steps of this process.

Informal Resolution

It is intended that, whenever possible, all grievances and/or concerns be resolved informally, before the filing of a formal grievance. Open communication between supervisors and subordinates is encouraged so that resorting to the formal grievance steps will not be necessary.

Employees should first discuss the issues giving rise to the grievance and/or concerns with their immediate supervisors, who may be able to affect a prompt resolution. If your grievance involves your supervisor, you should address your concerns with the next higher supervisor on the organizational chart. In addition, during this informal process, the supervisor and/or employee are encouraged to contact an Employee Relations Representative for assistance in resolving grievances informally. Employee Relations will attempt to facilitate a satisfactory resolution for both parties.

Formal Resolution of Problems

Step 1 - Written Grievance

If the grievance is not resolved satisfactorily at the informal level and the grievant wishes to pursue the matter further, the grievant may file a formal written grievance with the Human

Resources office within thirty (30) calendar days from the date on which the employee knew or could be expected to know of the event giving rise to the grievance.

The formal written grievance shall be submitted on the form located at <http://insite.bridgepoint.local/dept/hr/Documents/EMPLOYEE%20GRIEVANCE%20FORM.docx>

The written grievance shall state the specific policy, regulation, or procedure alleged to have been misinterpreted, misapplied, or violated and/or the grievance must indicate the specific management act which has adversely affected the employee's existing terms and conditions of employment. The grievance must also indicate the effect on the grievant, the date(s) of the action grieved and the relief requested.

Employees may file the written grievance by submitting an Employee Relations ticket via the HR ticketing system (Employee Relations/File and Employee Relations Grievance), and uploading the completed grievance form to the ticket. Alternatively, employees may file the written grievance by personal delivery to Human Resources at the Evening Creek location, BPI Building First Floor or the grievance form may be scanned and sent via email to grievance@bridgepointeducation.com. The business hours for Human Resources are 8:00am-5:00pm Pacific Time. A grievance must be received between 8:00am-5:00pm Pacific Time. Any grievance received after 5:00pm Pacific Time will be considered filed the next business day.

Once the grievance has been accepted for processing, the Human Resources office will forward the Step 1 grievance to the employee's supervisor unless the grievance involves the employee's supervisor. If the grievance involves the employee's direct supervisor, the grievance will be forwarded to the next level supervisor.

The supervisor (or appropriate level supervisor), upon receiving the grievance, shall investigate the matter as appropriate and respond to the grievant orally or in writing through the Human Resources office within fifteen (15) working days of the date the grievance was received by the supervisor. If the response is not issued within this time limit, or if the grievance is not resolved at Step 1, the grievant may appeal the grievance to Step 2.

Step 2 – Grievance Review

If the grievance is not resolved at Step 1, the grievant may proceed to Step 2 by filing a written appeal of the Step 1 decision with the Human Resources office. This written appeal to Step 2 must be received by the Human Resources office within ten (10) working days of the date of the Step 1 decision. The appeal to Step 2 shall state the issues that remain unresolved from Step 1, the specific policy, regulation, or procedure alleged to have been misinterpreted, misapplied, or violated and/or the grievance must indicate the specific management act alleged to have adversely affected the employee's existing terms and conditions of employment. The grievance must also indicate the effect on the grievant, the date(s) of the action grieved and the relief requested.

Unless the grievance involves the supervisor of the grievance, the Human Resources office will forward the Step 2 appeal to the supervisor of the Step 1 responder or his/her designee or the appropriate designee as determined by Human Resources.

Mediation: Human Resources will review the appeal to Step 2. HR will recommend mediation to the parties if the issues could potentially be resolved through mediation. Mediation is a voluntary, confidential process and the grievant has the choice on whether to participate in mediation. If the grievant agrees to mediation, Employee Relations will assign a separate representative (one not involved with the handling of this grievance) to work with the parties to resolve the complaint through mediation.

If the grievance proceeds through mediation and is not resolved, Employee Relations shall investigate the grievance as appropriate and respond to the grievant in writing within fifteen (15) working days from the conclusion of the mediation.

If the matter is not submitted to mediation, the appropriate Step 2 respondent shall investigate the grievance and respond to the grievant in writing through the Human Resources Department, within fifteen (15) working days from the date of receipt of the Step 2 appeal.

Step 3 - Grievance Review - Vice President of Human Resources

Following the issuance of the Step 2 response, if the grievance is not resolved satisfactorily at Step 2, the grievant may proceed to Step 3 by filing a written appeal of the Step 2 decision with the Human Resources office. The written appeal to Step 3 must be received by the Human Resources' office within ten (10) working days of the date of the Step 2 decision. The written submission at Step 3 shall state the issues that remain unresolved, the specific policy, regulation or procedure alleged to have been misinterpreted, misapplied, or violated and/or the grievance must indicate the specific management act which has alleged to have adversely affected the employee's existing terms and conditions of employment. The grievance must also indicate the effect on the grievant, the date(s) of the action grieved and the relief requested. The Step 3 appeal will be forwarded to the Vice President for Human Resources. The Vice President of Human Resources or his/her designee will review the matter and respond to the grievant orally or in writing within twenty (20) working days from the date of the receipt of the Step 3 appeal. The decision at Step 3 shall be final and binding.

Policy on Retaliation

No employee shall be discriminated or retaliated against or otherwise treated unfairly for filing a grievance, testifying or assisting in the investigation process pursuant to this grievance procedure.

2.24 Arbitration Agreement

Introduction

Binding arbitration of disputes, rather than litigation in courts, provides an effective means for resolving issues arising in or from an employment situation. Arbitration is generally faster, cheaper and less formal for all parties. Bridgepoint Education, Ashford University, and University of the Rockies (collectively referred to as “the Company”) are committed to using binding arbitration to resolve all legal disputes, whether initiated by the Company or by an employee, in a forum which provides this alternative to the court system. As a condition of employment, employees must also agree to use the arbitration forum. The Company’s agreement to use binding arbitration is confirmed by this statement; your agreement is confirmed by your acceptance and/or continuing your employment with the Company.

Agreement

The Company and employee will utilize binding arbitration to resolve all disputes that may arise out of the employment context. Both the Company and employee agree that any claim, dispute, and/or controversy that either employee may have against the Company (or its owners, directors, officers, managers, employees, agents, affiliated entities and parties affiliated with its employee benefit and health plans) or the Company may have against employee, arising from, related to, or having any relationship or connection whatsoever with my seeking employment by, my continuing employment with, or any other association with the Company, shall be submitted to and determined exclusively by binding arbitration pursuant to the Federal Arbitration Act.

Included Claims

Included within the scope of this agreement are all disputes, whether they be based on the California Fair Employment and Housing Act, Title VII of the Civil Rights Act of 1964, as amended, or any other state or federal law or regulation, common law, or otherwise, with exception of claims arising under the National Labor Relations Act which are brought before the National Labor Relations Board, claims for medical and disability benefits under the California Workers’ Compensation Act, Employment Development Department claims, or as otherwise required by state or federal law.

In addition to addressing any and all Claims, the Arbitrator shall have exclusive authority to resolve any dispute relating to whether this Agreement is subject to arbitration in any way. However, nothing herein shall prevent an employee from filing and participating in proceedings before the California Department of Fair Employment and Housing, or the United States Equal Employment Opportunity Commission or any other similar state agency (although if such a claim is pursued following the exhaustion of such administrative remedies, that claim would be subject to these provisions). Further, if either party’s claim is within the jurisdictional limit of the local small claims court (\$7,500 in California at the time of drafting) the party asserting such claims may opt out of this arbitration agreement and elect to pursue those claims in the small claims court.

In addition, the employee and the Company retain the right to apply to any court of competent jurisdiction for provisional relief, including pre-arbitral attachments or preliminary injunctions.

Procedures

Claims should be raised as promptly as possible, but in no event later than the time provided by the applicable limitations period.

