

AMERICAN UNIVERSITY

Annual Security Report

September 26, 2017

American University
Department of Public Safety
4400 Massachusetts Avenue NW
Washington, DC 20016



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POLICY ON REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS

The safety of our community is of great concern to American University. Many departments and employees are dedicated to making the University a safer place to live and work. A safe environment depends on the cooperation and involvement of individuals like you. We encourage all members of the American University community to use this report as a guide for safe practices on and off campus.

To comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the American University Department of Public Safety prepares this report and works with several university offices and public agencies— such as the Office of the Dean of Students, Housing and Residence Life, Student Conduct and Conflict Resolution Services, and the Metropolitan Police Department of the District of Columbia (MPD)—to gather the information herein. Each entity provides updated data on its educational efforts and programs. Campus crime, arrest, and referral statistics include those reported to the American University Department of Public Safety, designated campus offices (including but not limited to directors, deans, department heads, designated resident life staff, student conduct staff, advisors to students and student organizations, and athletic administrators), and local law enforcement agencies.

The University also has an anonymous reporting system¹ through which crimes are reported to officials at the Counseling Center, the Wellness Center, the Title IX Office, Student Health Center, Kay Spiritual Life Center, and the Faculty and Staff Assistance Program. Incidents which are reported through this system do not contain personally identifiable information and are solely used to meet the dissemination requirements of the Clery Act (i.e. dissemination through the daily crime log, compilation in the annual crime statistics for this document and issuance of a timely warning when applicable.)

It contains specific information on safety and security, crime prevention, patrol operations and breadth of authority, policies relating to reporting crime, campus disciplinary procedures, and crime statistics for the three previous calendar years. These statistics reflect reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by American University, and on public property that is immediately adjacent to and accessible from the campus.

This publication is posted on American University's website by October 1 each year. We notify all students, staff, and faculty of the website via email and informational postings within the campus. You can obtain this report online at www.american.edu/finance/publicsafety/asr.cfm

All current or prospective faculty, staff, and students can obtain a paper copy by calling 202-885-2537, emailing clerycompliance@american.edu, visiting the Department of Public Safety on campus, or writing to:

ANNUAL SECURITY REPORT REQUEST

Department of Public Safety
American University
4400 Massachusetts Avenue NW Washington, DC 20016-8068

Additional information about security, crime prevention programs, and crime statistics is available by contacting the Department of Public Safety at 202-885-2527.

¹ As of June 2016, based on guidance from the Department of Education regarding compliance with the Clery Act, the designated Title IX Program Officer and the victim advocates in the Office of Advocacy Services for Interpersonal and Sexual Violence (OASIS) are considered Campus Security Authorities (CSAs). In this capacity, the incumbents of both positions are required to collect anonymous, non-identifying information for crimes occurring on Clery reportable geography. This information will be included in annual statistical compilations, included in the daily crime log and evaluated for timely warning and/or emergency notification consideration.



GREETINGS!

American University is a community of more than 15,000 students, faculty, and staff who work, live, and study within our community. The annual report is written to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) passed by Congress.

These reports are provided on an annual basis on October 1 each year. Since the last report, the American University Department of Public Safety (AU DPS) has made significant improvements in the safety and security services we provide to the AU community. We are very excited about these enhancements, and we hope that once you read about them in this report, our excitement will be contagious.

During this last year, AU DPS:

- Increased the overall number of sworn officers in our department.
- Continued to implement physical security standards to ensure uniformity among university facilities.

It is our hope that these innovations and improvements will have the desired effect of enhancing safety and security services on campus. We will certainly continue to partner, solve problems, and share information about upcoming police and community events, as well as crime trends and alerts, to maintain a high level of preparedness. We are certain that after reading this document, you will be impressed with the myriad safety and security services provided to the campus community. Please join us in these efforts in maintaining a safe community by reading this report and referring to it often.

Thank you and stay informed.

Philip D. Morse
Assistant Vice President of University Police & Emergency Management
Department of Public Safety
American University

AMERICAN UNIVERSITY DEPARTMENT OF PUBLIC SAFETY

The American University Department of Public Safety (AU DPS) has primary responsibility for law enforcement and the security of American University (AU). Our mission is to create and maintain a safe and secure environment by protecting lives, securing property, and preserving peace and order. AU DPS is managed by the Assistant Vice President of University Police and Emergency Management, who serves as the Chief of Police. The staff consists of professional and trained campus police officers, police dispatchers, and others team members dedicated to maintaining a safe environment for all members of the AU community.

When appropriate, AU DPS presents findings from investigations into reported incidents to the U.S. Attorney's Office for the District of Columbia for prosecution. Incidents may also be presented by Department officials to Student Conduct and Conflict Resolution Services for action, or to both the U.S. Attorney's Office and Student Conduct and Conflict Resolution Services.

POLICE AUTHORITY AND JURISDICTION

Per Title 6-A12 of the District of Columbia Municipal Regulations (DCMR); and § 23-582 of the District of Columbia Official Code, American University Public Safety officers are commissioned law enforcement officers of the District of Columbia and have full investigative and arrest authority on property owned or controlled by the University. As commissioned officers, Public Safety officers are sworn to enforce District of Columbia criminal code. Furthermore, the officers are obligated as officials of AU to enforce university rules and regulations, where it does not conflict with federal, state, and local laws.

Public Safety officers are permitted to stop individuals suspected of criminal activity and to request their name, address, business, and destination. Anyone failing to answer these questions to the satisfaction of the officers may be detained for further investigation. Resistance to detention may result in a more serious charge. Officers must be mindful of their safety while

AMERICAN UNIVERSITY DEPARTMENT OF PUBLIC SAFETY

OPEN ALL DAY, EVERY DAY

EMERGENCY CALLS

202-885-3636

NON-EMERGENCY CALLS

202-885-2527

When on Main or Tenley Campus, dial 202-885-3636 instead of 911 because emergency services, such as fire and ambulance, can respond more effectively with the assistance of AU DPS.

OFFICE LOCATION

Don Myers Technology and Innovation Building
Terrace Level

MAILING ADDRESS

Public Safety
4400 Massachusetts Avenue NW
Washington, DC 20016-8068

performing their duties. For this reason—and based on articulable suspicion of a potential threat—the law permits officers to search a person who has been detained to ensure that he or she does not possess a weapon. All Public Safety officers are required to identify persons they suspect of being perpetrators of, or witnesses to, a crime.

PUBLIC SAFETY OFFICER TRAINING

Public Safety officers attend a 10-week Campus University Police Institute program sponsored by the Consortium of Universities of the Washington Metropolitan Area. This comprehensive program provides valuable training in all aspects of university policing including District of Columbia Official Code, Constitutional Law and Criminal Procedure, Diplomatic Immunity, Preliminary Criminal Investigations, and Narcotics Identification. Officers transferring from other law enforcement agencies may forgo attending the academy and instead complete course work on District of Columbia Official Code, if they can produce official documentation that they successfully completed a municipal academy with their previous agency.

POLICE OPERATIONS DIVISION

The Police Operations Division is managed by a captain and lieutenant and is responsible for the patrol and communications functions of the department. Public Safety officers patrol university facilities, including academic and administration buildings, parking lots, athletic fields and grounds by vehicle, foot and bicycle. Officers check in at residence hall front desks but do not routinely patrol the interior of residential buildings unless requested to do so.

Public Safety officers respond to all reports of crime, fire, medical, and other emergencies and coordinate with the District of Columbia fire and police departments and with federal agencies.

Through the Officer Liaison Program, officers are assigned to Housing areas to collaborate with Housing Staff to provide education and safety programs for resident students. They provide safety escorts for individuals on campus upon special request. The Police Operations Division has specially trained officers who respond to incidents involving persons in crisis.

The Police Communications Center is staffed by trained university police dispatchers who operate the Department's 24-hour Emergency Dispatch Service. They dispatch Public Safety officers and other personnel to all incidents and calls for service and they monitor the university's camera systems.

PHYSICAL SECURITY DIVISION

The Physical Security unit is responsible for preventing unauthorized access to university facilities. It maintains the security and intrusion alarm systems, closed-circuit television systems, keys, and access-card control. The Assistant Director of Physical Security works closely with Facilities Management and other units on campus to identify and promptly repair any malfunctioning security devices. Unit personnel conduct periodic audits to assess physical security requirements and future expansion.

CRIMINAL INVESTIGATIONS DIVISION

Public Safety officers conduct preliminary investigations of reported crimes. Additional investigative efforts are managed through the



Criminal Investigations Division (CID). The CID coordinates investigations of serious campus crimes with the MPD. When appropriate, members of the CID present investigation results to the U.S. Attorney's Office for the District of Columbia for prosecution. Incidents may also be presented by Department officials to Student Conduct and Conflict Resolution Services for action, or to both the U.S. Attorney's Office and Student Conduct and Conflict Resolution Services. The CID also assists the University with conducting threat assessments of individuals who may pose harm to themselves or other members of the University community.

RELATIONSHIP WITH LOCAL LAW ENFORCEMENT AGENCIES

AU is located in upper northwest Washington, DC, in the Second District of the Metropolitan Police Department of the District of Columbia (MPD). The Second District's headquarters is located approximately one and one-half miles from campus. The American University Department of Public Safety maintains a close working relationship with the Washington Metropolitan Police Department (MPD) and communicates items of mutual concern when applicable. MPD dispatches officers when requested by the American University Department of Public Safety or by a victim. MPD works with Public Safety officers on complex or specialized cases. MPD officers meet with campus law enforcement directors to discuss mutual concerns, coordinate programs, and exchange information. The American University Department of Public Safety does not currently have a Memorandum of Understanding with MPD.

OFF-CAMPUS CRIMINAL ACTIVITY

The American University Department of Public Safety does not provide law enforcement service for off-campus activity involving students, because AU does not have any officially recognized student organizations with off-campus locations. All off-campus criminal activity that occurs within the District of Columbia is handled through MPD or the appropriate federal law enforcement agency. AU police officers may respond to off-campus locations at the request of MPD for enforcing the Student Conduct Code. AU, through the Office of the Dean of Students or Student Conduct and Conflict Resolution Services, may take disciplinary action for off-campus infractions of the code when a student's behavior threatens or endangers the safety and well-being of the campus community; when a student is the subject of a violation of local, state, or federal law; or when, in the judgment of university officials, a student's alleged misconduct has a negative effect on the university's pursuit of its mission or on the well-being of the greater community. AU's Police Department coordinates with MPD to receive follow-up reports on activities involving students.

CRIME PREVENTION AND CAMPUS SAFETY AWARENESS PROGRAMS

American University develops and monitors procedures and programs to promote safety, security, and crime prevention. A common theme of all safety awareness programs is to encourage community members be aware of their responsibility for their own security and the security of others.

While it is the responsibility of each member of AU DPS to promote crime prevention throughout the university community, the crime prevention coordinator is specifically responsible for, but not limited to, conducting programs, answering questions about safety and security, responding to inquiries about AU DPS's role on campus, and encouraging community members to become actively safety-conscious. To help community members protect themselves and their property, this unit develops and makes available to the university community a variety of educational programs and materials.

EDUCATIONAL PROGRAMS

AU DPS presents customized crime prevention programs to community members, groups and events upon request, such as residence halls and new student orientation. These programs address specific needs of the audience and focus on identifying safety risks, avoiding unsafe situations, and using AU DPS services. These sessions can be arranged by emailing the Police Department at dps@american.edu or calling the Crime Prevention Unit at 202-885-2563.

The Wellness Center and the Office of Campus Life may offer related programs on acquaintance rape, alcohol, and relationships.

SELF-DEFENSE TRAINING

Self-defense training classes are offered every fall and spring semester to all members of our community. These classes are taught by AU DPS employees. Course schedules and registration are available at: www.american.edu/publicsafety/

SERVICES AND OTHER PROGRAMS

Safety Escort Service

AU DPS provides escorts, whether on foot or vehicle, to any member of the community who feels unsafe. These escorts are only from university property to university property. Safety escorts may be arranged by calling 202-885-2527 or using an emergency telephone.

Safe Ride Back to Campus

If students find themselves stranded in DC for any reason, they can call a cab and have it take them to AU DPS (Don Myers Building, Terrace Level). The student should notify AU DPS that they are on their way by calling 202-885-2527. AU DPS will pay for the cab and place the charge on the student's account, ensuring that even without money or a ride, students can always return safely to campus. This service can be utilized within a 10-mile radius of the main campus.

Other Education and Counseling Programs

Educational programs and counseling options are available to students and employees at AU. The Wellness Center (202-885-3276) and the Department of Human Resources (202-885-2591) sponsor a wide variety of substance abuse education programs. The Counseling Center and Human Resources have counseling options available for individuals and groups.

CRIME PREVENTION TIPS

AU DPS provides the following information to community members:

General Safety Tips

- Program AU DPS's emergency number 202-885-3636 into your cell phone.
- Be aware of your surroundings.
- Travel in groups at night whenever possible, especially when walking.
- Use lighted walkways and thoroughfares, even if it means going out of your way.
- Walk briskly, with your head up, and with assurance. Do not walk in brush-covered areas or against buildings.
- Do not wear dangling jewelry when traveling into the city. Keep purses, backpacks, and money belts close to the body, and do not leave them unattended.

- Do not struggle if someone attempts to take your property.

In the Residence Halls

- Attend crime prevention seminars held in the residence halls. AU DPS and Housing and Residence Life sponsor seminars on a variety of subjects that could help students avoid becoming victims of crime.
- Always lock your room's door, whether the room is occupied or not, and while you are sleeping. Many victims of burglaries have been out of their rooms for only minutes or were down the hall a short distance from their rooms when the burglaries occurred.
- Report doors that are propped open—they increase vulnerability to crime. If you find an interior or exterior residence hall door propped open, call a resident assistant and close the door.
- Lock cash, credit cards, jewelry, and other valuables in a drawer or trunk. Take these valuables with you during school breaks. Be careful not to leave clothing and other property unattended in lounges or laundry rooms.

Safety When Coming and Going

- Lock your bicycle with a high-security U-lock. Cable locks are susceptible to being cut.
- Park your vehicle in a well-lit and populated area. If this is impossible, scan the area before getting into or out of your vehicle. Know your surroundings!
- Get into your vehicle briskly, quickly, and confidently .
- Avoid becoming too absorbed with the task at hand, such as keeping your head down at the key lock or occupying yourself with bags, books, or keys. Stay alert to avoid becoming a target for crime.
- Keep keys in hand to avoid unnecessary delay upon reaching your car.
- Always plan ahead.
- Whenever possible, travel by way of the university shuttle, which travels to the Tenleytown Metro station, the Washington College of Law and the Spring Valley Building.

Reporting Suspicious Activity or Persons

Report suspicious incidents, activities, or persons immediately to residence hall staff and to AU DPS

at 202-885-3636. Instant crime reporting or reporting suspicious behavior as soon as possible is critical in reducing campus crime and in assisting AU DPS in its efforts to promote campus safety. Never hesitate to contact AU DPS with any suspicion regarding your own or someone else's safety. AU DPS encourages accurate and prompt reporting of all crimes to our department and/or off-campus law enforcement entities (911) when the victim of a crime elects to or is unable (physically or mentally) to make such a report. We strongly urge you to program your cell phone with AU DPS's emergency number: 202-885-3636.

AVAILABLE CRIME INFORMATION

Crime Prevention Boards

AU DPS posts crime prevention tips, and similar information on crime prevention boards. At various campus events throughout the year, we display information regarding AU DPS services and crime prevention programs. Crime prevention boards are located at:

- Mary Graydon Center First Floor, next to elevators
- In the Tunnel entrance to the Mary Graydon Center, next to the elevators
- Butler Ticket Office
- Bender Library, ground floor under the stairs
- McDowell Hall, behind the front desk
- Leonard Hall, behind the front desk
- Hurst Hall, next to Room #101

Timely Warnings—Crime Alerts

Crime Alerts are AU's method of providing timely warnings to the campus community. Issued at the direction of the Assistant Vice President of University Police and Emergency Management, Crime Alerts inform the campus community of crimes the university considers representing a serious or continuing threat to students and employees. In evaluating what constitutes a serious or continuing threat, the Assistant Vice President of University Police and Emergency Management will consider factors including, but not limited to, crime type, location, likelihood of reoccurrence, and time of initial reporting to AU DPS. Once it is determined that there is a serious or continuing threat, AU DPS will draft and distribute Crime Alerts. Crime Alerts issued by AU DPS will contain

information about the reported crime, location, dates of occurrence, suspect description(s) if applicable, AU DPS's contact information, confidential reporting options, location of the Crime Alert online, and safety tips. To protect the identity of a victim, certain information may be redacted or generalized. Redaction of specific information from a Crime Alert may also be done if release of the information would compromise the investigation of law enforcement. All redaction of information is done at the discretion of the Assistant Vice President of University Police and Emergency Management or his/her designee.

These alerts are generated by crimes reported to AU DPS, local law enforcement agencies, or campus security authorities (e.g., deans of academic units, directors and department heads of administrative units). When provided in a timely manner, Crime Alerts aid in the prevention of similar occurrences. The alerts will be posted on the AU DPS website at: www.american.edu/finance/publicsafety/crimealerts.cfm

Crime alerts may be posted on bulletin boards throughout the university (e.g., in residence halls and in heavily trafficked buildings, such as Bender Library and Mary Graydon Center). AU DPS may also issue these alerts to community coordinators at off-campus housing controlled by AU and to the security desk of the Washington College of Law. Alerts may also be sent to the campus community via email or text.

Timely Warnings, Safety Advisories and Emergency Notifications are governed by the University Policy on Clery Timely Warning Notices, Safety Advisories and Emergency Notifications, included in the Appendix.

When printed and distributed via hardcopy, Crime Alerts will be posted at the following locations, in addition to residence halls:

- Mary Graydon Center Information Desk
- Washington College of Law Security Desk
- Non-Campus offices (4401 Connecticut Avenue, 3201 New Mexico Ave)
- Asbury, next to AU Central
- Mary Graydon Center First Floor, next to elevators

- In the Tunnel entrance to the Mary Graydon Center, next to the elevators
- Butler Ticket Office
- Bender Library, ground floor under the stairs
- McDowell Hall, behind the front desk
- Leonard Hall, behind the front desk
- Hurst Hall, next to Room #101
- AU DPS Front Desk

Anyone with information warranting a Crime Alert should report the circumstances to AU DPS by phone (202-885-3636), from any on-campus telephone (x3636), or in person at AU DPS headquarters.



Daily Crime Log

AU DPS maintains a daily crime log, which is written in an easily understood format and describes the nature of the crime, date the crime was reported, date and time the crime occurred, general location of the crime, and disposition of the complaint, if known. AU DPS enters or updates reports within two business days of receiving the information. The log records virtually all crimes reported to AU DPS. There are times, however, when information may be withheld from the log. If there is clear and convincing evidence that releasing such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, that information may be withheld until the adverse effect is no longer likely to occur. In addition, updates are not required after 60 days have passed from the date of the initial entry.

Access the log under Campus Security at AU DPS's website at:

w.american.edu/publicsafety/dailycrimelog.pdf

Upon request, the most recent 60-day period of the log may be inspected at AU DPS headquarters during normal business hours (8 a.m. to 5 p.m.), Monday through Friday, unless the university is

closed. Any portion of the log older than 60 days may be inspected at AU DPS headquarters within two business days of being requested. Logs are kept for seven years. Requests for copies of the crime log can be made to AU DPS at 202-885-2537 or by email at: clerycompliance@american.edu

MISSING STUDENT NOTIFICATIONS

Scope

This statement establishes the policy and procedures for the AU community regarding the reporting, investigation, and required emergency notification when a Residential Student is deemed to be missing. While the scope of policy is directed primarily to Residential Students and the staffs of Campus Life and Public Safety, all members of the AU community including students, faculty, and staff share the responsibility of reporting to designated university officials when they believe that a student is missing.

POLICY STATEMENT

The safety of students living on campus is of utmost priority for AU. To this end, this policy is established to assist in locating AU students living in on-campus housing who, based on the facts and circumstances known to AU, are determined to be missing. This policy is in compliance with the missing person provision of the Higher Education Opportunity Act of 2008.

DEFINITIONS

A. Residential Student

A student who resides in on-campus housing under an AU licensing agreement and is currently enrolled at the university

B. Missing

For purposes of this policy, a residential student is presumed missing if he or she is overdue in reaching home or campus for more than 24 hours past his or her expected arrival and a check of his or her residence supports that determination. A residential student may be considered missing if he or she is overdue in reaching home, campus, or another specific location past his or her expected arrival, or if any additional factors lead university staff to believe he or she is missing, and a check of his or her residence supports that determination.

POLICY

In General

AU will notify all residential students of the provisions of the Missing Student Notification Policy and will actively investigate or assist in the investigation of all missing student reports involving residential students. The missing person's

contact(s) (and custodial parent or guardian if the student is under age 18) will be notified within 24 hours once the student is determined to be missing.

Designation of Emergency Contact by Residential Students

On an annual basis, each resident student, upon applying/registering for campus housing and/or checking into his/her residence hall room, has the option to confidentially register an emergency contact ("missing person contact") for American University to notify, within 24 hours, of when the student has been determined to be missing. The missing person contact information will be registered confidentially and will be accessible only to authorized University officials and will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

This missing person contact may be listed in addition to the general-purpose emergency contact provided during the residence hall check-in process. If a missing person contact is not formally declared, the university will notify the general-purpose emergency contact.

If a student is under age 18 and non-emancipated, the student's custodial parent or guardian (in addition to any designated missing person contact) will be notified in the event the student is deemed missing.

Procedures for Reporting and Notification Regarding Missing Students

Individuals who have reason to believe that a student is missing should immediately report their concerns to Public Safety at (202) 885-3636. Public Safety will engage appropriate residence hall and other university staff in immediate efforts to locate the student. These efforts may include but are not limited to:

1. Contact the student via his or her telephone or email.
2. Check student's residence hall room, determine if student has been in class, determine if ID card has been used, and make a reasonable attempt to locate the student's vehicle (if any).
3. Check with roommates, friends, members of the residential community, and others who may have relevant information.

If a student who has been reported missing is not located within 24 hours, as determined in consultation with Public Safety, the following will occur:

1. The dean of students or designee will notify the student's designated missing person contact, general-purpose emergency contact, and/or the custodial parent or legal guardian, as appropriate.
2. Public Safety will notify law enforcement agencies, including the MPD, coordinate its investigation with outside law enforcement agencies, and continue its efforts to locate the student.

If in the course of this investigation, foul play is evident or strongly indicated or there are other compelling circumstances, law enforcement will be contacted immediately.

NOTIFICATION OF POLICY

Notification of this policy will be made directly to all student residents in campus housing annually through its inclusion in AU's Annual Security Report and through the residence hall registration process.

Effective Dates

This policy is effective June 1, 2009, revised July 1, 2010; October, 2016.

Frequency of Review and Update

The policy is reviewed biennially unless changes in laws or university business needs require a different review/revision schedule.



REPORTING CRIMINAL ACTIONS AND EMERGENCIES

The university encourages accurate and prompt reporting of all crimes to AU DPS and the appropriate external law enforcement agencies (i.e. MPD, etc.). Students, faculty, staff, contractors and visitors are encouraged to report any criminal offense of which they are aware to AU DPS and their local jurisdiction (i.e. MPD in the District of Columbia), whether the victim of a crime elects to or is unable to make such a report. Having all individuals report crimes empowers victims to make the decision about whether and when to report crimes and encourages members of the campus community to report crimes of which they are aware. This is to ensure inclusion in the annual crime statistics and to aid in providing timely Crime Alerts to the community, when appropriate. American University is a private institution and is not subject to FOIA. As such, the records contained within the University are generally considered confidential and are not released without prior approval or court order. Incidents may be reported in one of the following ways:

Directly to American University Department of Public Safety

- You may dial 202-885-3636 or, from any on-campus telephone, extension 3636.
- You can make reports in person at the Department of Public Safety (DPS) or to uniformed Public Safety officers on patrol throughout campus.
- Emergency phones are two-way call boxes, strategically installed around campus on towers, in buildings and in garages. Emergency

phones used by AU come in a variety of designs and include blue emergency phone towers, blue light emergency phones, yellow emergency phone boxes, and red emergency phones. Blue emergency phone towers are equipped with cameras and with LED lighting to observe activity in that area and to make them noticeable. Blue light emergency telephones are connected to boxes in buildings and garages and are equipped with a blue light to make them noticeable. Yellow emergency phone boxes are also found inside of buildings and are bright yellow to make them noticeable. Red telephones located in various buildings and at the residence hall front desks. The red telephones are identified by signs. Each type of these telephones automatically connects to the AU DPS when the button on the box is pressed. If an individual needs help, this feature allows him or her to speak directly with AU DPS. A University Police Dispatcher will send the appropriate emergency personnel to the caller. Note: In case of emergency, an individual may dial extension x3636 from any on-campus telephone or dial 202-885-3636 from a cell phone.

- You can also make a confidential report through AU DPS's Crime Stoppers web page at:
www.american.edu/finance/publicsafety/tips.cfm

Such reports will not be used for Crime Alerts, daily crime log entries, or Annual Security Report crime statistics unless the occurrences can be substantiated through investigation. Additional confidential reporting can be done through the Rave Mobile Safety Guardian app (as outlined below). These methods should not be used to report crimes in progress.

Rave Mobile Safety Guardian App

The University makes the Rave Mobile Safety Guardian app for iOS and Android devices available with the following functionality:

Panic Button

This provides a direct, immediate connection to campus safety with GPS location and personal profile information.

Tip Texting

This enables anonymous crime tip reporting and two-way communication via SMS or mobile app.

Guardian Timer

Students can identify friends, roommates, and family, along with AU DPS, as “Guardians.” During a Timer session, Guardians can check the student’s status. If the Rave Guardian timer is not deactivated before it expires, University Police is automatically given the user’s Rave Guardian profile to proactively identify and check on the individual.

Whenever students, faculty, or staff connect with University Police from their mobile phone, the Rave Guardian Campus Safety app automatically delivers a caller profile that the community member has provided, including current location, medical conditions, course schedule, addresses, photo, and other critical data.

When we receive a report of an urgent situation, we dispatch officers to the scene to lend assistance, investigate, prepare a report, and conduct follow-up, as needed. When appropriate, we notify District of Columbia fire, emergency medical, and police personnel.

Please visit www.american.edu/publicsafety for more information about the Rave Mobile Safety Guardian app.

Unless otherwise noted, reports made to AU DPS will be included in annual statistical compilations and the daily crime log, when appropriate, and will be evaluated for timely warning consideration.

Other Reporting Options

- You also can report criminal offenses to other officials at AU, including deans of academic units and directors and heads of certain administrative units (as listed on page 91). These reports will also be included in annual statistical compilations and evaluated for timely warning consideration, but only crimes reported to AU DPS will be included in the daily crime log. If reports are made to other university officials and forwarded to AU DPS, AU DPS may include the crimes reported,

provided that there is enough information in terms of classification, timeframe, and location.

- You can make a confidential report to pastoral or professional counselors at the Counseling Center, Student Health Center, and Kay Spiritual Life Center; to the sexual assault prevention coordinator and coordinator of victim advocacy services in the Wellness Center’s OASIS (Office of Advocacy Services for Interpersonal and Sexual Violence) program²; and through the Faculty and Staff Assistance Program. Pastoral counselors (individuals who are associated with a religious order or denomination, are recognized by that religious order or denomination as individuals who provide confidential counseling, and are functioning within the scope of that recognition as pastoral counselors) and professional counselors (individuals whose official responsibilities include providing mental health counseling to members of the institution’s community and who are functioning within the scope of their license or certification; this definition applies even to professional counselors who are not employees of the institution but are under contract to provide counseling at the institution) are exempt from disclosing information when acting in their role of pastoral or professional counselor. Consequently, reports to pastoral or professional counselors may not be included in annual statistical compilations, included in the daily crime log, or evaluated for timely warning consideration. The American University Counseling Center encourages staff clinicians to inform clients of the process for reporting crimes on a voluntary, confidential basis, and encourages that this information be provided to the client when clinically warranted to do so. American University encourages pastoral counselors to inform individuals of the process for reporting crimes on a voluntary, confidential basis, and encourages that this information be provided to community members when feasible.

² The victim advocates in the Office of Advocacy Services for Interpersonal and Sexual Violence (OASIS) are considered Campus Security Authorities (CSAs). In this capacity, advocates are required to collect anonymous, non-identifying information for crimes occurring

on Clery reportable geography. This information will be included in annual statistical compilations, included in the daily crime log and evaluated for timely warning and/or emergency notification consideration.

RECORD KEEPING AND USE OF INFORMATION DISCLOSED TO THE AMERICAN UNIVERSITY DEPARTMENT OF PUBLIC SAFETY

American University complies with applicable publicly available recordkeeping requirements, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim(s). The following contains additional information regarding the protection and dissemination of information obtained through crime reporting:

Protection and Dissemination of Information

1. Incidents Reported Directly to AU DPS or Received Through Other Law Enforcement Agencies

Information obtained through traditional reporting to American University Department of Public Safety or other law enforcement agencies contains personally identifiable information regarding the subject (if known) and victim of reported crimes. This information is maintained in the department's internal records management system and is restricted to specific department employees only. Dissemination of applicable incident information is made in accordance with established internal policy and only with the approval of the Assistant Vice President of University Police and Emergency Management or designee. This information may be released to the following entities:

- a. Student Conduct and Conflict Resolution Services (AU) for the purpose of referring incidents involving students for administrative adjudication;
- b. Dean of Students or designee;
- c. University Title IX Programs Office for Title IX compliance;
- d. American University Human Resources Department for the purpose of referring incidents involving staff for administrative adjudication;
- e. American University's Office of the Provost for the purpose of referring incidents involving faculty for administrative adjudication;

- f. External law enforcement partners for the purpose of criminal investigations;
- g. External judicial systems for the purpose of pursuing criminal charges;
- h. Other entities as directed by the Assistant Vice President of University Police and Emergency Management and as permissible or required by court order or by federal or District of Columbia Law.

Public disclosures of incidents reported to AU DPS (i.e. crime/fire logs, annual statistics, etc.) do not contain personally identifiable information pertaining to the victim.

Information contained in such documents is aggregate statistical data regarding specific types of crimes only and does not contain information which could be used to identify a victim. Information pertaining to a suspect may, in rare occasions, be used in the dissemination of crime information through timely warnings, if such information aids in preventing future occurrences of a crime or aids in the apprehension of a criminal.

2. Incidents Reported Through CSA Disclosure Forms

The CSA disclosure form is designed to collect non-identifying information for the purposes of crime disclosures and statistical reporting. This form is submitted directly to the Clery Compliance Officer or the Assistant Vice President for University Police and Emergency Management. The information contained on CSA disclosure forms is not released to individuals outside of the American University Department of Public Safety.

REPORTING HAZING

Hazing is strictly prohibited at AU. It is incompatible with the university's academic mission and compromises personal liberties. The university prohibits hazing by any member of the campus community, on and off campus. Hazing can be physical or psychological in nature. It is an intentional act or method of initiation into admission into, affiliation with, or as a condition of continued membership in a group, club, organization, or team that subjects another person, whether voluntarily or involuntarily, to conduct

that may injure, abuse, humiliate, harass, intimidate or otherwise harm that person.

Examples of hazing include, but are not limited to planning and/or participating in the following:

1. requiring, encouraging or expecting individuals to participate in activities that are illegal or unlawful and that are inconsistent with the group's mission and values and with the policies of the University, including the Student Conduct Code;
2. requiring or inflicting upon another any strenuous activity, such as calisthenics; and physical and psychological shocks, such as line-ups, berating, verbal abuse, threats, and name-calling;
3. forcing or requiring extended isolation or unnecessary exposure to severe or inclement weather;
4. expecting or inflicting any physical abuse upon another, including paddling, tattooing, or branding in any form;
5. creating excessive fatigue, sleep deprivation or interference with scholastic activities, including imposing late night work sessions, meetings, or sleepovers;
6. requiring costuming, alterations of appearance, blindfolding (except as part of a sanctioned ritual), carrying unusual items, or wearing of uniforms or apparel that is conspicuous and not normally in good taste;
7. forcing or requiring ingestion of alcohol or any other liquid or concoction, solid matter, food, or gas;
8. preventing others from practicing personal hygiene;
9. withholding information or personal property from others that is essential to daily functioning (e.g. wallets, keys, swipe cards, money, phones, computers, or any other personal property);
10. requiring others to perform errands, provide entertainment, use personal funds to purchase any item for another person or to pay for organizational activities (outside of regular membership dues and assessments), or to engage in any activities that a reasonable person would find degrading or personally objectionable;
11. transporting others against their will;
12. conducting quests or hunts, whether or not such activities endanger participants or require them to damage, remove, or steal property;

13. addressing, interrogating, or deceiving others in a manner that may psychologically injure, abuse, humiliate, harass or intimidate them;
14. restricting normal daily activity on campus (e.g. requiring people to be silent or isolating themselves, not allowing them to be in certain parts of campus, or not allowing them to talk to friends, roommates, family members, etc.);
15. Misleading an individual or individuals into believing that they will be inducted or initiated by participating in particular activities.

Exclusion of a specific example should not be interpreted as indicating that the excluded conduct is acceptable or permissible.

Members of the University community are expected to report hazing or suspected hazing activities as soon as possible and to cooperate with University officials who investigate reports. If a charge of hazing is brought, the individual, group, club, organization, or team will be subject to the disciplinary procedures outlined in the Student Conduct Code. Law enforcement agencies off campus may be notified.

Advisors to clubs, organizations, or teams and their national or international officials may be notified in cases of alleged violations of this policy.

Disciplinary action taken by a club, organization, or team or by its national or international officials will not preclude University action.

Conduct Council sanctions for individuals found responsible for hazing include suspension or dismissal from the University. Sanctions for group or organization misconduct may include revocation or denial of registration or recognition, as well as other appropriate sanctions.

To report incidents of hazing or suspected hazing and to obtain further information about this policy and reporting procedures, contact the Office of the Dean of Students (202-885-3300, Butler 408) or University Police (202-885-2527, University Police Building).

Reports also may be submitted using the reporting form on the Dean of Students Web page: <https://american-advocate.symplicity.com/hazing>.



CAMPUS-WIDE EMERGENCY RESPONSE AND EVACUATION PROCEDURES

In the event of a campus-wide emergency, the university's detailed emergency preparedness plan provides notification instructions and operating procedures at: www.american.edu/emergency. The web page provides access links to emergency alerts and procedures, as well as university resources and policies relating to emergency preparedness. A public version of the Emergency Management and Continuity of Operations Plan can be found at: www.american.edu/emergency.

If you notice a forthcoming or an ongoing emergency, please contact the AU DPS on the emergency response line at 202-885-3636 immediately.

Once such an emergency has occurred and has been confirmed by AU DPS, the President of AU, the Assistant Vice President of University Police and Emergency Management and the Assistant Vice President of Risk, Safety, and Transportation Services will convene and determine the scope of the incident. Upon their determination, the President of AU will activate the Emergency Management and Continuity of Operations Plan. Once the emergency preparedness plan has been activated, the Assistant Vice President of University Police and Emergency Management, the Assistant Vice President of Risk, Safety and Transportation Services and other individuals added to the ERT for specific incident needs will oversee the response team in conducting recovery and restoration operations. The ERT will fulfill

many operational functions during an emergency and is the primary vehicle for implementing and managing the emergency response. The ERT is responsible for confirming that there is a significant emergency or dangerous situation and for determining the appropriate segment or segments of the campus community to receive a notification. The ERT is composed of the following members*:

- Assistant Vice President of Risk, Safety and Transportation Services, ERT Leader, 202-885-2534
- Assistant Vice President of University Police and Emergency Management, ERT Leader, 202-885-2549

* Other members will be added on specific incident needs.

In a campus-wide emergency response, the ERT will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of the ERT, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. AU DPS will work in concert with the ERT to provide a coordinated and effective response to the university community. AU will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of faculty, students, or staff occurring on the campus.

The university operates a campus notification system, AU Alert, which will provide immediate text and email alerts and updates to students, faculty, and staff with information and instructions, if there is an emergency. University Police will use these text alerts to notify the campus community of the nature of the emergency and procedures to follow. Because we can send the alerts to any cell phone or email address regardless of physical location, parents find them an invaluable resource for keeping informed if an emergency occurs on campus. AU Alert works in conjunction with local alarm

systems (such as fire alarms), outdoor mass notification systems, and desktop alerts. In the event of an emergency, any or all of AU's notification capabilities mentioned herein can be utilized simultaneously. All enrolled AU students are automatically enrolled in the AU Alert system. The AU Emergency Preparedness website, www.american.edu/emergency, also contains numerous resources for emergency planning (e.g., shelter-in-place and mass-care procedures).

The Vice President of University Communications or a designee will act as the university's spokesperson and will authorize the distribution of university-wide statements to keep the community updated. The university conducts a campus-wide test of its emergency response and evacuation procedures annually. Additional exercises are conducted as needed. The university administration and the ERT drill the Emergency Management and Continuity of Operations Plan annually. Training is provided to building marshals based on the outcomes of the drill.

In certain emergency situations, the campus community may be advised to "shelter in place" to avoid or minimize exposure to outside risks. Risks could include chemical or radioactive releases and some weather-related emergencies.

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

Once shelter-in-place instructions have been communicated, students, faculty, and staff should stay in the same building they were in when they first received the message. If they are outside, they should go to the nearest building and await further instructions.

While it may be advisable to shelter in place in certain situations, no one can be forced to do so. Campus community members who choose not to

shelter in place should vacate the premises immediately, so the building can be secured as soon as possible.

The ERT will be responsible for keeping building marshals informed of the situation as it unfolds.

Building marshals will:

- Communicate information to building occupants.
- Shut and lock all windows and doors.
- Limit egress to one door or area of the building.
- Affix orange tape on all exterior doorways to visually remind occupants to stay in the building.
- Instruct occupants to gather in the center of the room, away from doors and windows.
- Communicate when the "all clear" message is given.