In addition to any other requirements imposed by law, the arbitrator selected shall be a retired Judge, or otherwise qualified individual to whom the parties mutually agree, and shall be subject to disqualification on the same grounds as would apply to a judge in a court of law. Except as provided in this Arbitration Agreement, the arbitration shall be held in accordance with the then current Employment Arbitration Rules of the American Arbitration Association, which are available at www.adr.org/employment or which will be provided to you by the Company upon request. The arbitrator shall have the authority to order such discovery, by way of deposition, interrogatory, document production, or otherwise, as the arbitrator considers necessary to a full and fair exploration of the issues in dispute, consistent with the expedited nature of arbitration. Consistent with the efficiencies of arbitration, the arbitrator may also allow for the hearing of any motions, including motions for summary judgment or dismissal. Resolution of the dispute shall be based solely upon the law governing the claims and defenses pleaded, and the arbitrator may not invoke any basis (including but not limited to, notions of “just cause”) other than such controlling law. The arbitrator may award any remedy or relief available in a court of law, consistent with applicable legal standards. The arbitrator shall not have the authority to combine individually filed arbitrations into a class action or collective action or consider claims on a class, collective, or representative basis. Awards shall include the arbitrator’s written reasoned opinion and a court of competent jurisdiction shall have the authority to enter a judgment upon the award.

The arbitration shall be held in a location agreed to by the parties or as ordered by the arbitrator.

Class Action Waiver

All claims must be brought in the parties’ individual capacities and not as a representative or class member in any purported class, collective, Private Attorney General or representative proceeding. There will be no right or authority for any dispute to be brought, heard or arbitrated as a class, collective or representative action or as a class member in any purported class, collective action, Private Attorney General or representative proceeding.

Costs and Fees

Each party will pay his, her or its own attorney’s fees, subject to any remedies to which that party may later be entitled under applicable law. The Company shall initially bear the administrative costs associated with conduct of the arbitration, subject to: (1) a one-time payment by the employee toward these costs that is equal to the filing fee then required by the

court of general jurisdiction in the state where the employee works; and (2) any subsequent award of the arbitrator in accordance with applicable law.

Severability

Should any term or provision, or portion thereof, be declared void or unenforceable or deemed in contravention of law, it shall be severed and/or modified by the arbitrator or court and the remainder of this agreement shall be enforceable.

Biennial Review

The University conducts and publishes a [Biennial Review](#) of its Drug-Free Schools and Communities Act Program in order to:

- (a) determine the program's effectiveness and implement needed changes to the program;
- (b) determine the number of drug and alcohol-related violations and fatalities that—
 - (i) occur on the University's campus or as part of any of the University's activities; and
 - (ii) are reported to campus officials;
- (c) determine the number and type of sanctions that are imposed by the University as a result of drug- and alcohol-related violations and fatalities on campus or as part of the University's activities; and
- (d) ensure consistent enforcement of sanctions.

Sexual Misconduct/Harassment Policies and Procedures

Sexual Misconduct/Harassment Policy

Gender/Sexual Discrimination, Misconduct, Harassment or Violence - Title IX/SaVE Purpose

Ashford University is committed to maintaining an academic climate in which individuals of the university community have access to an opportunity to benefit fully from the University's programs and activities. When students experience acts of sexual misconduct, their sense of safety and trust is violated. This can significantly interfere with their lives, including their educational goals.

The University has developed policies and procedures to create a campus environment that prohibits retaliation, responds promptly and effectively to complaints of sexual misconduct, safeguards due process, and seeks a fair and effective resolution of the complaint. The institution created these policies and procedures in accordance Title IX and VAWA, their implementing regulations, and U.S. Department of Education Office for Civil Rights sub-regulatory guidance. Students and other persons can find these policies outlined in detail below and also in the [Student Rights and Responsibilities section of the Academic Catalog](#).

Sexual Misconduct/Harassment Policy

The University considered the Violence Against Women Reauthorization Act of 2013 (VAWA), and for the purposes of this Policy, the various sexual misconduct definitions listed below are by applicable jurisdictions. Definitions may vary by state.

Sexual Harassment

Sexual harassment includes unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature that has the effect of unreasonably interfering with an individual's academic or work performance, or creates an intimidating, hostile, or offensive environment. Sexual violence is a form of sexual harassment prohibited by Title IX/SaVE.

Three Types of Sexual Harassment

1. Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent or patently offensive so that it alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include:
 - The frequency of the conduct;
 - The nature and severity of the conduct;
 - Whether the conduct was physically threatening;
 - Whether the conduct was humiliating;
 - The effect of the conduct on the alleged victim's mental or emotional state;
 - Whether the conduct was directed at more than one person;
 - Whether the conduct arose in the context of other discriminatory conduct;
 - Whether the statement is a mere utterance of an epithet which engenders offense in an individual, or offends by mere discourtesy or rudeness; and
 - Whether the speech or conduct deserves the protections under other principles such as academic freedom.

Hostile Environment sexual harassment may occur in student to student, faculty/staff to student or student to faculty/staff relationships or third party to student/faculty/staff.

2. Quid pro quo sexual harassment exists when there are:
 - Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
 - Submission to or rejection of such conduct results in adverse educational or employment action.

Quid Pro Quo sexual harassment may occur in student to student, faculty/staff to student or student to faculty/staff relationships.

3. Retaliation

- The University will sanction a faculty, student, or staff member who takes adverse action against a person because of the person's participation in or support of an investigation of Sexual Misconduct/Harassment. Adverse action includes, but is not limited to, threats, harassment, intimidation (implied threats) or actual violence against the person or his or her property, adverse educational or employment consequences, ridicule, taunting, bullying, or ostracism.

Retaliation sexual harassment may occur in student to student, faculty/staff to student or student to faculty/staff relationships, or third party to student/faculty/staff.

Title IX/SaVE also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Definitions and Examples of Sexual Misconduct/Harassment

Sexual Misconduct Offenses include, but are not limited to:

- Sexual Violence
- Sexual Assault
- Domestic and/or Dating Violence
- Stalking
- Sexual Exploitation

The University reserves the right to determine the applicable definition based upon factors including but not limited to location of alleged offense, applicable laws or location of the University. Under University policy or Title IX or other federal law, conduct may constitute sexual misconduct/harassment even though that conduct does not meet a specific state or other definition of an offense.

Sexual Violence

Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion, domestic violence, dating violence, and/or stalking. Sexual violence can be carried out by University employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

Consent

Consent means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent. Submission under the influence of fear shall not constitute consent.

Incapacitation

Incapacitation is the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affects a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. Being intoxicated by drugs or alcohol does not diminish one's responsibilities to obtain consent. The factors to be considered when determining whether consent was given include whether the accused knew, or whether a reasonable person should have known, that the complainant was incapacitated.

Sexual Assault

Any person who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:

- The person causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or
- The person knows that the victim is incapable of appraising the nature of the victim's conduct; or
- The person knows that the victim submits erroneously, believing the person to be the victim's spouse; or
- At the time of the commission of the act, the victim is less than fifteen years of age and the person is at least four years older than the victim and is not the spouse of the victim; or
- At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the person is at least ten years older than the victim and is not the spouse of the victim; or
- The victim is in custody of law or detained in a hospital or other institution and the person has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or
- The person, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or
- The victim is physically helpless and the person knows the victim is physically helpless and the victim has not consented.

Domestic Violence

Domestic violence means an act or threatened act of violence upon a victim with whom the person is or has been involved in an intimate relationship. "Intimate relationship" means a

relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time. Domestic violence also includes any other crime against a victim, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a victim with whom the person is or has been involved in an intimate relationship.

Dating Violence

The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

Stalking

A person commits stalking if directly, or indirectly through another person, the person knowingly:

- Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship; or
- Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or
- Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph, a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.

Sexual Exploitation

Occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other Sexual

Misconduct/Harassment offenses. Examples of sexual exploitation include, but are not limited to:

- Prostituting another student;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism; and
- Knowingly transmitting an STI or HIV to another student.

Confidentiality

Students or parents of minor students, reporting incidents of Sexual Misconduct/Harassment may ask that the students' names not be disclosed to the accused or that no investigation or disciplinary action be pursued to address the alleged Sexual Misconduct/Harassment. The University strongly supports a student's interest in confidentiality in cases involving Sexual Misconduct/Harassment. There are situations in which the University must override a student's request for confidentiality in order to meet its Title IX obligations; however, these instances will be limited and the information will only be shared with individuals who are responsible for handling the University's response to incidents of Sexual Misconduct/Harassment. Given the sensitive nature of reports of Sexual Misconduct/Harassment, the University will ensure that the information is maintained in a secure manner. The University is aware that disregarding requests for confidentiality can have a chilling effect and discourage other students from reporting Sexual Misconduct/Harassment. In the case of minors, state mandatory reporting laws may require disclosure, but will generally be followed without disclosing information to University personnel who are not responsible for handling the University's response to incidents of Sexual Misconduct/Harassment.

Even if a student does not specifically ask for confidentiality, to the extent possible, the University will only disclose information regarding alleged incidents of Sexual Misconduct/Harassment to individuals who are responsible for handling the University's response. To improve trust in the process for investigating Sexual Misconduct/Harassment complaints, the University will notify students of the information that will be disclosed, to whom it will be disclosed, and why. Regardless of whether student complainant requests confidentiality, the University will take steps to protect the complainant as necessary, including taken interim measures before the final outcome of an investigation.

For Title IX purposes, if a student requests that his/her name not be revealed to the accused or asks that the University not investigate or seek action against the accused, the University will inform the student that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the accused. The University will also explain that Title IX includes protection against retaliation, and that University officials will not only take steps to prevent retaliation but also take strong, responsive action if it occurs. This

includes retaliatory action taken by the University and University officials. When the University knows or reasonably should know of possible retaliation by other students or third parties, including threats, intimidation, coercion, or discrimination (including harassment), it will take immediate and appropriate steps to investigate or otherwise determine what occurred. The University will protect the complainant and insure his/her safety as necessary.

If the student still requests that his/her name not be disclosed to the accused, or that the University not investigate or seek action against the accused, the University will determine whether or not it can honor such a request while still providing a safe and non-discriminatory environment for all students, including the student who reported the Sexual Misconduct/Harassment. The Title IX Coordinator will evaluate confidentiality requests.

If the University determines that it can respect the student's request not to disclose his/her identity to the accused it will take all reasonable steps to respond to the complaint consistent with the request. Although a student's request to have his/her name withheld may limit the University's ability to respond fully to an individual allegation of Sexual Misconduct/Harassment, the University will investigate other means available to address the Sexual Misconduct/Harassment, without initiating formal action against the accused or revealing the identity of the student complainant. The University will also take immediate action as necessary to protect the student while keeping the identity of the student confidential.

Resources

Students should contact the Office of Student Access and Wellness Student Advocate HELpline at (866) 974-5700 ext. 24357 in order to access support services. For additional resources, please refer to the Counseling, Treatment, and Rehabilitation Programs section in the Student Support, Health, and Safety section of this Catalog.

Retaliation

This policy also prohibits retaliation against a person who reports Sexual Misconduct/Harassment, assists someone with a report of Sexual Misconduct/Harassment, or participates in any manner in an investigation or resolution of a Sexual Misconduct/Harassment report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

Recordkeeping

The TitleIX/SaVE Coordinator, along with Legal & Compliance is responsible for maintaining records relating to sexual harassment and sexual violence reports, investigations, and resolutions. Records shall be maintained in accordance with University Record Retention Policies. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from Legal & Compliance.

Reporting/Filing a Complaint for Title IX (Gender/Sex Discrimination)

Sexual Misconduct/Harassment is a threat to the entire University community. Members from the University community are strongly encouraged to report all incidents that threaten a student's continued well-being, safety, or security. Complaints from any member of the University community relating to discrimination, misconduct, harassment, domestic violence, dating or other related violence, stalking, or retaliation based on gender or sex concerning a faculty, staff, a student or students should be reported to:

Title IX/SaVE Coordinator Ashford University:

Poppy Fitch, Associate Vice President, Student Affairs, Title IX/ADA Coordinator.

Poppy Fitch can be contacted at:

Phone: (866) 974-5700, ext. 20702

Email: titleix@ashford.edu

Mailing Address: 8620 Spectrum Center Blvd, San Diego, CA 92123

Christina Jaquez, Student Conduct Specialist, Deputy Title IX Coordinator.

Christina Jaquez can be contacted at:

Phone: (866) 974-5700, ext. 20793

Email: titleix@ashford.edu

Mailing Address: 8620 Spectrum Center Blvd, San Diego, CA 92123

Individuals with complaints of any nature described above always has the right to simultaneously file a formal complaint with the Office for Civil Rights (OCR), United States Department of Education, Washington DC 20201, and/or a criminal complaint with local law enforcement.

The Title IX/SaVE Coordinator is responsible for the oversight, coordination and implementation of all Title IX compliance activities for the University. Title IX/SaVE Coordinator responsibilities include, but are not limited to, monitoring of the ongoing publication of the University's policy of Nondiscrimination including the Title IX/SaVE Coordinators contact information, continuous monitoring and oversight of overall University activities for compliance with Title IX requirements including athletic equity, grievance procedures, investigations, sanctions and evaluating requests for confidentiality.

Students are strongly encouraged to report all incidents that threaten their or another person's continued well-being, safety, or security. University personnel will assist the student in notifying authorities, if requested.

Reporting sexual misconduct helps:

- Protect the victim and others from future harm.
- Apprehend the alleged assailant.
- Maintain future options regarding prosecution.
- Disciplinary action, criminal, and/or civil action against the perpetrator.

If you are raped or sexually assaulted:

- Go to a safe place. Think safety first.
- Preserve evidence. Do not bathe, shower, douche, change clothes or straighten up the crime scene.
- Contact someone who can help. The police, campus security, a friend, campus staff or faculty.
- Seek medical attention at a Hospital Emergency Room:
 - to assess and treat any physical injuries.
 - to determine the risk of sexually transmitted infections or pregnancy and to take appropriate measures.
 - to collect evidence.

University personnel will inform students in writing of procedures that victims should follow, including:

- The importance of preservation of any evidence;
- Options regarding the assistance of local law enforcement, campus/site officials;
- The option to decline assistance, or decline notifying local law enforcement;
- Any interim protective measures that will be taken and their options for protective orders; and
- Resources including counseling, health, and mental health services.

Other Complaints

All other complaints, including non-harassment, other forms of sex/gender based discrimination, misconduct, harassment, violence or retaliation based on race, color, creed, national or ethnic origin, religion, pregnancy, childbirth and related medical conditions, marital status, gender identity, medical condition, service in the uniformed services, political activities and affiliations, age, disability, veteran status, or any other consideration made unlawful by federal, state, or local laws, should follow the relevant procedure outlined in the Dispute Resolution Procedure for Student Complaints and/or contact:

Shandell Ruiz at (866) 475-0317, ext. 11322, Pedro Hernandez, ext. 11382, or any member of the Student Dispute Resolution Center at Dispute.Resolution@ashford.edu or (866) 974-5700 ext. 20091.

An individual may also file a complaint or grievance alleging discrimination, misconduct, harassment, domestic violence, dating or other related violence, stalking, or retaliation based on gender or sex in the procedure outlined in the Dispute Resolution Procedure for Student

Complaints, if they prefer; however these complaints will be routed back to the Title IX/SaVE Coordinator.

The above complaint processes (Gender/Sex and Other Complaints) involve a thorough, impartial investigation designed to provide a fair, prompt, and reliable determination about whether the University nondiscrimination policies have been violated. As necessary, the University reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim.

The University has an obligation to report any crimes of which it has knowledge under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

Receipt of Complaint

Upon receiving notice of a possible violation of the *Sexual Misconduct/Harassment* policy, the University will take immediate and appropriate steps to:

- End the behavior;
- Conduct a prompt, fair and impartial investigation;
- Remedy the effects, and
- Prevent it from reoccurring.

Referral to Office of Student Grievance Resolution

Upon receipt of a complaint, the Title IX/SaVE Coordinator will refer the complaint to the Office of Student Grievance Resolution (OSGR), and if necessary, to Employee Relations, for investigation.

The investigation will be completed and findings and sanctions issued within sixty (60) calendar days from the receipt of the complaint, barring documented unforeseen circumstances.

In all complaints, the Title IX/SaVE Coordinator and, if necessary, Human Resources, will determine the need for initial, short term remedial actions.

In order to protect the complainant, at any time during the investigation, the University may recommend short term, or interim, protections or remedies. These remedial actions may include, but are not limited to, making the complainant aware of their rights, resources and support services, issuance of No Contact orders to separate or limit contact between the parties, modification of extracurricular, transportation, dining, working or living arrangements or course schedules, assignments or tests, increased monitoring, supervising, or security at applicable locations or activities, and/or interim suspension(s) pending investigation. These remedies or protections may apply in ground or online contexts.