The alert system was successfully implemented on January 3, 2014 (delayed opening—weather); January 8, 2014 (burst water pipe); January 20, 2014 (weather closing); January 21, 2014 (weather closing); January 22, 2014 (delayed opening—weather); January 28, 2014 (network outage); February 5, 2014 (power outage); February 12, 2014 (weather closing); February 13, 2014 (weather closing); February 28, 2014 (sprinkler outage); March 3, 2014 (weather delay) March 6, 2014 (DC Water Alert; March 7, 2014 (DC Water Alert); March 12, 2014 (weather closing); March 13, 2014 (delayed opening—weather); March 5, 2014 (DC water alert); and March 17, 2014 (weather closing); June 10, 2014 (power outage); October 15, 2014 tornado warning; November 3, 2014 (police activity); January 6, 2015 (weather operating status), January 12, 2015 (weather delay); January 27, 2015 (weather delay); February 5, 2015 (police activity); February 16, 2015 (weather closing); February 21, 2015 (weather closing); February 26, 2015 (weather operating status); March 1, 2015 (weather conditions-ice); March 2, 2015 (weather operating status); March 5, 2015 (weather closing); March 6, 2015 (weather delay); April 20, 2015 (power outage), June 24, 2015 (power outage), October 1, 2015 (fire alarm);

January 21, 2016 (weather operating status);
January 24, 2016 (weather operating status);
January 25, 2016 (weather operating status);
January 26, 2016 (weather operating status);
February 15, 2016 (weather operating status);
February 16, 2016 (weather operating status); June
9, 2016 (police/fire activity); July 1, 2016 (police
activity); September 6, 2016 (police/fire activity),

October 7, 2016 (suspicious odor), January 12,
2017 (police/fire activity), January 30, 2017
(escaped animal from zoo), February 7, 2017
(police/fire activity), March 9, 2017 (police
activity), March 13, 2017 (weather operating
status), April 25, 2017 (police activity), April 28,
2017 (police/fire activity), and May 15, 2017
(power outage)

AU tests the emergency response and evacuation procedures on at least an annual basis, including tests that may be announced or unannounced. The following describe tests conducted in 2014, 2015 and 2016:

Date of Test	Description of Exercise	Time Started/Ended	Announced or Unannounced
03/13/14	<p>Test of University's Mass Notification Systems:</p> <p>Alertus Beacons, RAVE Alerts email, phone, twitter, and Fourwinds monitor systems to ensure interoperability and end user proficiency.</p>	1101/1103	Announced through Today@American email.
01/08/15	<p>Test of University's Mass Notification Systems:</p> <p>Alertus Beacons, RAVE Alerts email, phone, twitter, and Fourwinds monitor systems to ensure interoperability and end user proficiency.</p>	1229/1234	Announced through Today@American email.
09/06/16	<p>An exercise was conducted by members of the Risk Management, Safety and Transportation Programs, American University Office of Information Technology and the AU DPS consisting of the following drills</p> <p>Drill 1: Test of University's Mass email used for campus-wide timely warnings and detailed notifications regarding critical incidents effecting the University. The test was completed by members of the American University Department of Public Safety as part of drill to ensure end-user proficiency in system use.</p> <p>Drill 2: Test of University's Mass Notification Systems: Alertus Beacons; and RAVE Alerts email, phone, twitter, and Fourwinds monitor. This test was completed by members of the Risk Management, Safety and Transportation Programs Office, the Office of Information Technology, and AU DPS</p> <p>Members of AU DPS sent the test notifications through the system to ensure proficiency in the use of the system.</p> <p>Members of AU DPS and Risk Management, Safety and Transportation Programs conducted checks of notifications systems both physical devices and electronic mediums to ensure successful delivery of messages.</p> <p>Members of the AU DPS and Office of Information Technology conducted checks on each system to ensure proper delivery of messages from the RAVE system to each notification platform and to the Alertus Beacons.</p> <p>Drill 3: Members of the AU DPS conducted an unannounced and scheduled audit of contact information for all Risk Management and Police Department personnel and conducted a simulated drill call up of all Risk Management and Police Department personnel for emergency response to campus.</p> <p>Drill 4: Members of the AU DPS conducted an unannounced and scheduled audit of access to critical systems including the RAVE notification system and security camera system and drilled members of the Communications Unit on the use of each system to ensure proficiency in each system so that they could</p>	1005/1046	Announced through University-wide email notification

	<p>be utilized during situations including but not limited to active shooters, barricades and hazmat incidents.</p> <p>Drill 5: Members of the AU DPS conducted a test of the notification procedure for obtaining external resources during an emergency situation. Contact numbers for external resources (i.e. police/fire/gas/ etc.) were verified through audit. A review of the procedures for obtaining external resources was conducted by members of the AU DPS Communications Unit.</p>		
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Notification to the campus of the emergency response and evacuation procedures is made annually to students, faculty, and staff. It is included in the notice announcing the publication of the Annual Security Report. Also, AU’s Assistant Vice President of University Police and Emergency Management and crime prevention coordinator discuss emergency procedures during new student orientation and at residence hall floor presentations, tabling events, and various student group presentations.

Depending on the nature of the incident, other local or federal agencies such as MPD and the DC Fire and Emergency Medical Services Department may respond to the incident.

EMERGENCY NOTIFICATION FOR AU GUESTS

Visitors to campus can prepare for emergency or dangerous situations on campus and the surrounding area before they happen, so they can access up-to-the-minute alerts and advisories, by taking the following proactive steps:

Register for AU Alerts at:
getrave.com/login/auguest

Individuals or groups visiting university facilities, including university contractors, may register for alerts through this site.

Follow the Public Safety Department on Twitter @AUPublicSafety. Create a free Twitter account at twitter.com or download the free Twitter mobile app.

Register for text alerts and Twitter feeds from the following local and regional jurisdictions:

National Capital Region	DC Metropolitan Police Department	Alert DC
<p>capitalert.gov</p> <p>@capitalalert</p>	<p>mpdc.dc.gov/service/dc-police-alert</p> <p>@DCPoliceDept</p>	<p>textalert.ema.dc.gov</p> <p>@DC_HSEMA</p>

The Police Department encourages AU guests who do not have access to a smartphone or are unable to join Twitter to contact the department directly at 202-885-2527.



EMERGENCY EVACUATION FOR STUDENTS WITH DISABILITIES

Students who choose to register with the Academic Support and Access Center and request accommodation for a disability that may impact their ability to evacuate a building in an emergency, are oriented to all procedures related to their safety in all university buildings, including residence halls and academic buildings, during an intake meeting with a counselor in the Academic Support and Access Center (ASAC). Students are instructed to wait in a designated area of rescue assistance or to shelter in place if they are unable to safely evacuate a building. Students are instructed to call (202) 885-3636 if sheltering in place or waiting in a designated area of rescue. Information about the ASAC can be found at www.american.edu/asac or by calling 202-885-3360.

Housing staff provides information on emergency evacuation plans and designated areas of rescue in the residence halls during the opening floor meetings at the beginning of each semester.

The Office of Risk, Safety and Transportation Programs has placed “Areas of Rescue Assistance” signs in highly trafficked areas of university buildings to ensure that students, faculty, staff and visitors with disabilities related to mobility can be quickly located and evacuated from the building in the event of an emergency.

ANNUAL FIRE SAFETY REPORT

The Annual Fire Safety Report contains information about campus fire safety practices and standards of AU. This report is published on or before October 1. It contains a description of each on-campus student housing facility fire safety system; the number of fire drills held during the previous calendar year; and policies or rules on portable electrical appliances, smoking, and open flames in student housing facilities. The Annual Fire Safety Report also contains procedures for evacuating student housing in case of fire; policies regarding fire safety education and training programs provided to students, faculty, and staff; a list of the titles of each person or organization to which students and employees should report that a fire has occurred; and possible plans for future improvements in fire safety.

The Annual Fire Safety Report is available at: www.american.edu/finance/publicsafety/asr.cfm

A paper copy of the report is available from AU DPS at 202-885-2537 or clerycompliance@american.edu.

PREVENTING AND RESPONDING TO SEX OFFENSES AND INCIDENTS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

The University's Title IX Compliance Project Team is responsible for recommending policies and procedures to respond to domestic violence, dating violence, sexual assault, and stalking. Programs regarding the prevention of domestic violence, dating violence, sexual assault, and stalking are offered regularly through American University's Human Resources Department, the Office of Campus Life and by AU DPS to students, faculty, and staff. AU DPS offers a physical defense course for community members, RAD Systems, which teaches rape prevention and practical self-defense techniques. Campus Life offers programs on relationship violence and sexual assault. Details of upcoming programs and support resources are available at www.american.edu/ocl/wellness/about-sexual-assault-resources.cfm. The Human Resources Department provides a variety of online and in person training for faculty and staff.

BYSTANDER INTERVENTION TRAINING: STEP UP!

Step Up! is a prosocial behavior and bystander intervention program that educates students to be proactive in helping others. Teaching people about the determinants of prosocial behavior makes them more aware of why they sometimes do not help. As a result, they are more likely to help in the future.

The learning outcomes of Step Up! are:

(1) Raise awareness of situations where intervention is warranted | (2) Teach students how to use the five decision-making steps to intervene | (3) Increase students' motivation to help | (4) Develop skills and confidence when responding to problems or concerns | (5) Ensure the safety and well-being of self and others

Why Bystander Intervention?

Most problematic behaviors on college campuses involve bystanders. Step Up! training provides a

framework that explains the bystander effect; reviews relevant research; and teaches skills for intervening successfully using the five decision-making steps and the S.E.E. Model (Safe; Early; Effective). A survey at three universities (University of Arizona, University of California–Riverside, and University of Virginia) revealed that student-athletes encounter multiple situations where bystander intervention would be appropriate, including, alcohol abuse, hazing, sexual assault/relationship abuse, and discrimination. Almost 90 percent of participants related a problem that could have been avoided with intervention and up to 85 percent indicated they would like to learn skills to intervene.

Primary Components of Step Up!

Five Decision-Making Steps

(1) Notice the event | (2) Interpret the event as a problem—investigate! | (3) Assume personal responsibility | (4) Know how to help | (5) Implement the help: Step Up! using the 3 D's – Direct, Delegate, Distract.

The S.E.E. Model

- **SAFE Responding**
Decide on a course of action that best ensures the safety of those involved. Maintain mutual respect and mutual purpose.
- **EARLY Intervention**
Understand the importance of intervening early—before a situation becomes a problem, crisis, or disaster
- **EFFECTIVE Helping**
Develop specific helping skills and understand how to avoid harmful helping.

Step Up! Training

Step Up! Offers training on 11 topics. Each training session includes the five decision-making steps, factors that affect helping, strategies for effective helping, and specific scenarios that address one of 11 topics. The trainings can be altered to include campus- or location-specific statistics and definitions including campus and local definitions of sexual harassment, sexual assault, rape, and consent.

Who Can be Step Up! Trained?

Step Up! training is offered by request. Any university group, including academic classes, may request a training program. Each training session lasts 90 minutes.

For more information about Step Up!, please visit www.american.edu/ocl/stepup or www.facebook.com/StepUpAU

U ASK DC

If you or someone you care about needs help, U ASK can help you find it. U ASK DC is a project of Men Can Stop Rape and the District of Columbia Executive Office of the Mayor's Office of Victim Services.

Get immediate access to the information needed most in the event of a sexual assault on one of DC's nine college campuses—quickly, confidentially, and free. U ASK is an invaluable tool for any DC college student. Search “U ASK DC” on the iTunes App Store, Google Play Store, or Blackberry Appworld.

U ASK respects your privacy:

100% secure and confidential | No identifying information is collected, stored, or shared by U ASK or U ASK sponsors.

ONLINE EDUCATION

All AU undergraduate and graduate students are expected to complete online courses about healthy relationships, the importance of consent and being a good communicator, and the many ways students can help create a safe and positive campus community.

PEER EDUCATION AND MANDATED PROGRAMMING

During Welcome Week, all incoming undergraduate students are required to attend “Empower AU”, a 90-minute peer-facilitated sexual violence prevention workshop. In the program's pilot year (2015-2016 AY), Empower AU facilitators trained over 2400 students in

consent, communication, bystander intervention, and resources on and off campus.

Additional sexual violence prevention workshops are available through the Peer Wellness Education Program. Peer Wellness Educators provide workshops to the broader American University community on a range of college wellness topics, including consent, dating violence, and stalking. They are also trained to be experts on campus and community resources.

To request a workshop, email wellnesscenter@american.edu.

FRATERNITY AND SORORITY LIFE (FSL)

As part of Student Activities, the staff of Fraternity and Sorority Life serves as advisors, mentors, and educators, providing the foundation for student engagement, leadership development, and student-initiated programming in a challenging environment that promotes personal, social, and intellectual growth. The Fraternity and Sorority Life community at AU provides a variety of education and trainings for the community, including:

Emerging Leaders Conference (for new members)

The Emerging Leaders Conference focuses on hazing prevention, reporting mechanisms for Title IX complaints, and safety at social functions. Students attend break-out sessions at the conference on topics such as:

- Sexual Violence: Trauma, the Brain, and Effective Helping
- The Culture of Safety is Possible
- Unpacking Privilege through the Lens of Social Excellence
- The Struggle is Real: Mental, Emotional, and Psychological Wellness in FSL
- LGBTQIA+ & FSL
- The Action Continuum as a Guide to FSL Civic Engagement
- Allyship & Coalition Building Against Discrimination: Oklahoma Fraternity Racism
- Leadership and Academic Excellence through the Coaching Model

- Self Defense 101
- FSL Setting the Tone of Social Responsibility
- Title IX Focus Groups
- Men Can Stop Rape Focus Groups
- Safe Space room for triggered individuals staffed throughout
- Greeks United for Inclusivity, Diversity, and Equity Meetup
- Greek Wellness Coalition Meetup
- The Dark Power of Fraternities: Understanding the Modern Sorority/Fraternity Movement
- Empowering Inclusive Sororities and Fraternities
- Keep Calm and Be You: FSL Ground Up Leadership
- Four Years and Beyond
- FSL's Core of Social Justice: Philanthropy, Services, and Community Partnership Best Practices
- FSL Isn't Everything: Mastering the Balancing Act
- LGBTQIA+ Safe Space Meet Up

Step Up Training: Sexual Assault Prevention and Bystander Intervention Education

Step Up is a prosocial behavior and bystander intervention program that uses workshops and communications to teach community members how to step up and help others. Step Up identifies reasons why people may not intervene, provides five steps and three strategies (3Ds: Direct, Distract, Delegate) to safely intervene, and creates a safer and supportive environment for the AU community. The program is provided by the Wellness Center and is required for all new members each semester.

Additional information about programs offered by Fraternity and Sorority Life is available from the assistant director of fraternity and sorority life at 202-885-3288 or augreeklife.com.

FACULTY/STAFF SPECIFIC PROGRAMMING

Preventing Harassment Discrimination and Sexual Violence: Title IX, VAWA, Clery Act for Faculty and Staff – The course educates

faculty and staff about sex discrimination and sexual violence, as well as how American University prohibits such offenses, and employees' responsibility to respond

Refresher Preventing Harassment Discrimination and Sexual Violence: Title IX, VAWA, Clery Act for Faculty and Staff – The course covers sex discrimination and sexual violence, as well as how American University prohibits such offenses and employees' responsibility to respond

Unlawful Harassment Prevention for Higher Education – The training is intended to prevent workplace discrimination and harassment – racial, ethnic, sexual or otherwise – and to promote respect for colleagues.

Unlawful Harassment Prevention Supervisor Supplement for Higher Education – The training covers a manager's responsibilities when issues involving discrimination and harassment arise.

New Hire Orientation for Full-Time Staff – Within the first 30 days of employment, full-time staff attend a comprehensive introduction to American University that includes an overview of university policies, including the Discrimination and Sexual Harassment Policy and procedures.

Periodic Employee Training
The Title IX Program Officer, Dean of Students offers periodic training to university employees regarding Title IX obligations. The Office of Advocacy Services for Interpersonal and Sexual Violence offers periodic training on variety of issues related to sexual assault for employees.

REPORTING SEX-RELATED OFFENSES AND INCIDENTS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING TO AU DPS

The University prohibits dating violence, domestic violence, sexual assault and stalking. Definitions of these crimes as defined by local law are provided in the Definition of Clery Act Reportable Crimes Section of this Report. Definitions of these crimes as defined by University policy may be found in

the AU Discrimination and Sexual Harassment policy and the Student Conduct Code.

Section 22-3001 of the District of Columbia Official Code defines consent as the word or overt actions indicating a freely given agreement to the sexual act or contact in question. Lack of verbal or physical resistance or submission by the victim, resulting from the use of force, threats, or coercion by the defendant shall not constitute consent.

As it pertains to student disciplinary matters, the American University Student Conduct Code defines consent as words or conduct indicating a freely given agreement to have sexual intercourse or to participate in sexual activities. Sexual contact will be considered “without consent” if no clear consent, verbal or nonverbal, is given; if inflicted through force, threat of force, or coercion; or if inflicted upon a person who is unconscious or who otherwise reasonably appears to be without the mental or physical capacity to consent.

AU DPS provides the following information to all victims of domestic violence, dating violence, sexual assault and stalking:

Individuals should report sex-related offenses and incidents of domestic violence, dating violence, sexual assault, and stalking to AU DPS as soon as possible. AU DPS will help you file a university incident report and assign a female or male officer, as requested, to handle the initial interview. We will offer you the option of contacting MPD when you report the incident to us. It is extremely important to preserve evidence as proof of a criminal offense or for obtaining a protection order. We will honor and respect your decision to pursue or not to pursue criminal or civil action. If you so choose, AU DPS can assist with obtaining a rape kit and provide support as you work with the MPD Sex Crimes Unit.

When a university employee reports an incident involving sexual assault, domestic violence, dating violence, or stalking to AU DPS, the employee is provided with information about services, including the Faculty/Staff Assistance Program, Employee Relations, protective orders, and victim assistance programs.

AU DPS has the option to bar individuals from all AU property including when they are a respondent in an allegation involving sexual assault, domestic violence, dating violence, or stalking. Barring notices serve as formal warnings that recipients are not permitted to return to all property owned or controlled by American University. Failure to comply with the conditions of a barring notice may result in arrest under Section 22-3302 of the District of Columbia Official Code. Barring notices are in effect for a period of five years from date of issuance unless otherwise rescinded. Only the Assistant Vice President of University Police and Emergency Management may rescind a barring notice. In situations regarding university affiliates, the Assistant Vice President or their designee will coordinate barring the individual with the appropriate office.

AU DPS resources are available regardless of whether the victim decides to pursue criminal charges.



In addition to filing a report with AU DPS, you may also file an internal university complaint pursuant to the University’s Discrimination and Sexual Harassment Policy. The following information is derived from the Discrimination and Sexual Harassment Policy, which is available as Appendix III of this report. The university’s procedures are intended to afford a prompt, fair, and impartial investigation and resolution of the complaint.

Individuals (“Complainant”) must file a complaint with the university office having disciplinary jurisdiction over the accused person

(“Respondent”). Therefore, complaints should be reported to the following office (“Designated Official”):

Complaints against Students

A complaint against a student is referred to the University’s Title IX Program Officer (American University, Butler Pavilion 408, 4400 Massachusetts Avenue NW, Washington, DC 20016; 202-885-3373; TitleIX@american.edu).

Complaints against Law Students

A complaint against a law student is referred to the Washington College of Law Dean of Student Affairs (WCL Dean of Student Affairs, 4300 Nebraska Avenue NW, Washington, DC 20016; 202-274-4052; djaffe@wcl.american.edu).

Disability Complaints involving Students

Complaints of disability discrimination are referred to the Section 504 Officer, (Director, Student Conduct & Conflict Resolution Services, Butler Pavilion 407, 4400 Massachusetts Avenue, NW, Washington, DC 20016; 202-885-3328; conduct@american.edu).

Complaints against Staff, University Administrator, University Guest, or Contractor

A complaint against a staff member, University administrator, vendor, or guest is referred to the Assistant Vice President of Human Resources (American University, 3201 New Mexico Avenue NW, Suite 350, Washington, DC 20016; 202-885-2591; employeerelations@american.edu).

Complaints against a Faculty Member, Faculty Administrator, or Individual Carrying Out Teaching Responsibilities

A complaint against a faculty member or faculty administrator (e.g., dean, chair) is referred to the Dean of Academic Affairs (American University, Leonard Hall Lower Level, 4400 Massachusetts Avenue NW, Washington, DC 20016; 202-885-2125; deanofacademicaaffairs@american.edu).

Complaints against the President or a Member of the University’s Cabinet

A complaint against a member of the University President’s Cabinet is referred to the University President (President’s Office Building, 202-885-2121; president@american.edu), and a complaint

against the University President is referred to the Chair of the Board of Trustees (c/o Secretary of the Board of Trustees, President’s Office Building, 4400 Massachusetts Avenue NW, Washington, DC 20016).

At the initial meeting with the Complainant, the Designated Official will explain the resolution procedures. The University strives to complete resolution of complaints within 60 days from when the University has notice of the grievance. However, during winter breaks and summer sessions, when witnesses may not be available or disciplinary panels cannot be convened, the case is complex, or other comparable situations, the 60-day timeframe may be adjusted to accommodate these circumstances. Where the estimated timeline cannot be adhered to, the Designated Official will notify the parties and provide an anticipated completion date. The 60-day time frame does not include the time needed for the University to process appeals.

Once a complaint has been reported and until the resolution of the matter, the Designated Official may take interim measures to ensure safety and non-retaliation for all parties. Examples of interim measures include separation of the parties, no-contact directives, and alternative academic or housing arrangements. Further, the University will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures.

Depending on the nature of the allegations, the investigation of the complaint could include interviews with the Complainant, the Respondent, and/or witnesses; review of written documentation and relevant policies; and any other steps necessary to thoroughly investigate the allegations. During the investigation, the Complainant and the Respondent will have an equal opportunity to identify witnesses and evidence that the Designated Official may consider. The Designated Official will use a preponderance of the evidence standard when evaluating the allegations and formulating the

outcomes of the investigation and any related disciplinary proceedings. To the extent that a related disciplinary proceeding has a different standard of proof for findings of responsibility, the preponderance of the evidence standard in this policy will be used instead.

In cases of sex-and gender-based discrimination, sexual harassment, and sexual violence, the Complainant and the Respondent may be advised and accompanied by advisors of their choice during any meeting related to the complaint. In all other cases, advisors are allowed in accordance with the relevant procedures. The advisor may not participate directly in any meeting or contact the Designated Official.

At the conclusion of the investigation, the Designated Official will notify simultaneously, in writing, the concerned parties of the outcome of the investigation, including referral to the appropriate sanctioning or appeal procedures:

Student Respondent

The student disciplinary procedure, including appeal, is outlined in the Student Conduct Code. Potential student sanctions include, but are not limited to, a written warning, a ban from specific areas of campus, loss of specific student privileges, community service, transfer or loss of on-campus housing privileges, disciplinary probation, disciplinary suspension, or permanent dismissal. Complainants may elect to seek formal resolution through an investigation at any time within one year of the alleged incident.

Staff Respondent

Human Resources will take action in accordance with the Staff Personnel Policies Manual Disciplinary Policy. Potential staff sanctions include, but are not limited to, verbal or written warning, mandatory counseling, mandatory training, suspension, and termination. Appeal procedures for termination are outlined in the Staff Personnel Policies Manual Termination Section. Appeal of disciplinary action may be grieved through the Staff Personnel Policies Manual Complaint Policy and Procedure.

Faculty Respondent

The Provost's Office will take action in accordance with the Faculty Manual Disciplinary Procedures. Potential faculty sanctions include, but are not limited to, written warning, mandatory counseling, mandatory training, suspension, and termination. Minor sanctions may be grieved through the Faculty Manual Grievance Procedures. Major sanctions may be appealed through the Faculty Manual Disciplinary Procedures.

All parties engaged in the complaint process are expected to maintain confidentiality about the process. Failure to do so may result in disciplinary sanctions. All reports or complaints will be kept confidential except that individuals with a legitimate need to know will be informed of the complaint in order for the University to respond effectively to each complaint.

In some cases, Complainants may request that their names be kept confidential and that the University take no action on their report ("confidential reporting"). The Designated Official will evaluate each request and advise the Complainant that "confidential reporting" will limit the university's ability to respond fully to the matter, including pursuing disciplinary action against the Respondent. Nevertheless, in most instances, the university will honor such confidentiality requests, unless to do so will impede its ability to provide a safe and nondiscriminatory environment for all students.

Records of informal and formal complaints will be maintained by the Designated Official who received and handled the complaint. Complaints against faculty, staff, or students that result in a personnel or disciplinary action will also be a part of the respondent's personnel or disciplinary record. All records are confidential with access only to individuals with a legitimate need to know. Records of complaints will be kept on file in accordance with the University's records and retention policy.

STUDENT CONDUCT DISCIPLINARY PROCEDURES IN CASES OF SEX OFFENSES AND INCIDENTS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Complaints filed under the university's Discrimination and Sexual Harassment Policy may lead to the initiation of an investigation conducted by the Title IX Program Office and subsequent Sanctioning Panel conducted by Student Conduct & Conflict Resolution Services. The following information is derived from the Student Conduct Code and a copy of the Student Conduct Code can be found as Appendix IV of this report. The university's student investigation and disciplinary procedures are intended to afford a prompt, fair, and impartial resolution of the complaint. To ensure this, complainants and respondents involved in disciplinary proceedings related to cases of sex offenses and incidents of domestic violence, dating violence, sexual assault, and stalking are afforded the following:

1. To be informed of the allegations, including the timeframe and nature of the alleged Prohibited Conduct, and the relevant Student Conduct Code charges.
2. To provide information, evidence, witnesses who may have relevant information, and to submit questions they believe should be addressed by the investigator during the investigation.
3. To be assured of confidentiality according to the terms of the university policy on confidentiality
4. To challenge the Investigator on the grounds of conflicts of interest
5. To be provided with an opportunity to review these rights before any investigation.
6. To have the respondent be considered not responsible for the allegations until found responsible based on what is more likely than not to have occurred (by a preponderance of the evidence)
7. To have reasonable access to review the draft investigative report and submit additions or corrections.

8. To have an advisor as defined the Student Conduct Code
9. To appeal the outcome of the case according the Student Conduct Code

Moreover, the Student Conduct Code affords both complainants and respondents the opportunity to present information and preferences about sanctions imposed and factors that should mitigate or aggravate the determination of sanctions during sanctioning proceedings. A Sanctioning Panel occurs only when a respondent is found responsible by the Investigator. Complainants and respondents may participate in Sanctioning Panel by either submitting written statements or attending in person.

Title IX Investigators, Conduct Council members and Student Conduct and Conflict Resolution Services staff will receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and providing fair process.

In cases of dating violence, domestic violence, sexual assault, rape, or stalking, the complainant and respondent may be advised and accompanied by an advisor of their choice during any meeting related to the complaint and investigation. An advisor of their choice is not limited to only an AU student, faculty, or staff member. However, the role of advisor is limited to consultation as described the Student Conduct Code.

Under the Student Conduct Code, Complainants and Respondents will receive simultaneous written notice of the outcome of the disciplinary process,



of the procedures to appeal the results as described in the Student Conduct Code, or any change to the results that occurs prior to the time the results become final, and when such results become final.

In addition, the university will, upon written request, disclose to the alleged victim of a crime of violence (defined in Section 16, Title 18, U.S. Code) or a non-forcible sex offense the results of any disciplinary hearing conducted against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense the university will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested.

Disciplinary records are maintained by Student Conduct and Conflict Resolution Services for seven years from the date of the letter providing notice of final disciplinary action. Release of disciplinary records to third parties is provided in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, until a student has graduated from the university or as required by law. Records for a student who is suspended or dismissed or who withdraws with a disciplinary case pending are maintained indefinitely. Release of these categories of disciplinary records to third parties is provided in accordance with all applicable laws, including FERPA and the Campus Sexual Violence Elimination Act.

SEX OFFENSE, DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING RESOURCES AND VICTIMS' RIGHTS

The following are on- and off-campus resources (including but not limited to counseling, health, mental health, victim advocacy, and legal assistance) designed to assist victims of sex offenses and instances of domestic violence, dating violence, sexual assault, and stalking.

Students and employees are provided written notification about their rights and options, including services and protective measures available to victims of domestic violence, dating violence, sexual assault and stalking. These services include counseling, health, mental health, victim advocacy, legal assistance, and other services available on and off campus. These notifications will also include how to request changes to academic, living, working situations, and other protective measures. This information is provided in several places including the ASR, OASIS brochures, our website, and emails AU sends to complainants when a report is filed.

DISTRICT OF COLUMBIA	
AU OASIS (Office of Advocacy Services for Interpersonal and Sexual Violence) 202-885-7070	Collegiate Assistance Program 1-855-678-8679
DC Rape Crisis Hotline 202-333-RAPE (7273)	AU Dean of Students 202-885-3300
Emergencies on Campus 202-885-3636	Emergencies off Campus/To File A Report for An Off Campus Incident 911

MPD Sexual Assault Unit 202-727-3700	MPD Second District Headquarters 202-715-7300
Counseling Center at American University 202-885-3500	Sibley Memorial Hospital Emergency Room 202-537-4080
Network for Victim Recovery DC 202-742-1720	Washington Hospital Center Sexual Assault Nurse Examiner (SANE) 1-800-641-4028

National Sexual Assault Hotline 800-656-HOPE (4673) | **RAINN online hotline** - ohl.rainn.org/online

OASIS: Advocacy Services

American University's Office of Advocacy Services for Interpersonal and Sexual Violence (OASIS) provides victim advocacy services for students in the campus community who are impacted by sexual violence (sexual assault, dating or domestic violence, sexual exploitation, and stalking). OASIS staff consists of the Sexual Assault Prevention Coordinator and Coordinator of Victim Advocacy Services. Advocacy services include emotional support, crisis intervention, psychoeducation, referrals, as well as assistance throughout the investigation and adjudication process.

Campus advocates are not considered “responsible parties,” meaning they are not required to report instances of sexual violence to the University’s Title IX Officer. However, a campus victim advocate can assist any student in making a report, if they would like to pursue a campus investigation. An advocate is required to break confidentiality if there is immediate danger to human life.

OASIS victim advocates are considered Campus Security Authorities (CSAs). In this capacity, they are required to collect *anonymous, non-identifying* information for crimes occurring on campus or in American University-owned or leased buildings. This information is included in annual statistical compilations, included in the daily crime log, and evaluated for timely warning consideration.

AU’s OASIS, Public Safety Department, and/or other departments can provide any complainant with a “Sexual Assault Resources” brochure specifically addressing resources for victims and survivors of sexual assault. The brochure has also been distributed to all offices providing direct services to students, and faculty and staff in those offices have been directed to make it available to any student who visits their office. The brochure includes information regarding:

- Definitions of conduct.
- Actions to take if a student becomes a victim.
- Tips on how to help a friend.
- Common responses to trauma.
- Procedures for filing a complaint on campus.
- Victims’ rights.
- Confidential and non-confidential resources.
- Guidelines of consent.
- On- and off-campus resources available to all students.

Contact OASIS at OASIS@american.edu or (202) 885-7070.

COLLEGIATE ASSISTANCE PROGRAM

The Collegiate Assistance Program (CAP) provides access to a Nurseline service and a Student Assistance Program designed to help

students manage common problems and stressors that can detract from academic success.

The services are available to students 24 hours per day, 7 days per week, by calling 1-855-678-8679. These services are provided by United Healthcare.

CAP includes:

Telephone/Online Counseling

Students facing stressful or emotional issues have 24/7, year-round access to prompt counseling services. Beginning with students' first toll-free call, master's-level clinicians will listen carefully to assess their needs. Crisis intervention specialists and licensed clinicians are always ready for urgent situations.

Web-Based Services

The website for students, liveandworkwell.com, offers a wealth of information on a full range of topics. The site includes thousands of articles, interactive learning tools, cognitive behavioral therapy modules, searchable databases, and helpful resources for students who want to develop their own self-improvement strategies.

Legal and Financial Services

These include assistance with nonclinical issues, such as debt, divorce, child custody matters, and shelter from abuse relationships. The effect of these and other practical concerns can be just as detrimental to a student's health and well-being as a clinical issue.

Nurseline

A technology-enabled, clinical nurse triage service is available to students 24/7. Nurseline promotes personal health management by providing health information, advice, and support through telephone interactions. It helps callers make informed health decisions by providing answers to commonly asked questions.

For more information about CAP, please contact the Student Health Center, 202-885-3380, shc@american.edu or visit: www.american.edu/ocl/healthcenter

VICTIMS' RIGHTS

Community members who identify themselves as victims of sex offenses and instances of domestic violence, dating violence, sexual assault, and stalking may rely on the following provisions in support of their recovery:

1. You are not required to identify the alleged perpetrator, unless the information is necessary to respond to your request for a specific form of assistance.
2. You can choose whether or not to file a complaint with the appropriate University department, the Title IX Office or with law enforcement.
3. Before making a report to a University official, you can request information about university policies and procedures regarding the release of personally identifiable information.
4. You can request assistance from AU DPS in filing a report with the MPD.
5. You can access medical care without consenting to a criminal investigation by AU DPS and/or MPD.
6. You can access psychological counseling through the University Counseling Center, Faculty and Staff Assistance Program, or the DC Rape Crisis Hotline.
7. You can access physical care through the Student Health Center (students) or through FSAP (faculty and staff)
8. You can request a no contact directive between you and the alleged perpetrator through the Title IX Office.
9. Students can request relocation in university housing through the Title IX Office. Students can request a change in your class schedule to avoid contact with the alleged perpetrator through the Title IX Office.
10. You can request a change in your email address and server login through the Title IX Office.
11. You can be connected with outside sources, such as the National Sexual Assault Hotline at 1 (800) 656-HOPE (4673).

12. The Student Conduct Code also affords students, as the complainant, the same opportunities as the respondent, including but not limited to: (i) receiving notice of the investigation and outcome at the same time as the respondent; (ii) being present during any sanctioning proceeding; (iii) presenting impact statements; (iv) the right to appeal an outcome as described in the Student Conduct Code.



ADDITIONAL INFORMATION AND RESOURCES

Sexual Assault Nurse Examiner Program at Washington Hospital Center

- For immediate medical support, call the 24/7 crisis hotline for the Network for Victim Recovery of DC (NVRDC) at 1-800-641-4028 and ask to be connected with the DC Sexual Assault Nurse Examiner Program. They will connect you with a confidential advocate who can arrange free transportation and meet you at Washington Hospital Center. Law Enforcement will not be involved unless requested by the individual accessing the SANE program.
- The DC SANE program provides free medical examinations and can collect and preserve evidence. Additionally, SANE provides free STI/HIV testing and preventative treatment for STI/HIV and pregnancy.

- An individual can choose which portions of the SANE program they want to utilize. This means that an individual can skip the forensic exam and simply access the SANE program for free preventative STI/HIV and pregnancy medication. The results of an exam are held for 90 days or longer upon request, giving a survivor time to decide whether they would like to press criminal charges.
- For those who choose to undergo a SANE exam for evidence collection: it is best not to shower or bathe prior to this exam. Bring with you, in a paper bag, any clothes or articles you were wearing when the assault occurred. Preserving evidence may be necessary to prove criminal domestic violence, dating violence, sexual assault, or stalking or in obtaining a protective order.
- If you are unable to obtain transportation through NVRDC (1-800-641-4028) for any reason, a staff member from Housing and Residence Life or AU DPS can help you arrange transportation to the hospital.

Student Health Center

- Non-emergency medical services are available at the Student Health Center (SHC). The SHC can provide testing for sexually transmitted diseases and other services; however, the SHC cannot collect evidence for MPD in preparation for possible criminal prosecution. It is therefore important that you go to a hospital if you believe there is any possibility that you may press criminal charges. Washington Hospital Center, with its SANE program, is the preferred hospital to refer victims.

ASSISTING A FRIEND

It is difficult to see friends hurting. If you are trying to help a friend, follow these guidelines:

- Believe your friend. Statements such as “I believe you” and “It wasn’t your fault” can be extremely helpful.
- Make sure your friend feels safe in their current location.

- Listen and be available.
- Do not judge or blame your friend for what happened.
- Encourage action but allow your friend to decide what actions to take. For example, encourage your friend to seek medical attention, but do not force them to do so. Making choices helps your friend to regain control lost during the assault.
- Be patient. Healing from a sexual assault takes time. Continue to offer your support to your friend throughout the coming weeks and months, or even longer. Remember that every healing process is unique.
- Get support for yourself. Supporting a friend can result in stress and confusion in your own life. You can also utilize the resources in this report.
- The most important point to remember is that violence is never the survivor's fault.

HARM REDUCTION INFORMATION

No matter what, sexual assault is never the survivor's fault. While some safety strategies, such as traveling in groups and trusting your instincts, can help reduce your likelihood of being a victim of any crime, the only person who can prevent sexual assault is the perpetrator.

- Be aware of your surroundings at all times.
- Trust your instincts. If the situation doesn't feel right, it probably isn't. Confront the person immediately or leave.
- Don't allow yourself to be isolated with someone you don't know or trust.
- Know how you're getting home from a social event. If the friend or group of friends you were planning on walking with have already left, call University Police at 202-885-2527 and it will send a taxi for you. If you don't

³

have money with you at the time, your student account will be charged, or you can pay later.

- Be cautious of fellow students that you just met or only consider an acquaintance. Unfortunately, the people we trust the most can be the most hurtful. It is important to be aware and vigilant with everyone you encounter.
- Remember that alcohol and other drugs can interfere with your ability to communicate effectively and deal with potentially dangerous situations. Be responsible in your decision-making with regard to alcohol and drugs.
- Think about what your sexual limits are, and be prepared to communicate them directly.
- Be aware of sex-role stereotypes that prevent you from acting as you want to, such as a woman not being able to initiate sexual activity or a man not being able to say "no."