Efforts will be made to minimize the burden on the complainant. Failure to comply with these interim protections may be considered a separate violation of this policy.

Office of Student Grievance Resolution Initial Investigation into Complaint

The Initial Investigation will be completed within ten (10) calendar days from the receipt of the complaint, barring documented unforeseen circumstances.

Upon receipt of a complaint from the Title IX/SaVE Coordinator, the Office of Student Grievance Resolution (OSGR), and if necessary, Human Resources staff, will mutually investigate the complaint.

OSGR and, if necessary, Human Resources staff, will mutually determine the identity and contact information of the complainant, whether that will be the initiator, the alleged victim, or a University proxy or representative.

OSGR and, if necessary, Human Resources staff, will mutually collaborate with the complainant to identify the correct policies allegedly violated.

OSGR and, if necessary, Human Resources staff, will mutually conduct an immediate initial investigation to determine if there is reasonable cause to charge the accused individual, and what policy violations should be alleged as part of the complaint. If a reasonable cause exists, OSGR and, if necessary, Human Resources staff, will mutually prepare the initial investigation report and if applicable, a proposed Notice of Charges on the basis of the initial investigation and submit it to the Title IX/SaVE Coordinator for further action.

Once the Title IX/SaVE Coordinator receives a copy of the report of initial findings, the Title IX/SaVE Coordinator will review the findings and make a determination within three (3) calendar days of receipt of the initial investigation report and if applicable, the proposed Notice of Charges as to whether reasonable cause exists to bring charges against the accused individual. If reasonable cause exists, the matter shall proceed to a formal investigation.

If the Title IX/SaVE Coordinator determines there is insufficient evidence to support reasonable cause, the Title IX/SaVE Coordinator or designee or, if necessary, Human Resources, will simultaneously and in writing inform the complainant and the accused that the investigation is discontinued. The interim, short term actions taken will be reversed.

Notice of Charges and Continued Investigation of Complaint

- The decision whether to continue the Investigation will be made and communicated to the parties within fifteen (15) calendar days of the receipt of the complaint, barring documented unforeseen circumstances. The Title IX/SaVE Coordinator or his/her designee, will simultaneously communicate in writing to the parties the continuation of the investigation and intent to present the accused with a Notice of Charges.
- If the Title IX/SaVE Coordinator determines there is sufficient evidence to support reasonable cause and approve the charges, the Title IX/SaVE Coordinator and, if necessary, Human Resources staff, will mutually determine the need for additional, short term remedial actions for any parties involved in the complaint.

- In order to protect the complainant, at any time during the investigation, the University may recommend short term, or interim, protections or remedies. These remedial actions may include, but are not limited to, making the complainant aware of their rights, resources and support services, issuance of No Contact orders to separate or limit contact between the parties, modification of extracurricular, transportation, dining, working or living arrangements or course schedules, assignments or tests, increased monitoring, supervising, or security at applicable locations or activities, and/or interim suspension(s) pending investigation. These remedies or protections may apply in ground or online contexts.
- Efforts will be made to minimize the burden on the complainant. Failure to comply with these interim protections may be considered a separate violation of this Policy.
- The investigator(s) will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the complainant, the respondent, and any witnesses. As part of the investigation, the University will provide an opportunity for the parties to present statements, witnesses, and other evidence. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available including but not limited to law enforcement investigation documents and student or employee personnel files. The investigation is deemed to be adequate, reliable, impartial, prompt, balanced and fair, and all individuals will be treated with appropriate sensitivity and respect throughout the investigation.
- Any requests for updates on the status of the investigation prior to its completion should be directed to the Title IX/SaVE Coordinator.
- The investigator will make a finding and present the findings to the Title IX/SaVE Coordinator within forty-five (45) calendar days of the receipt of the complaint, barring documented unforeseen circumstances.
- The Title IX/SaVE Coordinator will communicate the results, if applicable, to Human Resources staff.
- At any time during this process, the individual maintains the right to simultaneously file a formal complaint with the Office of Civil Rights (OCR), United States Department of Education, Washington DC 20201, and/or a criminal complaint with local law enforcement.

Presentation of Investigation Findings to the Parties

- The Title IX/SaVE Coordinator or designee, or, if necessary, Human Resources staff, will simultaneously and in writing communicate the findings to the accused and the complainant within fifty (50) calendar days of the receipt of the complaint, barring documented unforeseen circumstances. This communication will inform the parties whether the preponderance of the evidence supports a finding against the accused for the alleged violation(s).
- The communicated findings will inform the parties as to 1) whether there is a finding of sexual harassment; 2) whether the interim measures will continue; 3) what actions will

be taken, including any disciplinary procedures that will be initiated; and 4) whether any assistance will be provided to the victim.

- Where the accused is found not responsible for a violation, the Title IX/SaVE Coordinator and Human Resources staff where applicable, will consider the reversal of any remedial actions taken.
- The accused or the complainant may appeal the findings in part or in whole; the Title IX/SaVE Coordinator or his/her designee will advise the parties of the criteria for appeal of the findings when communicating the findings.

Investigation Findings: Acceptance

- If the complainant and/or accused individual(s) accept the findings in whole, each shall notify the Title IX/SaVE Coordinator within three (3) business days of communication of findings. If the complainant and/or accused individual do not indicate his/her acceptance or Appeal of the findings within three (3) business days of communication, non-communication will be considered acceptance and the University will proceed accordingly with the process four (4) business days following communication of the investigation findings.
- The Title IX SaVE/Coordinator will review all case information and determine appropriate sanctions within eight (8) business days following notification of all findings to the complainant and accused individual, barring documented unforeseen circumstances. If the accused is an employee, the Title IX/SaVE Coordinator in coordination with the Human Resources staff will determine appropriate sanctions.
- The Title IX/SaVE Coordinator, or Human Resources staff (if applicable) shall, within two (2) business days, barring documented unforeseen circumstances, simultaneously and in writing inform the complainant and the accused of the sanction decision.
- Sanctions against student(s) determined by this process are subject to the Sanction Appeal Process by either the accused or complainant.

Investigation Findings Appeal

- If the complainant and/or the accused individual (s) disagree with the findings, in part or in totality, either the complainant or the accused may appeal the finding in part or in totality on the following bases:
- The accused and/or complainant wants consideration of new evidence, which was unavailable during the original investigation that could be outcome determinative. A summary of this new evidence and its potential impact must be included;
- The accused and/or complainant alleges that a material deviation from written procedures impacted the fairness of the process in a way that could be outcome determinative;
- The accused and/or complainant challenges the assertion that the evidence presented during the investigation process was sufficient to find them responsible by a preponderance of the evidence; or,

- The accused and/or complainant alleges bias by the investigator, or the Title IX/SaVE Coordinator which deprived the process of impartiality in a way that was outcome determinative.
- The accused and/or complainant have five (5) business days, barring documented unforeseen circumstances from the date of communication of findings, to present the formal appeal, in writing, to the Vice President, Academic Affairs of Ashford University, Dr. Laura Palmer-Noone.

The Vice President, Academic Affairs may be contacted as follows:

Email: Laura.PalmerNoone@ashford.edu

Mailing Address:

Dr. Laura Palmer-Noone

Vice President, Academic Affairs, Ashford University

8620 Spectrum Center Blvd, San Diego, CA 92123

Investigation Finding: Appeal Process

- Upon receipt of either party's appeal of the findings, the Vice President, Academic Affairs will acknowledge receipt of the notice within three (3) business days.
- The written appeal must state the basis for appeal and provide sufficient information that supports the grounds for appeal.
- The Vice President, Academic Affairs or her designee will review all cases presented for appeal within five (5) business days of the appeal, barring documented unforeseen circumstances, to determine if the presented grounds for appeal and supporting information will be accepted or rejected.
- If the appeal does not meet the stated grounds for appeal, the appeal will be rejected. The Vice President, Academic Affairs shall, within two (2) business days of the determination, barring documented unforeseen circumstances, simultaneously and in writing, inform the complainant and the accused the appeal decision.
- If the President determines there is sufficient evidence to support an appeal, the matter will return to the Office of Student Grievance Resolution for further investigation unless the appeal alleges bias of the investigator which deprived the process of impartiality in a way that was outcome determinative or an assertion that the evidence was insufficient to meet the preponderance of the evidence standard. In those cases, the appeal will remain with the President or her designee for review and final decision.
- Whether the investigation goes to the Office of Student Grievance Resolution or remains with the President or her designee, the appeal investigation will be completed within fourteen (14) calendar days of submission to the Vice President, Academic Affairs barring documented unforeseen circumstances that may extend the appeal review.
- The Vice President, Academic Affairs and if applicable in coordination with Human Resources, will communicate the appeal findings simultaneously and in writing to the complainant and the accused.

- Additionally, the Vice President, Academic Affairs will consult with the Title IX/SaVE Coordinator and Human Resources (when necessary) to consider the reversal of any remedial actions taken.

Additional Information for Sexual Misconduct/Harassment Investigations

Amnesty Policy. Ashford University encourages the reporting of crimes by victims and/or witnesses. Sometimes, victims and/or witnesses are hesitant to report to University officials because they fear that by reporting an incident he/she may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims and/or witnesses as possible choose to report to University officials. To encourage reporting, Ashford University pursues a policy of offering victims and/or witnesses of crimes immunity from policy violations related to the incident, as long as those policy violations are not directly related to the crime itself. For example, if a student reported a rape in which he or she was involved as an accused individual, he or she would not be immune from policy violations.

Attempted Violations. In most circumstances, Ashford University will treat attempts to commit Sexual Misconduct/Harassment as if those attempts had been completed.

False Reporting. Ashford University will not tolerate intentional false reporting of incidents.

Group Actions. When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group or individually, and may proceed against the group of jointly accused students, or individually, at the discretion of the University.

Right to Present Own Complaint or Use Proxy. The alleged victim has the right to present his or her own complaint if he or she wants to, or to ask the University to stand as complainant in his or her place.

Sexual History. Questioning or presenting of evidence about the complainant's prior sexual conduct with anyone other than the accused will be prohibited. Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of Sexual Misconduct/Harassment.

University as complainant. As necessary, Ashford University reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of Sexual Misconduct/Harassment.

Possible Sanctions and Protective Measures

- Any student found responsible for violating the policy on Sexual Misconduct/Harassment may receive a sanction ranging from a verbal warning,

probation, and suspension to expulsion/termination, depending on the severity of the incident, and taking into account any previous documented conduct issues. If the accused individual is an employee, sanctions will be determined by Title IX/SaVE Coordinator in consultation with Human Resources if applicable.

- In order to protect the complainant, at any time during the investigation, the University may recommend short term, or interim, protections or remedies. These remedial actions may include, but are not limited to, making the complainant aware of their rights, resources and support services, issuance of No Contact orders to separate or limit contact between the parties, modification of extracurricular, transportation, dining, working or living arrangements or course schedules, assignments or tests, increased monitoring, supervising, or security at applicable locations or activities, and/or interim suspension(s) pending investigation. These remedies or protections may apply in ground or online contexts.
- Efforts will be made to minimize the burden on the complainant. Failure to comply with these interim protections may be considered a separate violation of this policy.

Sanction Process

The Title IX/SaVE Coordinator will review all case information and determine appropriate sanctions within five (5) business days of notification of acceptance or determination on appeal barring documented unforeseen circumstances.

Sanction Appeal Process

- Where either party, the accused or the complainant, disagrees with the sanction(s), either has five (5) business days from the date sanctions are communicated, barring documented unforeseen circumstances to present an appeal of the sanctions, in writing, to the Vice President, Academic Affairs . The written request for appeal of the sanctions must state one or more of the five (5) basis for appeal (see the following), along with facts and information that support the grounds for appeal; and be accompanied by any relevant, new information or evidence that was not available during the investigation phase of the process. The Title IX/SaVE Coordinator will forward all case information to the Vice President, Academic Affairs or designee who will make a determination as to whether there is sufficient evidence to support an appeal of sanctions on the basis of:
 - The availability of new information, unavailable during the original investigation, that could be outcome determinative regarding sanctions;
 - A potential material deviation from written procedures which impacted the fairness of the process in a way that was outcome determinative regarding the sanctions;
 - The potential of bias by the Title IX/SaVE Coordinator which may have deprived the process of impartiality in a way that was outcome determinative.
 - A belief that a sanction(s) is substantially disproportionate to the severity of the offense.

- The sanction(s) appeal will be reviewed by the Vice President, Academic Affairs within five (5) business days of the sanction appeal notice, barring documented unforeseen circumstances, to determine whether there are sufficient grounds for appeal.
- If the appeal of the sanctions does not state a ground for appeal or sufficiently meet the grounds for appeal, the appeal will be rejected by the Vice President, Academic Affairs or designee and the decision to reject the appeal communicated to the Title IX/SaVE Coordinator and if applicable Human Resources.
- The Title IX/SaVE Coordinator and if applicable Human Resources, will simultaneously and in writing inform the complainant and the accused of the rejection of the appeal within seven (7) calendar days of the determination, barring documented unforeseen circumstances.
- The Title IX/SaVE Coordinator will impose all sanctions on the accused student for the violation. Human Resources in consultation with the Title IX/SaVE Coordinator will impose all sanctions on the accused employee. Once the sanctions are carried out, the case will be closed.
- If the Vice President, Academic Affairs determines there are grounds for the sanction appeal, the Vice President, Academic Affairs will review all information presented with the sanction appeal and make a final sanction determination within fourteen (14) calendar days of acceptance of the appeal of sanctions, barring documented circumstances that may extend the determination. The Vice President, Academic Affairs will forward the determination to the Title IX/SaVE Coordinator.

The Title IX/SaVE Coordinator and if applicable, Human Resources, will simultaneously and in writing inform the complainant and the accused of the appeal decision within seven (7) calendar days of the decision, barring documented unforeseen circumstances.

- The Title IX/SaVE Coordinator or designee, and if applicable, Human Resources, will impose all sanctions for the violation. Once the sanctions are carried out, the case will be closed.

Nondisclosure Agreements. The University will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of the proceeding.

Employee Handbook Procedures

Please refer to the “Employee Handbook Procedures” section outlined under Alcohol and Drug Policies and Procedures above.

Privacy of Student Records

The Family Educational Rights and Privacy Act of 1974

The U.S. Department of Education's Family Educational Rights and Privacy Act (FERPA) regulations afford students certain rights with respect to their education records. FERPA rights

begin upon the student's enrollment, which occurs when the student has been admitted to the University and attends any portion of a course. FERPA protected rights include the following:

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.
 - Students should submit written requests that identify the record(s) they wish to inspect to the University Registrar or the Associate University Registrar-Campus Services. The Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the Registrar's Office, the Registrar's Office will facilitate the student's access to the requested records.

2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
 - Students may ask the University to amend a record that they believe is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. They should write to the Registrar, clearly identifying the part of the record they want changed, and specifying why it should be changed.
 - If the University decides not to amend the record as requested by the student, the University Registrar will notify the student in writing of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
 - If, as a result of the hearing, Ashford University decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the student will be afforded the opportunity to place with the education record a statement commenting on the contested information in the record and/or a statement setting forth any reason for disagreeing with the decision of the hearing. The statement placed in the education record by the student will be maintained with the contested part of the record for as long as the record is maintained. When the related record is disclosed to an authorized party, the record will include the statement filed by the student.