CONFIDENTIAL RESOURCES ON CAMPUS

The following offices and individuals are confidential resources available to all members of the AU community with concerns regarding sexual assault, dating violence, domestic violence, and/or stalking:

Resources for Students

Professional Counselors—Counseling Center

214 Mary Graydon Center 202-885-3500
(including the satellite office located in the Washington College of Law)

OASIS (Office of Advocacy Services for Interpersonal and Sexual Violence)

Wellness Center
Hughes Hall, First Floor
202-885-7070
OASIS@american.edu

Medical Staff—Student Health Center

McCabe First Floor 202-885-3380

³ The victim advocates in the Office of Advocacy Services for Interpersonal and Sexual Violence (OASIS) are considered Campus Security Authorities (CSAs). In this capacity, advocates are required to collect *anonymous, non-identifying* information for crimes occurring on campus or in American University-owned buildings. This information will be included in annual statistical compilations, included in the daily crime log, and evaluated for timely warning consideration.

Ordained Clergy—Kay Spiritual Life Center
202-885-3336

Resources for Faculty/Staff

Ordained Clergy—Kay Spiritual Life Center
202-885-3336

Faculty and Staff Assistance Program

The Faculty and Staff Assistance Program offers confidential, professional, and personal counseling services to eligible faculty/staff and their immediate families. Visit the Faculty and Staff Assistance Program home page at:

www.american.edu/hr/fsap.cfm

Notice: Any office or staff member outside of the resources listed above is required under Title IX to report knowledge of an incident involving sexual assault, dating violence, domestic violence, and/or stalking to the appropriate authorities for follow-up.

Dating Abuse, Domestic Violence, and Stalking Resources

Contact AU's Office of Advocacy Services for Interpersonal and Sexual Violence at OASIS@american.edu or 202-885-7070 for support and information about dating abuse and stalking. Break the Cycle (Helpline at 1-888-988-8336) provides legal services and other advocacy programs for survivors ages 12–24. My Sister's Place (202-529-5991) provides 24-hour hotline and support services.

UNDERSTANDING THE DIFFERENCE BETWEEN HEALTHY AND UNHEALTHY RELATIONSHIPS

Healthy Relationships	Unhealthy Relationships
EQUALITY Partners share decision-making roles	CONTROL One partner makes decisions for the other
HONESTY Partners are open and communicate needs and desires	DISHONESTY One partner lies to the other
SUPPORT Partners encourage each other	DISRESPECT One partner may insult, demean, or otherwise put the other down
COMFORT Partners are free to be themselves	INTIMIDATION One partner may attempt to coerce the other into doing things they do not feel comfortable with
UNDERSTANDING OF BOUNDARIES Respect is given to each partner's privacy	LACK OF PRIVACY Examining a partner's phone, email, or social media discussions without permission
INDEPENDENCE WITHIN THE RELATIONSHIP	DEPENDENCE ON THE OTHER INDIVIDUAL
PHYSICAL SAFETY Partners feel safe when together and in the space that they may share	PHYSICAL ABUSE One partner may use force to exert their will on another (e.g., slapping, pushing, hitting)
SEXUAL RESPECT Partners never force any physical activity without consent. There is active and enthusiastic consent before any sexual activity.	SEXUAL ABUSE Force or coercion is used by one partner against the other. Even in relationships, consent is required before any sexual activity.

NO CONTACT ORDERS

The Dean of Students or designee within the Office of the Dean of Students may issue a no contact order to parties involved in allegations involving sexual assault, domestic violence, dating violence, or stalking. This is done as an interim measure to prevent contact between parties, directly or indirectly through a third party, involved in an allegation involving sexual assault, domestic violence, dating violence, or stalking. No contact orders are administratively enforceable and violators are subject to administrative charges for failure to comply with the conditions of a no contact order.

CIVIL PROTECTION ORDERS (WASHINGTON, DC)

A civil protection order (CPO) is a court order from the DC Court that protects you from abuse by a current or former spouse, domestic partner, intimate/dating partner, relative (by blood or marriage/domestic partnership), housemate,

someone you have a child in common with, or someone who is/was in a relationship with someone who you are/were in a relationship with. It also protects victims of stalking, sexual assault, or sexual abuse who do NOT have the type of relationship described above. You should file for a CPO with the DC Court as soon as possible after the abuse occurs. You can file for a CPO up to two years after the incident. You must live in DC or at least one incident must have occurred in DC to seek protection from the DC Court; however, the order will protect you in all states. If you feel you are in immediate danger, contact 911 (off campus) or University Police at 202-885-3636.

What is the legal definition of domestic violence in the District of Columbia?

This section defines domestic violence for the purposes of getting a CPO.

In Washington, DC, domestic violence is divided into three categories: intimate partner violence, intrafamily violence, and interpersonal violence, which are explained in detail below. "Domestic violence" is when one of the following people

commits or threatens to commit any crime against you:

- Someone you are or were married to, in a domestic partnership with, or in a romantic, dating, or sexual relationship with (“intimate partner violence”)
- Someone related to you by blood, adoption, legal custody, marriage, or domestic partnership (e.g., your brother or your father-in-law) (“intrafamily violence”)
- Someone you have a child in common with—this can be “intrafamily violence” and/or “intimate partner violence”
- Someone you share(d) a home with (e.g., a roommate) (“interpersonal violence”)
- Someone who is/was in an intimate relationship with the same person that you are/were in an intimate relationship with (e.g., you are dating Jane and Jane’s ex-husband assaults you) (“interpersonal violence”)

Note: If you are a victim of stalking, sexual assault, or sexual abuse, you can file for a CPO against the offender even if you do not fall into one of these above categories.

What types of CPOs are there? How long do they last?

There are two types of CPOs in Washington, DC:

Temporary (Ex Parte) Protection Orders

A temporary protection order can be issued the day that you file your petition without the abuser being present in court (this is what is meant by an ex parte order). The judge can give you this temporary order if the judge believes that the safety or welfare of you or your household member is in immediate danger from the abuser.

The first temporary protection order that you get can last up to 14 days. Once you return to court, the judge can extend the temporary protection order for an additional 14-day period (or for a longer period if both parties consent) until the final court hearing or trial is completed.

Civil Protection Orders

A final protection order can be issued by a judge after one of the following happens:

1. There is a court hearing where you and the abuser both appear and present evidence and testimony to the judge, or
2. There is a court hearing where only you appear (i.e., the abuser fails to appear, even though you can prove he or she was properly served with notice of the court date), or
3. In court, the abuser consents to the protection order being issued.

In Option 1 or 2, above, the judge will only issue the final protection order if he or she has “good cause” to believe that the abuser committed or threatened to commit a criminal offense against you, your animal, or any animal in your household. For Option 3, this is not a requirement.

A final protection order lasts up to one year. The expiration date should be included on the order. However, the length of the order is subject to change if either party files a motion in court and proves that there is “good cause” to either extend or rescind (i.e., cancel) it.

How can a CPO help me?

In a CPO, a judge can order the abuser to:

- Stop committing or threatening to commit criminal offenses against you and any other protected person (named in the petition).
- Stay away from you, any other protected person, and any specific locations (“stay away order”).
- Have no contact with you and any other protected person (“no contact order”).
- Stay away from the home OR leave the home where you are living (“vacate order”) whether that home is:
 - Marital property of the parties;
 - Jointly owned, leased, or rented and occupied by you and the abuser (including if you used to live there but had to leave due to the abuse);
 - Owned, leased, or rented by you alone; or
 - Jointly owned, leased, or rented by you and another person (not the respondent).
- Participate in a psychiatric or medical treatment or counseling program(s) for domestic violence, parenting, alcohol, drugs, etc.

- Pay your costs and attorney fees.
- Give up possession of any firearms.
- Return personal property owned by you alone or by you and the abuser (including keys).
- Give you financial assistance and/or spousal support to pay your rent/mortgage/bills or other expenses.
- Pay you child support.
- Not remove you and/or your children from his/her health insurance policy.
- Reimburse you for medical costs, property damage, or other expenses you have due to the abuser's actions (you will have to bring medical bills, receipts, invoices, or estimates to the final hearing).

The order can also:

- Grant you temporary custody of your children and arrange visitation in a way to protect your safety (note that the abuser must prove to the judge that visitation will not endanger the child or significantly harm the child's emotional development).
- Order police assistance to help enforce the terms of the order (such as getting your keys returned or escorting the abuser home to collect personal belongings).
- Give you custody or control of a domestic animal that belongs to you or to the respondent or that lives in either household.
- Order anything else that you can show you need in order to be free from the violence. Whether the judge grants any or all of these depends on the facts of your case.

How much does it cost to file and serve a CPO? Do I need a lawyer?

Filing

There is no fee to file for a CPO.

Serving

As long as you have a valid home or work address for the person you are getting the order against, the MPD will serve the protection order petition (and motions) at no charge when the party being served lives or works in the District of Columbia. If the person lives in Maryland or Virginia, service may also be free as part of an agreement between

Washington, DC, and the sheriff departments in the surrounding areas of Maryland and Virginia.

Lawyer

Although you do not need a lawyer to file for a CPO, it may be to your advantage to seek legal counsel. This is especially important if the abuser has a lawyer. Even if the abuser does not have a lawyer, it is recommended that you contact a lawyer to make sure that your legal rights are protected.

For help in filing an order, you can go to the Domestic Violence Intake Center at dccourts.gov/internet/superior/org_dvu/main.jsf which is in the Superior Court. The Office of the Attorney General for the District of Columbia (oag.dc.gov) represents some people who file for CPOs. If the Office of the Attorney General cannot take your case, it may be able to help you get an attorney.

In addition, the domestic violence agencies in your area and/or court staff may be able to answer some of your questions or help you fill out the necessary court forms.

There are two Domestic Violence Intake Centers in DC:

D.C. Superior Court
 Satellite Domestic Violence Intake Center
 500 Indiana Avenue NW Room 4550
 Washington, DC 20001
 (202) 879-0152

United Medical Center
 1328 Southern Avenue SE Suite 311
 Washington, DC 20032
 (202) 561-3000

Both centers are open from 8:00 a.m. to 4:00 p.m., Monday through Friday (except holidays).

It may be possible to obtain an Emergency Temporary Protective Order (ETPO), which is good for up to five days. If you are in an emergency situation and wish to file for an ETPO when the intake centers are not open, call the police and they will put you in contact with a SAFE advocate who will explain the process of obtaining an ETPO.

The Police Department, Dean of Students Office and/or Wellness Center can assist you in filing a CPO and support you along the way.

Upon receiving a report of stalking, dating violence, domestic violence, or sexual assault, AU police officers will provide the victim with information on how to obtain a protective order

in the District of Columbia. An officer will provide the victim with transportation to the courthouse and assist the victim throughout the filing process. AU police officers will collaborate with other law enforcement jurisdictions to serve the protective order, and they will notify the victim when the respondent is served.

University Resources	
Police Department (Open 24 Hours a Day/Seven Days A Week) - 202-885-2527	Office of the Dean of Students - 202-885-3300
<p>Please note that speaking to law enforcement does not, in any way, obligate you to file for a Temporary CPO.</p>	
OASIS (Office of Advocacy Services for Interpersonal and Sexual Violence)	
<p>Wellness Center McCabe 123 202-885-7070 OASIS@american.edu</p>	

EXTERNAL RESOURCES

For more information about available resources (including legal assistance), please visit:

“Break the Cycle” breakthecycle.org	The Network for Victim Recovery of DC nvrdc.org
National Domestic Violence Hotline 800-799-SAFE (7233)	24-Hour Shelters, Hotlines, and Counseling House of Ruth at 202-667-7001 x217 My Sister’s Place at 202-529-5991



THE CAMPUS SEX CRIMES PREVENTION ACT

The Campus Sex Crimes Prevention Act (Section 1601 of Public Law 106-386) provides for the tracking of convicted, registered sex offenders working or volunteering on campus or enrolled as students at institutions of higher education. The Sex Offender Registry database provides information on Class A sex offenders living,

residing, working, or attending school in the District of Columbia only. For this information, go to the MPD Sex Offense Registry at mpdc.dc.gov/service/sex-offender-registry.

TITLE IX

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. Under Title IX, discrimination on the basis of sex can include dating and domestic violence, stalking, sexual harassment and/or sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion.

AU prohibits sex discrimination in any form and provides resources for support and complaint resolution. AU's Discrimination and Sexual Harassment Policy identifies prohibited conduct under Title IX and outlines complaint procedures. The policy is available at: www.american.edu/policies

Complaints may be directed to the University's Title IX Program Officer or Deputy Officers:

<p>Title IX Program Officer – for complaints against university students</p> <p>408 Butler Pavilion</p> <p>4400 Massachusetts Avenue, NW Washington, DC 20016</p> <p>202-885-3373</p> <p>TitleIX@american.edu</p>	<p>Deputy Title IX Program Officer – for complaints against university students</p> <p>Dean of Students</p> <p>408 Butler Pavilion</p> <p>4400 Massachusetts Avenue, NW Washington, DC 20016</p> <p>202-885-3300</p> <p>dos@american.edu</p>
<p>Deputy Title IX Program Officer – for complaints against Washington College of Law students</p> <p>WCL Dean of Student Affairs</p> <p>4300 Nebraska Avenue NW Washington, DC 20016</p> <p>202-274-4052</p> <p>djaffe@wcl.american.edu</p>	<p>Section 504 Officer – for student disability discrimination complaints</p> <p>Director, Student Conduct & Conflict Resolution Services</p> <p>407 Butler Pavilion</p> <p>202-885-3328</p> <p>conduct@american.edu</p>

<p>Deputy Title IX Program Officer – for complaints against staff, university administrators, university guests, and contractors</p> <p>Assistant Vice President of Human Resources</p> <p>3201 New Mexico Avenue, NW, Suite 350 Washington, DC 20016</p> <p>202-885-2591</p> <p>employeerelations@american.edu</p>	<p>Deputy Title IX Program Officer – for complaints against staff university administrators, university guests, and contractors</p> <p>Assistant Vice President of Human Resources</p> <p>3201 New Mexico Avenue, NW, Suite 350 Washington, DC 20016</p> <p>202-885-2591</p> <p>employeerelations@american.edu</p>
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The Student Conduct Code (“Code”), defines types of sexual misconduct and outlines the procedures for resolving complaints through the student disciplinary system. The Student Conduct Code is available at www.american.edu/ocl/sccrs/upload/AU-Student-Conduct-Code.pdf or by calling 202-885-3328

General information and resources pertaining to sexual assault are available at www.american.edu/ocl/TitleIX/. Additional information can be found by contacting OASIS (Office of Advocacy Services for Interpersonal and Sexual Violence) at 202-885-7070 or OASIS@american.edu

ACCESS TO CAMPUS FACILITIES: SAFETY AND SECURITY

Campus

AU has an open environment, allowing individuals to move freely around the campus; however, the university restricts access to its facilities to members of the academic community and bona fide guests. This open environment makes all members of the university community responsible for immediately reporting suspicious activity to University Police. Report suspicious incidents, activities, or persons to the University Police Emergency line (202-885-3636) as soon as possible. Individual vigilance is essential in helping University Police promote campus safety and reduce campus crime. In order to uphold this policy, all students, faculty, and staff must have an AUID card (OneCard) and present it when requested by a university official. When Public Safety officers challenge individuals for suspicious activity, individuals must identify themselves and present student, employee, or other identification, as requested. Individuals who do not have legitimate reasons for being on campus or in a university building, and who refuse to comply with a request to leave, may be subject to arrest

under the District of Columbia Code, Section 22-3302, Unlawful Entry.

Grounds

Access to the grounds is generally not controlled. The outside athletic facilities and adjacent unlit areas are closed at dark. Public Safety officers question individuals observed using the field after hours, displaying suspicious behavior, or suspected of unlawful acts. University Police stresses that individuals should not hesitate to contact the department with any suspicion regarding their own or someone else’s safety.

Academic and Administration Buildings

Academic and administration buildings are open during regular business and class hours. Instructional facilities are generally open from 7 a.m. to 11 p.m., Monday through Friday, with modified weekend hours. Other areas may be open for 24-hour use during exam periods or for other special needs.

Residence Halls

Residence halls are locked 24 hours per day, with an electronic system controlling access. Residents and visitors enter through the main entrance only. Residents use an access card to open the building door. Visitors are granted entry by the front desk

staff and must be escorted by a resident. The front desks are staffed 24 hours per day, except during holidays. University personnel and maintenance staff check in at the front desks when entering residence halls. While the university makes every effort to prevent access by uninvited visitors, residents must also take an active role in that effort. Residents should report strangers to the hall staff and avoid holding doors open for nonresidents to enter. Residents are held responsible for the actions of their guests. We encourage students to lock their room doors at all times.

Off-Campus Student Housing

AU provides off-campus student housing in specific apartments within the Berkshire Apartments at 4201 Massachusetts Avenue NW, Washington, DC.⁴ At this location, building attendants staff the front desk 24 hours per day. The university employs full-time community coordinators who reside in the building. Residents of the university-provided Berkshire Apartments must comply with the university's Student Conduct Code, including Drug and Alcohol Policies. All criminal activities at these locations should be reported to local police and to the community coordinators, if there is student involvement.

The Berkshire Apartments are located in the Washington, DC, Second Police District. Residents of the Berkshire Apartments can call MPD at 311 for non-emergencies and 911 for emergencies. To help ensure timely notifications and accurate statistics, we encourage individuals to contact AU's University Police after filing a report with MPD.

AU's Washington Semester coordinates apartment housing at 2807 Connecticut Avenue, N.W., Washington, D.C. through the Washington Intern Student Housing Program. A full-time community coordinator, is present in conjunction with these

⁴ The Department of Education released guidance in June 2016 which defined reasonably contiguous geographic area to be an area within one mile of an on campus property. Based on this guidance, the apartments leased directly through AU as well as the common areas within the Berkshire Apartments are now considered on-

residences. Residents must comply with the university's Student Conduct Code, including Drug and Alcohol Policies. All criminal activities should be reported to local police and to the community coordinator. Residents of these apartments should contact MPD at 311 for non-emergencies and 911 for emergencies. To help ensure timely notification and accurate statistics, we encourage individuals to contact AU DPS after filing a report with MPD.

Alarms and Security Cameras

American University Police utilizes security cameras to enhance personal safety, deter and investigate crime, and protect University property. The use of security cameras will be conducted in manner compliant with all federal and district laws and consistent with the ideals of the university so as to minimize the intrusion of the privacy of faculty, staff, students, and visitors in their personal and professional activities. University Police also maintains a network of door alarms that alert on duty staff that a door has been propped open or has been breached. There are also duress alarms located at key locations throughout the university.

Standalone electronic locks for Enhanced Residence Hall Security

University Police has installed standalone lock technology in all on-campus residence halls. This technology allows students access to their rooms using smart-chip technology embedded in their AUID card. Because the doors automatically lock, this technology significantly reduces the opportunity for unauthorized access should students inadvertently leave their door unlocked. If a student loses his or her ID, the ID is simply deleted from the system without the need for expensive lock resources and issuance of new keys to other roommates. In addition, the locks maintain an audit trail detailing who entered the room and when.

campus housing for statistical purposes only. AU does not own the Berkshire apartments nor is the building physically located on campus.

Electronic key boxes for Enhanced Control of Temporary Issuance of Keys

University Police maintain electronic key boxes in selected buildings on campus. These boxes secure keys and access-control cards in a locked box in various remote locations on campus. Individuals who need temporary access to rooms, labs, offices or studios simply swipe their AUID, and the key box grants them access to authorized keys. A timer is automatically set by the boxes, and an email is sent to the user if he or she keeps the key out of the box for too long. The key box maintains an audit trail to provide administrators with needed information on who accessed what and when.

Security Considerations in Maintenance

Public Safety officers routinely check lighting on campus during regularly assigned patrols. When they find lights that are out or dim, they initiate a work order for Facilities Management (FM). FM maintains university facilities with safety and security in mind. University officers and FM work closely together to identify any broken doors, windows, locks, lights, or other hazards. These items receive expedited maintenance action. We encourage all members of the university to promptly report any unsafe facility conditions by calling 2FIX at 202-885-2349 to reach the Facilities Information Center. Individuals can report any conditions that cause concern about personal safety and property protection to University Police by calling 202-885-2527. University Police personnel regularly inspect campus facilities to assess potential risks and make recommendations for improvement.

STUDY ABROAD PROGRAMS

The following information is provided to students participating in study abroad programs.

Safety

With the safety of students abroad a top priority, AU Abroad operates academically challenging programs where students learn from close integration with their host cultures. AU Abroad only administers programs that we deem safe.

AU Abroad performs regular risk assessments of every program administered. Faculty and staff at our sites know how to contact students locally or when they travel; at each site, students are given 24-hour emergency contact numbers and informed of emergency procedures. When students travel independently, we ask that they keep on-site staff apprised of their plans. AU Abroad will modify or cancel planned field trips or other activities when necessary to ensure student safety. Before students leave the United States, they receive a general safety orientation. Once on site, students receive more detailed instructions from local professionals. AU Abroad is in regular communication with our on-site directors and coordinators regarding any security concerns.

The decision to study abroad is one that must be made by you and your family. Even with the care that university staff members devote to your safety, and even if you carefully follow provided guidelines, we cannot guarantee a completely safe environment, just as no one can guarantee it here in the United States. Nor can we force you to follow these guidelines when you are on your own. We urge you, however, to pay attention to them and to exercise the same caution as you would in the United States, in order to have the best study abroad experience possible.

You may find more safety information at auabroad.american.edu. With more than 20 years of excellence and experience in the field, we are committed to administering safe programs abroad. Should you have any questions about AU Abroad safety or other details, we invite you to get in touch with us. Call AU Abroad Executive Director Sara Dumont at 202-885-1320 or the AU University Police emergency number 24 hours per day, 7 days per week, at 202-885-3636.

GENERAL SAFETY TIPS FOR STUDYING ABROAD

- Register your travel plans with the U.S. Department of State before you leave.
- Be alert and aware of your surroundings. If a suspicious situation occurs, report it to the appropriate people. For example, if you see a package or bag that appears to be unattended, mention it to appropriate personnel or to the

police. Do not leave your own bags unattended at any time, and do not agree to carry or look after any package, parcel, or luggage for anyone.

- Keep a low profile avoiding confrontations or situations that could become provocative or put you in any danger. Similarly, stay away from demonstrations and unruly crowds. In addition, try to integrate yourself into the host culture so that you do not stand out as a tourist.
- Keep all important documents, such as your passport, in a safe place at all times. Pouches or belts (for documents and money) worn under your clothing are recommended when you are traveling.
- Report stolen documents immediately. If your passport is stolen, inform the U.S. embassy immediately.
- Make several clear photocopies of your passport (and visa, where applicable). Leave a copy of these documents with a parent or guardian, and take a few copies with you—but keep them separate from your passport in a safe place. You can also e-mail yourself a scanned copy of these documents.
- Please be cautious when you meet new people. Just as you would not do in the United States, you should not provide your local address or phone number, or those of fellow students, to strangers. Never get into a car with strangers or put yourself in a situation where you are alone with a stranger or people you have only just met.
- The U.S. State Department occasionally issues advisories for travel to certain countries or worldwide. AU Abroad will inform you if an advisory is issued specific to your site. If you wish to know about general worldwide advisories, either call our office or check online at the State Department’s website at travel.state.gov.
- AU Abroad advises against traveling alone to any locations, especially those for which the State Department has issued specific warnings. If you are planning to travel on your own to countries that might raise concerns, with warning signals such as recent

terrorist attacks, historically strained relations with the United States, etc., you should check with program staff for the most recent information. If you do travel on your own, you should inform program officials of your itinerary and how you can be reached. If you do not do this, AU Abroad cannot be responsible for locating you or assisting you in emergencies. Keep a copy of your passport and sufficient funds or an international credit card with you at all times.

- Road travel abroad is always a concern. AU Abroad very strongly discourages you from driving in other countries, since you are not familiar with the customs, laws, and road signs. On-site staff hire reliable and careful drivers for any planned trips. For travel on your own, you should assume that the roads present additional significant risks and consider alternative forms of travel. Hitchhiking is strongly discouraged.
- While studying abroad, students, faculty, and staff can utilize AU’s resources (as listed in the preceding pages), if they, or someone they know, is the victim of sexual assault, dating violence, and/or stalking. The resources are available even if the AU community member is in a foreign country.
- There is also an international inventory of hotlines, shelters, refuges, crisis centers, and women’s organizations, searchable by country, plus an index of domestic violence resources in more than 70 languages at hotpeachpages.net.
- In the nearest U.S. embassy or consulate, consular officers are available for emergency assistance 24 hours per day, 7 days per week.
- To contact a U.S. embassy or consulate, go to usembassy.gov.
- To contact the Department of State while in the United States, call 888-407-4747 during business hours and +1 202-501-4444 after hours.
- While in AU’s study abroad programs, students, faculty, and staff retain their rights to file a Title IX complaint.

RESOURCES FOR SEXUAL HARASSMENT, RELATIONSHIP VIOLENCE, AND SEXUAL ASSAULT ABROAD

The resources identified below apply to all of the university's study abroad programs.

Addressing Sexual Assault, Stalking, and Relationship Violence Abroad

Students are encouraged to be aware of cultural and social attitudes toward sexual harassment, rape, and sexual assault victims, as they may vary greatly in different countries. Students should speak with their study abroad advisor and in-country program director to learn more.

If an AU student discloses an experience of sexual harassment, sexual assault, domestic violence, dating violence, or stalking to any program staff member or study abroad advisor, that staff member or advisor will be required to make a report of the assault to the university's Title IX Program Officer. The Title IX Program Officer will follow up with the student regarding what was reported. If a student is seeking support, but does not want to make a report or is unsure if they want a report made, they should speak instead to a confidential resource, such as an AU victim advocate. The victim advocates (OASIS@american.edu or 202-885-7070) can provide confidential support, even while a student is abroad.

What to Do If You Have Been Sexually Assaulted Abroad

- Find a place where you feel safe.
- Contact someone you trust who can support you.
- Consider contacting an AU confidential victim advocate at OASIS@american.edu or 202-885-7070. The victim advocate can provide emotional support, connect you with resources, and provide guidance on navigating medical and legal support systems. As a confidential resource, the victim advocate will

⁵ The victim advocates in the Office of Advocacy Services for Interpersonal and Sexual Violence (OASIS) are considered Campus Security Authorities (CSAs). In this capacity, advocates are required to collect *anonymous, non-identifying* information for crimes occurring

not share any information with any person or organization unless you request that the advocate do so.

- Consider contacting the Department of State at 202-647-4444 or calling the emergency number for U.S. citizens at the U.S. embassy in your country, which can be found through <https://travel.state.gov/content/passports/en/emergencies.html>. Someone at each U.S. embassy will answer the phone 24 hours per day and provide information about local laws and customs.
- Consider seeking medical attention, even if you are not seeking evidence collection. It is important to be tested for sexually transmitted infections and to treat possible internal injury.
- Consider talking with a counseling professional who can help you begin to process and understand what happened. This person can help you cope with emotional difficulties that may arise after an assault.



For Sexual Harassment, Relationship Violence, Stalking, and Sexual Assault Survivors Abroad

American University's Office of Advocacy Services for Interpersonal and Sexual Violence (OASIS) provides free and anonymous advocacy services⁵ for students in the campus community who is a survivor of sexual violence (sexual assault, dating or domestic violence, and stalking), whether they are domestic or abroad. OASIS staff consists of the Sexual Assault Prevention

on campus or in American University-owned buildings. This information will be included in annual statistical compilations, included in the daily crime log, and evaluated for timely warning consideration.

Coordinator and Coordinator of Victim Advocacy Services. As confidential resources, OASIS staff will not report a sexual assault, unless requested by the victim/survivor or unless there is immediate danger to human life.

Contact OASIS at OASIS@american.edu or (202) 885-7070.

The Rape, Abuse and Incest National Network (RAINN) can be reached at 1-800-656-HOPE (4673) or you can initiate an anonymous and confidential online chat with them at rainn.org.

Additional Resources for Sexual Harassment, Relationship Violence, Stalking, and Sexual Assault Survivors Abroad

Country-Specific Assistance	U.S. Department of State	Emergency Number for U.S. Citizens at U.S. Embassies
Office for Victims of Crime ovc.ncjrs.gov/findvictimservices	(202) 647-4444	https://travel.state.gov/content/passports/en/emergencies.html Someone at each U.S. embassy will answer 24 hours per day and provide information regarding local laws and customs.

On-Campus Resources for Sexual Harassment, Stalking, Relationship Violence, and Sexual Assault Survivors

The Counseling Center cannot provide counseling over the phone, but it can provide support upon an individual's return to the United States. The Counseling Center can be contacted at 202-885-3500.

The Office of the Dean of Students will assist in communicating with academic advisors and with counseling, housing, and other units and resources on campus if the assault or harassment is committed by another AU student. The dean of students can be reached at 202-885-3300 or dos@american.edu.

TITLE IX

While on study abroad programs, students, faculty, and staff retain their rights to file a Title IX complaint.

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. Under Title IX, discrimination on the basis of sex can include dating or domestic violence, stalking, sexual harassment or sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion.

AU prohibits sex discrimination in any form and provides resources for support and complaint resolution.

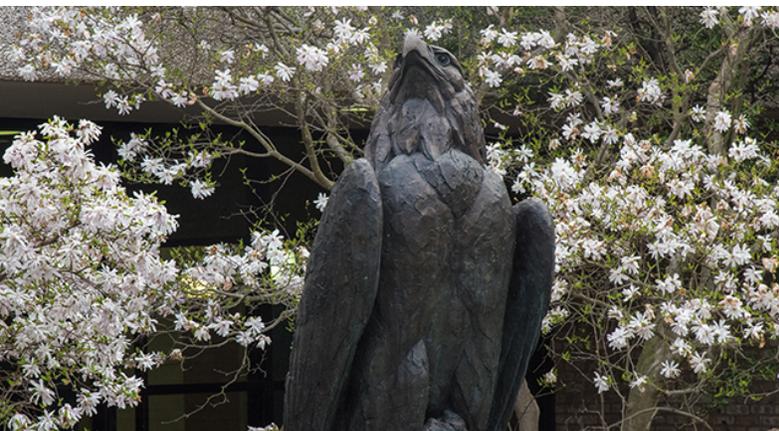
AU's Discrimination and Sexual Harassment Policy identifies prohibited conduct under Title IX and outlines complaint procedures. It is available at: www.american.edu/policies

Complaints may be directed to the University’s Title IX Program Officers:

<p>Title IX Program Officer – for complaints against university students</p> <p>408 Butler Pavilion</p> <p>4400 Massachusetts Avenue, NW Washington, DC 20016</p> <p>202-885-3373</p> <p>TitleIX@american.edu</p>	<p>Deputy Title IX Program Officer – for complaints against university students</p> <p>Dean of Students</p> <p>408 Butler Pavilion</p> <p>4400 Massachusetts Avenue, NW Washington, DC 20016</p> <p>202-885-3300</p> <p>dos@american.edu</p>
<p>Deputy Title IX Program Officer – for complaints against Washington College of Law students</p> <p>WCL Dean of Student Affairs</p> <p>4300 Nebraska Avenue, NW Washington, DC 20016</p> <p>202-274-4052</p> <p>djaffe@wcl.american.edu</p>	<p>Section 504 Officer – for student disability discrimination complaints</p> <p>Director, Student Conduct & Conflict Resolution Services</p> <p>407 Butler Pavilion</p> <p>202-885-3328</p> <p>conduct@american.edu</p>
<p>Deputy Title IX Program Officer – for complaints against faculty members, faculty administrators, and individuals with teaching responsibilities</p> <p>Dean of Academic Affairs Leonard Hall Lower Level</p> <p>202-885-2125</p> <p>deanofacademicaffairs@american.edu</p>	<p>Deputy Title IX Program Officer – for complaints against staff, university administrators, university guests, and contractors</p> <p>Assistant Vice President of Human Resources</p> <p>3201 New Mexico Avenue, NW, Suite 350 Washington, DC 20016</p> <p>202-885-2591</p> <p>employeerelations@american.edu</p>

The Student Conduct Code (“Code”) defines types of sexual misconduct and outlines the procedures for resolving complaints through the student disciplinary system. The Student Conduct Code is available at www.american.edu/ocl/sccrs/upload/AU-Student-Conduct-Code.pdf or by calling 202-885-3328.

General information and resources pertaining to sexual assault are available at american.edu/ocl/TitleIX/. Additional information can be found by contacting OASIS (Office of Advocacy Services for Interpersonal and Sexual Violence) at 202-885-7070 or OASIS@american.edu.



COLLEGIATE ASSISTANCE PROGRAM

The Collegiate Assistance Program (CAP) provides access to a Nurseline service and a Student Assistance Program designed to help students manage common problems and stressors that can detract from academic success. The services are available to students 24 hours per day, 7 days per week, by calling 1-855-678-8679. These services are provided by United Healthcare.

CAP includes:
Telephone/Online Counseling

Students facing stressful or emotional issues have 24/7, year-round access to prompt counseling services. Beginning with students' first toll-free call, master's-level clinicians will listen carefully to assess their needs. Crisis intervention specialists and licensed clinicians are always ready for urgent situations.

Web-Based Services

The website for students, liveandworkwell.com, offers a wealth of information on a full range of topics. The site includes thousands of articles, interactive learning tools, cognitive behavioral therapy modules, searchable databases, and helpful resources for students who want to develop their own self-improvement strategies.

Legal and Financial Services

These include assistance with nonclinical issues, such as debt, divorce, child custody matters, and shelter from abuse relationships. The effect of these and other practical concerns can be just as

detrimental to a student's health and well-being as a clinical issue.

Nurseline

A technology-enabled, clinical nurse triage service is available to students 24/7. Nurseline promotes personal health management by providing health information, advice, and support through telephone interactions. It helps callers make informed health decisions by providing answers to commonly asked questions.

STUDY ABROAD PROGRAM— MADRID, SPAIN

The following information is provided to AU students participating in study abroad programs.

The programs in Madrid are designed for students who seek a structured study abroad program focusing on the academic themes of contemporary Spain, international relations, **global/public health and performing arts or business**. The programs are organized by three full-time staff members in Madrid who coordinate course work and homestays, internships, excursions, and other cultural events.

The programs offer students a broad range of opportunities to learn about this cultural metropolis and the rest of the country as you will be living, studying, and interning in Madrid and traveling to other regions. Through the program's academic curriculum, field trips, internships, and other activities, participants will be able to immerse themselves in Spain's politics, history, business, culture, and society, an experience that fosters international consciousness and cross-cultural learning. Students earn a full semester of AU credit.

During participation in the programs, students live in a Spanish home. The homestay allows participants to experience the warmth and hospitality of Spain while improving their language skills. In the homestay, students enjoy breakfast, lunch, evening meals, and weekly laundry privileges. Students stay in single rooms. Students commute approximately 30 minutes from their homestays to the program offices in the center of Madrid. During program excursions, students stay in hotels.

AU leases office space at:

AU Center
Recoletos 6
Madrid, Spain 280001

To report any crime that occurs at or in the vicinity of the above AU Center, please contact Francisco Gomez Santiago at 00 34 619 841689 and/or Professor Elena Dominguez at 00 34 617 941165 or Azahara Linares at 00 34 617 061167.

In the AU Center, the front door on the street must be rung and opened from the inside before anyone can enter the building. The center opens from 8:00 a.m. to 9:00 p.m. and is closed on weekends. However, the director and coordinators are available 24 hours per day, 7 days per week. There is a reception desk at the entrance of the AU Center. The receptionist allows students and instructors in and out.

AU does not provide its own security and/or police department in Madrid. For all criminal complaints and police assistance matters, please contact the local police. For the police department in the Chamartin District, contact:

Calle del Príncipe de Vergara, 142 28002 Madrid |
Telephone: 00 34 91 588 0345

In the event of an emergency, students should contact the police emergency line at 112 (similar to 911 in the United States). Once the police have been contacted, students should contact the program directors listed above.

ON-SITE CONTINGENCY PLAN IN AN EMERGENCY

- If you are at home, do not leave. Someone from the program staff will contact you. Wait for instructions. Stay calm, as telephone lines may be busy.
- If you are at Instituto Superior de Derecho y Economía (ISDE) or at an internship office do not leave either one until you receive further instructions.
- If you are on the street in Madrid and do not have a cell phone with you, go to a public place (such as a cafeteria or restaurant) and from there contact the program staff. If you have your phone, chances are that the program staff will have contacted you already. Do not leave the cafeteria or restaurant until you receive instructions.
- If you are in another Spanish city or another European city, go to a public place and from there contact the program staff

Please remember the following:

- You and the program staff are registered in the U.S. embassy in Madrid. Program staff will receive official information and instructions from the embassy and/or from AU Abroad in Washington and will send information to you and your host families.
- Your homestay in Madrid is the first place to go to and to stay until you receive further information from program staff
- Do not use public transportation such as metro or bus.
- If the streets appear to be safe, take a taxi to your homestay.
- Local and international phones and email servers are likely to be difficult to use for a while. Please stay calm and follow instructions. Do not move out of your homestay without notifying the program. We need to know where you are.

If a student does not return to his or her homestay as expected, the host family would report the student as missing to the program director. If inquiries to the student's host family or roommates do not provide information regarding the student's whereabouts, the local police and hospitals would be contacted.

In conjunction with this effort, the Executive Director of AU Abroad in Washington would be contacted to see if any communication from the student had been received, and the Executive Director of AU Abroad would subsequently contact the student's parents or guardians to see whether they had heard from the student. If none of these efforts yields information about the student's location, the U.S. consulate abroad would be contacted.

To contact the Executive Director of AU Abroad, call (202) 885-1321 or send an email to dumont@american.edu

While you are studying abroad, AU policies for the main AU campus regarding drugs and alcohol will apply to you. Failure to comply with the established policies will result in the consequences discussed in the Code of Conduct. If you have any questions concerning AU policies, please talk with on-site staff.

SPECIAL INFORMATION FOR CASES OF SEXUAL ASSAULT AND RAPE

The following information is provided by the U.S. embassy in Madrid, Spain.

What is considered sexual assault in Spain?

Any unauthorized sexual contact is criminally punishable per Spanish law. The law defines various sexual crimes and sentencing varies by crime. For example, sexual abuse is subject to lower sentencing while rape may be subject to the highest possible sentence. Acquaintance or date rape is considered as serious as any other type of sexual assault.

What steps should I take if I have been the victim of a sexual assault?

Report the incident to the police right away. File a police report and request a copy. Have a medical exam to preserve any physical evidence of the crime. Remember that physical evidence is very important in sexual assault cases and can deteriorate as time passes.

You should not change clothes, avoid bathing if possible, and have a physical exam at the first opportunity. You should take these steps even if you are unsure about whether to report the crime to police. If you decide to pursue a prosecution at a later time, these steps preserve evidence that will assist the prosecutor.

How does the medical exam work?

The medical exam will be performed only in specific hospitals throughout Spain that are trained to work with victims of sexual assault. The police will instruct the victim of a sexual assault where he or she needs to go to have the forensic examination performed. These exams are performed by certified medical doctors in Spain who are licensed to conduct forensic examinations. The exam will involve a pelvic exam, genital swabs, taking of hair samples, fingernail scrapings, blood samples, and saliva samples. The victim may ask for a support person to remain with him or her throughout the exam process.

Do I have to have a medical exam?

No, but it is very difficult to convict anyone in a rape/sexual assault charge without a physical exam. Even if you are not interested in taking the case to court, it is important to get medical attention to determine if you have been injured in any way and to discuss treatment and prevention options for pregnancy and sexually transmitted diseases. Emergency contraception (the morning-after pill) is available in Spain, as is prophylaxis for HIV and other sexually transmitted diseases.

What is my role in the case?

You will be interviewed by the police, public prosecutor, investigating judge, and defense counsel throughout the proceeding.

How do I maintain my privacy during the case?

Strict data protection laws in Spain make it illegal to publicize the victim's name.

What can the embassy do?

Provide lists of local doctors and clinics. Send a consular officer or after-hours duty officer to accompany victims for the medical exam.

SPECIAL INFORMATION FOR CASES OF DOMESTIC VIOLENCE

Is domestic violence a crime in Spain?

Yes.

How can I get help?

You can get a protection order after reporting the crime to the police or to a court. Shelters for victims of domestic violence are available in every region in Spain and are safe. Law enforcement or social services will provide a victim with a local shelter referral. This report does not publish locations of shelters because the locations are kept secret as a safety measure. Young children may stay with their mothers in some shelters.

What other resources are available to me?

The Spanish domestic violence hotline is 016. This number is toll-free and no record of calling this number will appear on your phone bills. English operators are available and this service is completely confidential.

This service provides access to social resources, financial aid, sheltered housing, employment advice, residence papers, and legal advice. Stalking is also a crime in Spain and can be reported to the police. The 016 hotline will provide victims with referrals to free emergency programs.

The police have implemented SAF (servicio de atención a la familia) and SAM (servicio de atención a la mujer) to work with women who have been sexually or physically abused. The central SAF office is located at Calle Julián González Segador, s/n 28043 Madrid. In emergencies, dial 012 and tell the operator your name, where you are, and that you need help.

The Americans Overseas Domestic Violence Crisis Center is available for a number of services, including advocacy to obtain resources, case management, relocations, counseling, and emergency assistance. To call toll-free from Spain, dial the AT&T USADirect Access Number (900-99-0011) and then dial 866-879-6636.

Hot Peach Pages is a global information center for women, searchable by country (hotpeachpages.net/usa). You can find additional domestic abuse centers to call and information on your rights.

Embassy staff is available to try to answer any questions you might have. In an emergency involving an American citizen in Spain, you can reach the embassy at the following numbers: (34)91-587-2240 or (34)91-587-2200 (after hours).

PERSONAL STREET SAFETY

Madrid is a large city and therefore you should exercise the same caution there as in large American cities. Although Madrid has a relatively low rate of violent crime, a marked increase in robberies calls for some tips for traveling in Spain.

Money and Valuables

When traveling, bring only what you absolutely need, leaving non-essential items at your apartment or in a safe at the hotel. Make a photocopy of your passport to carry and leave the real one in a safe place. Especially in Madrid, don't carry your passport!

Purse and Wallet Snatching

Thieves usually work in pairs. They snatch purses or wallets from pedestrians, cyclists, and even people in vehicles, grabbing them and running away. One common technique on the streets, carried out in pairs, is for one thief to spill something (mustard, ketchup, etc.) on a victim. While one of them pretends to clean off the victim, the other locates valuables and runs off. Be especially alert for “double teaming” on the metro and in any crowded or tourist areas.

Automated Teller Machines

When using automated teller machines (ATMs) in Madrid, be alert. Many recent scams have involved thieves distracting people at ATMs and taking either their money or their card while they are using the machine. One common technique is to drop a bill by a person’s feet, tell him or her that he or she has dropped money, and when the person reaches down to pick it up, the thief runs off with the card.

Precautions You Can Take

Do not carry a purse. If you do, make sure that it has a long strap to cross over your body, around your neck. It should have a thick strap that cannot be snipped with scissors.

If you wear a backpack, keep it in front of you, or buy a small lock for it that cannot be opened without your knowledge. Pay attention to where you store your cell phone, laptop, and other important items.

Keep your valuables in your front, never back, pockets.

Carry only enough cash for the day’s needs. Don’t carry all of your credit cards on you at one time.

Be aware of your surroundings, especially of someone who asks you questions or tries to distract you.

Keep a separate record (photocopies are good) of your passport number, check numbers, and credit cards.

Write down the phone numbers for cancelling credit cards in case you need to do so.

Emergency Contacts

Keep the program staff and an emergency contact in the United States well-informed of your whereabouts and activities, and provide these people with copies of your important travel documents (i.e., passport, visa, plane tickets, traveler’s checks, and prescriptions).

Laws and Codes of Conduct

Make yourself aware of both the rules and regulations of the study abroad program sponsor and the local laws and customs of the countries you will be visiting. Understand that you will have to not only conform to the legal system of the country you will be visiting, but also to obey the codes of conduct required of program participants.

Alcohol and Drugs

Use and abuse of alcohol and drugs abroad can increase the risk of accident and injury. Many study abroad accidents and injuries are related to the use and abuse of alcohol and drugs abroad. Violating drug laws in other countries may result in very serious consequences. In some countries, being found guilty of violating drug laws can result in consequences as serious as death.

While you are on your study abroad program, AU policies for the main AU campus regarding drugs and alcohol will apply to you. Failure to comply with established policies will result in the consequences discussed in the Code of Conduct. If you have any questions concerning AU policies, please talk with staff

Contact information for the U.S. embassy in Spain

Embassy switchboard
Telephone: 91-587-2200

American Citizen Services
Telephone: 91-587-2240
(8:30 a.m.–1:00 p.m., Monday–Friday) Telephone:
91-587-2200 (after-hour emergencies)

The American Citizen Services unit is located at:

American Embassy
Calle Serrano 75

28006 Madrid
Telephone: (34)91 587 2240
<mailto:askacs@state.gov>

The American Citizen Services unit of the consular section provides information and assistance to U.S. citizens in the Madrid area. This unit handles a wide variety of services, such as issuing emergency passports, processing passport applications, providing notary services, furnishing voting information, and documenting births and deaths of Americans in Spain. It also assists travelers in distress—for example, in acquiring funds from home and arranging for medical care—and assists Americans arrested or incarcerated in Spain.



STUDY ABROAD PROGRAM- BRUSSELS, BELGIUM

The European Union in Action program provides an in-depth understanding of the European Union and the North Atlantic Treaty Organization (NATO) through a combination of classes and seminars with European Union and NATO decision makers; access to behind-the-scenes players in Brussels; internships; field trips outside the city; homestays; and cultural activities. Students will learn ins-and-outs of Brussels, the capital of Europe, through a combination of direct enrollment courses, AU Brussels Center courses, an internship, and daily interactions with Europeans

Students live with a family while in the program. The homestay experience offers insights into normal life for citizens living in one of the most

powerful cities in the world. It also provides a daily connection with modern Belgian culture that might otherwise be missed in the hectic pace of this busy European capital.

A student receives three evening meals with the host family each week and breakfast daily. An additional meal stipend is provided to help defray the cost of some other meals, allowing a student to have as much or as little interaction with the host family as the student desires. For a student who wishes to integrate into Belgian culture and improve her or his French, it is the perfect opportunity. However, for a student who wants to live more independently, there is no obligation to spend time with the family. Most, if not all, homestay hosts speak English and/or French.

AU leases administrative office space at:

Place de l'Alma 3, bte.7
B-1200 Brussels, Belgium

In the event of an emergency and/or criminal occurrence, students in the program should contact the European Union emergency response telephone number at 112. Within Belgium, they may also call 101. (These two numbers are the European and Belgian equivalents of 911.)

Within the program, students should contact the assistant director, Amber Etsey at +32-495-65-79-17 or the program director, Jerome Sheridan, at 0477-33-05-08.

There are no personnel employed by AU who provide any form of security at either AU-leased premises or local homestays. At the beginning of each semester, a Belgian police officer briefs students for one to one and one-half hours on safety in Belgium, covering security in all aspects of daily life, including shops, cafés, restaurants, public transport, and on the street.

Entrance at AU's premises is controlled by a key. The door to the premises is unlocked when AU staff arrives and it is locked when AU staff leaves. Entrance into the building in which AU's premises are located is controlled by card key. Each student has his or her own card key to enter the building.

If a student does not return to his or her homestay as expected, the host family would report the student as missing to the program director. If inquiries to the student's host family or roommates do not provide information regarding the student's whereabouts, the local police and hospitals would be contacted.

In conjunction with this effort, the Executive Director of AU Abroad in Washington would be contacted to see if any communication from the student had been received, and the Executive Director of AU Abroad would subsequently contact the student's parents or guardians to see whether they had heard from the student. If none of these efforts yields information about the student's location, the U.S. consulate abroad would be contacted.

To contact the Executive Director of AU Abroad, call (202) 885-1321 or send an email to dumont@american.edu

While you are studying abroad, AU policies for the main AU campus regarding drugs and alcohol will apply to you. Failure to comply with established policies will result in the consequences discussed in the Code of Conduct. If you have any questions concerning AU policies, please talk with on-site staff

In Brussels, the local member of the Rape Crisis Network is located at:

Sos Viol (primarily French speaking)
Rue Blanche
24-1060 Brussels
Phone: 02-534-3636
Fax: 02-534-8667
sosviol@brutele.be

An additional resource for the international community is:

Community Help Service Belgium
24 hour helpline: 02-48-40-14
Mental Health Centre 02-647-67-80
<http://www.chs-belgium.org/en/>

PERSONAL STREET SAFETY

Brussels is a large city, and, therefore, you should exercise the same caution there as in large American cities.

Money and Valuables

When traveling, bring only what you absolutely need, leaving inessential items at your apartment or in a safe at the hotel. Make a photocopy of your passport to carry and leave the real one in a safe place. Especially in Brussels, don't carry your passport!

Purse and Wallet Snatching

Thieves usually work in pairs. They snatch purses or wallets from pedestrians, cyclists, and even people in vehicles, grabbing them and running away. One common technique on the streets, carried out in pairs, is for one thief to spill something (mustard, ketchup, etc.) on a victim. While one of them pretends to clean off the victim, the other locates valuables and runs off. Be especially alert for "double teaming" on the metro and in any crowded or tourist areas.

Automated Teller Machines

When using automated teller machines (ATMs) in Brussels, be alert. Many recent scams have involved thieves distracting people at ATMs and taking either their money or their card while they are using the machine. One common technique is to drop a bill by a person's feet, tell him or her that he or she has dropped money, and when the person reaches down to pick it up, the thief runs off with the card.

Precautions You Can Take

- Do not carry a purse. If you do, make sure that it has a long strap to cross over your body, around your neck. It should have a thick strap that cannot be snipped with scissors.
- If you wear a backpack, keep it in front of you, or buy a small lock for it that cannot be opened without your knowledge. Pay attention to where you store your cell phone, laptop, and other important items.
- Keep your valuables in your front, never back, pockets.

- Carry only enough cash for the day's needs. Don't carry all of your credit cards on you at one time.
- Be aware of your surroundings, especially of someone who asks you questions or tries to distract you.
- Keep a separate record (photocopies are good) of your passport number, check numbers, and credit cards.
- Write down the phone numbers for cancelling credit cards in case you need to do so.

Emergency Contacts

Keep the program staff and an emergency contact in the United States well-informed of your whereabouts and activities, and provide these people with copies of your important travel documents (i.e., passport, visa, plane tickets, traveler's checks, and prescriptions).

Laws and Codes of Conduct

Make yourself aware of both the rules and regulations of the study abroad program sponsor and the local laws and customs of the countries you will be visiting. Understand that you will have to not only conform to the legal system of the country you will be visiting, but also to obey the codes of conduct required of program participants.

Alcohol and Drugs

Use and abuse of alcohol and drugs abroad can increase the risk of accident and injury. Many study abroad accidents and injuries are related to the use and abuse of alcohol and drugs abroad. Violating drug laws in other countries may result in very serious consequences. In some countries, being found guilty of violating drug laws can result in consequences as serious as death.

While you are on your study abroad program, AU policies for the main AU campus regarding drugs and alcohol will apply to you. Failure to comply with established policies will result in the consequences discussed in the Code of Conduct. If you have any questions concerning AU policies, please talk with on-site staff

Contact information for the U.S. embassy in Brussels

Regentlaan 27 Boulevard du Régent
B-1000 Brussels
Telephone: +32-2-811-4000. Inside Belgium, dial 02-811-4000
Fax: +32-2-811-4500
9 a.m. to 6 p.m., Monday–Friday

If you are an American citizen with an after-hours emergency, please call 02-811-4000 from inside Belgium.

The American Citizen Services unit of the consular section assists American citizens in Belgium. Among other services, the unit provides passport services, registers the birth of children, assists with federal benefits, offers notary services, gives information on voting, and provides information to Americans visiting and residing in Belgium. All of these services are available at the consular section by appointment.

The unit also provides emergency assistance to American citizens in distress, such as those who are destitute, arrested, separated from minor children, or sick. In an emergency, the embassy duty officer can be reached at any time.

U.S. Embassy
Consular Section
Bd du Regentlaan 25 1000 Brussels
Telephone: (32)(0)2-811-4300

STUDY ABROAD PROGRAM—NAIROBI, KENYA REPORT

Nairobi, the capital of Kenya, is one of the fastest growing cities in the world. With more than 40 ethnic groups and numerous immigrants from around Africa and beyond, the city boasts a remarkable wealth of cultures. As the headquarters for the United Nations Environmental Program and the United Nations Human Settlements Programme (UN-HABITAT) and the hub for many international nongovernmental organizations in the region, the city is in many ways a microcosm of the rapidly changing face of Africa. Nairobi and Kenya in general provide an ideal location for AU's theme programs: Contemporary Issues in Kenya & Africa,

Environment & Human Health, and Public Health.

Program participants live homestays for a month, and then move to private and secure apartments convenient for all their activities. These apartments are fully furnished with a TV, kitchen,

laundry room, and most laundry services. Each apartment houses at least four students.

The AU offices in Nairobi are located at AU Abroad, Muguga Green Apt 17, Muguga Green Road, Westlands. Participants of the program will live at Njema Court, Rhapta Road, Westlands, Nairobi.

While in the Nairobi program, please report any crimes to the following personnel:

Program Contact	Contact Number
Program Director, Mwangi Njagi	0713180292
Security Coordinator, Victor Mwanza	0724523417
U.S. Embassy, Nairobi	020-363 6170 020-363 6451 020-3636000 020-3636622
Kenya Police Emergency Service	999 112
Nairobi Police Control Room	020-714995 020-724201
Emergency Response Service	999 (landline) 112 (mobile)
Nairobi Fire Department	020-222181 222181-2

When reporting any threats or incidents, provide a description of the incident, including:

- The kind of incident.
- Your name.
- Any observations about the incident.
- Exact location of the incident.
- Other pertinent identifying information.

In an emergency, call 999 (land line) or 112 (mobile phone). The emergency service is for use when an immediate response is required. Use this service to contact the police while a crime is occurring or if anyone is in immediate danger. The 999 system also handles calls for the fire brigade (department) and ambulance services. Kindly specify the kind of service that you need.

The AU Abroad office is located within an apartment and office building complex enclosed by high security fence. Student residences have a brick wall topped with an electric fence. The apartment complex contracts a private security

company (as do most apartment complexes, businesses, and private individuals in Nairobi). The same applies to the AU Nairobi office. All residents must know their apartment numbers and any pertinent details, because they are usually questioned before being allowed to enter the building. Security personnel patrol the grounds to maintain order. The office in which the residents report any problems (the equivalent of a front desk) is open 24 hours per day, 7 days per week. The AU Nairobi center employs much the same

security arrangement with the exception of the front desk.

Access to both facilities is strictly controlled by security guards. Access for residents and workers is straightforward, but visitors to student apartments are questioned and the resident consulted before the visitor is allowed in the building.

Program participants are advised to always carry their student identification card and a photocopy of their passport.

If a student does not return to his or her homestay as expected, the host family would report the student as missing to the program director. If inquiries to the student's host family or roommates do not provide information regarding the student's whereabouts, the local police and hospitals would be contacted.

In conjunction with this effort, the Executive Director of AU Abroad in Washington would be contacted to see if any communication from the student had been received, and the Executive Director of AU Abroad would subsequently contact the student's parents or guardians to see whether they had heard from the student. If none of these efforts yields information about the student's location, the U.S. consulate abroad would be contacted.

To contact the Executive Director of AU Abroad, call 202-885-1321 or send an email to dumont@american.edu.

While you are studying abroad, AU policies for the main AU campus regarding drugs and alcohol will apply to you. Failure to comply with established policies will result in the consequences discussed in the Code of Conduct. If you have any questions concerning AU policies, please talk with on-site staff.

GENERAL SAFETY TIPS IN NAIROBI

- Keep to the main areas of Nairobi.
- Keep to the main roads and avoid shortcuts, back alleys, etc.

- Be particularly wary of people hanging around outside hotels—a common place for criminals to mug tourists.
- Ignore street children and others who approach you in the streets.
- Do not carry large sums of money when shopping, and do not wear expensive jewelry or other expensive items. Keep your belongings on you in a zipped pocket or in a bag that you carry over your shoulder.
- Do not accept food and drink from strangers.
- Register with the U.S. embassy online at travelregistration.state.gov/ibrs/ui.
- On your phone, program the phone numbers of Nairobi program staff, all your colleagues, and the local police. Never give out somebody else's phone number without his or her consent. Never use your phone on the street; instead, if you need to use it, call from inside a shop.
- Avoid travel late at night.
- Never walk in a narrow street or space, such as between a wall and parked cars.
- Never leave food or drink unattended in a public place.
- Never give strangers your address or let them into your apartment. If you feel uncomfortable with someone in your apartment, call the security guards.



TRANSPORTATION SECURITY PRECAUTIONS

- At night, the only real option you have is to call a taxi, since you won't be allowed to make the 20-minute walk to the nearest taxi stand.

That's why it is important to become very familiar with taxi drivers in Westlands and to build a relationship with a few of them. (During the on-site orientation, you will be furnished with contacts of the taxi operators who work with AU Abroad Nairobi program).

- Stay alert and be aware of your surroundings. Do not expose what you have. Avoid carrying valuable things in open bags and pockets. Try putting them in zippered pockets or compartments.
- Do not allow any unauthorized personnel in your group.
- Do not be distracted by other passengers. Pay attention. If you notice anything or anyone strange, alert your colleagues.
- Try to blend in. All sorts of people ride matatus, but those who appear naïve and unaware are the ones targeted.
- Do not squeeze past people on a crowded matatu. Instead, find a seat in the front few rows.
- Never board an empty matatu.
- Never use your phone while crossing streets in the city center, and avoid using your phone in a matatu, especially if seated next to the window.
- If you lose your belongings, alert the program security coordinator immediately. He will help you file a report at the nearest police station. Lose of such items as identification cards, credit cards, and cell phone must be reported within 24 hours.

GENERAL SAFETY PRECAUTIONS

- Avoid public venues such as political rallies, bars, nightclubs, and restaurants that broadcast popular events and games. You should monitor local media for current information, and amend your travel and meeting arrangements accordingly. Always pay attention to your surroundings and use common sense.
- Avoid hanging out in areas with a high concentration of people. If something or someone strikes you as suspicious, make a mental note of it, and report the incident or

person as soon as possible to the AU Abroad Kenya office.

- In addition to terrorism, other criminal activities in Nairobi include robbery, mugging, burglary, and carjacking.
- Be discreet when strangers ask you a lot of personal questions. Some will ask out of amiable curiosity, but others will ask to try and extract a favor from you, a "donation," for example. Others may have sinister motives. A good way to disarm overly curious strangers is to turn the conversation back on them by asking them similarly detailed personal questions. Never take strangers to your residence. Be wary of traveling to unfamiliar areas of Nairobi.
- Always carry the following with you:
 - Your university-issued identification card
 - A photocopy of your passport
 - Your cell phone, which should always be fully functional, with the battery charged and with ample available credit
 - At least 1,000 Kenyan shillings (Ksh) for emergencies
 - Memorize the phone numbers of the AU Abroad Kenya director, most importantly, and your colleagues, and call if you are in trouble or need to talk. Register with the U.S. embassy in Kenya online to receive advisory alerts on any changing situations in Kenya and the region at nairobi.usembassy.gov.

Con Artists

It is common to run into people in Nairobi who want to ply money from you. They assume the role of political refugee and request money for their family. Others pretend to be students collecting contributions for their schools. Another scam involves men dressing up as beggars, acting as though they are blind, and asking for money. Exercising common sense is your best weapon against tricks and scams.

Road Crossing

Crossing the road in Nairobi can be arduous and dangerous. Traffic lights sometimes don't work and even when they do, many motorists do not respect them. Your best survival strategy is to

follow the lead of the Kenyans when crossing the road.

Always keep the following in mind when attempting to cross the road: look right, left, and then right again to make sure the road is clear before crossing. When walking along the road, walk against traffic so you may see oncoming vehicles.

Again, stay safe by not making calls when crossing the road in the city center

Mugging

Mugging and pickpocketing are common in Nairobi and can happen to anyone. To be safe, don't carry anything you can't bear to lose. Do not carry expensive valuables—and only carry the amount of money you need for a specific purpose hidden in several places; for example, keep a small amount in your pocket for spending, some between your foot and sock, and the rest in your money belt.

Violent Crime

Violent crime can be prevented by not resisting, chasing, or fighting thieves. Walking around at night, especially alone, increases your chances of violent attack. If you take precautions and use common sense, you can reduce the chances of becoming a victim of violent crime. You should comply without fighting back should you become a victim of violent robbery. If threatened, give

your attacker what he or she wants. Let go of your valuables rather than get hurt.

Bag Snatching

Try not to behave too much like an unsuspecting tourist, such as walking, absorbed in your guide book, while your camera and wallet bulge from your pockets.

Safety When Going Out

- Never go out alone. Always bring one of your fellow students or colleagues along to provide support.
- Spiking of drinks is common in pubs, so don't accept open drinks (alcoholic or nonalcoholic) from anyone.
- If your drink has been left unattended, dispose of your drink upon your return.
- Keep your eyes and ears open; if you hear talk of date rape or drugs or if friends seem overly intoxicated for what you know they have consumed, leave the party or club immediately and don't go back to it.

PERSONAL TRAVEL

The current political and military activities in Kenya and the larger East Africa region have made individual travel risky. AU Abroad therefore advises its students against any trips not sanctioned by the program.

IN AN EMERGENCY

In an emergency, please contact the following (keep this list with you at all times):

Mwangi D. Njagi Program Director Cell: 0713 180 292 mnjagi@american.edu	Fredrick K. Iraki Swahili Instructor Phone:254-727-110881 kangetheiraki@gmail.com
Victor Mwanza Program Assistant Cell: 0724 523 417 victoroty76@gmail.com	Judith Kiprof Kiswahili Instructor Cell: 0722 590 396 judithatk@yahoo.com
United States International University P.O. Box 14634-00800 Nairobi, Kenya Telephone: 020 360 6000	Zuhra Magut Kiswahili Instructor Cell: 0722 372 403 zmagut@yahoo.com

Kellen Njagi
USIU International Students Officer Ext: 212
knjagi@usiu.ac.ke

Frances Aldous-Worley
Student Affairs Coordinator
Phone: 254-708-848865
faworley@american.edu

Sabina Ayot
Homestays Coordinator
lydiasabina@yahoo.com

U.S. Embassy
United Nations Avenue Nairobi
P. O. Box 606 Village Market 00621 Nairobi, Kenya
Embassy switchboard: 020 363 6000
Emergency after-hours line: 0722 204445

AU Abroad
American University
4400 Massachusetts Avenue NW Washington, DC 20016-8039
Telephone: 1-202-885-1320
Fax: 202-885-1370
Sara Dumont, Executive Director dumont@american.edu
Kelly Jo Bahry, Senior Study Abroad Advisor
bahry@american.edu



PARTNER ORGANIZATIONS

Most of our partner organizations have projects in informal settlement areas. These organizations play a major role in ensuring your security while with them. Let the AU Abroad Kenya staff know in advance when you have a field trip with your organization. Below are some of the issues you need to find out from your organization before going out for a field meeting. For your safety, please give this information to the AU Abroad office:

- Where you will be visiting
- How you will get there
- Name of the person and organization you will be visiting
- Kind of forum/meeting
- Time of projected return

Having this information helps us to monitor situations and events in that particular area, and if

there are any concerns, we are able to address the situation and suggest steps to be taken.

UNIVERSITY ALCOHOL AND DRUG POLICIES

AU strives to create a healthy and safe community through education and intervention efforts for alcohol and other drugs. AU community members uphold university policies and abide by local, state, and federal laws pertaining to these substances. Individuals accept personal responsibility for the outcome of their decisions regarding alcohol and other drugs.

Policies of AU regarding alcohol and other drugs are covered in the Staff Manual, the Student Conduct Code, the Residence Hall Regulations, and the Alcohol and Drug Policies section of this report. The University Policy on Alcohol Service at University Events is included in Appendix I.

RESIDENCE HALL REGULATIONS

The types of misconduct that subject a student to disciplinary action include but are not limited to: violation of laws pertaining to the sale, distribution, use, or possession of alcohol; the violation of university policies pertaining to the sale, distribution, use, or possession of alcohol in the residence halls; to host an event in the residence halls where alcohol is served to, provided to, or consumed by individuals under the age of 21; the sale, distribution, use, or possession of any illegal drug or drug paraphernalia in the residence halls; and knowingly and voluntarily

being in the presence of any illegal drug or drug paraphernalia in the residence halls.

STUDENT CONDUCT CODE

In addition to the Residence Hall Regulations, the Student Conduct Code lists types of student misconduct that subject a student to disciplinary action, including but not limited to unauthorized possession, use, manufacture, distribution, and/or sale of any controlled substance or illegal drug and illegal drug paraphernalia; violation of university policies pertaining to the sale, distribution, use, or possession of alcohol; and violation of local, state, or federal law.

FACULTY AND STAFF CONDUCT

Employee misconduct—including that of all full-time faculty and staff, adjunct faculty, and part-time staff -related to alcohol or other drug abuse will not be tolerated. Violation of the university's Alcohol and Drug Abuse Policies or the Guidelines for Serving Alcohol at University Events will result in appropriate disciplinary action in accordance with university policies. Such disciplinary action may include termination of employment and referral for legal prosecution.

Obvious examples of prohibited conduct include but are not limited to the unauthorized use, possession, manufacture, distribution, dispensation, or sale of alcohol, drugs, or drug paraphernalia on university premises, on university business, in university-supplied vehicles, during the employee's work hours, or during university-sponsored activities; coming to work or performing any job duties while impaired by alcohol or drugs on university premises, in university-supplied vehicles, in any location while on university business, or during university-sponsored activities; the possession, use, manufacture, distribution, dispensation, or sale of alcohol or drugs off university premises that may adversely affect the individual's work performance, his or her own or others' safety at work, or the university's reputation in the community; failure to adhere to the requirements of any drug treatment or counseling program in which the employee is enrolled; conviction under

any criminal drug statute for a violation occurring in the workplace or in another location while on university business or during university-sponsored activities, or conviction under any criminal drug statute under circumstances that adversely affect the university's reputation in the community; failure to notify the university of any conviction, within five days of the conviction, under any criminal drug statute for a violation occurring in the workplace, on university premises, on university business, in university-supplied vehicles, during employee's work hours, or during university-sponsored activities; deliberate failure to comply with the requirements of law or federal rules and regulations under the university's Alcohol and Drug Abuse Policies.

DRUG POLICY

Possession and/or use of illicit drugs and unauthorized controlled substances is contrary to university policy and in violation of federal and District of Columbia laws. The university prohibits the possession, use, manufacture, distribution, and/or sale of illegal drugs and illegal drug paraphernalia. This includes the possession of marijuana. Students at the university who use or are otherwise involved with drugs in violation of the Student Conduct Code and/or the university Housing Agreement are subject to university disciplinary action in addition to any action taken by local or federal law enforcement authorities. Questions about the Drug Policy should be directed to the Office of the Dean of Students, 202-885-3300, 408 Butler Pavilion.

ENFORCEMENT OF DC UNDERAGE DRINKING AND DRUG LAWS

The university cooperates fully with law enforcement authorities to enforce violations of DC underage drinking laws and federal and state drug laws. Violations of the Student Conduct Code or Residence Hall Regulations, which are also violations of federal or local law, may be referred to external law enforcement. In such situations, cases may proceed concurrently at the university and in the criminal justice system.

UNIVERSITY SANCTIONS FOR VIOLATING ALCOHOL AND DRUG POLICIES

Students found responsible through the conduct system for violating the Student Conduct Code are given sanctions. These sanctions are implemented in accordance with university policies. There are no automatic sanctions for particular offenses. Student Conduct and Conflict Resolution Services evaluates cases individually and applies sanctions consistent with the severity of the offense; however, the predictable consequences for drug- and alcohol-related offenses are typically as follows:

Alcohol Violations

1. First-time minor violations may result in sanctions including but not limited to a letter of warning, censure, and educational and reflective assignments.
2. Second-time minor violations may result in sanctions including but not limited to an alcohol education program, an alcohol and drug evaluation, and disciplinary probation for a specified period (also see Parental Notification on this page).
3. Repeated violations of the Alcohol Policy may result in sanctions including but not limited to disciplinary probation for a specified period, removal from the residence halls, suspension, or dismissal.
4. Students, faculty, or staff caught driving drunk on campus may be stopped by Public Safety officers for traffic violations on campus. If, during such a stop, the officer believes the driver is intoxicated, the officer or MPD may conduct a field sobriety test and make an arrest.

Refer to District of Columbia Crimes and Penalties—Alcohol; see page 72.

Drug Violations

1. First-time, use, or possession of illegal drugs may result in sanctions including but not limited to disciplinary probation, barring from the residence halls, a drug education program, removal from the

residence halls permanently or for a specified period, and suspension or dismissal from the university.

2. Second-time, use, or possession of illegal drugs may result in sanctions including but not limited to removal from the residence halls permanently, suspension or dismissal from the university, and recommended participation in a drug treatment program (depending upon the situation).
3. First-time sale or distribution of illegal drugs may result in sanctions including but not limited to disciplinary probation, permanent removal from the residence halls, participation in a drug treatment program, suspension, or dismissal from the university.

Parental Notification

AU will generally notify parents or guardians of students' misconduct related to alcohol or controlled substances when:

- A student's behaviors or violations of the university's alcohol or drug policies are judged by the dean of students or designee to be egregious, to indicate that the student's health or safety may be at risk, or to indicate that the student may have placed others at risk.
- A student who is under 21 is found responsible for a violation of the university's alcohol and/or drug policies and is placed on disciplinary probation (typically a first drug violation or second alcohol violation), however minor, and all subsequent violations of alcohol or drug policies.



DESCRIPTION OF DRUG AND ALCOHOL ABUSE EDUCATION PROGRAMS

The following information is provided to the campus community about drug and alcohol abuse resources.

On-Campus Resources

In case of an emergency, contact University Police at 202-885-3636. If you are ever in doubt about your own health and safety or someone else's, call for help.

Wellness Center

The Wellness Center is staffed with health educators that use evidence-based approaches in their prevention and outreach work. They frequently meet with students, using brief motivational interviewing techniques, who have been identified as potentially high-risk drug or alcohol users and can make recommendations/referrals to more specialized resources when needed. The Wellness Center plans, implements, and evaluates campus wide programming on drug and alcohol education prevention and awareness, using a harm-reduction model. They also extensively train the Peer Wellness Educators on a range of health topics pertinent to the college population, including alcohol and other drugs. For more information about the Wellness Center, visit www.american.edu/ocl/wellness.

Student-Led Wellness Programs

The Wellness Center is dedicated to delivering effective and engaging events and programs to the AU community. Peer Wellness Educators (PWEs)

play an integral role in achieving this mission. Members are a diverse group of AU students who are interested in proactively addressing health and wellness issues on campus. They are trained to educate their classmates about college lifestyles and wellness issues in a positive, interactive, fun, and nonjudgmental manner.

For more information about the recruitment process, please contact the Director of the Wellness Center by phone at 202-885-3255.

Screening, Counseling, and Treatment

Tobacco Cessation services are offered to all AU community members who would like individual support to quit smoking or chewing tobacco. More information regarding these services can be found at:

www.american.edu/initiatives/tobaccofree/Tobacco-Free-AU.cfm.

The Wellness Center offers online information on alcohol consumption to all AU students who would like to explore personal decision making related to alcohol use. Information can be found at: www.american.edu/ocl/wellness/Alcohol.cfm

The Wellness Center offers an education program offered to all AU students who would like to examine their use of marijuana to reduce risky behaviors and harmful consequences. The Wellness Center also offers information concerning marijuana and other drug consumption to the community through its website at:

www.american.edu/ocl/wellness/Marijuana.cfm and www.american.edu/ocl/wellness/AOD-Information-and-Resources.cfm.

The Office of the Dean of Students, at 202-885-3300, provides general information about campus resources. It also offers programming during orientation and through various organized groups of students interested in educating the campus community about alcohol and drug use and related issues.

The Student Health Center can provide treatment and/or referral for health issues related to alcohol and other drug use. For more information, call 202-885-3380. The Counseling Center offers

individual counseling for students concerned about alcohol and other drug use. For more information, call 202-885-3500 or visit: www.american.edu/ocl/counseling

Residence hall assistants and community directors in campus residence halls can discuss alcohol and other drug use with students and can advise students about referrals and how to help a friend who may have a problem. The staff also provides hall and floor programming on these topics throughout the year.

Student Health Center

McCabe Hall
202-885-3380
www.american.edu/ocl/healthcenter

The following information is provided to students about the Student Health Center and other resources:

The Student Health Center (SHC) offers many health prevention services such as routine immunizations, health screenings, and screenings for sexually transmitted infections. Students with chronic health problems are encouraged to engage the health center as a “medical home” through which preventive treatment and coordination of care services may be employed to maintain their best possible health throughout the college experience.

Stress, anxiety, and a wide range of other emotions can be normal reactions to college life. When emotional, relational, or psychological difficulties make it hard to be a successful student, it is important to reach out and ask for help. Various types of support and treatment are available and may address your needs. The SHC is pleased to be able to offer psychiatric care to students.

The main focus of psychiatric care at the SHC is the management of psychiatric medications. If you or your therapist thinks psychiatric medication might be helpful to you, or you would like to discuss the option of medication, you may set up an initial psychopharmacology evaluation. This initial evaluation, scheduled for 45 minutes, is an opportunity for the prescribing clinician to hear

about your current problems and symptoms and to assess if medication is appropriate. This visit is also a time for you to ask questions about psychiatric medication and to learn about medication options, possible side effects, risks and benefits, and non-pharmacological options.

If you are interested in counseling and psychotherapy, contact AU’s Counseling Center by phone or stop by the office to schedule a confidential appointment with a counselor. The Counseling Center also provides referrals to psychiatric and psychological care in the community and addresses all urgent psychiatric emergencies. It can be reached at 202-885-3500 and is located in MGC 214.

Counseling Center

Mary Graydon, Room 214 | 202-885-3500 | www.american.edu/ocl/counseling

Free, confidential services for AU students, including:

Assessments | Crisis intervention | Consultations
| Referrals for additional help | Workshops |
Self-help materials

Faculty and Staff Assistance Program

The Faculty and Staff Assistance Program, a component of Human Resources, offers an array of substance abuse prevention and intervention programs for faculty and staff who have problems with alcohol or other drugs. Call 202-885-2588 for further information or to request help for a colleague or friend you suspect may have a problem. The Faculty and Staff Assistance Program offers confidential, professional, and personal counseling services to eligible faculty/staff and their immediate families. Visit the Faculty and Staff Assistance Program home page at: www.american.edu/hr/fsap.cfm

Off-Campus Resources

While AU strives to help members of the campus community learn about alcohol and other drugs, we realize that sometimes students may wish to seek off campus help. The following is a list of contacts and resources:

Alcoholics Anonymous (AA): 4530 Connecticut Avenue NW Suite 111, Washington, DC 20008 | 202-966-9115 | aa-dc.org

Narcotics Anonymous: P.O. Box 9863 Washington, DC 20016 | na.org

NIH National Institute on Alcohol Abuse and Alcoholism Support and Treatment: 1-800-662-HELP | niaaa.nih.gov/alcohol-health/support-treatment

U.S. Department of Justice: Drug Enforcement Administration | <http://www.dea.gov/index.shtml>

Al-Anon: www.al-anon-alateen-dcmd.org

For friends and family members of problem drinkers (local chapter website)

National Information and Referral Resources

National Institutes of Alcohol Abuse and Alcoholism: www.niaaa.nih.gov

Rethinking Drinking – Concerned about your drinking habits? www.rethinkingdrinking.niaaa.nih.gov

National Institute of Drug Abuse (NIDA): www.drugabuse.gov

KOLMAC Clinic

The Kolmac Clinic serves the Washington, DC, and Baltimore, Maryland, metro areas with six outpatient drug and alcohol treatment centers for substance abuse treatment, outpatient rehabilitation, and outpatient continuing care. It is located 1.5 blocks north of the McPherson Square Metro Station (Blue/Orange Line) and three blocks east of Farragut North Metro Station (Red Line).