3. The right to provide written consent prior to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
 - An exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her

professional responsibilities for the University. A school official may include any of the following:

- A person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff);
 - A person or company with whom the University has contracted (such as an attorney, auditor, or collection agent);
 - A person or organization acting as an official agent of the institution and performing a business function or service on behalf of the institution;
 - A person serving on the Board of Trustees; or
 - A student serving on an official committee, such as a disciplinary committee, or assisting another school official in performing his or her professional responsibilities.
- Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll, or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
 - The University may disclose education records without consent in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions for the aid.
 - The University may disclose education records without consent to parents in the following circumstances:
 - When a student is a dependent student as defined in Section 152 of the Internal Revenue Code of 1986;
 - When the student has violated any federal, state, or local law, or any rule or policy of Ashford University, governing the use or possession of alcohol or a controlled substance if Ashford University determines that the student has committed a disciplinary violation with respect to that use or possession, and the student is under the age of 21 at the time of the disclosure to the parent; or
 - The disclosure is in connection with a health or safety emergency.
 - The University may disclose education records without consent when the information is deemed necessary to protect the health or safety of the student or other individuals in an emergency.
 - The University may disclose education records without consent to comply with a judicial order or lawfully issued subpoena.
 - Directory information can be published and/or disclosed to outside organizations without a student's prior written consent. "Directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. If the student does not want Ashford University to disclose directory information from his or her education records without prior written consent, the student must notify the University Registrar in writing. A

request for nondisclosure of directory information is valid unless or until the student requests a change in writing. Ashford University has designated the following information as directory information:

- Student's name
- Participation in officially recognized activities and sports
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Degrees, honors, and awards received
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- The most recent educational agency or institution attended
- Enrollment status (e.g., undergraduate or graduate, full-time or part-time)
- Class rosters within the classroom
- The University may disclose education records without consent to authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or state and local educational authorities, such as a state postsecondary authority that is responsible for supervising the University's state-supported education programs.
 - Disclosures under this provision may be made in connection with an audit or evaluation of federal- or state-supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs. These entities may make further disclosures to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.
- The University may disclose education records without consent to accrediting organizations to carry out their accrediting functions.
- The University may disclose education records without consent to organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
- The outcome of a campus hearing is part of the education record of any student personally identified, and is protected from release under FERPA. However, Ashford University observes the following legal exceptions:
 - Complainants and accused in sexual misconduct and sexual harassment incidents have a right to be informed of the outcome and sanctions of the hearing, in writing, without condition or limitation, and to be kept apprised of the status of investigations;

- The University may release the final results of a disciplinary proceeding in which a student who is an alleged perpetrator of a crime of violence* or non-forcible sex offense, is found in violation of the University's Student Community Standards. The University may not disclose the name of any other student, including the victim or witness, without the prior written consent of the other student. The University will also release this information to the complainant in any of these offenses regardless of the outcome;
- In the event that the alleged victim is deceased as a result of the crime or offense, the notification will be made to next of kin (upon written request).

**A crime of violence includes arson, burglary, robbery, criminal homicide (manslaughter by negligence, murder, and non-negligent manslaughter), forcible sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction.*

The University may also disclose education records without consent under other exceptions authorized by FERPA.

4. The right to file a complaint with the US Department of Education concerning alleged failures by Ashford University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
 US Department of Education
 400 Maryland Avenue, SW
 Washington, DC 20202-5920

Sexual Assault Prevention Programs

Programs to promote the prevention and awareness of sexual violence, sexual assault, domestic and/or dating violence, stalking, sexual exploitation, and other sexual misconduct offences are provided in order to promote a safe living and learning environment. Campus sexual assault prevention programs included Residence Hall Orientation, guest presentations on prevention, awareness, and response, and the *Ashford Student Health 101* magazine, which provides regular features on sexual health and safety and which recently published a [Title IX Special Edition](#). [This publication is a compilation of](#) all of the educational content delivered during the course of the 2014-15 academic year on topics related to gender equity, sexual violence, and sexual health and was provided to all students in August, 2015.

Students attending the mandatory Residence Hall Orientation received the *University Sexual Misconduct Response Brochure* that details the University policy regarding sexual misconduct, contains resource information for victims, and provides information on the University process for responding to reports of sexual misconduct. Additionally, information on sexual assault and community resources were made available in the Office of Student Affairs, and additional information is provided on the [Community Safety page of the Ashford University website](#).

All students, faculty, and staff received notification of the University's Sexual Misconduct Process through the annual distribution of the Academic Catalog.

Information Regarding Sex Offenders

Iowa law requires sex offenders who reside, are employed, or attend school in Iowa to register with the county sheriff. The person must register within five business days of changing a residence, employment, or attendance as a student. (See Iowa Code § 692A.104) The Campus Sex Crimes Prevention Act requires institutions to inform members of the campus community of the means by which they can obtain information about registered sex offenders who may be present on campus. The campus community may find law enforcement agency information provided by the State of Iowa concerning registered sex offenders at www.iowasexoffender.com. Illinois registry information is available at <http://www.isp.state.il.us/sor/>. Questions regarding local sex offender registry can be directed to the Clinton County Sheriff's Office at 563.242.9211.

Under Iowa law, persons required to register as sex offenders are those convicted of a sex offense listed in Iowa Code section 692A.102, as well as individuals who are required to register as a sex offender in another jurisdiction under the other jurisdiction's sex offender registry.

Under Illinois law, persons required to register as sex offenders are persons who have been charged of an offense listed in Illinois Compiled Statutes 730 ILCS 150/2(B) when the charge results in one of the following:

- A conviction for the commission of the offense or attempt to commit the offense,
- A finding of not guilty by reason of insanity of committing the offense or attempting to commit the offense
- A finding not resulting in an acquittal at a hearing for the alleged commission or attempted commission of the offense.

Fire and Emergency Response and Evacuation Policies and Procedures

Emergency Evacuation Procedures

General Information about the emergency response and evacuation procedures for Ashford University were published in the Student Services, Health and Safety section of the 2015/2016 Academic Catalog. The procedures were outlined as follows:

Severe Weather

In the case of severe weather, listen for a warning siren and/or radio announcements. If appropriate, the SendWordNow system may be used to transmit a message regarding severe weather. The severe weather/tornado siren sounds a steady blast or tone for three minutes. When a severe weather/tornado warning occurs, be prepared to take cover in a designated

shelter area. Staff will assist students in moving to designated areas on campus. All students must move to the designated areas for the duration of the warning. Please note that it is everyone’s individual responsibility to be prepared and to educate themselves accordingly in the event of impending severe weather.

Staff will notify students when the “all clear” signal has been issued by the County Emergency Management. Students will then be allowed to leave the designated areas. Students are asked to cooperate with all directives given by University staff.

NEVER USE THE FIRE ALARM FOR NOTIFICATION OF SEVERE WEATHER.

In the case of severe weather, listen to local radio stations KROS, AM 1340; The Eagle, FM 94.7; or KCLN, AM 1390 or watch Quad-City area television stations WHBF, Channel 4; KWQC, Channel 6; or WQAD, Channel 8.

The University publishes an Emergency Reference Guide located on the [Emergency Assistance page](#) of the website, explaining its emergency and evacuation procedures.

SendWordNow Emergency Notification System

During a significant emergency or dangerous set of circumstances involving an immediate threat to the health or safety of students, faculty, or employees on campus, the institution will use without delay its SendWordNow System to inform members of the University community, as well as provide other notifications, such as telephone, or calls, building alarms, or both. Through the SendWordNow system, notifications are sent by email to any outside email address or by text message to a cell phone. The messages are initiated by a member of the University’s Leadership Team only when required for safety purposes. Students are automatically registered for the SendWordNow System, although information regarding opting out is available in the Student Affairs Office.

The Leadership Team is responsible for confirming if an emergency or dangerous situation exists, determining the level of emergency on campus, and whether circumstances warrant the use of the SendWordNow System. In this vein, the University will take into account the safety of the campus community and determine whether issuing a notification would (in their professional judgment) compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. If events warrant an emergency notification, it will develop the content of the communication, determine the appropriate segment or segments of the campus community to receive a notification, and initiate the use of the SendWordNow System. If necessary, notification will also be sent to the City of Clinton community through press releases, telephone calls, or both.

Contact Information to Report a Crime or Emergency	
Clinton Police Department	911 or 563.243.1458

Security Supervisor	563.468.3758
Associate Vice President, Student Affairs	563.249.5416
Associate University Registrar	563.249.9882
Associate Director of Safety & Security	858.345.0879, Online
Campus President	509.721.0128

Non-Fire Evacuations and Drills

Evacuating a Building (Non-Fire)

When the evacuation alarm (fire alarm) is sounded, Safety Officers will ensure that all occupants evacuate the building and/or areas of danger and facilitate the movement of those individuals requiring assistance.

After its Clinton residential campus teach-out announcement, Ashford University ceased offering on-campus housing effective May, 2016. Prior to that date, however, Residence Hall evacuation plans were maintained by the Office of Residence Life. Emergency evacuations were coordinated through the Residence Life Staff and the Campus Public Safety Office. Evacuation procedures provided a basic plan of action for all emergencies.

In teaching and other academic areas, the University posted evacuation plans on the floor of each building. Faculty announced where the plans are posted on the floor at the beginning of each semester to each class. When the alarm sounded, faculty and staff directed students to appropriate exits.