1411 K Street NW, Suite 703 Washington, DC 20005 | 202-638-1992 | Admissions: 301-589-0255 | Fax: 202-638-2608 | kolmac.com

Caron Treatment Centers

Caron's treatment centers and regional recovery programs transform lives impacted by addiction and substance use through proven, comprehensive and personalized behavior healthcare solutions. The Washington, DC regional recovery center provides information and referral services, and helps to ensure that patients who are leaving treatment and live in the Washington area are aware of the numerous services available to support their recovery.

7315 Wisconsin Avenue Suite 790 East Bethesda, MD 20814 | 407-620-9633 | sharris@caron.org | www.caron.org



LOCAL AND FEDERAL LAWS PERTAINING TO ALCOHOL AND DRUGS

The following is a brief summary of District of Columbia and federal laws pertaining to alcohol and drugs. This is not an exhaustive list and is subject to change. The law constantly evolves and is subject to different interpretations.

DISTRICT OF COLUMBIA CRIMES AND PENALTIES - ALCOHOL VIOLATIONS

DC Official Code, Title 25, Chapter 10, § 25-1002 as of March 31, 2017

Purchase, possession, or consumption by persons under 21; misrepresentation of age; penalties

- (a) No person who is under 21 years of age shall purchase, attempt to purchase, possess, or drink an alcoholic beverage in the District, except as provided under subchapter IX of Chapter 7.
- (b) (1) No person shall falsely represent his or her age, or possess or present as proof of age an identification document which is in any way fraudulent, for the purpose of purchasing, possessing, or drinking an alcoholic beverage in the District.
- (2) No person shall present a fraudulent identification document for the purpose of entering an establishment possessing an on-premises retailer's license, an Arena C/X license, or a temporary license.
- (3) For the purpose of determining valid representation of age, each person shall be required to present to the establishment owner or representative at least one form of valid identification, which shall have been issued by an agency of government (local, state, federal, or foreign) and shall contain the name, date of birth, signature, and photograph of the individual.
- (c) (1) Except as provided in paragraph (4)(D) of this subsection, any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine and suspension of driving privileges as follows:
- A. Upon the first violation, a fine of not more than \$300 and suspension of driving privileges in the District for 90 consecutive days;
- B. Upon the second violation, a fine of not more than \$600 and suspension of driving privileges in the District for 180 days; and
- C. Upon the third and each subsequent violation, a fine of not more than \$1,000 and suspension of driving privileges in the District for one year.

(2) In lieu of proceeding to trial or disposition under paragraph (1) of this subsection, the Mayor shall offer persons who are arrested, or criminally charged by information, for a first or second violation of this section, the option of completing a diversion program authorized and approved by the Mayor. The Mayor shall determine the content of the diversion program, which may include community service and alcohol awareness and education. If the person rejects enrollment in, or fails to comply with the requirements of, or fails to complete within 6 months, the diversion program, he or she may continue to be prosecuted in accordance with paragraph (1) of this section [subsection]. The Mayor, may, at his discretion, decline to offer diversion to any person who has previously been convicted of, any felony, misdemeanor, or other criminal offense.

(3) As a condition to acceptance into a diversion program, the Mayor may request that the person agree to pay the District, or its agents, a reasonable fee, as established by rule, for the costs to the District of the person's participation in the program; provided, that:

(A) The fee shall not unreasonably discourage persons from entering the diversion program; and

(B) The Mayor may reduce or waive the fee if the Mayor finds that the person is indigent.

(4) (A) Upon the expiration of 6 months following the date of a conviction or a dismissal of a proceeding, or upon the expiration of 6 months following the date of arrest if no information was filed, any person who was arrested for, or criminally charged by information with, any offense under this section may petition the court for an order expunging from the official records all records relating to the arrest,

information, trial, conviction, or dismissal of the person; provided, that a nonpublic record shall be retained by the court and the Mayor solely for the purposes of conducting a criminal record check for persons applying for a position as a law enforcement officer or determining whether a person has previously received an expungement under this subsection.

(B) The court shall grant the petition described in subparagraph (A) of this paragraph if the petitioner has no pending charges for and has not been convicted of, any other felony, misdemeanor, or other criminal offense and if any fine imposed as a result of a conviction under this section has been paid; provided, that the court may grant the petition described in subparagraph (A) of this paragraph if, other than a conviction for a misdemeanor under this section, the petitioner has no pending charges for, and has not been convicted of, any felony, misdemeanor, or other criminal offense.

(C) Except as provided by this subsection, the effect of an expungement order shall be to lawfully restore the person receiving the expungement to the status he or she occupied before the arrest or information described in subparagraph (A) of this paragraph. No person for whom an expungement order permitted by this subsection has been entered may be held thereafter, under any provision of law, to be guilty of perjury or otherwise giving a false statement by failing to recite or acknowledge such arrest, information, trial, conviction, or dismissal for which the order permitted by this paragraph has been entered. The expungement of such records shall not relieve the person of the obligation to disclose such arrest, information, trial, conviction, or dismissal in response to a direct questionnaire or application for a position as a law enforcement officer.

(D) No person under the age of 21 shall be criminally charged with the offense of possession or drinking an alcoholic beverage under this section, but shall be subject to civil penalties under subsection (e) of this section.

(6) Failure to pay the fines set forth in paragraph (1) of this subsection shall result in imprisonment for a period not exceeding 30 days.

(7) The Metropolitan Police Department may enforce provisions of this section by issuing to a person alleged to have violated this section a citation under § 23-1110(b)(1). The person shall not be eligible to forfeit collateral.

(d) Repealed.

(e) (1) In lieu of criminal prosecution as provided in subsection (c) of this section, a person who violates any provision of this section shall be subject to the following civil penalties:

(A) Upon the first violation, a fine of not more than \$ 300 and the suspension of driving privileges in the District for 90 consecutive days;

(B) Upon the second violation, a fine of not more than \$ 600 and the suspension of driving privileges in the District for 180 days; and

(C) Upon the third or subsequent violation, a fine of not more than \$ 1,000 and the suspension of driving privileges in the District for one year.

(2) ABRA inspectors or officers of the Metropolitan Police Department may enforce the provisions of this subsection by issuing a notice of civil infraction for a violation of subsections (a) and (b) of this

section in accordance with Chapter 18 of Title 2. A violation of this subsection shall be adjudicated under Chapter 18 of Title 2.

(3) (A) In lieu of or in addition to the civil penalties provided under paragraph (1) of this subsection, as a civil penalty, the Mayor may require any person who violates any provision of this section to complete a diversion program authorized and approved by the Mayor. The Mayor shall determine the content of the diversion program, which may include community service, and alcohol awareness and education.

(B) As a condition to acceptance into a diversion program, the Mayor may request that the person agree to pay the District, or its agents, a reasonable fee, as established by rule, for the costs to the District of the person's participation in the program; provided, that:

- (i)** The fee shall not unreasonably discourage persons from entering the diversion program; and
- (ii)** The Mayor may reduce or waive the fee if the Mayor finds that the person is indigent.

DC Official Code, Title 25, Chapter 10, D.C. Code § 25-1001 as of March 31, 2017
Drinking of alcoholic beverage in public place prohibited; intoxication prohibited

- (a) Except as provided in subsections (b) and (c) of this section, no person in the District shall drink an alcoholic beverage or possess in an open container an alcoholic beverage in or upon any of the following places:
 - (1) A street, alley, park, sidewalk, or parking area;
 - (2) A vehicle in or upon any street, alley, park, or parking area;
 - (3) A premises not licensed under this title where food or nonalcoholic

beverages are sold or entertainment is provided for compensation;

(4) Any place to which the public is invited and for which a license to sell alcoholic beverages has not been issued under this title;

(5) Any place to which the public is invited for which a license to sell alcoholic beverages has been issued under this title at a time when the sale of alcoholic beverages on the premises is prohibited by this title or by the regulations promulgated under this title; or

(6) Any place licensed under a club license at a time when the consumption of the alcoholic beverages on the premises is prohibited by this title or by regulations promulgated under this title.

(b) Subsection (a)(1) of this section shall not apply if drinking or possession of an alcoholic beverage occurs:

(1) In or on a structure which projects upon the parking, and which is an integral, structural part, of a private residence, such as a front porch, terrace, bay window, or vault; and

(2) By, or with the permission of, the owner or resident.

(c) No person, whether in or on public or private property, shall be intoxicated and endanger the safety of himself, herself, or any other person or property.

(d) Any person violating the provisions of subsection (a) or (c) of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than the amount set forth in § 22-3571.01, or imprisoned for not more than 60 days, or both.

(e) Any person in the District who is intoxicated in public and who is not conducting himself or herself in such manner as to endanger the safety of himself, herself, or of any other person or

of property shall be treated in accordance with Chapter 6 of Title 24.

DISTRICT OF COLUMBIA CRIMES AND PENALTIES - DRUG VIOLATIONS

DC Official Code, Title 48, Subtitle III, Chapter 9, Subchapter IV, § 48-904.01 as of March 31, 2017

Prohibited acts A; penalties

- (a) (1) Except as authorized by this chapter or Chapter 16B of Title 7 [§ 7-1671.01 et seq.], it is unlawful for any person knowingly or intentionally to manufacture, distribute, or possess, with intent to manufacture or distribute, a controlled substance. Notwithstanding any provision of this chapter to the contrary, it shall be lawful, and shall not be an offense under District of Columbia law, for any person 21 years of age or older to:
- (A) Possess, use, purchase, or transport marijuana weighing 2 ounces or less;
 - (B) Transfer to another person 21 years of age or older, without remuneration, marijuana weighing one ounce or less;
 - (C) Possess, grow, harvest, or process, within the interior of a house or rental unit that constitutes such person's principal residence, no more than 6 cannabis plants, with 3 or fewer being mature, flowering plants; provided, that all persons residing within a single house or single rental unit may not possess, grow, harvest, or process, in the aggregate, more than 12 cannabis plants, with 6 or fewer being mature, flowering plants;
 - (D) Possess within such house or rental unit the marijuana produced by such plants; provided that, nothing in this subsection shall make it lawful to sell,

offer for sale, or make available for sale any marijuana or cannabis plants.

(1A) (A) The terms "controlled substance" and "controlled substances," as used in the District of Columbia Code, shall not include:

- I. Marijuana that is or was in the personal possession of a person 21 years of age or older at any specific time if the total amount of marijuana that is or was in the possession of that person at the time weighs or weighed 2 ounces or less;
- II. Cannabis plants that are or were grown, possessed, harvested, or processed by a person 21 years of age or older within the interior of a house or rental unit that constitutes or at the time constituted, such person's principal residence, if such person at the time was growing no more than 6 cannabis plants with 3 or fewer being mature flowering plants and if all persons residing within that single house or single rental unit at that time did not possess, grow, harvest, or process, in the aggregate, more than 12 cannabis plants, with 6 or fewer being mature, flowering plants; or
- III. The marijuana produced by the plants which were grown, possessed, harvested, or processed by a person who was, pursuant to sub-subparagraph (ii) of this subparagraph, permitted to grow, possess, harvest, and

process such plants, if such marijuana is or was in the personal possession of that person who is growing or grew such plants, within the house or rental in which the plants are or were grown.

(B) Notwithstanding the provisions of this paragraph, the terms “controlled substance” and “controlled substances,” as used in the District of Columbia Official Code, shall include any marijuana or cannabis plant sold or offered for sale or made available for sale.

(1B) Notwithstanding any other provision of the District of Columbia Code, no District government agency or official shall limit or refuse to provide any facility service, program, or benefit to any person based upon or by reason of conduct that is made lawful by this subsection.

(1C) Nothing in this subsection shall be construed to require any District government agency or office, or any employer, to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of any such agency, office, or employer to establish and enforce policies restricting the use of marijuana by employees.

(1D) Nothing in this subsection shall be construed to permit driving under the influence of marijuana or driving while impaired by the use of ingestion of marijuana or to modify or affect the construction or application of any provision of the District of

Columbia Official Code related to driving under the influence of marijuana or driving while impaired by marijuana.

(1E) Nothing in this subsection shall be construed to prohibit any person, business, corporation, organization, or other entity, or District government agency or office, who or which occupies, owns, or controls any real property, from prohibiting or regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property.

(1F) Nothing in this subsection shall be construed to make unlawful any conduct permitted by Chapter 16B of Title 7 [§ 7-1671.01 et seq.].

(2) Any person who violates this subsection with respect to:

A. A controlled substance classified in Schedule I or II that is a narcotic or abusive drug shall be imprisoned for not more than 30 years or fined not more than the amount set forth in § 22-3571.01, or both;

B. Any other controlled substance classified in Schedule I, II, or III, except for a narcotic or abusive drug, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than the amount set forth in § 22-3571.01, or both; except that upon conviction of manufacturing, distributing or possessing with intent to distribute one-half pound or less of marijuana, a person who has not previously been convicted of manufacturing, distributing, or possessing with intent to distribute a controlled substance or attempting to manufacture, distribute, or possess with intent to distribute a controlled substance

may be imprisoned for not more than 180 days or fine of not more than the amount set forth in § 22-3571.01, or both;

C. A substance classified in Schedule IV is guilty of a crime and upon conviction may be imprisoned for not more than three years, fined not more than the amount set forth in § 22-3571.01, or both; or

D. A substance classified in Schedule V is guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than the amount set forth in § 22-3571.01, or both.

(b) (1) Except as authorized by this chapter, it is unlawful for any person to create, distribute, or possess with intent to distribute a counterfeit substance.

(2) Any person who violates this subsection with respect to:

A. A counterfeit substance classified in Schedule I or II that is a narcotic or abusive drug shall be imprisoned for not more than 30 years or fined not more than the amount set forth in § 22-3571.01, or both;

B. Any other counterfeit substance classified in Schedule I, II, or III, except for a narcotic or abusive drug, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than the amount set forth in § 22-3571.01, or both;

C. A counterfeit substance classified in Schedule IV is guilty of a crime and upon conviction may be imprisoned for not more than three years, fine not more than the amount set forth in § 22-3571.01, or both; or

D. A counterfeit substance classified in Schedule V is guilty of a crime and upon conviction may be imprisoned for not more than one year, fine not more than

the amount set forth in § 22-3571.01, or both.

(c) Repealed.

(d) (1) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter or Chapter 16B of Title 7 [§ 7-1671 et seq.], and provided in §48-1201. Except as provided in paragraph (2) of this subsection, any person who violates this subsection is guilty of a misdemeanor and upon conviction may be imprisoned for not more than 180 days, fined not more than the amount set forth in § 22-3571.01, or both.

(2) Any person who violates this subsection by knowingly or intentionally possessing the abusive drug phencyclidine in liquid form is guilty of a felony and, upon conviction, may be imprisoned for not more than three years, fined not more than the amount set forth in § 22-3571.01, or both.

(e) (1) If any person who has not previously been convicted of violating any provision of this chapter, or any other law of the United States or any state relating to narcotic or abusive drugs or depressant or stimulant substances is found guilty of a violation of subsection (d) of this section and has not previously been discharged and had the proceedings dismissed pursuant to this subsection, the court may, without entering a judgment of guilty and with the consent of such person, defer further proceedings and place him or her on probation upon such reasonable conditions as it may require and for such period, not to exceed one year, as the court may prescribe. Upon violation of a condition of the probation,

the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against such person and discharge him or her from probation before the expiration of the maximum period prescribed for such person's probation. If during the period of probation such person does not violate any of the conditions of the probation, then upon expiration of such period the court shall discharge such person and dismiss the proceedings against him or her. Discharge and dismissal under this subsection shall be without court adjudication of guilt, but a nonpublic record thereof shall be retained solely for the purpose of use by the courts in determining whether or not, in subsequent proceedings, such person qualifies under this subsection. Such discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime (including the penalties prescribed under § 48-904.08 for second or subsequent convictions) or for any other purpose.

(2) Upon the dismissal of such person and discharge of the proceedings against him under paragraph (1) of this subsection, such person may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained under paragraph (1) of this subsection) all recordation relating to his or her arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this subsection. If the court determines, after hearing, that such person was dismissed and the proceedings against him or her discharged, it shall enter such order. The effect of such order shall be to restore such person, in the contemplation of this law, to the status he or she occupied before such arrest or indictment or information. No person as to whom such

order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge such arrest, or indictment, or trial in response to any inquiry made of him or her for any purpose.

(3) A person who was discharged from probation and whose case was dismissed pursuant to paragraph (1) of this subsection shall be entitled to a copy of the nonpublic record retained under paragraph (1) of this subsection but only to the extent that such record would have been available to the person before an order of expungement was entered pursuant to paragraph (2) of this subsection. A request for a copy of the nonpublic record may be made ex parte and under seal by the person or by an authorized representative of the person.

- (f) The prosecutor may charge any person who violates the provisions of subsection (a) or (b) of this section relating to the distribution of or possession with intent to distribute a controlled or counterfeit substance with a violation of subsection (d) of this section if the interests of justice so dictate.
- (g) For the purposes of this section, "offense" means a prior conviction for a violation of this section or a felony that relates to narcotic or abusive drugs, marijuana, or depressant or stimulant drugs, that is rendered by a court of competent jurisdiction in the United States.

**DC Official Code, Title 48, Subtitle III,
Chapter 9, Subchapter IV, § 48-904.06 as of
March 31, 2017**
Distribution to minors

- (a) Any person who is 21 years of age or over and who violates § 48-904.01(a) by distributing a controlled substance which is listed in Schedule I or II and which is a

narcotic drug, phencyclidine, or a phencyclidine immediate precursor to a person who is under 18 years of age may be punished by the fine authorized by § 48-904.01(a)(2)(A), by a term of imprisonment of up to twice that authorized by § 48-904.01(a)(2)(A), or by both.

- (b) Any person who is 21 years of age or over and who violates § 48-904.01(a) by distributing for remuneration any other controlled substance which is listed in Schedule I, II, III, IV, or V, except for phencyclidine or a phencyclidine immediate precursor, to a person who is under 18 years of age may be punished by the fine authorized by § 48-904.01(a)(2)(B), (C), or (D), respectively, by a term of imprisonment up to twice that authorized by § 48-904.01(a)(2)(B), (C), or (D), respectively, or both.

**DC Official Code, Title 48, Subtitle III,
Chapter 9, Subchapter IV, § 48-904.07 as of
March 31, 2017**

Enlistment of minors to distribute

- (a) Any person who is 21 years of age or over and who enlists, hires, contracts, or encourages any person under 18 years of age to sell or distribute any controlled substance, in violation of § 48-904.01(a), for the profit or benefit of such person who enlists, hires, contracts, or encourages this criminal activity shall be punished for sale or distribution in the same manner as if that person directly sold or distributed the controlled substance.
- (b) Anyone found guilty of subsection (a) of this section shall be subject to the following additional penalties:
- (1) Upon a first conviction the party may be imprisoned for not more than 10 years, fined not more than the amount set forth in § 22-3571.01, or both;

- (2) Upon a second or subsequent conviction, the party may be imprisoned for not more than 20 years, fined not more than the amount set forth in § 22-3571.01, or both.

**DC Official Code, Title 48, Subtitle III,
Chapter 9, Subchapter IV, § 48-904.07a as of
March 31, 2017**

Drug-free zones

- (a) All areas within 1,000 feet of an appropriately identified public or private day care center, elementary school, vocational school, secondary school, junior college, college, or university, or any public swimming pool, playground, video arcade, youth center, or public library, or in and around public housing, as defined in section 3(1) of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of which is assisted by Department of Housing and Urban Development, or in or around housing that is owned, operated, or financially assisted by the District of Columbia Housing Authority, or an event sponsored by any of the above entities shall be declared a drug-free zone. For the purposes of this subsection, the term “appropriately identified” means that there is a sign that identifies the building or area as a drug-free zone.
- (b) Any person who violates § 48-904.01(a) by distributing or possessing with the intent to distribute a controlled substance which is listed in Schedule I, II, III, IV, or V within a drug-free zone shall be punished by a fine up to twice that otherwise authorized by this chapter to be imposed, by a term of imprisonment up to twice that otherwise imposed, or both.

**DC Official Code, Title 48, Subtitle III,
Chapter 9, Subchapter IV, § 48-904.08 as of
March 31, 2017**

Second or subsequent offense

- (a) Any person convicted under this unit of a second or subsequent offense may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.
- (b) For purposes of this section, an offense is considered a second or subsequent offense if, prior to commission of the offense, the offender has at any time been convicted under this unit or under any statute of the United States or of any state relating to a controlled substance.
- (c) A person who is convicted of violating § 48-904.06 may be sentenced according to the provisions of § 48-904.06 or according to the provisions of this section, but not both.

DC Official Code, Title 48, Subtitle III, Chapter 9, Subchapter IV, § 48-904.10 as of March 31, 2017

Possession of drug paraphernalia

Whoever, except for a physician, dentist, chiropodist, or veterinarian licensed in the District of Columbia or a state, registered nurse, registered embalmer, manufacturer or dealer in embalming supplies, wholesale druggist, industrial user, official of any government having possession of the proscribed articles by reason of his or her official duties, nurse or medical laboratory technician acting under the direction of a physician or dentist, employees of a hospital or medical facility acting under the direction of its superintendent or officer in immediate charge, person engaged in chemical, clinical, pharmaceutical or other scientific research, acting in the course of their professional duties, has in his or her possession a hypodermic needle, hypodermic syringe, or other instrument that has on or in it any quantity (including a trace) of a controlled substance with intent to use it for administration of a controlled substance by subcutaneous injection in a human being shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both.

DC Official Code, Title 48, Subtitle III, Chapter 11, Subchapter I, § 48-1101.10 as of March 31, 2017

Definitions

For the purposes of this subchapter, the term:

- (1) “Blunt wrap” means any product that is manufactured for encasing, wrapping, or rolling materials of any kind of purposes of smoking, if such product is designed to be filled by the consumer and is:
 - (A) Made wholly or in part of tobacco; or
 - (B) Made of paper or any other material that does not contain tobacco, and is:
 - (i) Intended, when filled by the consumer, to produce a finished wrap that measures more than 120 millimeters on its longest side; or
 - (ii) Sold as pre-rolled hollow cone, the circumference of which is not equal at both ends.
- (1A) “Controlled substance” has the same meaning as that provided in § 48-901.02(4).
- (2) “Court” means the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.
- (3) “Drug paraphernalia” means:
 - (A) Kits or other objects used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
 - (B) Kits or other objects used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;

- (C) Isomerization devices or other objects used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (D) Testing equipment or other objects used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness, or purity of a controlled substance;
- (E) Scales and balances or other objects used, intended for use, or designed for use in weighing or measuring a controlled substance;
- (F) Diluents and adulterants, including, but not limited to: quinine, hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting a controlled substance;
- (G) Separation gins and sifters or other objects used, intended for use, or designated for use in removing twigs and seeds from, or in otherwise cleaning or refining, Cannabis or any other controlled substance;
- (H) Blenders, bowls, containers, spoons, and other mixing devices used, intended for use, or designed for use in compounding a controlled substance;
- (I) Capsules, balloons, envelopes, glassy plastic bags, or zip-lock bags that measure 1 inch by 1 inch or less, and other containers used, intended for use, or designed for use in packaging small quantities of a controlled substance;
- (J) Containers and other objects used, intended for use, or designed for use

in storing or concealing a controlled substance;

- (K) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting a controlled substance into the human body; and
- (L) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing Cannabis, cocaine, hashish, hashish oil, or any other controlled substance into the human body, including but not limited to:
 - (i.) Metal, wooden, acrylic, glass, stone, plastic, or ceramic, pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - (ii.) Water pipes;
 - (iii.) Carburetion tubes and devices;
 - (iv.) Smoking and carburetion masks;
 - (v.) Roach clips;
 - (vi.) Miniature spoons with level capacities of one-tenth cubic centimeter or less;
 - (vii.) Chamber pipes;
 - (viii.) Carburetor pipes;
 - (ix.) Electric pipes;
 - (x.) Air-driven pipes;
 - (xi.) Bongos;
 - (xii.) Ice pipes or chillers;
 - (xiii.) Wired cigarette papers;
 - (xiv.) Cocaine freebase kits; or
 - (xv.) Cigarette rolling paper or cigar wrappers sold at a commercial retail or wholesale establishment, which does not derive at least 25% of its total annual revenue from the sale of tobacco products and which does not sell loose tobacco intended to be rolled into cigarettes and cigars. The term “drug paraphernalia” shall not

include any article that is 50 years of age or older.

**DC Official Code, Title 48, Subtitle III,
Chapter 11, Subchapter I, § 48-1102 as of
March 31, 2017**

***Factors to be considered in determining
whether object is paraphernalia***

- (a) In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically and legally relevant factors, the following factors:
- (1) Statements by an owner or by anyone in control of the object during its use;
 - (2) The proximity of the object, in time and space, to a violation of § 48-1103(a) or to a controlled substance;
 - (3) The existence of any residue of a controlled substance on the object;
 - (4) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intends to use the object to facilitate a violation of § 48-1103(a); the innocence of an owner, or of anyone in control of the object, as to a violation of § 48-1103(a) shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
 - (5) Instructions, oral or written, provided with the object concerning its use;
 - (6) Descriptive materials accompanying the object which explain or depict its use;
 - (7) National and local advertising concerning the use of the object;
 - (8) The size or packaging of the object, or the manner in which it is displayed;
 - (9) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, including, but not limited to, a licensed distributor or dealer of tobacco products;
 - (10) Direct or circumstantial evidence of the ratio of sales of the object in the community; and

(11) Expert testimony concerning its use.

- (b) Where the alleged violation of the act occurred at a commercial retail or wholesale establishment, the court or other authority may infer, based upon consideration of the factors in subsection (a) of this section, that the following items are drug paraphernalia:

- (1) Glassy plastic bags or zip-lock bags that measure 1 inch by 1 inch or less; or
- (2) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctuated metal bowls

**DC Official Code, Title 48, Subtitle III,
Chapter 11, Subchapter I, § 48-1103 as of
March 31, 2017**

Prohibited Acts

- (a) (1) Except as authorized by Chapter 16B of Title 7 (§ 7-1671.01 et seq.), it is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, conceal, inhale, ingest, or otherwise introduce into the human body a controlled substance; except that it shall be lawful for any person 21 years of age or older to use, or possess with intent to use, drug paraphernalia to possess or use marijuana if such possession or use is lawful under §48-904.01(a), or to use, or possess with intent to use, drug paraphernalia to grow, possess, harvest, or process cannabis plants, the growth, possession, harvesting or processing of which is lawful under §48-904.01(a).
- (2) Whoever violates this subsection shall be imprisoned for not more than 30 days or fined not more than the amount set forth in §22-3571.01, or both.

- (b) (1) Except as authorized by Chapter 16B of Title 7 [§ 7-1671.01 et seq.], it is unlawful for any person to deliver or sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell drug paraphernalia, knowingly, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance; except that it shall be lawful for any person to deliver or sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia under circumstances in which one knows or has reason to know that such drug paraphernalia will be used solely for use or marijuana that is lawful under §48-904.01 (a), or that such drug paraphernalia will be used solely for growing, possession, harvesting, or processing of cannabis plants that is lawful under § 48-904.01(a).
- (2) Whoever violates this subsection shall be imprisoned for not more than 6 months or fined not more than the amount set forth in §22-3571.01, or both, unless the violation occurs after the person has been convicted in the District of Columbia of a violation of this subchapter, in which case the person shall be imprisoned for not more than 2 years, or fined not more than the amount set forth in § 22-3571.01, or both.
- (c) Any person 18 years of age or over who violates subsection (b) of this section by delivering drug paraphernalia to a person under 18 years of age who is at least 3 years his or her junior is guilty of a special offense and upon conviction may be imprisoned for not more than 8 years, fined not more than the amount set forth in §22-3571.01, or both.

- (d) Where the violation of the section involves the selling of drug paraphernalia by a commercial retail or wholesale establishment, the court shall revoke the license of any licensee convicted of a violation of this section and the certificate of occupancy for the premises.
- (e) (1) Except as provided in paragraphs (2), (3), and (3A) of this subsection, it is unlawful to sell the following products in the District of Columbia:
- (A) Cocaine free base kits;
 - (B) Glass or ceramic tubes less than 6 inches in length and 1 inch in diameter sold or possessed with or without any screen-like device;
 - (C) Cigarette rolling papers; and
 - (D) Cigar wrappers, including blunt wrappers
- (2) A commercial retail or wholesale establishment may sell cigarette rolling papers if the establishment:
- (A) Derives at least 25% of its total annual revenue from the sale of tobacco products; and
 - (B) Sells loose tobacco intended to be rolled into cigarettes or cigars.
- (3) A wholesaler may sell cigarette rolling papers to retail establishments described in paragraph (2) of this subsection.
- (3A) A cultivation center or dispensary may sell cigarette rolling papers in accordance with Chapter 16B of Title 7 [§ 7-1671.01 et seq.].
- (4) A person who violates this subsection will be imprisoned for not more than 180 days or fined not more than the amount set forth in §22-3571.01, or both, unless the violation occurs after the person has been convicted in the District of Columbia of a violation of this

subchapter, in which case the person shall be imprisoned for not more than 2 years, or fined not more than the amount set forth in §22-3571.01, or both.

FEDERAL CODES AND PENALTIES - DRUG ABUSE, PREVENTION, AND CONTROL

United States Code, Title 21, Chapter 13, Subchapter I, Part D, §844

Penalties for simple possession

a. Unlawful acts; penalties

It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this subchapter or subchapter II of this chapter. It shall be unlawful for any person knowingly or intentionally to possess any list I chemical obtained pursuant to or under authority of a registration issued to that person under Section 823 of this title or Section 958 of this title if that registration has been revoked or suspended, if that registration has expired, or if the registrant has ceased to do business in the manner contemplated by his registration. It shall be unlawful for any person to knowingly or intentionally purchase at retail during a 30-day period more than 9 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base in a scheduled listed chemical product, except that, of such 9 grams, not more than 7.5 grams may be imported by means of shipping through any private or commercial carrier or the Postal Service. Any person who violates this subsection may be sentenced to a term of imprisonment of not more than one year, and shall be fined a minimum of \$1,000, or both, except that if he commits such offense after a prior conviction under this subchapter or subchapter II of this chapter, or a prior conviction for any drug, narcotic, or chemical offense chargeable under the law of any state, has become final he shall be sentenced to a term of imprisonment for not less than 15 days but not

more than two years, and shall be fined a minimum of \$2,500, except, further, that if he commits such offense after two or more prior convictions under this subchapter or subchapter II of this chapter, or two or more prior convictions for any drug, narcotic, or chemical offense chargeable under the law of any state, or a combination of two or more such offenses have become final he shall be sentenced to a term of imprisonment for not less than 90 days but not more than three years, and shall be fined a minimum of \$5,000. Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than three years, shall be fined as otherwise provided in this section, or both. The imposition or execution of a minimum sentence required to be imposed under this subsection shall not be suspended or deferred. Further, upon conviction, a person who violates this subsection shall be fined the reasonable costs of the investigation and prosecution of the offense including the costs of prosecution of an offense as defined in Sections 1918 and 1920 of Title 28, except that this sentence shall not apply and a fine under this section need not be imposed if the court determines under the provision of Title 18 that the defendant lacks the ability to pay.

United States Code, Title 21, Chapter 13, Subchapter I, Part D §859

Distribution to persons under age 21

a. First offense

Except as provided in Section 860 of this title, any person at least 18 years of age who violates section 841(a)(1) of this title by distributing a controlled substance to a person under 21 years of age is (except as provided in subsection (b) of this section) subject to (1) twice the maximum punishment authorized by section 841(b) of this title, and (2) at least twice any term of supervised release authorized by Section 841(b) of this title, for a first offense involving the same controlled substance and schedule. Except to the extent a greater minimum sentence is otherwise provided by Section 841(b) of this title, a term of imprisonment under this subsection shall be not less than one year. The mandatory minimum

sentencing provisions of this subsection shall not apply to offenses involving five grams or less of marijuana.

b. Second offense

Except as provided in Section 860 of this title, any person at least 18 years of age who violates Section 841(a)(1) of this title by distributing a controlled substance to a person under 21 years of age after a prior conviction under subsection (a) of this section (or under Section 333(b) of this title as in effect prior to May 1, 1971) has become final is subject to (1) three times the maximum punishment authorized by Section 841(b) of this title, and (2) at least three times any term of supervised release authorized by Section 841(b) of this title, for a second or subsequent off involving the same controlled substance and schedule. Except to the extent a greater minimum sentence is otherwise provided by Section 841(b) of this title, a term of imprisonment under this subsection shall be not less than one year.

Penalties for third and subsequent convictions shall be governed by Section 841(b)(1)(A) of this title.

**United States Code, Title 21, Chapter 13,
Subchapter I, Part D, §860**
*Distribution or manufacturing in or near
schools and colleges*

a. Penalty

Any person who violates Section 841(a)(1) of this title or Section 856 of this title by distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within 1,000 feet of, the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority, or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility, is (except as provided in subsection (b) of this section) subject to (1) twice the maximum punishment authorized by Section 841(b) of this title; and (2) at least twice any term of supervised release authorized by Section 841(b) of this title for a first offense. A fine up to twice

that authorized by Section 841(b) of this title may be imposed in addition to any term of imprisonment authorized by this subsection. Except to the extent a greater minimum sentence is otherwise provided by Section 841(b) of this title, a person shall be sentenced under this subsection to a term of imprisonment of not less than one year. The mandatory minimum sentencing provisions of this paragraph shall not apply to offenses involving five grams or less of marijuana.

b. Second offenders

Any person who violates Section 841(a)(1) of this title or Section 856 of this title by distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within 1,000 feet of, the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority, or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility, after a prior conviction under subsection (a) of this section has become final is punishable (1) by the greater of (A) a term of imprisonment of not less than three years and not more than life imprisonment or (B) three times the maximum punishment authorized by Section 841(b) of this title for a first offense, and (2) at least three times any term of supervised release authorized by Section 841(b) of this title for a first offense. A fine up to three times that authorized by Section 841(b) of this title may be imposed in addition to any term of imprisonment authorized by this subsection. Except to the extent a greater minimum sentence is otherwise provided by Section 841(b) of this title, a person shall be sentenced under this subsection to a term of imprisonment of not less than three years. Penalties for third and subsequent convictions shall be governed by Section 841(b)(1)(A) of this title.

**United States Code, Title 21, Chapter 13,
Subchapter I, Part D, §863**
Drug paraphernalia

a. In general it is unlawful for any person:

1. To sell or offer for sale drug paraphernalia;
2. To use the mails or any other facility of interstate commerce to transport drug paraphernalia; or
3. To import or export drug paraphernalia.

b. Penalties

Anyone convicted of an offense under subsection (a) of this section shall be imprisoned for not more than three years and fined under title 18.

c. Seizure and forfeiture

Any drug paraphernalia involved in any violation of subsection (a) of this section shall be subject to seizure and forfeiture upon the conviction of a person for such violation. Any such paraphernalia shall be delivered to the Administrator of General Services, General Services Administration, who may order such paraphernalia destroyed or may authorize its use for law enforcement or educational purposes by federal, state, or local authorities.

d. "Drug paraphernalia" defined

The term "drug paraphernalia" means any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under this subchapter. It includes items primarily intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, methamphetamine, or amphetamines into the human body, such as:

1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
2. Water pipes;
3. Carburetion tubes and devices;
4. Smoking and carburetion masks;
5. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

6. Miniature spoons with level capacities of one-tenth cubic centimeter or less;
7. Chamber pipes;
8. Carburetor pipes;
9. Electric pipes;
10. Air-driven pipes;
11. Chillums;
12. Bongs;
13. Ice pipes or chillers;
14. Wired cigarette papers; or
15. Cocaine freebase kits.

e. Matters considered in determination of what constitutes drug paraphernalia

In determining whether an item constitutes drug paraphernalia, in addition to all other logically relevant factors, the following may be considered:

1. Instructions, oral or written, provided with the item concerning its use;
2. Descriptive materials accompanying the item which explain or depict its use;
3. National and local advertising concerning its use;
4. The manner in which the item is displayed for sale;
5. Whether the owner, or anyone in control of the item, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
6. Direct or circumstantial evidence of the ratio of sales of the item(s) to the total sales of the business enterprise;
7. The existence and scope of legitimate uses of the item in the community; and
8. Expert testimony concerning its use.

f. **Exemptions:** This section shall not apply to—

(1) any person authorized by local, State, or Federal law to manufacture, possess, or distribute such items; or

(2) any item that, in the normal lawful course of business, is imported, exported, transported, or sold through the mail or by any other means, and traditionally intended for use with tobacco products, including any pipe, paper, or accessory.

Federal Drug Trafficking Penalties

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<p>First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p>Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	Cocaine 5 kilograms or more mixture	<p>First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p>Second Offense: Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p>2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
II	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture	PCP 100 grams or more pure or 1 kilogram or more mixture		

Substance/Quantity	Penalty
Any Amount Of Other Schedule I & II Substances	First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.
Any Drug Product Containing Gamma Hydroxybutyric Acid	Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV) 1 Gram or less	First Offense: Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.
Any Amount Of Other Schedule III Drugs	Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Any Amount Of All Schedule V Drugs	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p>First Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p>Second Offense: Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p>First Offense: Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p>Second Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p>First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p> <p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Hashish More than 10 kilograms</p>	
<p>Hashish Oil More than 1 kilogram</p>	
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p> <p>1 to 49 marijuana plants</p>	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
<p>Hashish 10 kilograms or less</p>	
<p>Hashish Oil 1 kilogram or less</p>	

Updated information about federal drug trafficking penalties for most drugs is available at:
www.dea.gov/druginfo/ftp3.shtml

CRIME STATISTICS AND CAMPUS SECURITY AUTHORITIES

The University complies with applicable publicly available recordkeeping requirements, including Clery Act reporting and disclosures, without the inclusion of identifying information about the victim(s). Information contained in timely warnings, emergency notifications; on the University's crime log, fire log, and in annual publications contain aggregate, non-identifying statistical information. Identifying information pertaining to the victim of a reported crime will not be disclosed through these mediums.

LIST OF UNIVERSITY OFFICIALS TO WHOM CRIMINAL OFFENSES SHOULD BE REPORTED

Criminal offenses can be reported directly to AU DPS or to other officials at AU who have been designated as campus security authorities. These are individuals with significant responsibility for student and campus activities and include deans of academic units and directors and department heads of administrative units, including the Counseling Center, the Student Health Center, Kay Spiritual Life Center, and Faculty and Staff Assistance Program. The crimes reported to these sources are tallied and provided to AU DPS to be included in the annual disclosure of crime statistics. If enough pertinent information is available, these reports may also be used for the issuance of Crime Alerts to the AU community and inclusion in the Daily Crime Log. As previously mentioned, pastoral counselors, licensed professional counselors employed through AU, and those acting as medical professionals are not required to disclose any information to AU DPS.

The following persons have been designated as campus security authorities to whom students and employees should report criminal offenses described in the law for the purpose of making timely warning reports and the annual statistical disclosure:

Academic Support and Access Center (ASAC)

Executive Director, Academic Support & Access Center

(202) 885-3467

Director, Disability Support, Academic Support and Access Center

(202) 885-3360

Director, Academic Support, Academic Support and Access Center

(202) 885-3339

Associate Director, Disability Services, Academic Support & Access Center

(202) 885-3360

Program Director, Student-Athlete Academic & Life Skills Support

(202) 885-3185

Athletics and Recreational Sports and Fitness

Director, Recreational Sports and Fitness

(202) 885-6215

Director, Athletics and Recreation

(202) 885-3190

Senior Associate Director, Athletics

(202) 885-3024

AU Abroad

Executive Director, AU Abroad

(202) 885-1321

Director, AU Abroad

(202) 885-1323

Assistant Director, AU Abroad

(202) 885-1328

Assistant Director, AU Abroad

(202) 885-1325

Assistant Director, AU Abroad

(202) 885-1329

Assistant Director, AU Abroad

(202) 885-1327

Senior Advisor, AU Abroad

(202) 885-1326

College of Arts and Sciences

Dean (CAS)

(202) 885-2446

Associate Dean for Undergraduate Programs (CAS)

(202) 885-3768

Director Women's, Gender, and Sexuality Studies (CAS)

(202) 885-2926

Director Jewish Studies Program (CAS)

(202) 885-2425

Executive Director, Institute for Innovation in Education (CAS)
(202) 885-3714

Faculty Senate

Chair, Faculty Senate
(202) 885-3428
Vice Chair, Faculty Senate
(202) 885-3723

Housing and Residence Life

Assistant Vice President, Housing and Residence Life
(202) 885-3370
Director of Residence Life
(202) 885-3370
Director of Housing
(202) 885-3370
Associate Director of Housing Assignments and Communications
(202) 885-3370
Associate Director for First Year Experience
(202) 885-3370

One Card and Dining Programs

Director of One Card and Dining Programs
(202) 885-2273
Associate Director, One Card and Dining Programs
(202) 885-2273

University Conferences and Guest Services

Director of University Conferences and Guest Services
(202) 885-3370
Assistant Director, University Operations
(202) 885-8247

Kay Spiritual Center

University Chaplain
(202) 885-3336

Kogod School of Business

Dean (KSB)
(202) 885-1985
Senior Associate Dean for Academic Affairs (KSB)
(202) 885-1993
Associate Dean of Programs and Learning (KSB)
(202) 885-1976
Director of Student Development and Activities (KSB)
(202) 885-1982

Director of Undergraduate Programs (KSB)
(202) 885-1925
Assistant Director, Employer Relations (KSB)
(202) 885-1960

Office of Campus Life (OCL)

Vice President, Campus Life
(202) 885-3357
Assistant Vice President and Dean of Students
(202) 885-3318
Interim Assistant Vice President, Campus Life
(202) 885-2479
Special Assistant to the Vice President
(202) 885-3499
Associate Dean of Students
(202) 885-3319
Assistant Dean of Students
(202) 885-3301
Title IX Program Officer
(202) 885-3373
Medical Director, Student Health Center
(202) 885-3958
Director, Student Conduct and Conflict Resolution Services
(202) 885-3368
Assistant Director Student Conduct and Conflict Resolution Services
(202) 885-3314
Director, Orientation, Transition and Retention
(202) 885-3374
Assistant Director, Orientation, Transition and Retention
(202) 885-3374
Director International Student and Scholar Services
(202) 885-3352
Assistant Director, Fraternity and Sorority Life
(202) 885-3288
Director Counseling Center
(202) 885-3500
Executive Director, Center for Community Engagement & Service
(202) 885-1551
Coordinator, Dialogue & Diversity Programs, Center for Diversity and Inclusion
(202) 885-3347
Senior Director, Center for Diversity and Inclusion
(202) 885-3651
Assistant Director, Education & Training, Center for Diversity and Inclusion
(202) 885-3346

Director, Programming, Outreach and Advocacy,
Center for Diversity and Inclusion
(202) 885-3372

Office of the President

President
(202) 885-2121
Executive Assistant to the President
(202) 885-2141
Chief of Staff, Office of the President
(202) 885-2121
Director of Special Projects, Office of the
President
(202) 885-2143

Office of the Provost

Provost
(202) 885-2127
Vice Provost for Academic Administration
(202) 885-2720
Dean of Undergraduate Studies/Vice Provost for
Academic Student Services
(202) 885-2427
Dean of Academic Affairs and Senior Vice
Provost
(202) 885-2155
Vice Provost for Undergraduate Enrollment
(202) 885-6053
Assistant Vice Provost, Operations, Enrollment
(202) 885-6013
Assistant Vice Provost, Financial Aid
(202) 885-6100

School of Communication

Dean
(202) 885-2058
Interim Senior Associate Dean for Academic
Affairs
(202) 885-2002
Associate Dean for Academic Administration
(202) 885-2054

School of International Studies (SIS)

Dean
(202) 885-1603
Associate Dean for Faculty Affairs and Graduate
Education
(202) 885-1480
Assistant Dean for Undergraduate Education
(202) 885-2036
Director of International Programs
(202) 885-1606

Senior Manager, Facilities Operations
(202) 885-6679
Director of Events
(202) 885-1747
Director Pre-College Programs
(202) 885-2442
Coordinator, Faculty Affairs
(202) 885-1672

School of Professional and Extended Studies (SPEXS)

Dean
(202) 885-5990
Senior Associate Dean
(202) 895-4915
Assistant Dean, Student Services
(202) 895-4912
Manager, Personnel and Administration
(202) 895-4923
Assistant Dean, Online Learning
(202) 885-6467
Assistant Dean, Undergraduate and Post-
Baccalaureate Programs
(202) 895-4968
Assistant Dean for Faculty Affairs
(202) 895-4992
Faculty Coordinator
(202) 895-4954

International Accelerator Program

Director of Student Services, International
Accelerator
(202) 885-6980

School of Public Affairs (SPA)

Dean
(202) 885-6443
Executive in Residence, Organization
Development
(202) 885-2952
Senior Associate Dean of Academic Affairs
(202) 885-2137
Events Coordinator
(202) 885-2994
Senior Administrative Assistant, Public Admin
and Policy
(202) 885-2377
Assistant Director, Key Executive Leadership
(202) 885-6256
Assistant Director, Women, Policy and Politics
Institute
(202) 885-3103

Program Manager, Public Policy and International
Affairs Program
(202) 885-1545
Coordinator, Faculty Affairs
(202) 885-6201

University Administration

Vice President, Communications
(202) 885-2163
Assistant Vice President, Communications
(202) 885-5953
Assistant Vice President of Budget and Finance
Resource Center
(202) 885-2729
Assistant Vice President of Human Resources
(202) 885-2451
Controller
(202) 885-2822
University Registrar
(202) 885-2210
Chief Information Security Officer
(202) 885-3998
University Librarian
(202) 885-3235
Assistant Vice President of University Police and
Emergency Management
(202) 885-2549
Assistant Vice President, External Relations and
Auxiliary Services
(202) 885-2753
Executive Director, Career Center
(202) 885-1829
Senior Director of Human Resource Service
Delivery
(202) 885-2589
Senior Director of Employee Relations and
Recruiting
(202) 885-2721
Assistant Librarian
(202) 885-3236
Senior Director, Student Finance and Collections
(202) 885-3546
Director Facilities Operation, Facilities
Management
(202) 885-1150
Director Community Relations, External Relations
(202) 885-2167
Associate Director of Admissions
(202) 885-6012
Faculty Personnel Administrator
(202) 885-3749
Employee Relations Advisor
(202) 885-2548

University Event Scheduling

Senior Director, University Center and Student
Activities
(202) 885-3931
Director of Student Activities
(202) 885-3398
Associate Director, Leadership Development
(202) 885-3392
Assistant Director, University Event Scheduling
(202) 885-3935
Associate Director, Facilities & Event Services
(202) 885-3948
Assistant to the Senior Director, UC/SA
(202) 885-3296
Operations Coordinator, University Center
(202) 885-3936
Coordinator, Scheduling and Event Services
(202) 885-3937

Washington College of Law (WCL)

Dean, Washington College of Law
(202) 885-4007
Senior Associate Dean, Faculty and Academic
Affairs
(202) 274-4431
Associate Director Weinstein Trial Advocacy
Program
(202) 274-4073
Director, Law and Government
(202) 274-4011
Assistant Director, Student Affairs
(202) 274-4031
Associate Dean, Student Affairs
(202) 274-4052
Assistant Dean of Academic Services and
Registrar
(202) 274-4081
Resident Practitioner, International Legal Studies
Program
(202) 274-4388
Director, International Legal Studies Program
(202) 274-4415
Vice Dean, Faculty and Academic Affairs
(202) 274-4196
Director, Facilities Management
(202) 274-4008
Assistant Dean, Career and Professional
Development
(202) 274-4091

Wellness Center

Director, Wellness Center
(202) 885-3255

Coordinator, Victim Advocacy Services
(202) 885-3382

Sexual Assault Prevention Coordinator
(202) 885-3055

Health Education Coordinator
(202) 885-3384

All resident assistants, resident directors, study abroad program directors, community coordinators, orientation leaders and athletic coaching staff are mandated to provide information concerning all criminal activity to the Police Department directly or through their supervisors. Based on revised guidance issued by the Department of Education in June 2016, this list has been modified to include the designated Title IX officers not previously included as well as the victim advocates in the Office of Advocacy Services for Interpersonal and Sexual Violence (OASIS). In this capacity, Title IX officers and advocates are required to collect anonymous, non-identifying information for crimes occurring on Clery reportable geography. This information will be included in annual statistical compilations, included in the daily crime log and evaluated for timely warning and/or emergency notification consideration.

Campus Security Authorities may disclose reported crimes to the American University Department of Public Safety in one of two ways:

1. Filing a report directly with the American University Department of Public Safety.

Information obtained through traditional reporting to American University Department of Public Safety contains personally identifiable information regarding the subject (if known) and victim of reported crimes. This information is maintained in the department's internal records management system and is restricted to department employees only. Dissemination of applicable incident information is made in accordance with established internal policy and only with the approval of the Executive Director of University Police and Emergency

Management or designee. This information may be released to the following entities:

- a. Student Conduct and Conflict Resolution Services (AU) for the purpose of referring incidents involving students for administrative adjudication;
 - b. Dean of Students of designee;
 - c. University Title IX Compliance Office for Title IX compliance
 - d. American University Human Resources Department for the purpose of referring incidents involving staff for administrative adjudication;
 - e. American University's Provost for the purpose of referring incidents involving faculty for administrative adjudication
 - f. External law enforcement partners for the purpose of criminal investigations;
 - g. External judicial systems for the purpose of pursuing criminal charges
 - h. Other entities as directed by the Executive Director of University Police and Emergency Management and as permissible by federal or District of Columbia Law.
2. Completing a CSA Disclosure Form and submitting it to the designated Clery Compliance Coordinator in the American University Department of Public Safety.

The CSA disclosure form is designed to collect non-identifying information for the purposes of crime disclosures and statistical reporting. This form is submitted directly to the Clery Compliance Officer or the Executive Director for University Police and Emergency Management. The information contained on CSA disclosure forms is not released to individuals outside of the American University Department of Public Safety.

AU DPS maintains a close relationship with the MPD's Second District to ensure notifications of crimes that have occurred on or near the AU campus and non-campus property that were reported directly to these law enforcement agencies.

Requests for crime statistics were made of the Metropolitan Police Department of the District of Columbia (MPD), as well as the local police departments of Nairobi, Kenya; Madrid, Spain; and Brussels, Belgium. These requests asked for statistics of Clery Act reportable crimes that occurred on any of AU's campuses, non-campus property, and public property adjacent to and immediately accessible from any AU campus. Statistics were obtained from MPD and are included in applicable sections of this report. As of the publishing of this report, none of the aforementioned international jurisdictions (i.e. Nairobi, Madrid, or Brussels) provided any applicable information.

DEFINITION OF CLERY ACT REPORTABLE CRIMES

CRIMINAL HOMICIDE

Murder and Non-Negligent Manslaughter

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

Manslaughter by Negligence

The killing of another person through gross negligence

FORCIBLE SEX OFFENSES

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent:

Rape

The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

This definition has been revised to include the previously separately counted instances of sodomy and sexual assault with an object.

Fondling

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

NON-FORCIBLE SEX OFFENSES

Incest

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

Statutory Rape

Non-forcible sexual intercourse with a person who is under the statutory age of consent

OTHER CRIMES

Robbery

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

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

Burglary

Unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

A motor vehicle is self-propelled and runs on land surface and not on rail, such as sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts and motorized wheelchairs. Watercraft, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

Arson

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

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on

the reporting party's statement and with the consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. It includes but is not limited to sexual or physical abuse, or the threat of such abuse.

Domestic Violence

The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others or (b) suffer substantial emotional distress.

For the purpose of this definition –

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



CORRESPONDING DC CRIMINAL CODE REGARDING SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, DOMESTIC VIOLENCE AND STALKING

Sexual Abuse Offenses: Title 22, Chapter 30 22-3001. Definitions

For the purposes of this chapter:

- (4) "Consent" means word or overt actions indicating a freely given agreement to the sexual act or contact in question. Lack of verbal or physical resistance or submission by the victim, resulting from the use of force, threats, or coercion by the defendant shall not constitute consent.
- (5) "Force" means the use or threatened use of a weapon; the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or the use of a threat of harm sufficient to coerce or compel submission by the victim.
- (7) "Sexual Act" means:
 - a. The penetration, however slight, of the anus or vulva of another by a penis;
 - b. Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or
 - c. The penetration, however slight, of the anus or vulva by a hand or finger or by

any object, with the intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

- d. The emission of semen is not required for the purposes of subparagraphs (A)-(C) of this paragraph.

(8) "Sexual Contact" means the touching with any clothed or unclothed body part or any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with the intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

22-3002. First-degree sexual abuse

Felony

- a. A person shall be imprisoned for any term of years or for life, and in addition, may be fined in an amount not to exceed \$250,000, if that person engages in or causes another person to engage in or submit to a sexual act in the following manner:
 - 1. By using force against that other person;
 - 2. By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
 - 3. After rendering that other person unconscious; or
 - 4. After administering to that other person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.

22-3003. Second-degree sexual abuse

Felony

A person shall be imprisoned for not more than 20 years and may be fined in an amount not to exceed \$200,000, if that person engages in or causes another person to engage in or submit to a sexual act in the following manner:

- 1. By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
- 2. Where the person knows or has reason to know that the other person is:
 - A. Incapable of appraising the nature of the conduct;
 - B. Incapable of declining participation in that sexual act; or
 - C. Incapable of communicating unwillingness to engage in that sexual act.

22-3004. Third-degree sexual abuse

Felony

A person shall be imprisoned for not more than 10 years and may be fined in an amount not to exceed \$100,000, if that person engages in or causes sexual contact with or by another person in the following manner:

- 1. By using force against that other person;
- 2. By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
- 3. After rendering that person unconscious; or
- 4. After administering to that person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.

22-3005. Fourth-degree sexual abuse

Felony

A person shall be imprisoned for not more than five years and, in addition, may be fined in an amount not to exceed \$50,000, if that person

engages in or causes sexual contact with or by another person in the following manner:

1. By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
2. Where the person knows or has reason to know that the other person is:
 - A. Incapable of appraising the nature of the conduct;
 - B. Incapable of declining participation in that sexual contact; or
 - C. Incapable of communicating unwillingness to engage in that sexual contact.

22-3006. Misdemeanor sexual abuse

Probable Cause Misdemeanor

Whoever engages in a sexual act or sexual contact with another person and who should have knowledge or reason to know that the act was committed without that other person's permission, shall be imprisoned for not more than 180 days and, in addition, may be fined in an amount not to exceed \$1,000.

Domestic Violence/Dating Violence

Title 16, Section 1001 Definitions

For the purposes of this subchapter, the term:

(4) Domestic partnership shall have the same meaning as provided in Section 32-701(4). The definition is as follows:

“Domestic Partnership” means the relationship between 2 persons who become domestic partners by registering in accordance with Section 32-702. Section 32-702 states the following:

(a) For the purposes of this section, the declaration shall be signed by the domestic partners and shall affirm under penalty of perjury that each domestic partner:

- (1) Is at least 18 years old and competent to contract;
 - (2) Is the sole domestic partner of the other person; and
 - (3) Is not married.
- (6) “Interpersonal Violence” means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person:
- a. With whom the offender shares or has shared a mutual residence; or
 - b. Who is or was married to, in a domestic partnership with, divorced or separated from, or in a romantic, dating, or sexual relationship with another person who is or was married to, in a domestic partnership with, divorced or separated from, or in a romantic, dating, or sexual relationship with the offender.

- (7) “Intimate Partner Violence” means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person:
- a. To whom the offender is or was married;
 - b. With whom the offender is or was in a domestic partnership; or
 - c. With whom the offender is or was in a romantic, dating, or sexual relationship.

(8) “Intrafamily Offense” means interpersonal, intimate partner, or intrafamily violence.

(9) “Intrafamily Violence” means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person to whom the offender is related by blood, adoption, legal custody, marriage, or domestic partnership, or with whom the offender has a child in common.

Title 16, Section 1031

- a. A law enforcement officer shall arrest a person if the law enforcement officer has probable cause to believe that the person:

1. Committed an intra-family offense that resulted in physical injury, including physical pain or illness, regardless of whether or not the intra-family offense was committed in the presence of the law enforcement officer; or
 2. Committed an intra-family offense that caused or was intended to cause reasonable fear of imminent serious physical injury or death.
- b. The law enforcement officer shall present the person arrested under subsection (a) of this section to the U.S. Attorney for charging.

Stalking

Title 22, Section-3132 Definitions

For the purposes of this chapter, the term:

- (1) “Any Device” means electronic, mechanical, digital or any other equipment, including: a camera, spycam, computer, spyware, microphone, audio or video recorder, global positioning system, electronic monitoring system, listening device, night-vision goggles, binoculars, telescope, or spyglass.
- (2) “Any Means” includes the use of a telephone, mail, delivery service, e-mail, website, or other method or any device.
- (3) “Communicating” means using oral or written language, photographs, pictures, signs, symbols, gestures, or other acts or objects that are intended to convey a message;
- (4) “Emotional Distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling;
- (6) “Personal Identifying Information” shall have the same meaning as provided in Section 22-3227.01 (3).

Section 22-3227.01 (3) states that “Personal Identifying Information” includes, but is not limited to, the following:

- (A) Name, address, telephone number, date of birth, or mother’s maiden name;
 - (B) Driver’s license or driver’s license number, or non-driver’s license number;
 - (C) Savings, checking, or other financial account number;
 - (D) Social security number or tax identification number;
 - (E) Passport or passport number;
 - (F) Citizenship status, visa, or alien registration card or number;
 - (G) Birth certificate or a facsimile of a birth certificate;
 - (H) Credit or debit card, or credit or debit card number;
 - (I) Credit history or credit rating;
 - (J) Signature;
 - (K) Personal identification number, electronic identification number, password, access code or device, electronic address, electronic identification number, routing information or code, digital signature, or telecommunication identifying information;
 - (L) Biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
 - (M) Place of employment, employment history, or employee identification number; and
 - (N) Any other numbers or information that can be used to access a person’s financial resources, access medical information, obtain identification, act as identification, or obtain property.
- (7) “Specific Individual” or “Individual” means the victim or alleged victim of stalking;
 - (8) “To engage in a course of conduct” means directly or indirectly, or through one or more third persons, in person or by any means, on 2 or more occasions, to:
 - (A) Follow, monitor, place under surveillance, threaten, or communicate to or about another individual;

(B) Interfere with, damage, take, or unlawfully enter an individual's real or personal property or threaten or attempt to do so; or

(C) Use another individual's personal identifying information.

Title 22, Section 3133

a. It is unlawful for a person to purposefully engage in a course of conduct directed at a specific individual:

(1) With the intent to cause that individual to:

- (A) Fear for his or her safety or the safety of another person;
- (B) Feel seriously alarmed, disturbed, or frightened; or
- (C) Suffer emotional distress

(2) That the person knows would cause that individual reasonably to:

- (A) Fear for his or her safety or the safety of another person;
- (B) Feel seriously alarmed, disturbed, or frightened; or
- (C) Suffer emotional distress

(3) That the person should have known would cause a reasonable person in the individual's circumstances to:

- (A) Fear for his or her safety or the safety of another person;
- (B) Feel seriously alarmed, disturbed, or frightened; or
- (C) Suffer emotional distress

b. This section does not apply to constitutionally protected activity.

c. Where a single act is of a continuing nature, each 24-hour period constitutes a separate offense.

d. The conduct on each of the occasions needs to be the same as it is on the others.

16-1031. Arrests

a. A law enforcement officer shall arrest a person if the law enforcement officer has probable cause to believe that the person:

1. Committed an intra-family offense that resulted in physical injury, including physical pain or illness, regardless of whether or not the intra-family offense was committed in the presence of the law enforcement officer; or

2. Committed an intra-family offense that caused or was intended to cause reasonable fear of imminent serious physical injury or death.

b. The law enforcement officer shall present the person arrested under subsection (a) of this section to the U.S. Attorney for charging.

Because local laws are constantly changing, please visit either of the following sites for the most up-to-date legislation within the District of Columbia:
lexisnexis.com/hottopics/dccode or dc.gov/page/laws-regulations-and-courts

HATE CRIMES

A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported:

Race

A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

Religion

A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the

universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

Sexual Orientation

A preformed negative opinion of attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

Gender

A preformed negative opinion of attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

Gender non-conforming describes a person who does not conform to the gender-based expectations of society.

Ethnicity

A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common language, common culture (often including a shared religion), and/or ideology that stresses common ancestry.

National Origin

A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

Disability

A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired through heredity, accident, injury, advanced age or illness.

Hate crimes include any of the aforementioned Clery reportable offenses and/or any of the following additional crimes reported to local police agencies or to a campus security authority

that manifests evidence that the victim was intentionally selected because of the perpetrator's bias (categories of bias are race, religion, sexual orientation, gender, gender identity, ethnicity, national origin and disability).

Larceny-Theft (Only Counted If a Component of a Hate Crime)

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

Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

Simple Assault (Only Counted If a Component of a Hate Crime)

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation (Only Counted If a Component of a Hate Crime)

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

Destruction/Damage/Vandalism of Property (Only Counted If a Component of a Hate Crime)

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

OTHER OFFENSES

As it pertains to the following criminal offenses (violation of law), only the number of arrests and the number of persons referred for disciplinary action are disclosed through the Annual Security Report.

For the purpose of statistical disclosure, an arrest is defined as persons processed by arrest, criminal citation, or summons.

For the purpose of statistical disclosure, referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

Liquor Law Violations

The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, or possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned (Drunkenness and DUI are not included in this definition).

Drug Abuse Violations

Violations of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana, synthetic narcotics-manufactured narcotics that cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Illegal Weapons Possession

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. It also applies to weapons used in a deadly manner (i.e. possession of brass knuckles).



DEFINITION OF CLERY ACT REPORTABLE LOCATIONS ON CAMPUS

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to paragraph (1) 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).

The Department of Education released guidance in June 2016 which defined reasonably contiguous geographic area to be an area within one mile of an on campus property. Based on this guidance, the following locations, previously counted as non-campus properties will now be considered on campus properties:

AU-leased apartments and common areas
4201 Massachusetts Avenue NW, DC

AU Offices
3201 New Mexico Avenue NW, DC 4801
4400 Massachusetts Avenue NW, DC 20016⁶

⁶ The Washington College of Law moved to the Tenley Campus, located at 4300 Nebraska Avenue NW, DC in January 2016. Statistics for 2014 – 2015 for the Washington College of Law previously located at 4801 Massachusetts Avenue NW, DC will be displayed below as a separate campus. The

RESIDENTIAL FACILITY (SUBSET OF "ON CAMPUS" STATISTICS)

Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility

PUBLIC PROPERTY

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

NON-CAMPUS PROPERTY

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

For AU's main campus, non-campus properties (as defined above) are the following:

Greenberg Theatre and AU offices

4200 Wisconsin Avenue NW, DC

AU Offices

4545 42nd Street NW, Washington, DC (For 2015 Statistical Reporting Only)

4401 Connecticut Avenue NW, Washington, DC

The Brandywine building

4000 Brandywine Street NW, Washington, DC

WISH Housing

2807 Connecticut Avenue NW, Washington, DC

Airlie

6809 Airlie Road, Warrenton, VA 20187

Other properties as designated through lease agreement with American University and that vary year to year

conversion of the property located at 4801 Massachusetts Avenue NW, DC from a separate campus to part of the 4400 Massachusetts Avenue NW, DC is reflected in this Annual Security Report and applies to data gathered during calendar year 2016.

CRIMINAL OFFENSES - MAIN CAMPUS (4400 Massachusetts Avenue)

Criminal Offenses – Main Campus (4400 Massachusetts Avenue) ⁷					
Type of Offense		On Campus	On Campus Residential Facility ⁸	Non-Campus Building or Property	Public Property
Murder/Non-Negligent Manslaughter	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Manslaughter by Negligence	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Sex Offenses					
Forcible Sex Offenses (Rape and Forcible Fondling) ⁹	2014	21	19	0	0
Rape	2015	18	15	0	1
	2016	15	15	0	0
Forcible Fondling	2015	5	4	0	2
	2016	4	4	0	1
Non-Forcible Sex Offenses (Incest and Statutory Rape) ¹⁰	2014	0	0	0	0
Incest	2015	0	0	0	0
	2016	0	0	0	0
Statutory Rape	2015	0	0	0	0
	2016	0	0	0	0
Robbery					
	2014	0	0	0	0
	2015	1	0	0	1
	2016	1	0	0	0

⁷ Due to the fact that Arson, Domestic Violence, Dating Violence, Stalking, and Sex Offenses are not applicable to the Uniform Crime Reporting hierarchy rule, some instances of the aforementioned are counted in multiple categories. Hence, a singular criminal incident may be listed under a variety of categories if facets of the incident meet criteria defined herein. As always, please refer to the Daily Crime Log for information regarding the most recent criminal occurrences.

⁸ Residential facilities are a subset of the On Campus statistics.

⁹ Rape and Forcible Fondling were counted jointly as Forcible Sex Offenses through 2014. The 2015 and 2016 statistics shown above are separated into the difference categories.

¹⁰ Incest and Statutory Rape were counted jointly as Non-Forcible Sex Offenses through 2014. The 2015 and 2016 statistics shown above are separated into the different categories.

Aggravated Assault					
	2014	7	4	1	1
	2015	7	6	0	0
	2016	8	2	0	1
Burglary					
	2014	8	3	4	0
	2015	9	4	0	0
	2016	13	7	1	0
Motor Vehicle Theft					
	2014	1	0	1	1
	2015	1	0	0	0
	2016	0	0	0	0
Arson					
	2014	4	4	0	1
	2015	1	1	0	0
	2016	1	1	0	0
Domestic Violence					
	2014	6	6	1	0
	2015	4	4	0	0
	2016	4	1	0	0
Dating Violence					
	2014	3	2	1	0
	2015	2	2	0	0
	2016	3	1	0	1
Stalking					
	2014	10	6	2	4
	2015	22	10	0	0
	2016	17	14	0	1

Unfounded Crimes:

- For calendar year 2014, one (1) on campus forcible sex offense was determined to be unfounded by MPD detectives "For calendar year 2015, there was one (1) additional on campus burglary which was found through law enforcement investigation to be unfounded.
- For calendar year 2016, there were no crimes which were found through law enforcement investigation to be unfounded.

HATE CRIME OFFENSES - MAIN CAMPUS (4400 Massachusetts Avenue)

- In 2014, there was one (1) Intimidation Offense in an on-campus residence hall characterized by gender bias.
- In 2014, there was one (1) Intimidation Offense in an on-campus characterized by racial bias.
- In 2014, there was one (1) Intimidation Offense in an on-campus residence hall characterized by religious bias.
- In 2014, there were two (2) Vandalism Offense on on-campus locations characterized by racial bias. One (1) of these was in a residence hall.
- In 2014, there was one (1) Vandalism Offense in an on campus residence hall characterized by gender bias.
- In 2015, there was one (1) Simple Assault in an on campus location characterized by sexual orientation bias.
- In 2015, there was one (1) Intimidation Offense in an on-campus location characterized by racial bias.
- In 2015, there was one (1) Vandalism offense in an on-campus residence hall characterized by racial bias.
- In 2016 there was one (1) Intimidation offense in an on-campus residence hall characterized by ethnicity bias.
- In 2016 there were two (2) vandalism offenses in an on-campus residence hall characterized by racial bias.
- In 2016 there was one (1) simple assault offense in an on-campus residence hall characterized by racial bias.
- In 2016 there was one (1) vandalism offense in an on-campus location characterized by religious bias.
- In 2016 there was one (1) burglary offense in an on-campus location characterized by gender bias.

CRIMINAL OFFENSES - TENLEY CAMPUS (4300 Nebraska Avenue)

Criminal Offenses – Tenley Campus (4300 Nebraska Avenue) ¹¹¹²					
Type of Offense		On Campus	On Campus Residential Facility ¹³	Non-Campus Building or Property	Public Property
Murder/Non-Negligent Manslaughter	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Manslaughter by Negligence	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Sex Offenses					
Forcible Sex Offenses (Rape and Forcible Fondling) ¹⁴	2014	0	0	0	0
Rape	2015	0	0	0	0
	2016	0	0	0	0
Forcible Fondling	2015	0	0	0	0
	2016	0	0	0	0
Non-Forcible Sex Offenses (Incest and Statutory Rape) ¹⁵	2014	0	0	0	0
Incest	2015	0	0	0	0
	2016	0	0	0	0
Statutory Rape	2015	0	0	0	0
	2016	0	0	0	0

¹¹ Due to the fact that Arson, Domestic Violence, Dating Violence, Stalking, and Sex Offenses are not applicable to the Uniform Crime Reporting hierarchy rule, some instances of the aforementioned are counted in multiple categories. Hence, a singular criminal incident may be listed under a variety of categories if facets of the incident meet criteria defined herein. As always, please refer to the Daily Crime Log for information regarding the most recent criminal occurrences.

¹² The Tenley Campus was closed for construction in 2014 and 2015. The Washington College of Law moved to the Tenley Campus in January 2016. The campus no longer contains residential facilities. The 2016 statistics for the Washington College of Law can be found in this table.

¹⁴ Rape and Forcible Fondling were counted jointly as Forcible Sex Offenses through 2014. The 2015 and 2016 statistics shown above are separated into the difference categories.

¹⁵ Incest and Statutory Rape were counted jointly as Non-Forcible Sex Offenses through 2014. The 2015 and 2016 statistics shown above are separated into the different categories.

Robbery					
	2014	0	0	0	1
	2015	0	0	0	0
	2016	0	0	0	0
Aggravated Assault					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Burglary					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	1	0
Motor Vehicle Theft					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Arson					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Domestic Violence					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Dating Violence					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Stalking					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	1	0	0	1

Unfounded Crimes:

- For calendar year 2014, there were no crimes which were found through law enforcement investigation to be unfounded.
- For calendar year 2015, there were no crimes which were found through law enforcement investigation to be unfounded.
- For calendar year 2016, there were no crimes which were found through law enforcement investigation to be unfounded.

HATE CRIME OFFENSES - TENLEY CAMPUS (4300 Nebraska Avenue)

- There were no Hate Crime Offenses reported on the Tenley Campus in 2014.
- There were no Hate Crime Offenses reported on the Tenley Campus in 2015.
- There were no Hate Crime Offenses reported on the Tenley Campus in 2016.

CRIMINAL OFFENSES - WASHINGTON COLLEGE OF LAW CAMPUS AT SPRING VALLEY (4801 Massachusetts Avenue)

Criminal Offenses – Washington College of Law Campus at Spring Valley (4801 Massachusetts Avenue) ^{16,17}					
Type of Offense		On Campus	On Campus Residential Facility ¹⁸	Non-Campus Building or Property	Public Property
Murder/Non-Negligent Manslaughter	2014	0	0	0	0
	2015	0	0	0	0
Manslaughter by Negligence	2014	0	0	0	0
	2015	0	0	0	0
Sex Offenses					
Forcible Sex Offenses (Rape and Forcible Fondling) ¹⁹	2014	0	0	0	0
Rape	2015	0	0	0	0
Forcible Fondling	2015	0	0	0	0
Non-Forcible Sex Offenses (Incest and Statutory Rape) ²⁰	2014	0	0	0	0
Incest	2015	0	0	0	0
Statutory Rape	2015	0	0	0	0
Robbery					
	2014	0	0	0	0
	2015	0	0	0	0
Aggravated Assault					
	2014	0	0	0	0
	2015	0	0	0	0

¹⁶ Due to the fact that Arson, Domestic Violence, Dating Violence, Stalking, and Sex Offenses are not applicable to the Uniform Crime Reporting hierarchy rule, some instances of the aforementioned are counted in multiple categories. Hence, a singular criminal incident may be listed under a variety of categories if facets of the incident meet criteria defined herein. As always, please refer to the Daily Crime Log for information regarding the most recent criminal occurrences.

¹⁷ 2016 Statistical data for 4801 Massachusetts Avenue has been incorporated into the 2016 datasets for 4400 Massachusetts Avenue (Main Campus)

¹⁸ The Washington College of Law Campus at the Spring Valley Building did not contain residential facilities.

¹⁹ Rape and Forcible Fondling were counted jointly as Forcible Sex Offenses through 2014. The 2015 and 2016 statistics shown above are separated into the difference categories.

²⁰ Incest and Statutory Rape were counted jointly as Non-Forcible Sex Offenses through 2014. The 2015 and 2016 statistics shown above are separated into the different categories.

Burglary					
	2014	0	0	0	0
	2015	0	0	0	0
Motor Vehicle Theft					
	2014	0	0	0	0
	2015	0	0	0	0
Arson					
	2014	0	0	0	0
	2015	0	0	0	0
Domestic Violence					
	2014	0	0	0	0
	2015	0	0	0	1
Dating Violence					
	2014	0	0	0	0
	2015	0	0	0	0
Stalking					
	2014	2	0	0	0
	2015	0	0	0	0

Unfounded Crimes:

- For calendar year 2014, there were no crimes which were found through law enforcement investigation to be unfounded.
- For calendar year 2015, there were no crimes which were found through law enforcement investigation to be unfounded.
- For calendar year 2016, there were no crimes which were found through law enforcement investigation to be unfounded.

HATE CRIME OFFENSES - WASHINGTON COLLEGE OF LAW CAMPUS AT SPRING VALLEY (4801 MASSACHUSETTS AVENUE)²¹

- There were no Hate Crime Offenses reported on the WCL Campus in 2014.
- There were no Hate Crime Offenses reported on the WCL Campus in 2015.

²¹ The Washington College of Law moved from the Spring Valley Building (4801 Massachusetts Avenue) to the Tenley Campus (4300 Nebraska Avenue) in January 2016. 2014 and 2015 statistics for the Washington College of Law at the Spring Valley Building are included in this table. 2016 statistics for the Washington College of Law at the Tenley Campus are included in the Tenley Campus table. The 2016 statistics for the Spring Valley Building are included in the Main Campus table.

CRIMINAL OFFENSES - BRUSSELS, BELGIUM

Criminal Offenses – Brussels, Belgium ²²

Type of Offense		On Campus	On Campus Residential Facility ²³	Non-Campus Building or Property	Public Property
Murder/Non-Negligent Manslaughter	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Manslaughter by Negligence	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Sex Offenses					
Forcible Sex Offenses (Rape and Forcible Fondling) ²⁴	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Rape	2015	0	0	0	0
	2016	0	0	0	0
Forcible Fondling	2015	0	0	0	0
	2016	0	0	0	0
Non-Forcible Sex Offenses (Incest and Statutory Rape) ²⁵	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Incest	2015	0	0	0	0
	2016	0	0	0	0
Statutory Rape	2015	0	0	0	0
	2016	0	0	0	0
Robbery					
	2014	0	0	0	0
	2015	0	0	0	0

²² Due to the fact that Arson, Domestic Violence, Dating Violence, Stalking, and Sex Offenses are not applicable to the Uniform Crime Reporting hierarchy rule, some instances of the aforementioned are counted in multiple categories. Hence, a singular criminal incident may be listed under a variety of categories if facets of the incident meet criteria defined herein. As always, please refer to the Daily Crime Log for information regarding the most recent criminal occurrences.

²³ The Brussels, Belgium campus does not contain on campus residential facilities

²⁴ Rape and Forcible Fondling were counted jointly as Forcible Sex Offenses through 2014. The 2015 and 2016 statistics shown above are separated into the difference categories.

²⁵ Incest and Statutory Rape were counted jointly as Non-Forcible Sex Offenses through 2014. The 2015 and 2016 statistics shown above are separated into the different categories.

	2016	0	0	0	0
Aggravated Assault					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Burglary					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	1	0
Motor Vehicle Theft					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Arson					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Domestic Violence					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Dating Violence					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Stalking					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

Unfounded Crimes:

- For calendar year 2014, there were no crimes which were found through law enforcement investigation to be unfounded.
- For calendar year 2015, there were no crimes which were found through law enforcement investigation to be unfounded.
- For calendar year 2016, there were no crimes which were found through law enforcement investigation to be unfounded.