Students and office personnel reported to an Emergency Assembly Area located in the parking lot across the street from Durham Hall. The faculty member or staff supervisor was personally responsible for verification that everyone for whom they were responsible exited the building and safely arrived at the Emergency Assembly Area.

Persons with disabilities or requiring assistance with evacuation were consulted when considering options for safe and timely evacuation. Generally, stair landings and stairwells are the safest option for evacuation.

Tornado Awareness

Tornado awareness and response training was conducted in Clinton the week of March 9-13th, 2015, to make students, faculty, and staff aware of campus tornado shelter locations and to identify the types of audible alarms based on the tornado threat level.

Conducting Tornado Drills

Upon activation of the City of Clinton audible alarm, the institution directed faculty, staff, and students immediately to take shelter in the designated tornado shelter areas of the University. The Campus Public Safety Office monitored the weather and immediately advised when it was safe to leave the shelter. Upon the notification of the end of the drill, each area was checked

for injured students, faculty, staff, and visitors. Upon completion, the institution conducted a sweep of all facilities to check for damage.

The Clinton County Emergency Management Office and the Iowa Area Manager of the National Weather Service conducted an unannounced drill for all campus facilities on Thursday, March 26, 2015, at 10:00 a.m. The drill was terminated at 10:30 AM.

Post Drill

The staff members at the Clinton campus documented any violations and conducted a debriefing of the drill.

Fire Safety Report

After its Clinton residential campus teach-out announcement, Ashford University ceased offering on-campus housing effective May, 2016. Prior to that date, the University adhered to the following fire safety policies and procedures.

Fire Safety Awareness Program and Staff Training

At the beginning of each academic year, the Clinton Fire Marshall visited the Director of Public Safety and Security of Ashford University discuss fire safety with resident students, including fire prevention measures and evacuation procedures. Fire safety and severe weather evacuation procedures were reviewed at the annual Residence Hall meeting at the beginning of the 2015-2016 academic year. Resident Assistants also reviewed the information with their floor residents at their individual floor meetings.

Fire safety education was provided to Faculty and staff via a web-based presentation. The Associate Director of Safety & Security prepared, as needed, annual reports detailing any recommendations for improvement in fire safety.

Testing Emergency Response and Evacuation Procedures

Unannounced drills were conducted by the Director of Security in each campus residence hall in the spring of 2015. Drills were also conducted for the entire campus in the spring. The drills were conducted in order for the community to practice safe evacuation procedures. The SendWordNow emergency notification system was used and tested as a component of these drills.

For each test, the Associate Director of Safety & Security documented a description of the exercise, the date, the time, and whether the test was announced or unannounced.

Conducting Fire Drills

The fire alarm was activated to begin the evacuation; once the evacuation was complete, the building was checked by staff to ensure that everyone has evacuated the building. Once the all

clear was given, the then Campus Director of Security & Safety will issue a message giving the all clear. Timed evacuations were noted and responsibilities reviewed.

During 2015, two unannounced fire drills were conducted in addition to a tornado drill. The team determined that the time in which the evacuations took place was satisfactory. Everyone evacuated as required, and a review of actions with staff was completed.

On March 19th, 2015 at 3:00 pm, an unannounced fire drill was conducted at all University residential and non-residential facilities. The drill was terminated at 3:30 pm.

A second unannounced fire drill was conducted on October 15, 2015, at 10:30 am in all University residential and non-residential facilities. The drill was terminated at 11:00 am.

Post Drill

After each drill, Campus Public Safety, Facilities Operations, and various staff members on site documented the timing of the evacuations and conduct a debriefing of the drill.

Fire Alarms

Fire alarm boxes were located on every floor and were tested on an annual basis. Fire alarm boxes were directly connected to the Clinton County Law Enforcement Center. A fire could be reported by pulling the lever on any of these boxes. If a fire was suspected, University policy directed a student, faculty, or staff member immediately to sound the building alarm, leave by the nearest exit, notify the Campus Public Safety Office at 563.242.2752, and provide it with as much information as possible.

Regis Residence Hall

Smoke Detectors

Every room and common area in Regis Hall had photo-electric smoke and heat detectors that were connected to a heat-activated alarm system.

Fire Alarm/Sprinkler System

Regis Hall was equipped with an Intelliknight 5820XL Addressable Fire Alarm Panel and Silent Knight. This advanced heat-activated alarm system monitored the sprinkler system of the building and controlled water flow, temper switches, and pump-run functions.

Fire Extinguishers

Fire extinguishers were located on every floor in Regis Hall. Extinguishers are tested annually.

Durham Residence Hall

Smoke Detectors

Every room and common area in Durham had photo-electric smoke and heat detectors that

were connected to a heat-activated alarm system.

Fire Alarm/Sprinkler System

Durham Hall was equipped with an Intelliknight 5820XL Addressable Fire Alarm Panel and Silent Knight. This advanced heat-activated alarm system monitored the sprinkler system of the building and controlled water flow, temper switches, and pump-run functions.

Fire Extinguishers

Fire extinguishers were located on every floor in Durham Hall. Extinguishers were tested annually.

BW Residence Hall

The BW Residence hall was a non-campus housing facility.

Smoke Detectors

Every hallway and common area in the BW have a photo-electric smoke and heat detector that was connected to a heat-activated alarm system.

Fire Alarm/Sprinkler System

The BW was equipped with Honeywell SK-5208 Alarm Control Communication. This heat-activated system monitored the public and common areas.

False Alarms

University policy declared that turning on a false fire alarm was both dangerous and illegal. A significant fine has also assessed for the misuses of fire extinguishers, activating alarms on emergency exit doors, or both.

Notification of Fire

In the event of a fire, the pertinent campus community required evacuation (if possible), pulled the fire alarm, and ensured that the then Campus Director of Security & Safety and the Director of Student Affairs were immediately notified. The Campus Director of Security & Safety documented all fire-related incidences in the fire log within two business days of the report of the incident to the local fire department.

Contact Information to Report a Crime or Emergency Prior to May, 2016	
Clinton Police Department	911 or 563.243.1458
Campus Public Safety Office	563.242.2752, Campus Room C1240
Director of Student Affairs	858.610.7060, Online
Associate University Registrar	563.249.9882, Iowa Online Center
Associate Director of Safety & Security	858.345.0879, Online
Campus President	563.242.4023Ext. 27101

Items Allowed and Not Allowed in the Residence Facilities

For a comprehensive list of the items prohibited by the University in the resident rooms,

students were referred to page 21 in the [Residence Hall guidebook](#) or informed to contact the Office of Residence Life at 563.242.4023, x 27150. Items specific to fire safety that were prohibited are:

- Hot plates/Toasters/Ovens
- Heating elements of any kind, including sunlamps and halogen lamps
- Candles/Incense/Candle Warmers
- Extension cords (power strips with breaker switches/surge protectors, built-in are acceptable for use with computer and stereo equipment)
- Deep fat-frying machines (submerging food in oil to cook is prohibited)

The University complied with the Iowa Smoke-free Air Act. Smoking was prohibited on campus and in the BW Residence Hall.

Evacuating a Building during a Fire

The University provided the following guidance to the members of the campus community about procedures for evacuating a building during a fire:

When an alarm sounds, individuals should keep low to the floor if there is smoke in the room and to feel the door or doorknob before opening any doors. If either is hot, do not open the door. If no heat is felt, open the door slightly to check for heat or heavy smoke. If heat or heavy smoke is present outside the room, close the door and stay in the room until help arrives.

If you are unable to leave the room, seal up the cracks around the door using wet clothing, sheets, and the like. Hang an object out the window, such as a jacket, shirt, or sheet to attract attention. If a phone is available, call Campus Security at 563.242. 2752 and inform them of your location.

If you are unable to leave the room, seal up the cracks around the door using wet clothing, sheets, and the like. Hang an object out the window, such as a jacket, shirt, or sheet to attract attention. If a phone is available, call Campus Security at 563.242. 2752 and inform them of your location.

If you try to escape through a smoke-filled room or corridor, move quickly in a crouched position. Cover your head and body with something that can be easily discarded should it catch on fire (preferably wet) and breathe through a wet cloth, taking short breaths through your nose.

After evacuating the building, stand clear; emergency equipment will need to maneuver around the buildings. Stay away from main entrances.