HATE CRIME OFFENSES - Brussels, Belgium, AU Offices

- There were no Hate Crime Offenses reported at the Brussels, Belgium, AU offices in 2014.
- There were no Hate Crime Offenses reported at the Brussels, Belgium, AU offices in 2015.
- There were no Hate Crime Offenses reported at the Brussels, Belgium, AU offices in 2016.

CRIMINAL OFFENSES - MADRID, SPAIN

Criminal Offenses – Madrid, Spain ²⁶

Type of Offense		On Campus	On Campus Residential Facility ²⁷	Non-Campus Building or Property	Public Property
Murder/Non-Negligent Manslaughter	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Manslaughter by Negligence	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Sex Offenses					
Forcible Sex Offenses (Rape and Forcible Fondling) ²⁸	2014	0	0	0	0
Rape	2015	0	0	0	0
	2016	0	0	0	0
Forcible Fondling	2015	0	0	0	0
	2016	0	0	0	0
Non-Forcible Sex Offenses (Incest and Statutory Rape) ²⁹	2014	0	0	0	0
Incest	2015	0	0	0	0
	2016	0	0	0	0
Statutory Rape	2015	0	0	0	0
	2016	0	0	0	0

²⁶ Due to the fact that Arson, Domestic Violence, Dating Violence, Stalking, and Sex Offenses are not applicable to the Uniform Crime Reporting hierarchy rule, some instances of the aforementioned are counted in multiple categories. Hence, a singular criminal incident may be listed under a variety of categories if facets of the incident meet criteria defined herein. As always, please refer to the Daily Crime Log for information regarding the most recent criminal occurrences.

²⁷ The Madrid, Spain campus does not contain on campus residential facilities

²⁸ Rape and Forcible Fondling were counted jointly as Forcible Sex Offenses through 2014. The 2015 and 2016 statistics shown above are separated into the difference categories.

²⁹ Incest and Statutory Rape were counted jointly as Non-Forcible Sex Offenses through 2014. The 2015 and 2016 statistics shown above are separated into the different categories.

Robbery

	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

Aggravated Assault

	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

Burglary

	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

Motor Vehicle Theft

	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

Arson

	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

Domestic Violence

	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

Dating Violence

	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

Stalking

	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

Unfounded Crimes:

- For calendar year 2014, there were no crimes which were found through law enforcement investigation to be unfounded.
- For calendar year 2015, there were no crimes which were found through law enforcement investigation to be unfounded.
- For calendar year 2016, there were no crimes which were found through law enforcement investigation to be unfounded.

HATE CRIME OFFENSES - Madrid, Spain, AU Offices

- There were no Hate Crime Offenses reported at the Madrid, Spain, AU offices in 2014.
- There were no Hate Crime Offenses reported at the Madrid, Spain, AU offices in 2015.
- There were no Hate Crime Offenses reported at the Madrid, Spain, AU offices in 2016.

CRIMINAL OFFENSES - NAIROBI, KENYA

Criminal Offenses – Nairobi, Kenya ³⁰

Type of Offense		On Campus	On Campus Residential Facility ³¹	Non-Campus Building or Property	Public Property
Murder/Non-Negligent Manslaughter	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Manslaughter by Negligence	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Sex Offenses					
Forcible Sex Offenses (Rape and Forcible Fondling) ³²	2014	0	0	0	0
Rape	2015	0	0	0	0
	2016	0	0	0	0
Forcible Fondling	2015	0	0	0	0
	2016	0	0	0	0
Non-Forcible Sex Offenses (Incest and Statutory Rape) ³³	2014	0	0	0	0
Incest	2015	0	0	0	0
	2016	0	0	0	0
Statutory Rape	2015	0	0	0	0
	2016	0	0	0	0

³⁰ Due to the fact that Arson, Domestic Violence, Dating Violence, Stalking, and Sex Offenses are not applicable to the Uniform Crime Reporting hierarchy rule, some instances of the aforementioned are counted in multiple categories. Hence, a singular criminal incident may be listed under a variety of categories if facets of the incident meet criteria defined herein. As always, please refer to the Daily Crime Log for information regarding the most recent criminal occurrences.

³¹ The Nairobi, Kenya campus does not contain on campus residential facilities

³² Rape and Forcible Fondling were counted jointly as Forcible Sex Offenses through 2014. The 2015 and 2016 statistics shown above are separated into the difference categories.

³³ Incest and Statutory Rape were counted jointly as Non-Forcible Sex Offenses through 2014. The 2015 and 2016 statistics shown above are separated into the different categories.

Robbery					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Aggravated Assault					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Burglary					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Motor Vehicle Theft					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Arson					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Domestic Violence					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Dating Violence					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Stalking					
	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

Unfounded Crimes:

- For calendar year 2014, there were no crimes which were found through law enforcement investigation to be unfounded.
- For calendar year 2015, there were no crimes which were found through law enforcement investigation to be unfounded.
- For calendar year 2016, there were no crimes which were found through law enforcement investigation to be unfounded.

HATE CRIME OFFENSES - Nairobi, Kenya, AU Offices

- There were no Hate Crime Offenses reported at the Nairobi, Kenya, AU offices in 2014.
- There were no Hate Crime Offenses reported at the Nairobi, Kenya, AU offices in 2015.
- There were no Hate Crime Offenses reported at the Nairobi, Kenya, AU offices in 2016.

ARRESTS AND JUDICIAL REFERRALS - MAIN CAMPUS (4400 Massachusetts Avenue)

Arrests and Judicial Referrals – Main Campus (4400 Massachusetts Avenue) ³⁴					
Type of Offense		On Campus	On Campus Residential Facility ³⁵	Non-Campus Building or Property	Public Property
Arrests					
Liquor Law Violations	2014	0	0	0	0
	2015	1	0	0	0
	2016	0	0	0	0
Drug Abuse Violations	2014	3	3	0	15
	2015	0	0	0	0
	2016	1	1	0	0
Weapons Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	1
Judicial Referrals					
Liquor Law Violations	2014	389	388	1	0
	2015	497	496	0	0
	2016	521	521	0	0
Drug Abuse Violations	2014	80	72	8	0
	2015	121	117	0	0
	2016	116	106	0	0
Weapons Law Violations	2014	1	1	0	0
	2015	3	3	0	0
	2016	0	0	0	0

NOTE: The Residential Facility statistics are subsets of the On Campus statistics.

³⁴ The Washington College of Law moved from the Spring Valley Building (4801 Massachusetts Avenue) to the Tenley Campus (4300 Nebraska Avenue) in January 2016. 2014 and 2015 statistics for the Washington College of Law at the Spring Valley Building are included in this table. 2016 statistics for the Washington College of Law at the Tenley Campus are included in the Tenley Campus table. The 2016 statistics for the Spring Valley Building are included in the Main Campus table.

ARRESTS AND JUDICIAL REFERRALS - TENLEY CAMPUS (4300 Nebraska Avenue)

Arrests and Judicial Referrals – Tenley Campus³⁶

Type of Offense		On Campus	On Campus Residential Facility ³⁷	Non-Campus Building or Property	Public Property
Arrests					
Liquor Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Drug Abuse Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Weapons Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Judicial Referrals					
Liquor Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Drug Abuse Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Weapons Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

³⁶ The Tenley Campus was closed through December 2015. The Washington College of Law moved from the Spring Valley Building (4801 Massachusetts Avenue) to the Tenley Campus (4300 Nebraska Avenue) in January 2016. The 2016 statistics for the Washington College of Law at the Tenley Campus are included in this table.

³⁷ The Washington College of Law at the Spring Valley Building does not have on-campus residential facilities.

ARRESTS AND JUDICIAL REFERRALS - WASHINGTON COLLEGE OF LAW CAMPUS AT SPRING VALLEY (4801 Massachusetts Avenue)

Arrests and Judicial Referrals – Washington College of Law at Spring Valley (4801 Massachusetts Avenue)³⁸

Type of Offense		On Campus	On Campus Residential Facility ³⁹	Non-Campus Building or Property	Public Property
Arrests					
Liquor Law Violations	2014	0	0	0	0
	2015	0	0	0	0
Drug Abuse Violations	2014	0	0	0	0
	2015	0	0	0	0
Weapons Law Violations	2014	0	0	0	0
	2015	0	0	0	0
Judicial Referrals					
Liquor Law Violations	2014	0	0	0	0
	2015	0	0	0	0
Drug Abuse Violations	2014	0	0	0	0
	2015	0	0	0	0
Weapons Law Violations	2014	0	0	0	0
	2015	0	0	0	0

³⁸ The Washington College of Law moved from the Spring Valley Building (4801 Massachusetts Avenue) to the Tenley Campus (4300 Nebraska Avenue) in January 2016. 2014 and 2015 statistics for the Washington College of Law at the Spring Valley Building are included in this table. The 2016 statistics for the Washington College of Law at the Tenley Campus are included in the Tenley Campus table. The 2016 statistics for the Spring Valley Building are included in the Main Campus table.

³⁹ The Washington College of Law at the Spring Valley Building did not have on-campus residential facilities.

ARRESTS AND JUDICIAL REFERRALS - BRUSSELS, BELGIUM, AU OFFICES

Arrests and Judicial Referrals – Brussels, Belgium, AU Offices

Type of Offense		On Campus	On Campus Residential Facility ⁴⁰	Non-Campus Building or Property	Public Property
Arrests					
Liquor Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Drug Abuse Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Weapons Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Judicial Referrals					
Liquor Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Drug Abuse Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Weapons Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

⁴⁰ The Brussels, Belgium campus does not contain on campus residential facilities

ARRESTS AND JUDICIAL REFERRALS - MADRID, SPAIN, AU OFFICES

Arrests and Judicial Referrals – Madrid, Spain, AU Offices

Type of Offense		On Campus	On Campus Residential Facility ⁴¹	Non-Campus Building or Property	Public Property
Arrests					
Liquor Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Drug Abuse Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Weapons Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Judicial Referrals					
Liquor Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Drug Abuse Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Weapons Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

⁴¹ The Madrid, Spain campus does not contain on campus residential facilities

ARRESTS AND JUDICIAL REFERRALS - NAIROBI, KENYA, AU OFFICES

Arrests and Judicial Referrals – Nairobi, Kenya, AU Offices

Type of Offense		On Campus	On Campus Residential Facility ⁴²	Non-Campus Building or Property	Public Property
Arrests					
Liquor Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Drug Abuse Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Weapons Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Judicial Referrals					
Liquor Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Drug Abuse Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Weapons Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

⁴² The Nairobi, Kenya campus does not contain on campus residential facilities

APPENDIX

- I. Policy on Alcohol Service at University Events
- II. Policy on Clery Timely Warning Notices, Safety Advisories and Emergency Notifications
- III. Policy on Missing Student Notification
- IV. Discrimination and Sexual Harassment Policy
- V. American University Student Conduct Code 2017-2018
- VI. Staff Policy Manual

American University is an equal opportunity, affirmative action institution that operates in compliance with applicable laws and regulations. The university prohibits discrimination and discriminatory harassment (including sexual harassment and sexual violence) against any AU community member on the basis of race, color, national origin, religion, sex (including pregnancy), age, sexual orientation, disability, marital status, personal appearance, gender identity and expression, family responsibilities, political affiliation, source of income, veteran status, an individual's genetic information, or any other bases under federal or local laws (collectively "Protected Bases").

For information, contact the Dean of Students (dos@american.edu), Assistant Vice President of Human Resources (employeerelations@american.edu), or the Dean of Academic Affairs (academicaffairs@american.edu); write American University (4400 Massachusetts Avenue, N.W., Washington, D.C. 20016; or call (202) 885-1000.

For information regarding the accreditation and licensing of American University, please visit www.american.edu/academics.



AMERICAN UNIVERSITY
WASHINGTON, DC

Department of Public Safety
4400 Massachusetts Avenue NW
Washington, DC 20016

2017-2018



STUDENT CONDUCT CODE



AMERICAN UNIVERSITY
WASHINGTON, DC

AMERICAN UNIVERSITY STATEMENT OF COMMON PURPOSE

The central commitment of American University is to the development of thoughtful, responsible human beings in the context of a challenging yet supportive academic community.

PREAMBLE

To achieve its ends, an academic community requires the knowledge, integrity, and civility of its members. In turn, the community helps individuals develop habits and values that will enable them to achieve personal satisfaction and to contribute to a better world. This Student Conduct Code is designed to support a safe, honest, and inclusive community with a shared commitment to acting with mutual respect and forming the highest standards of ethics and morals among its members. It fosters the university's commitment to excellence, equity, and inclusion and affirms the shared values that make community life possible. Students with alleged violations of the Student Conduct Code should contact Student Conduct and Conflict Resolution Services to receive further information on conduct procedures.

I. AUTHORITY FOR STUDENT DISCIPLINE

Ultimate authority for all university policy is vested in the Board of Trustees of American University. Non-academic disciplinary authority has been delegated by the president to the vice president of Campus Life to implement student conduct policies and take all necessary and appropriate action to protect the safety and well-being of the campus community.

The Board of Trustees reserves the right to review, and to take any action it deems necessary, in any conduct case. In practice, the resolution of non-academic conduct cases may involve an array of university administrators and committees of students, staff, and faculty. Students are asked to assume positions of responsibility in the university conduct system in order to contribute their skills and insights to the resolution of conduct cases. The university reserves the right to amend this Student Conduct Code at any time according to established procedures.

II. RESPONSIBILITIES AND RIGHTS

Every student has a duty to understand and abide by the rules and regulations of the university. Ignorance of a rule or regulation will not be an acceptable reason to find a student not responsible. Students accused of conduct violations are entitled to the following procedural protections:

1. to be informed of the allegations against them;
2. to request an informal resolution of the case;
3. to be allowed reasonable time to prepare a response;
4. to hear and respond to evidence upon which an allegation is based;
5. to present relevant witnesses and ask questions of the witnesses at disciplinary hearings;
6. to be assured of confidentiality according to the terms of the university policy on Confidentiality of Student Records;
7. to request that any person conducting a disciplinary conference (hearing officer), or serving as a Conduct Council member or hearing administrator, be disqualified on the grounds of personal bias;
8. to be provided with an opportunity to review these rights before any disciplinary conference or hearing;
9. to be considered not responsible for the allegations until found responsible based on what is more likely than not to have occurred (by a preponderance of the evidence);
10. to have reasonable access to the case file prior to and during the disciplinary conference or hearing;
11. to have an advisor as defined in Section XI of this Student Conduct Code; and
12. to appeal the outcome of the case according to Section XVII of this Student Conduct Code.

III. SCOPE OF AUTHORITY

The Student Conduct Code (“Code”) is the university’s policy for nonacademic conduct offenses and applies to all students, recognized student organizations, and provisionally recognized student groups at American University,

including students at the Washington College of Law (“WCL”). However, alleged prohibited conduct by WCL students will not be subject to the resolution mechanism described in this policy, except in cases involving conduct prohibited by the university’s Discrimination and Sexual Harassment Policy. Such violations will be resolved using the procedures set forth in Section XIX of this Code. All other alleged prohibited conduct by WCL students will be resolved according to the procedures set forth in the Honor Code for the Washington College of Law.

The university retains authority over alleged infractions that occur during a student’s matriculation or attendance at the university, including winter, spring, and summer breaks, and periods of leave of absence from the university. Therefore, a proceeding may be scheduled after a student has completed a program, withdrawn, or graduated from the university. Generally, the university will take disciplinary action for on-campus infractions of the Code. However, the university may take disciplinary action for off-campus infractions of the Code when a student’s behavior threatens or endangers the safety and well-being of the campus community; when a student is the subject of a violation of local, state, or federal law; or when, in the judgment of university officials, a student’s alleged misconduct has a negative effect on the university’s pursuit of its mission or on the well-being of the greater community.

IV. VIOLATIONS OF LAW AND UNIVERSITY REGULATIONS

Students may be accountable both to civil authorities and to the university for acts that constitute violations of law and of this Code. Disciplinary action at the university will normally proceed while criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

V. DEFINITIONS

- A. “Aggravated violation” – a violation that resulted or could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal university or university-sponsored activities.
- B. “Bias Incident” – an act targeted at a person, group, or property expressing bias or hostility on the basis of real or perceived: race, sex, gender identity, religion, national origin, age, disability, ethnicity, veteran status, or sexual orientation.
- C. “Coerce” – to force one to act based on fear of harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, emotional intimidation, or the use of physical force. Coercion also includes forcing a person to act by impairing the faculties of that person through the administration of a substance.
- D. “Consent” – words or conduct indicating a freely given agreement to have sexual intercourse or to participate in sexual activities. Sexual contact will be considered “without consent” if no clear consent, verbal or nonverbal, is given; if inflicted through force, threat of force, or coercion; or if inflicted upon a person who is unconscious or who otherwise reasonably appears to be without the mental or physical capacity to consent.
- E. “Dating Violence” – violence or abusive behavior against an intimate partner (romantic, dating, or sexual partner) that seeks to control the partner or has caused harm to the partner (the harm may be physical, verbal, emotional, economic, or sexual in nature). The existence of such a relationship shall be determined based on consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship.
- F. “Disciplinary conference” – a forum in which a hearing officer meets with a student to resolve an alleged violation of the Code.

- G. “Disciplinary hearing” – a forum in which a panel of the Conduct Council meets with a student to resolve an alleged violation of the Code.
- H. “Disorderly” – conduct which a reasonable person, under similar circumstances, should be expected to know would disturb the peace.
- I. “Domestic Violence” – violence or abusive behavior against a roommate, family member, or intimate partner that causes physical or psychological injury, pain, or illness.
- J. “Group” – an association of persons that has applied for recognition as a student organization, but is not yet formally recognized by the university.
- K. “Harassment” – an intimidating, hostile, or coercive act which is intentional and/or persistent.
- L. “Hazing” – an intentional act or method of initiation into a group, club, organization, or team that subjects another person, whether voluntarily or involuntarily, to conduct that may injure, abuse, humiliate, harass, or intimidate that person.
- M. “Hearing Administrator” – a staff member who conducts disciplinary hearings as set forth in Section XV of this Code.
- N. “Hearing Officer” – a staff member who conducts disciplinary conferences as set forth in Section XIV of this Code.
- O. “Institution” and “University” – American University and all of its undergraduate and graduate departments and programs.
- P. “Investigator” – an individual who conducts a fact-finding investigation into incidents related to discrimination.
- Q. “Organization” – an association of persons that is formally recognized by the university as a student organization.
- R. “Physical Assault” – unwanted physical contact or the use of physical force to threaten or cause physical injury, pain, or illness.
- S. “Preponderance of the Evidence” – a measure of proof that a reasonable person would accept as “more likely than not” that a fact is true or that an incident occurred.
- T. “Rape” – any act of sexual intercourse or sexual penetration of any orifice of the body with a body part or other object that takes place against a person’s will or without consent, or that is accompanied by coercion or the threat of bodily harm. [Also see “consent” and “coerce.”]
- U. “Reckless” – conduct which a reasonable person, under similar circumstances, should be expected to know would create a substantial risk of harm to persons or property or which would otherwise be likely to result in interference with normal university or university-sponsored activities.
- V. “Relevant” – related to the charges at hand. Relevant information may be excluded by a hearing officer or administrator during a disciplinary conference or hearing if it is unfairly prejudicial.
- W. “Sanctioning Panel” – a Sanctioning Panel is comprised of three (3) Conduct Council members including one (1) student and two (2) faculty/staff members.

- X. “Sanctioning Panel Administrator” – a staff member who conducts Sanctioning Panels as set forth in Section XIX of this Code.
- Y. “Sexual assault” – any intentional sexual touching with any object(s) or body part(s) that is against a person’s will or without consent or that is perpetrated through coercion or threat of bodily harm.
- Z. “Sexual exploitation” – taking sexual advantage of another, for one’s own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples include, but are not limited to: recording, photographing or transmitting sexual photos, sounds, images or other information; voyeurism; indecent exposure; prostituting or soliciting another person; inducing incapacitation to commit acts of sexual misconduct; knowingly exposing another person to sexually transmitted infections (STI) or human immunodeficiency virus (HIV).
- AA. “Sexual harassment” – unwelcome sexual advances, requests for sexual favors, and other oral, written or physical conduct of a sexual nature when: submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of education, employment or participation in other university activities; submission to or rejection of such conduct by an individual is used as the basis for evaluation in making academic or personnel decision affecting that individual; or such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance, or creating an intimidating, hostile or offensive environment for working, learning or living on campus [Also see Discrimination and Sexual Harassment Policy.]
- BB. “Stalking” – repeated, unwanted contact with any person, including contact by electronic means or by proxy, or the credible threat of repeated contact with the intent to place a reasonable person in fear for their safety or the safety of their family or close acquaintances or to inflict substantial emotional distress.
- CC. “Underground Group” – a formerly recognized student organization or group that has lost or been denied university registration or recognition as a consequence of responsibility for Code and/or other policy violations.
- DD. “University premises” – buildings and grounds owned, leased, operated, controlled, or supervised by the university.
- EE. “University-sponsored activity” – any activity on or off university premises that is specifically initiated or supervised by the university.
- FF. “Weapon” – firearms, fireworks, explosives, metal knuckles, knives, or any other instrument designed or used to inflict injury to person or property.

VI. PROHIBITED CONDUCT

This Code is not written with the specificity of a criminal statute, nor is it intended to cover every instance of potentially prohibited conduct. American University expects its students, wherever they are, to adhere to high standards of honor and good citizenship and to conduct themselves in a responsible manner that brings credit to themselves and the university. The following misconduct is subject to disciplinary action:

- A. attempting to engage in any prohibited conduct;
- B. interpersonal violence including, but not limited to, physical assault, dating violence and/or domestic violence;
- C. conduct which threatens or endangers the health or safety of any person;

- D. sexual assault;
- E. sexual exploitation;
- F. sexual harassment;
- G. rape;
- H. using, possessing, distributing, or manufacturing a weapon, or possessing any object produced as a weapon; or any object that is visually indistinguishable from a weapon [exceptions may be made for use of imitation weapons or athletic equipment when used within policies specified by Athletics & Recreation, Health and Fitness faculty, Student Activities, or Performing Arts, as applicable.]
- I. hazing;
- J. arson;
- K. violation of university policies pertaining to the use and/or possession of alcohol;
- L. violation of university policies pertaining to the sale and/or distribution of alcohol;
- M. unauthorized possession and/or use of any controlled substance, illegal drug (including marijuana) or drug paraphernalia;
- N. manufacture, distribution and/or sale of any controlled substance or illegal drug (including marijuana) or drug paraphernalia;
- O. violation of local, state, or federal law;
- P. entry, attempt to enter, or remaining without authority or permission in any university office, residence hall room, university sponsored event, or university premises;
- Q. intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency;
- R. harassment;
- S. stalking;
- T. theft of property or services or knowingly possessing stolen property;
- U. in university matters not covered by the Academic Integrity Code: dishonesty; misrepresentation; fraud; forgery; or knowingly using false information, documents, or instruments of identification;
- V. intentionally or recklessly destroying or damaging university property or the property of others;
- W. tampering with, or unauthorized or fraudulent use of campus telephone equipment, telephone credit cards, or access codes;
- X. abuse of university computer equipment, networks, systems, or services;

- Y. intentionally or recklessly interfering with normal university or university-sponsored activities, including, but not limited to, studying, teaching (including class sessions and office hours), research, university administration; or fire, police, or emergency services;
- Z. disorderly conduct or interfering with the rights of others;
- AA. illegal gambling or gaming, as defined by local, state or federal law;
- BB. willfully failing to comply with the directions of university officials, including public safety officers and residence life staff members, acting in performance of their duties;
- CC. unauthorized use of the university's corporate name, logo, or symbols;
- DD. unauthorized soliciting or canvassing by any individual, group, or organization;
- EE. violations of other published nonacademic university regulations or policies.
- FF. violating the terms of any disciplinary sanction imposed in accordance with this Code.
- GG. providing assistance to or in any way perpetuating the activities of an Underground Group that violates the Code and/or other university policies.

VII. STANDARDS OF CLASSROOM BEHAVIOR

Primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any behavior that has the effect of disrupting a class may be directed by the faculty member to leave the class for the remainder of the class period. Longer suspensions from class or dismissal on disciplinary grounds must be preceded by a disciplinary conference or hearing, as set forth in Sections XIV and XV of this Code. Academic dishonesty allegations are processed in accordance with procedures set forth in the Academic Integrity Code. Students will be subject to both the Student Conduct Code and the Academic Integrity Code in cases where there is a combination of alleged violations of academic and nonacademic regulations.

VIII. STUDENT GROUPS AND ORGANIZATIONS

Groups of students and student organizations are expected to comply with all university policies including this Code and all additional policies pertaining to groups and organizations. Allegations of policy violations by groups or organizations will be investigated and resolved through Student Conduct and Conflict Resolution Services. A group or organization may be held responsible for the actions and behaviors of its members and guests. The decision to hold a group or organization responsible as a whole is ultimately determined by examining the circumstances of a situation and by taking into account factors that include, but are not limited to, the following:

1. actions were committed by one or more officers or authorized representatives acting in the scope of their group or organizational capacities;
2. actions involved, were committed by, or were condoned by (actively or passively) a number of group or organization members, alumni, or guests;
3. actions occurred at or in connection with an activity or event funded, sponsored, publicized, advertised, or communicated about by the group or organization;

4. actions occurred at or in connection with an activity or event that a reasonable person would associate with the group or organization;
 5. actions should have been foreseen by the group or organization or its officers, but reasonable precautions against such actions were not taken;
 6. actions were the result of a policy or practice of the group or organization;
 7. actions would be attributable to the group or organization under the group's own policies (including local or national risk management guidelines);
 8. actions were taken by individuals who, but for their affiliation with the group or organization, would not have been involved in the incident;
 9. one or more officers or members of a group or organization fail to report knowledge or information about a violation to, or otherwise fail to cooperate with, appropriate university or emergency officials; and
 10. the group or organization, or any member acting on its behalf, fails to satisfactorily complete the terms of any disciplinary sanction or outcome.
- A. Recognized student organizations and student groups with provisional recognition, as well as their members and officers, may be held collectively and/or individually responsible for violations of the Code and/or other university policies.
 - B. Sanctions for group or organization misconduct may include revocation or denial of registration or recognition, as well as other appropriate sanctions. Sanctions for misconduct by a group with provisional recognition may include denial of recognition, as well as other appropriate sanctions. Any efforts by a formerly recognized or recognized student organization or group to establish an Underground Group may result in denial of future application for recognition, and their members and officers may be held responsible individually for any group-related activities of such an Underground Group that violate the Code and/or other university policies.
 - C. Recognized student organizations, including fraternities and sororities, may appoint panels or boards to mediate disputes and enforce association bylaws. Decisions or recommendations by such panels or boards do not constitute official action by the university.

IX. INTERIM SUSPENSION

The dean of students or designee may suspend a student from the university for an interim period pending disciplinary or criminal proceedings or medical evaluation regarding behavior relevant to such proceedings. The interim suspension will be effective immediately, without prior notice, whenever there is evidence that the continued presence of the student at the university poses a substantial and immediate threat to him or herself, to others, or to the stability and continuation of normal university functions. Interim suspension excludes students from university premises and other privileges and activities. A student suspended on an interim basis will be given a prompt opportunity to speak with the dean of students or designee in order to discuss the following issues only:

- a. The reliability of the information concerning the student's conduct, including the matter of identity; and
- b. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on university premises poses a substantial and immediate threat to him or herself, to others, or to the stability and continuation of normal university functions.

X. CONDUCT COUNCIL

The Conduct Council will consist of students, faculty, and staff selected by the director of Student Conduct and Conflict Resolution Services and appointed by the dean of students with the approval of the vice president of campus life. Candidates for selection and appointment to the Conduct Council will be nominated by the Student Government, Residence Hall Association, Graduate Leadership Council, Student Bar Association, Faculty Senate, and Staff Council. In addition, students, faculty, and staff may apply to become members of the Conduct Council by contacting Student Conduct and Conflict Resolution Services. The director of Student Conduct and Conflict Resolution Services or designee is responsible for training and providing administrative support to the Council. Specifically, Conduct Council members and Student Conduct and Conflict Resolution Services staff will participate in mandatory, annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking, including how to participate in a Sanction Panel that addresses these violations. Among other duties, members of the Conduct Council will sit on hearing panels designed to resolve allegations referred for a hearing in accordance with Section XV of this Code.

- A. The director of Student Conduct and Conflict Resolution Services or designee will select a hearing panel from the Conduct Council comprised of three (3) persons: one (1) student and two (2) members of the faculty/staff.
- B. Both the findings and the sanctions determined by Conduct Council hearing panels are recommendations to the dean of students or designee, who will render a decision.
- C. Members of the Conduct Council who are alleged to have committed any violation of this Code, other university policies, or a criminal offense may be temporarily suspended from their positions by the director of Student Conduct and Conflict Resolution Services while allegations against them are pending. Members found responsible for any such violation or offense may be disqualified from any further participation in the university conduct system.

Additional grounds and procedures for removal may be established by the director of Student Conduct and Conflict Resolution Services.

XI. ADVISORS

At their own discretion, complainants and respondents may be advised by an American University student, faculty, or staff member. The role of the advisor is limited to consultation. While advisors may be present at disciplinary conferences or hearings, they may not address hearing bodies, speak in disciplinary proceedings, or question witnesses. Advisors may not act on behalf of the complainant or respondent, or contact any participant in the conduct process. Because the purpose of this conduct process is to provide a fair review of alleged violations of this Code, rather than a formal legal proceeding, participation of persons acting as legal counsel is not permitted.

XII. STANDARDS OF FAIR PROCESS

Students who may be subject to removal from university housing, suspension, or dismissal will be referred to a disciplinary hearing, as specified in Section XV of this Code. Students who may be subject to lesser sanctions for nonacademic misconduct will be referred to a disciplinary conference, as set forth in Section XIV of this Code. Formal rules of evidence will not be applied, nor will deviations from prescribed procedures necessarily invalidate a decision unless significant prejudice to the parties involved or the university result.

XIII. PROCEDURES FOR CASE RESOLUTION

- A. Mediation is encouraged as an alternative means to resolve some conduct cases. Cases involving physical violence, sexual harassment, dating violence, domestic violence, rape, sexual assault, sexual exploitation, and stalking will not be mediated as an alternative to the conduct process. The director of Student Conduct and Conflict Resolution Services will determine if mediation is appropriate. The director, at his or her discretion, may decline to process a complaint until the parties in a nonacademic misconduct case make a reasonable attempt to achieve a mediated settlement. To be binding in a conduct case, any mediated settlement must be approved by the director of Student Conduct and Conflict Resolution Services. If mediation fails, the case will be forwarded for a disciplinary conference.
- B. Any American University student, faculty, or staff member may refer a student, a recognized student organization, or a student group with provisional recognition suspected of violating this Code to the director of Student Conduct and Conflict Resolution Services. Those referring cases are normally expected to serve as the complainant and to present relevant evidence in hearings or disciplinary conferences. The complainant may request the assistance of an advisor, as set forth in Section XI of this Code. A written complaint must be filed with the director of Student Conduct and Conflict Resolution Services within 15 calendar days of the occurrence or discovery of the alleged infraction(s). Requests for extensions of the 15 calendar day filing period must be made in writing to the director of Student Conduct and Conflict Resolution Services or designee, who may extend this time frame for good cause.
- C. The director of Student Conduct and Conflict Resolution Services or designee will conduct a preliminary review to determine whether the alleged misconduct, if proved, might result in removal from university housing, suspension or dismissal. Students that may be subject to removal from university housing, suspension, or dismissal, will be entitled to a disciplinary hearing before a Conduct Council panel. Students who are unlikely to be subject to removal from university housing, suspension, or dismissal will be referred to a disciplinary conference with a hearing officer, as set forth in Section XIV of this Code.
- D. Students referred for a disciplinary hearing by the director of Student Conduct and Conflict Resolution Services may request to have their cases resolved in a disciplinary conference in accordance with Section XIV of this Code. Such request must be in writing, affirming that the student is aware a hearing is being waived. The full range of sanctions may be imposed, including removal from university housing, suspension, or dismissal from the university. Both the findings and the sanctions determined by the hearing officer are recommendations to the dean of students or designee, who will render a decision. The director of Student Conduct and Conflict Resolution will have the sole discretion in granting such a request.
- E. Hearing panel members, hearing administrators, complainants, and respondents will have the right to question relevant witnesses who make statements at disciplinary hearings.
- F. The university may withhold awarding a diploma or degree otherwise earned until the completion of the process as set forth in this Code, including the completion of all sanctions imposed. Withholding of a diploma or degree means not conferring a diploma or degree otherwise earned for a defined period of time or until the completion of assigned sanctions.
- G. Students may not withdraw from the university if they have a conduct matter pending.

XIV. PROCEDURES FOR DISCIPLINARY CONFERENCES

Students accused of nonacademic offenses that will likely result in penalties less than removal from university housing, suspension, or dismissal are subject to a disciplinary conference with a hearing officer. The director of Student Conduct and Conflict Resolution Services or designee will serve as the hearing officer and conduct the

disciplinary conference. Any party may challenge a hearing officer on the ground of conflict of interest. The hearing officer may be disqualified by the director of Student Conduct and Conflict Resolution Services or the dean of students or designee. The hearing officer will make inquiries into evidence as necessary to ensure a just outcome of the case. If the respondent chooses not to appear for a disciplinary conference, the information supporting the allegations will be considered and a decision will be made in the absence of the respondent. Nonetheless, the complainant will be required to file a case that meets the standard of a preponderance of the evidence.

The director of Student Conduct and Conflict Resolution Services will review all disciplinary conference decisions to ensure their procedural integrity and consistency with the outcomes of prior disciplinary cases. In cases where the director of Student Conduct and Conflict Resolution Services serves as the hearing officer, the dean of students or designee will conduct the review.

The following procedural protections are provided to respondents in disciplinary conferences:

- a. written notice of the specific allegations at least three (3) calendar days prior to the scheduled conference with additional time at the director's discretion;
- b. reasonable access to the case file prior to and during the conference;
- c. an opportunity to respond to the evidence; and
- d. a right to be accompanied by an advisor, as provided in Section XI of this Code.

XV. PROCEDURES FOR DISCIPLINARY HEARINGS

Students accused of nonacademic offenses that will likely result in sanctions such as removal from university housing, suspension, or dismissal are subject to a disciplinary hearing convened by a hearing administrator before Conduct Council members.

- A. The director of Student Conduct and Conflict Resolution Services or designee will serve as the hearing administrator and conduct the hearing. They may participate in hearing panel deliberations and discussions, but cannot vote. The hearing administrator is responsible for final decisions on all procedural issues and may modify hearing procedures, if necessary, to ensure a fair and expedient administration of the hearing.
- B. The director of Student Conduct and Conflict Resolution Services or designee will give respondents notice of the hearing date and the specific allegations against them at least five (5) calendar days in advance of the hearing. Respondents will be accorded reasonable access to the case file, which will be retained in the office of the director of Student Conduct and Conflict Resolution Services.
- C. Complainants and respondents must submit relevant case materials and a witness list for the scheduled disciplinary hearing no later than three (3) calendar days prior to the hearing.
- D. If the respondent chooses not to appear for a disciplinary hearing, the information supporting the allegations will be considered, and a decision will be made in the absence of the respondent. The complainant will be required to present a case that meets the standard of a preponderance of the evidence.
- E. All hearings are closed to the public.
- F. The hearing administrator will exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the respondent, who disrupts a hearing may be excluded by the hearing administrator for cause.

- G. The university will make audio recordings of hearings. A transcript of the hearing will be provided, upon written request by the complainant or respondent, who must pay for the cost of the transcript service.
- H. Any party may challenge a panel member or the hearing administrator on the ground of a conflict of interest. Hearing panel members may be disqualified by the hearing administrator. A hearing administrator may be disqualified by a majority vote of the members of the hearing panel. Votes will be by secret ballot.
- I. People presenting statements will be asked to affirm that their statements are truthful and may be subject to allegations of violating this Code by intentionally providing false information to the university.
- J. People presenting statements, other than the complainant and the respondent, will be excluded from the hearing except when providing statements to the hearing panel. All parties, the people making statements, and the public will be excluded during panel deliberations, which will not be recorded or transcribed.
- K. The allegations against the respondent must be established by a preponderance of the evidence.
- L. Formal rules of evidence will not be applicable in disciplinary proceedings conducted pursuant to this Code. The hearing administrator will abide by the rules of confidentiality and privilege, but will admit all other matters into evidence which are relevant. The respondent or complainant may challenge the relevance of evidence. Irrelevant or unduly repetitious evidence may be excluded by the hearing administrator.
- M. Complainants and respondents will be accorded an opportunity to ask relevant questions of witnesses who make statements at the hearing.
- N. Written statements will be admitted into evidence only if signed by the person submitting the written statement and witnessed by the director of Student Conduct and Conflict Resolution Services or designee, or if notarized.
- O. A determination of responsibility will be followed by a sanction proceeding in which either party may submit relevant evidence or make relevant statements concerning appropriate sanctions. No witnesses will be called during the sanction proceeding. The past disciplinary record of the respondent will be supplied to the panel only during the sanction proceeding.
- P. Any determination of responsibility by majority vote of the hearing panel will be supported by written findings, which will be placed in the case file and made available to the student respondent before a final decision is rendered by the dean of students.

XVI. SANCTIONS

Sanctions that may be imposed in accordance with this Code include, but are not limited to:

- A. “Censure” – a written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
- B. “Disciplinary Probation” – status assigned for a designated period of time, during which any other violation of the Code may result in removal from university housing, suspension, or dismissal from the university. Students on disciplinary probation may not hold or run for elected or appointed leadership positions including, but not limited to, resident assistants, peer leaders or mentors, orientation leaders, teaching assistants, Student Government leaders and leadership positions in recognized clubs and organizations, including fraternities and sororities. Students on disciplinary probation may not participate in fraternity or sorority membership recruitment. Additionally, students on disciplinary probation may not travel abroad in any AU-sponsored program including Alternative Break. Student organizations, recognized clubs, and fraternities and sororities on

disciplinary probation and found responsible for subsequent violations of the Code may be suspended or lose their recognition.