Follow all directions given by fire and police personnel, Campus Security staff, or Residence Life

staff.

Even if an alarm has been turned off, you should not return to the building until authorized to do so by a Fire Department official. Never re-enter a burning building.

The University prepared an extensive guide relating to emergency evacuation procedures. The Emergency Reference Guide contains information on campus emergency contacts, as well as procedures for medical emergencies, bomb threats, violent crime, fire, evacuations, and weather emergencies and can be found on the [Emergency Assistance page](#) of the University website.

Fire Log

The University maintained a fire log documenting any fire that occurred in an on-campus student housing facility. The log included the nature, date, time, and general location of the fire. The log was available to the public during normal business hours. Any portion of the log older than 60 days was to be made available within two business days of a request for public inspection.

Missing Student Notification

After its Clinton residential campus teach-out announcement, Ashford University ceased offering on-campus housing effective May, 2016. Prior to that date, the University adhered to the following missing student policies and procedures.

When it offered on-campus housing, the University developed a missing student notification policy for students who resided in on-campus housing. Each student who resided in on-campus housing had the option to identify and register a confidential contact with Student Affairs. Only Student Affairs and local law enforcement had access to the confidential contact information and only for the purpose of a missing student investigation). This confidential contact would have been notified by Student Affairs no later than 24 hours after the time that the student was determined missing in accordance with the following notification procedures.

Contact Information for the Office of Student Affairs to Register a Confidential Contact

Director of Student Affairs	563.242.4023 x27152, Rm F2132
Associate Director of Campus Student Affairs	563.242.4023 x27154, Rm F2130

If the missing student was under 18 years of age and was not an emancipated individual, the University was required to notify a custodial parent or guardian, as well as any confidential contact, no later than 24 hours after the time that the student was determined missing.

No later than 24 hours after the time the student was determined missing, the University Campus Security Office was required to notify the local law enforcement agency and to have

provided the confidential contact information to local law enforcement at that time.

Notification Procedures

Any member of the University community with knowledge of a missing student who has been missing for 24 hours must immediately contact Student Affairs, which was required to immediately refer the report to the Campus Security Office. If, upon investigation of the official report, the Campus Security Office determined that that student has been missing for more than 24 hours, the Office was required to contact the individual's confidential contact registered with the Student Affairs, and, if the student was under the age of 18, the student's custodial parent or guardian via telephone within 24 hours.

Regardless of whether the student had identified a contact person, was above the age of 18, or was an emancipated minor, the Office of Campus Security was required to inform the local law enforcement agency within 24 hours of a student determined to be missing.

Annual Disclosure of Crime Statistics

Federal law requires all institutions of higher education to collect and maintain statistics concerning specific crimes and to report these statistics annually to students and employees, and prospective students and employees. We report Clinton campus crime statistics to all Ashford students, including those enrolled in distance education courses and programs.

The University gathers statistics concerning the occurrence of certain offenses on the Clinton campus, in or on our off campus housing facilities (prior to ceasing to offer housing after May, 2016), in or on non-campus buildings or property, and on public property.

The University prepared this report in cooperation with the Clinton Police Department and the Clinton campus staff. Other offices at the Main Campus of Ashford University—Safety & Security and Student Affairs—also assisted in the preparation of this Report.

Campus crime, arrest, and referral statistics include those reported to the Campus Public Safety Office, designated campus officials (including but not limited to the Director of Student Affairs, the Associate Director of Campus Student Affairs, the Campus Registrar, the Campus Director of Security & Safety, other directors, deans, department heads, designated residential life staff, faculty advisors and athletic coaches), and local law enforcement agencies. If you should have questions about any of the information provided in this Report, please contact the Campus President located in Clinton, Iowa, Charlie Minnick, at 509.721.0128, and the Associate Director of Safety & Security located at the Main Campus, Sean Mullen, at 858.345.0879.

Criminal Offenses	Year	On- Campus (Incl. Res. Halls)	Residence Halls* (Excl. BW Res. Hall)	Non- Campus (BW Res. Hall)	Public Property**	Total*
Robbery						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Aggravated Assault						
	2013	2	1	0	0	2
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Burglary						
	2013	2	0	2	0	4
	2014	1	0	0	0	1
	2015	2	2	0	0	2
Motor Vehicle Theft						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Arson						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Criminal Homicide: Murder/Non- Negligent						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Criminal Homicide: Negligent						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0

Criminal Offenses	Year	On- Campus (Incl. Res. Halls)	Residence Halls* (Excl. BW Res. Hall)	Non- Campus (BW Res. Hall)	Public Property**	Total*
Sex Offenses Forcible						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Sex Offenses Non-Forcible						
	2013	0	0	0	0	0
	2014	1	1	0	0	1
	2015	0	0	0	0	0
Domestic Violence						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	1	0	0	1	2
Dating Violence						
	2013	0	0	1	0	1
	2014	0	0	0	0	0
	2015	1	1	0	0	2
Stalking						
	2013	1	1	0	0	1
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Hate Crimes^	Year	On-Campus (Incl. Res. Halls)	Residence Halls* (Excl. BW Res. Hall)	Non- Campus (BW Res. Hall)	Public Property**	Total*
Robbery						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Aggravated Assault						

	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Burglary						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Motor Vehicle Theft						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Arson						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Larceny/Theft						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Simple Assault						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Hate Crimes^	Year	On-Campus (Incl. Res. Halls)	Residence Halls* (Excl. BW Res. Hall)	Non- Campus (BW Res. Hall)	Public Property**	Total*
Destruction Damage Vandalism of Property						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Any Crime involving bodily injury						
	2013	0	0	0	0	0
	2014	0	0	0	0	0

	2015	0	0	0	0	0
Intimidation						
	2013	3 (bias of gender)	2 (bias of gender)	0	0	3
	2014	1 (bias of race)	1 (bias of race)	0	0	1
	2015	0	0	0	0	0
Criminal Homicide: Murder/Non-Negligent Manslaughter						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Sex Offenses Forcible						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Sex Offenses Non Forcible						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0

Arrest/Persons Referred for Campus Disciplinary Action	Year	On-Campus (Including Residence Halls)	Residence Halls* (Excluding BW Residence Hall)	Non-Campus (BW Residence Hall)	Public Property**	Total*
Liquor Law Violations: Arrest						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0

Liquor Law Violations: Disciplinary Actions						
	2013	2	2	10	0	12
	2014	0	0	13	0	13
	2015	3	3	0	0	3
Drug Law Violations: Arrests						
	2013	0	0	0	0	0
	2014	5	5	3	0	8
	2015	0	0	0	0	0
Drug Law Violations: Disciplinary						
	2013	1	1	1	0	2
	2014	5	5	3	0	8
	2015	6	6	0	0	6
Illegal Weapons Possessions: Arrests						
	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Illegal Weapons Possessions: Disciplinary Actions						
	2013	0	0	1	0	1
	2014	0	0	0	0	0
	2015	0	0	0	0	0

Fire Report/ Statistics	Year	Total Fires in each building	Fire number	Cause of fire	Number of persons who received fire related injuries resulting in treatment at a medical facility	Deaths due to fire	Value of Property Damage due to Fire
Durham	2013	0	N/A	N/A	0	0	0
	2014	0	N/A	N/A	0	0	0
	2015	0	N/A	N/A	0	0	0
Regis	2013	0	N/A	N/A	0	0	0
	2014	0	N/A	N/A	0	0	0

	2015	0	N/A	N/A	0	0	0
BW	2013	0	N/A	N/A	0	0	0
	2014	0	N/A	N/A	0	0	0
	2015	0	N/A	N/A	0	0	0

*Residence Halls: Statistics reported in the Durham and Regis Residence Halls column are included in the On-Campus column. Statistics reflecting actions at the BW Residence Hall are included in the Non-Campus Property (BW Residence Hall) column. The “total” is the sum of the columns labeled “On-Campus” + “Non-Campus Property (BW Residence Hall)” + “public property.” Ashford University ceased offering on-campus housing to students after May 2016.

**Public Property includes all public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus or immediately adjacent to and accessible from the campus.

^Hate Crimes: These include any crimes reported to local police agencies or to a campus security authority that manifest evidence that the victim was intentionally selected because of the victim’s actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability and refers to the following crimes: criminal homicide (murder and non-negligent manslaughter), sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property and any other crime involving bodily injury.