- C. “Restitution” – repayment of the direct cost to the university for damages resulting from a violation of this Code.
- D. “Relocation in University Housing” – administrative reassignment to a different residence hall and/or room.
- E. “Removal from University Housing” – denial of housing privileges.
- F. “Suspension” – exclusion from university premises and other privileges or activities as set forth in the suspension notice. This action will be permanently recorded on the student’s academic transcript.
- G. “Dismissal” – permanent termination of student status and exclusion from university premises, privileges, and activities. This action will be permanently recorded on the student’s academic transcript.
- H. “Revocation of Degree” – rescinding a student’s degree awarded by the university.
- I. “Other Sanctions” - other sanctions may be imposed instead of, or in addition to, those specified in sections (A) through (H) including, but not limited to, service or research projects.

Significant factors will be considered in determining sanctions, including, but not limited to:

- the present demeanor and past disciplinary record of the respondent;
- the nature of the violation;
- the severity of any damage, injury, or harm resulting from the violation;
- evidence that the respondent’s conduct was motivated by bias towards an individual or group on the basis of real or perceived, race, sex, gender identity, religion, national origin, age, disability, ethnicity, veteran status, or sexual orientation.

XVII. APPEALS

Disciplinary determinations may be appealed in keeping with the following provisions:

- A. The appeal must be submitted in writing to Student Conduct and Conflict Resolution Services within seven (7) calendar days after the notice of the case outcome.
- B. Appeals will be reviewed by an appellate board of the Conduct Council to determine their viability. The appellate board will consist of three (3) persons: one (1) student and two (2) members of the faculty/staff selected from the Conduct Council by the director of Student Conduct and Conflict Resolution Services. The appellate board will be constituted of members who did not serve on the original hearing panel. The appellate board will meet as soon as possible after the appeal is received.
- C. The appellate board will determine viability based on the following conditions:
 - i. new information that significantly alters the finding of fact;
 - ii. evidence of improper procedure; or
 - iii. insufficient/excessive sanctions.

Decisions of the appellate board about the viability of the appeal are determined by majority vote and are final. Only when deemed viable will the appeal be forwarded to the vice president of Campus Life or designee for review and decision.

- D. The appellate board may deny the request for appeal and affirm the findings of the hearing officer or dean of students; or grant the request for appeal and forward its recommendations to the vice president of Campus Life or designee.
- E. Appeals will be decided based on the notification letter, the outcome letter, the appeal statement, witness statements, and evidence. All written materials considered by the appellate board and vice president of Campus Life or designee will be subject to inspection by the appealing party/parties. Decisions rendered by the vice president of Campus Life or designee are final.
- F. The following standards will apply when appeals are considered by the vice president of Campus Life or designee:
 - i. Sanctions may be increased or decreased, only if found to be substantially disproportionate to the offense.
 - ii. Cases may be remanded for rehearing, only if specified procedural errors or errors in interpretation of university regulations were so substantial as to deny the respondent a fair hearing, or if new and significant evidence becomes available that could not have been discovered by a properly diligent student before or during the original hearing.
 - iii. Cases may be dismissed if the finding is held to be unsupported by the evidence.
- G. The imposition of sanctions will be deferred while an appeal is pending, unless, in the discretion of the vice president of Campus Life or designee, the continued presence of the respondent in the residence halls or on the campus poses a substantial threat to him or herself, to others, or to the stability and continuance of normal university functions.

XVIII. HONESTY & CONFIDENTIALITY IN DISCIPLINARY PROCEEDINGS

The following honesty and confidentiality provisions apply to any disciplinary proceeding under the Code:

- A. Honesty – Student Conduct & Conflict Resolution Services accepts into its proceedings and records only statements that are sworn to be truthful. Individuals entering written statements into any proceeding or record must affirm the truthfulness of the statements in the presence of the director of Student Conduct & Conflict Resolution Services, or designee. An individual who knowingly provides false information or testimony may be subject to disciplinary action.
- B. Confidentiality – the assurance of confidentiality encourages complainants, respondents, and witnesses to share freely all the information that is essential to achieving a fair case outcome. Therefore, participants in the disciplinary process are expected to treat all information disclosed at a proceeding as confidential. This expectation of confidentiality is not intended to imply or impose restrictions in the following situations:
 - i. Sharing one’s own experience of the incident that led to the Student Conduct complaint;
 - ii. Sharing information relevant to receiving counseling, medical, legal, or similar types of support services;
 - iii. Preparing for a case or an appeal to a case outcome;

- iv. Exercising rights granted to parties under a particular university policy or the law (e.g. to file a complaint about the Student Conduct Code process, share the findings of responsibility and any sanctions from an outcome letter provided to the parties in cases of crimes of violence, non-forcible sex offenses, sexual assault, dating violence, domestic violence and stalking.

XIX. PROCEDURES RELATED TO VIOLATIONS OF THE DISCRIMINATION AND SEXUAL HARASSMENT POLICY

A. Procedures Related to Violations of University Policy on the Basis of Sex and Gender Including Sexual Violence

The procedures described in Section XIX. A. of the Student Conduct Code are the exclusive procedures that govern the formal resolution of all written complaints of sexual misconduct (including, but not limited to, dating violence, domestic violence, rape, sexual assault, sexual harassment, sexual exploitation, or stalking) as defined in the university's Discrimination and Sexual Harassment Policy and the Student Conduct Code.

1. Investigations

- a. Students seeking formal resolution must file a formal written complaint with the Title IX Program Officer. If the complainant wishes to move forward with an investigation, the Title IX Program Officer or their designee will provide notice to both parties. Such notice will include, but is not limited to, the identity of the complainant and the respondent, the date and nature of the alleged Prohibited Conduct, and the potential Student Conduct Code violations.
- b. Pursuant to the university's Discrimination and Sexual Harassment Policy, the deadline for filing a case for investigation is one (1) year from the date of the alleged violation. Requests for extensions of the one (1) year filing period must be made in writing to the Title IX Program Officer or their designee, and the Title IX Program Officer or designee may extend this time frame for good cause.
- c. The complainant and respondent may challenge the Investigator on the grounds of a conflict of interest. This challenge must be raised, in writing, to the director of Student Conduct & Conflict Resolution Services or designee within two (2) calendar days of notice of the commencement of the investigation. The director of Student Conduct & Conflict Resolution Services or designee, at their sole discretion, may disqualify the Investigator.
- d. The complainant and respondent may be advised and accompanied by an advisor of their choice during any meeting related to the complaint. Advisors of choice are not limited to American University students, faculty, or staff. However, the role of an advisor is limited to consultation. While advisors may be present at any meeting, advisors may not act on behalf of the complainant or the respondent, or contact any participant related to the case.
- e. During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be addressed by the Investigator to the other party or to any witness. The Investigator will notify and seek to meet separately with the complainant, the respondent, and third party witnesses, and will gather relevant evidence and information.
- f. The Investigator has the discretion to determine the relevance of any submitted evidence and to include or exclude certain types of evidence. The sexual history or sexual character of a party will not be admissible in investigations unless such information is determined relevant by the Investigator.

- g. At the conclusion of the investigation, the Investigator will prepare a draft Investigation Report, summarizing the information gathered; the draft investigation Report will not include any findings. The complainant and respondent will have an opportunity to review the draft Investigation Report and submit additional comments, questions, or information to the Investigator. The Investigator will designate a reasonable time (“Case Review Period”) for this review and response by the parties, not to exceed five (5) business days.
- h. Following the Case Review Period, the Investigator will prepare an Investigation Report, which will include a finding of responsible or not responsible, by a Preponderance of the Evidence, for each alleged violation of the Policy and/or Student Conduct Code.
- i. The Investigator will notify both parties, simultaneously and in writing, of the completion of the Investigation Report and the investigation’s findings.
- j. If the Investigator finds that there is insufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility of all the allegations, the complainant may appeal the findings pursuant to XIX. A. 3. Appeals.
- k. If the Investigator finds the respondent responsible, by a Preponderance of the Evidence, of one or more of the allegations, the case will be referred to Student Conduct & Conflict Resolution Services to initiate a Sanctioning Panel as described in Section XIX. A. 2. Sanctioning Panel.

2. Sanctioning Panel

- a. The Investigator will submit a copy of the Investigation Report to the Student Conduct & Conflict Resolution Services office to facilitate a Sanctioning Panel.
- b. The director of Student Conduct & Conflict Resolution Services or designee will serve as the Sanctioning Panel Administrator when convening a Sanctioning Panel. They may participate in the Sanctioning Panel’s deliberations and discussion, but cannot vote. The Sanctioning Panel administrator is responsible for final decisions on all procedural issues, to ensure a fair and expedient administration of the sanctioning process.
- c. The director of Student Conduct & Conflict Resolution Services or designee will select a Sanctioning Panel comprised of three (3) Conduct Council members who have received annual training. The Sanctioning Panel will be comprised of one (1) student and two (2) faculty/staff members of the Conduct Council.
- d. The director of Student Conduct & Conflict Resolution Services will provide both parties at least five (5) calendar days advance notice of the Sanctioning Panel’s deliberation date.
- e. The complainant and the respondent may challenge a member of the Sanctioning Panel or Sanctioning Panel Administrator on the grounds of conflicts of interest. The Sanctioning Panel Administrator may disqualify Sanctioning Panel members. A Sanctioning Panel Administrator may be disqualified by a majority vote of the members of the Sanctioning Panel. Votes will be by secret ballot.
- f. The university will make audio recordings of the Sanctioning Panels, not including the Sanctioning Panel’s deliberation. A transcript of the Sanctioning Panel will be provided, upon written request by the complainant or respondent, who must pay for the cost of the transcript service.
- g. The Sanctioning Panel will review the Investigation Report and determine the appropriate sanction(s). The complainant may submit a written statement to the Sanctioning Panel describing the impact of the

Prohibited Conduct on the complainant and expressing a preference about the sanction(s) to be imposed. The respondent may submit a written statement explaining any factors that the respondent believes should mitigate or otherwise be considered in determining the sanction(s) to be imposed.

- h. The complainant and the respondent may provide their statements orally or they may be read into the record by the Sanctioning Panel Administrator. Should both parties attend the Sanctioning Panel, each party would provide their statements separately to the Sanctioning Panel. The Sanctioning Panel may ask questions to both parties in order to determine information relevant to a sanction recommendation.
- i. The Sanctioning Panel will deliberate on appropriate sanctions. The complainant, respondent, and advisors are excluded during Panel deliberations. The sanctions determined by the Sanctioning Panel are recommendations to the dean of students or designee, who will render a final decision. The determination of sanction(s) will be made by majority vote of the Sanctioning Panel. The past disciplinary record of the respondent will be supplied to the Sanctioning Panel during deliberations.
- j. The sanction(s) may include, but are not limited to, sanctions contained in Section XVI. Sanctions, of the Student Conduct Code.
- k. The dean of students or designee will provide both parties, simultaneously and in writing, a final outcome letter. The final outcome letter will set forth the violations the Student Conduct Code for which the respondent was found responsible; and the sanction(s) imposed against the respondent.

3. Appeals

Both the findings and the sanctions may be appealed in keeping with the following provisions:

- a. The complainant and the respondent may appeal the case outcome. Appeals must be submitted in writing to Student Conduct & Conflict Resolution Services within seven (7) calendar days after the notice of the case outcome.
- b. Should an appeal be submitted by the complainant or respondent, the other party shall be given an opportunity to respond within seven (7) calendar days of notification that an appeal has been submitted.
- c. Appeals will be reviewed by an appellate board of the Conduct Council to determine viability. The appellate board will consist of three (3) persons: one (1) student and two (2) members of the faculty/staff selected from the Conduct Council by the director of Student Conduct & Conflict Resolution Services or designee. The appellate board will be comprised of members who did not serve on the original Sanctioning Panel. The appellate board will meet as soon as possible after the appeal is received.
- d. The appellate board will determine viability based on the following conditions:
 - i. New information that significantly alters the finding of fact;
 - ii. Evidence of improper procedure and/or;
 - iii. Insufficient/excessive sanctions.
- e. Decisions of the appellate board about the viability of the appeal are determined by majority vote and are final. The appellate board may deny the request for appeal and affirm the findings of the Investigator and sanctions from the dean of students. Only when deemed viable will the appeal be forwarded to the vice president of Campus Life or designee for review and decision.

- f. Appeals will be decided based on the notification letter, the outcome letter, the appeal statement, and Investigation Report and supporting documentation. All written materials considered by the appellate board and vice president of Campus Life or designee will be subject to inspection by the appealing party/parties. Decisions rendered by the vice president of Campus Life or designee are final.
- g. The following standards will apply when appeals are considered by the vice president of Campus Life or designee:
 - i. Sanctions may be increased or decreased, only if found to be substantially disproportionate to the offense;
 - ii. Cases may be remanded for additional investigation, only if specified procedural errors were so substantial as to deny the complainant or respondent a fair investigation, or if new and significant evidence becomes available that could not have been discovered by a properly diligent student before or during the original investigation.
 - iii. Cases may be dismissed, if the finding is held to be unsupported by the evidence.
- h. The imposition of sanctions will be deferred while an appeal is pending, unless, in the discretion of the vice president of Campus Life or designee, the continued presence of the respondent in the residence halls or on the campus poses a substantial threat to themselves, to others, or to the stability and continuance of normal university functions.
- i. Records related to these procedures will be maintained pursuant to Section XX. Disciplinary Records of the Student Conduct Code.

B. Procedures Related to Violations of University Policy Related to Discrimination Not on the Basis of Sex and Gender

The procedures described in this section of the Student Conduct Code are the exclusive procedures that govern the formal resolution of all written complaints of discriminatory misconduct (including, but not limited to, discrimination and discriminatory harassment) as defined in the university's Discrimination and Sexual Harassment Policy.

1. Investigations

- a. Students seeking formal resolution for incidents involving discrimination or discriminatory harassment (not related to sex or gender) must file a formal written complaint with the dean of students. If the complainant wishes to move forward with an investigation, the dean of students or designee will provide notice to both parties. Such notice will include, but is not limited to, the identity of the complainant and the respondent, the date of the alleged violation, and the potential Student Conduct Code violations.
- b. Pursuant to the university's Discrimination and Sexual Harassment Policy, the deadline for filing a case for investigation is one (1) year after the date of the alleged violation. Requests for extension of the filing period must be made in writing to the dean of students or designee, who may extend this time frame for good cause. .
- c. The complainant and the respondent may challenge the Investigator on the grounds of a conflict of interest. This challenge must be raised, in writing, to the director of Student Conduct & Conflict Resolution Services or designee within two (2) calendar days of notice of the commencement of the

investigation. The director of Student Conduct & Conflict Resolution Services or designee, at their sole discretion, may disqualify the Investigator.

- d. The complainant and respondent may be advised and accompanied by an American University student, faculty, or staff member. The role of an advisor is limited to consultation. While advisors may be present at any meeting, advisors may not act on behalf of the complainant or the respondent, or contact any participant related to the case.
- e. During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be addressed by the Investigator to the other party or to any witness. The Investigator will notify and seek to meet separately with the complainant, the respondent, and third party witnesses, and will gather relevant evidence and information.
- f. The Investigator has the discretion to determine the relevance of any submitted evidence and to include or exclude certain types of evidence.
- g. At the conclusion of the investigation, the Investigator will prepare a draft Investigation Report, summarizing the information gathered; the draft Investigation Report will not include any findings. The Complainant and Respondent will have an opportunity to review the draft Investigation Report and submit additional comments, questions, or other information to the Investigator. The Investigator will designate a reasonable time (“Case Review Period”) for this review and response by the parties, not to exceed five (5) business days.
- h. Following the Case Review Period, the Investigator will prepare an Investigation Report, which will include a finding of responsible or not responsible, by a Preponderance of the Evidence, for each alleged violation of the Policy and/or Student Conduct Code.
- i. The Investigator will notify both parties, simultaneously and in writing, of the completion of the Investigation Report and the investigation’s findings.
- j. If the Investigator finds that there is insufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility of all the allegations, the case is resolved.
- k. If the Investigator finds the respondent responsible, by a Preponderance of the Evidence, of one or more of the allegations, the case will be referred to Student Conduct & Conflict Resolution Services to initiate a Sanctioning Panel as described in Section XIX. B. 2. Sanctioning Panel.

2. Sanctioning Panel

- a. The Investigator will submit a copy of the Investigation Report to the Student Conduct & Conflict Resolution Services office to facilitate a Sanctioning Panel.
- b. The director of Student Conduct & Conflict Resolution Services or designee will serve as the Sanctioning Panel administrator when convening a Sanctioning Panel. They may participate in the Sanctioning Panel’s deliberations and discussion, but cannot vote. The Sanctioning Panel Administrator is responsible for final decisions on all procedural issues, to ensure a fair and expedient administration of the sanctioning process.
- c. The director of Student Conduct & Conflict Resolution Services or designee will select a Sanctioning Panel comprised of three (3) Conduct Council members who have received annual training. The

Sanctioning Panel will be comprised of one (1) student and two (2) faculty/staff members of the Conduct Council.

- d. The director of Student Conduct & Conflict Resolution Services will provide both parties at least five (5) calendar days advance notice of the Sanctioning Panel's deliberation date.
- e. The complainant and the respondent may challenge a member of the Sanctioning Panel or Sanctioning Panel Administrator on the grounds of conflicts of interest. The Sanctioning Panel Administrator may disqualify Sanctioning Panel members. A Sanctioning Panel Administrator may be disqualified by a majority vote of the members of the Sanctioning Panel. Votes will be by secret ballot.
- f. The Sanctioning Panel will review the Investigation Report and determine the appropriate sanction(s). The complainant may submit a written statement to the Sanctioning Panel describing the impact of the Prohibited Conduct on the complainant and expressing a preference about the sanction(s) to be imposed. The respondent may submit a written statement explaining any factors that the respondent believes should mitigate or otherwise be considered in determining the sanction(s) to be imposed.
- g. The complainant and the respondent may provide their statements orally or they may be read into the record by the Sanctioning Panel Administrator. Should both parties attend the Sanctioning Panel, each party would provide their statements separately to the Sanctioning Panel. The Sanctioning Panel may ask questions to both parties in order to determine information relevant to a sanction recommendation.
- h. The Sanctioning Panel will deliberate on the appropriate sanctions. The complainant and the respondent are excluded during panel deliberations. The sanctions determined by the Sanctioning Panel are recommendations to the dean of students or designee, who will render a final decision. The determination of sanction(s) will be made by majority vote of the Sanctioning Panel. The past disciplinary record of the respondent will be supplied to the Sanctioning Panel following the proceeding.
- i. The sanction(s) may include, but are not limited to, sanctions contained in Section XVI. Sanctions, of the Student Conduct Code.
- j. The dean of students or designee will provide the respondent (and to the complainant in cases where it is legally appropriate) in writing, a final outcome letter. The final outcome letter will set forth the violations of the Student Conduct Code for which the respondent was found responsible and the sanction(s) imposed against the respondent.

3. Appeals

- a. The respondent may appeal the case outcome. Appeals must be submitted in writing to Student Conduct & Conflict Resolution Services within seven (7) calendar days after the notice of the case outcome.
- b. Appeals will be reviewed by an appellate board of the Conduct Council to determine their viability. The appellate board will consist of three (3) persons: one (1) student and two (2) members of the faculty/staff selected from the Conduct Council by the director of Student Conduct & Conflict Resolution Services or their designee. The appellate board will be comprised of members who did not serve on the original Sanctioning Panel. The appellate board will meet as soon as possible after the appeal is received.
- c. The appellate board will determine viability based on the following conditions:
 - i. New information that significantly alters the finding of fact;

- ii. Evidence of improper procedure and/or;
 - iii. Insufficient/excessive sanctions.
- d. Decisions of the appellate board about the viability of the appeal are determined by majority vote and are final. The appellate board may deny the request for appeal and affirm the findings of the Investigator or sanctions from the dean of students. Only when deemed viable will the appeal be forwarded to the vice president of Campus Life or designee for review and decision.
- e. Appeals will be decided based on the notification letter, the outcome letter, the appeal statement, and Investigation Report and supporting documentation. All written materials considered by the appellate board and vice president of Campus Life or designee will be subject to inspection by the respondent. Decisions rendered by the vice president of Campus Life or designee are final.
- f. The following standards will apply when appeals are considered by the vice president of Campus Life or designee:
- i. Sanctions may be increased or decreased, only if found to be substantially disproportionate to the offense;
 - ii. Cases may be remanded for additional investigation, only if specified procedural errors were so substantial as to deny the respondent a fair investigation, or if new and significant evidence becomes available that could not have been discovered by a properly diligent student before or during the original investigation.
 - iii. Cases may be dismissed if the finding is held to be unsupported by the evidence.
- g. The imposition of sanctions will be deferred while an appeal is pending, unless, in the discretion of the vice president of Campus Life or designee, the continued presence of the respondent in the residence halls or on the campus poses a substantial threat to themselves, to others, or to the stability and continuance of normal university functions.
- h. Records related to these procedures will be maintained pursuant to Section XX. Disciplinary Records, of the Student Conduct Code.

XX. DISCIPLINARY RECORDS

1. Except as noted below, disciplinary records are maintained by Student Conduct and Conflict Resolution Services for seven (7) years from the date of the letter providing notice of final disciplinary action. Release of disciplinary records to third parties is provided in accordance with the Family Educational Rights and Privacy Act of 1974, as amended (FERPA), until a student has graduated from the university, or as required by law. Records for a student who is suspended, dismissed, or who withdraws with a disciplinary case pending are maintained indefinitely; release of these categories of disciplinary records to third parties is provided in accordance with all applicable laws, including FERPA and the Campus Sexual Violence Elimination Act. [See also the Confidentiality of Student Records policy for additional information.]

Amended and approved by the president, July 2017.

RESIDENCE HALL REGULATIONS

These are implementing regulations, based on American University's Student Conduct Code, and are incorporated as an addendum to that document. Violations of these regulations- may result in referral to Student Conduct and Conflict Resolution Services for review and appropriate action. The residence halls include the halls and any areas contiguous to the halls. Engaging in prohibited conduct may be a violation of both the Student Conduct Code and the residence hall regulations.

RESPONSIBILITY FOR DAMAGE

Residents will be held responsible for damage to residence hall buildings or furniture and will be billed for repair or replacement- where they have caused damage in their own rooms or in common areas. In the event of willful damage to the common areas located in the immediate vicinity of a student's room, or to the furnishings or facilities located therein, if the willful perpetrators of such damage cannot be identified, all resident students served by that common area may be assessed for repair or replacement costs.

RESPONSIBILITY FOR GUESTS

Residents will be held responsible for the behavior of their guests and any other persons in their residence hall rooms, pertaining- to the regulations for conduct at American University, and may be charged in lieu of the guest or visitor with violating the respective sections of these policies.

The following conduct is expressly prohibited:

I. RELATED TO RESIDENCE HALL SAFETY AND SECURITY

1. To enter any residence hall without showing an access card or proper identification to a housing staff member, or upon the request of a staff member.
2. To allow a visitor to enter any residence hall unescorted or to permit any nonresident student to enter who is not known or for whom the resident student does not assume responsibility.
3. To fail to accompany a visitor at all times while in a residence hall complex or for a visitor to refuse to leave a building upon the request of any housing or university staff member.
4. To open, prop, or block fire or other exit/outside doors without the permission of a housing staff member, except during a fire alarm.
5. To sound any elevator alarm bell without due cause, or to interfere with the normal operation of elevators.
6. To duplicate any university issued keys or access cards.
7. To fail to return a spare key or access card within 10 minutes of signing it out at the front desk.
8. To enter or exit the residence hall through a window, unless in response to an emergency.

9. To enter restricted areas including, but not limited to building roofs and reception desks in any residence hall, without authorization from the community director.
10. To drop or throw any object or any liquid from windows.
11. To possess weapons or dangerous materials, including but not limited to firearms, air or CO2-powered weapons, and fireworks in any residence hall.

II. RELATED TO FIRE CODES

1. To set a fire inside a building or in areas contiguous buildings.
2. To use any appliances in student rooms, on carpeted floors, in hallways, or other non-designated areas that have an external or exposed heating source, including but not limited to halogen lamps, space heaters, broiler ovens, grills, electric coffee makers, microwave ovens, hotplates, rice cookers, or electric water heating devices.
3. To place in a residence hall room any refrigerator larger than 4.5 cubic ft. in size.
4. To cook indoors with charcoal or any open flame device.
5. To possess or burn any candle or incense indoors.
6. To fail to immediately and properly evacuate the buildings when a fire alarm sounds, or to reenter any evacuated building before receiving permission from a housing or Public Safety staff member.
7. To tamper with fire equipment, or to carry or remove fire extinguishers from their mounts or storage boxes, except in case of a fire.
8. To pull or activate any fire alarm when no fire is present, or to falsely report a fire or other emergency.
9. To fail to plug electronic equipment and heat-producing appliances directly into electrical outlets and to fail to use UL-approved surge protectors/power strips for all other items requiring electricity.
10. To tamper with any smoke detector.
11. To run electrical wires beneath any rug or carpet.
12. To smoke in any residence hall.

III. RELATED TO PROPERTY

1. To remove furniture from any bedroom, living unit, or general floor common area without authorization of housing staff.
2. To place waterbeds in student rooms.
3. To keep any pet, except fish, in student rooms.

4. To mark, deface, steal, harbor, or damage any property belonging to the university, any hall, resident, or commercial vendor (such as doors, walls, carpet, vending machines, video games, washing machines, dryers, telephone equipment, etc.).

IV. RELATED TO COMMUNITY DISRUPTION

1. To engage in any disorderly conduct or to interfere with the rights of other students. This specifically and especially pertains to other residents' rights to an environment conducive to study and to sleep.
2. To engage in sports activity within the residence halls or within 50 feet of any residence hall.
3. To create excessive noise by any means. This includes creating excessive noise within 50 feet of any residence hall, shouting or creating disturbances from any residence hall window, playing loudspeakers through room windows at any time, noise audible outside a student room or in public areas, especially, but not limited to after 11 p.m. Sunday through Thursday, or later than 1 a.m. on weekends. These times are considered quiet hours.
4. To refuse to follow a directive from a housing staff member when acting in the performance of his or her duties.
5. To solicit, canvass, post, or distribute any materials within the residence halls without the approval of the community director or to violate the university or residence hall posting policies.
6. To have an overnight visitor without a roommate(s)'s consent.
7. To have a visitor in the residence halls for longer than three (3) days. Repeated visits over extended periods may be considered unauthorized occupancy of a room by the visitor. The university reserves the right to prohibit repeated and/or extended visits.

V. RELATED TO ALCOHOL AND ILLEGAL DRUGS

1. To use or possess any illegal drug (including medical marijuana) or drug paraphernalia in the residence halls.
2. To sell, manufacture, or distribute any illegal drug (including medical marijuana) or drug paraphernalia in the residence halls.
3. To knowingly and voluntarily be in the presence of any illegal drug (including medical marijuana) or drug paraphernalia in the residence halls.
4. To violate university policies or District of Columbia laws pertaining to the possession or consumption of alcohol in the residence halls.
5. To violate university policies pertaining to the sale, manufacture, or distribution of alcohol in the residence halls.
6. To host an event in the residence halls where alcohol is served to, provided to, or consumed by individuals under the age of 21.

Amended and approved by the vice president of Campus Life, July 2017.



AMERICAN UNIVERSITY
WASHINGTON, DC

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*Policy also applies to part-time staff

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1.0 FOREWORD

1.1 MISSION OF THE UNIVERSITY*

The mission of American University is to conduct teaching and research designed to preserve and extend human knowledge. The university is a complex organization engaged in many different types of activities. It charges persons with a variety of professional and technical backgrounds – individually and collectively – with diverse responsibilities. Each person plays a distinct and important role in helping American University to achieve its goals.

1.2 PURPOSE OF THE MANUAL*

This policy guide contains statements of staff human resources policies and procedures. It is designed to be a working guide for supervisory and staff personnel in the day-to-day administration of the university's human resource program. Its purpose is to increase understanding of policy, and to ensure uniformity in human resource administration. This policy guide, however, does not constitute an express or implied contract in whole or in part.

Every staff member is responsible for following these applicable policies. Every supervisor of staff personnel is responsible for carrying out these applicable policies in a consistent and impartial manner. Staff members carry out the mission of the university by performing their assigned duties with high professional standards. In addition, they must conduct themselves as responsible and cooperative members of the university community. The fulfillment of these expectations is a condition of continued employment.

The university encourages responsible and productive working relationships and respect for the personal integrity and growth of all staff members.

Copies of this publication and the Faculty/Staff Benefits Manual are available to all staff members on request in human resources. In addition, new full-time staff members will receive orientation materials at the time of employment.

Every staff member can support the university's human resource program by letting human resources know whenever problems arise. They also can help by suggesting improvements in the administration of these policies and procedures.

*Policy also applies to part-time staff

1.3 AFFIRMATIVE ACTION*

American University is an Equal Employment Opportunity/Affirmative Action employer. University policy mandates affirmative action in every employment action. These include recruiting, providing training and development opportunity, and encouraging upward mobility for members of minority groups and women.

1.4 CHANGES/REVISIONS*

American University reserves the right to add, amend, or delete any policy or procedure stated herein at any time without previous notice.

*Policy also applies to part-time staff

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2.0 EMPLOYMENT POLICIES

2.1 DEFINITION OF FULL-TIME EMPLOYMENT

At American University, a full-time staff employee is one who is appointed to a position which is formally identified as an authorized full-time position in the personnel budget of the employing office and is scheduled to work at least 28 hours a week for more than three consecutive months.

A person who meets these requirements is a full-time employee. Only full-time employees are entitled to the benefits and privileges of regular employment, regardless of the nature of the duties performed or the number of hours worked per week.

2.2 DEFINITION OF PART-TIME EMPLOYMENT*

A part-time employee is one who is not assigned to a full-time position in the personnel budget and works fewer than 28 hours per week or works any number of hours per week for three consecutive months or less. Part-time employees are not entitled to the benefits and privileges of full-time staff except as required by law or provided specifically in writing by university policy.

Part-time staff members are appointed by the issue of a Human Resources Action Form and approved by human resources. A Human Resources Action Form should be used to separate employees who leave before their designated end date.

Regular part-time appointments require yearly renewal. Renewals are implemented by routine completion of the Human Resources Action Form.

2.3 IMMIGRATION AND NATURALIZATION SERVICE REQUIREMENTS*

An I-9 (Employment Eligibility Verification) Form must be completed for all employees hired by the university and must accompany the Human Resources Action Form.

2.4 AFFIRMATIVE ACTION REPORT

The hiring supervisor must complete an Affirmative Action Report for all full-time employees hired by the university. The supervisor must send the report to human resources along with a Human Resources Action Form.

*Policy also applies to part-time staff

2.5 EMPLOYMENT OF FAMILY MEMBERS*

University policy requires that all personnel decisions be made on their merits, uninfluenced by personal relationships. Therefore, all members of the staff must avoid personal involvement in decisions concerning those who are relatives, or those with whom they have a personal living relationship. A “relative” is a person who is related, such as a father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, stepbrother, half-brother, half-sister, or any person an individual has responsibility to support as a dependent.

As a general principle, individuals who are relatives, or who have a personal living relationship, should not be in a reporting relationship to one another. They also should not influence the employment status of one another in any way. Specifically, no staff member who directs or approves personnel actions may appoint, employ, promote, advance (either as to position or pay) any other person within the university who is a relative of, or who is in a personal living relationship with, the staff member. Moreover, staff members who advocate, or seek to advocate, on behalf of relatives, must avoid conflicts of interest.

2.6 EMPLOYMENT OF STUDENTS*

Students of American University employed by the university are subject to the applicable definitions and limitations noted above, with the following exceptions. AU students may be employed for 28 hours or more per week, for up to 4 months during the summer (May 1 – August 31) without being considered a full-time employee. International students with F-1 or J-1 visa status may be employed for a maximum appointment period of four months according to the following schedule:

Fall Semester = September 1 – December 31

Spring Semester = January 1 – April 30

Summer Semester = May 1 – August 31

Each semester these students must complete an International Student Employment Form. The form must be authorized by the Intercultural Student and Scholar Services office and returned to human resources. Authorization to work may be granted for a maximum of 20 hours a week during fall and spring semesters and for full-time during practical training or vacation periods (e.g., winter break, and summer sessions).

*Policy also applies to part-time staff

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The policies above may differ for foreign students in other visa categories (for example, J-2, G-4) whose work authorization is granted directly by the U.S. Immigration and Naturalization Service. For those students, the appointment limits will be identified on the Human Resources Action Form and will require completion of a new I-9.

2.7 CATEGORIES OF POSITIONS

For purposes of determining specific applications of these policies, regular staff positions have been categorized as follows:

Executive staff positions are assistant provosts, vice provosts, vice presidents, principal academic deans, and other administrators expressly designated by the provost or the president of the university. Executive staff positions are exempt from the university staff personnel employment, classification, promotion, and separation procedures, except provisions relating to Affirmative Action – Equal Employment Opportunity (e.g., posting or publishing position openings and advising the human resource office before recruitment begins). Executive staff are also exempt from the overtime provisions of the Fair Labor Standards Act.

Senior staff members manage a substantial academic or administrative program and usually report to an executive, or they are expressly designated as senior staff by the vice president of finance and treasurer. Senior staff positions are exempt from university staff personnel employment, promotion, and separation procedures, except provisions relating to Affirmative Action – Equal Employment Opportunity (e.g., posting or publishing position openings and notifying human resources before recruitment begins). Senior staff are also exempt from the overtime provisions of the Fair Labor Standards Act.

Administrative/professional staff positions require a professional level of training or administrative responsibilities. Administrative/professional positions are subject to the university's staff personnel policies and procedures for employment, classification, promotion, and separation. Administrative/professional staff members are exempt from the overtime provisions of the Fair Labor Standards Act.

Clerical, secretarial, technical, skilled craft and service positions involve operational duties in university offices, laboratories, and physical plant. They are subject to the university's staff personnel policies and procedures for employment, classification, promotion, and separation. Staff members in these groups are subject to the overtime provisions of the Fair Labor Standards Act.

*Policy also applies to part-time staff

Exempt and non-exempt status is determined by human resources on the basis of detailed descriptions of individual positions, and by regulations published by the United States Department of Labor governing the administration of the Fair Labor Standards Act.

2.8 JOB POSTING

All regular staff vacancies will be listed for at least four working days before any recommendation to hire is made. Open positions are listed on the human resources website and in human resources.

With the agreement of human resources, the posting requirement may be waived where it is proposed to hire an individual clearly functioning in an “understudy” capacity to the previous incumbent.

2.9 PROMOTIONS, TRANSFERS, AND DEMOTIONS

Staff members should use their abilities to their greatest benefit. Therefore, vacancies may be filled by promotion, transfer, or demotion whenever it is in the best interest of the university and the individual.

A staff member becomes eligible for promotion or transfer after satisfactory completion of a probationary period. Staff members may apply for promotion or transfer by submitting an Internal Application Form to human resources. At that time, the staff member should schedule an appointment with a representative of human resources to discuss possible promotion and transfer opportunities.

The university recommends that a staff member tell the current supervisor of his or her intentions when applying for a promotion or transfer. However, staff members are not required to notify their supervisors when filing such an application.

Whenever possible, qualified transfer or promotional candidates, or recent employees, whose positions were eliminated due to reorganization or lack of funds, will receive preferential consideration. However, all hiring processes should be conducted within the guidelines of the university’s commitment to equal employment opportunity and affirmative action.

When a transfer or promotion occurs, the current and new supervisors should discuss and agree upon the timing of the move. Normally, the university requires a two-week period. Promoted or transferred staff members must serve a probationary period in their new position.

*Policy also applies to part-time staff

2.10 UNIVERSITY-INITIATED TRANSFER AND DEMOTIONS

At any time, a dean, director, or department head may transfer a staff member from one position to another at the same classification band within the same office or department, providing the staff member meets the qualifications required by the new position. The university also reserves the right to transfer any member of its regular staff to another office or department. In either case, an employee will not be expected to undertake duties for which he or she is not qualified, and whenever possible will be given at least a week's notice of the impending change. Employees transferred at the request of the university will not serve in probationary status in the new position. The employment of a staff member who is not willing to accept such a change may be terminated.

An employee may be demoted when:

- he or she would otherwise be laid off because the position is being abolished by reason of lack of work, lack of funds, or other organizational changes;
- another employee returns from authorized leave status. When this occurs, every effort will be made to place the demoted staff member back into a position at the same level as the one from which he or she was demoted. If an appropriate vacancy does not exist, the services of the staff member will be terminated and his or her name will be placed on a priority re-employment list;
- an employee's service is not satisfactory. If a promoted staff member does not meet departmental standards in the higher classification or new position, he or she may be demoted without prejudice to a position with the same classification band as the position held before promotion, if such a vacancy exists. If an appropriate vacancy does not exist, the services of the staff member will be terminated and his or her name will be placed on a priority re-employment list;
- an employee voluntarily requests demotion.

When a demotion is being considered because of inadequate performance, the affected staff member must receive adequate notice as to the reasons why such action might become necessary. Sufficient advice must be given to provide the staff member with reasonable opportunity to meet the performance standards. This advice should be in writing, with a copy to the staff member's personnel file in human resources.

*Policy also applies to part-time staff

Demotion actions, like any other personnel action thought to be adverse by the staff member, may be grieved through the university's staff complaint policy and procedure. A demoted employee may be required to serve a probationary period in the new position.

2.11 TERMS OF SERVICE

Full-time staff members serve a probationary period of four months. During the probationary period, a staff member may be removed from his or her position at any time for any reason without prior notice. Staff members will also serve a probationary period when transferred or promoted to a new position.

At the end of the probationary period, or at any time after three weeks of employment, an initial performance review conference between the staff member and his or her supervisor should be held. As a result of this conference, one of three actions will be taken:

- probation is concluded and regular status in the position is granted;
- probation is extended for four months (only one extension may be granted);
- the staff member is removed from the position.

A completed Probation Form must be sent to human resources at the end of probation in order for the appropriate action to be taken. If this form is not received by the probation expiration date, the employee's probation is automatically completed.

During an extended probationary period, a staff member removed from a position is entitled to two weeks notice of termination (or pay in lieu of notice). Termination during the probation period may not be appealed or grieved.

After the completion of a probationary period, regular classified staff members are appointed on a continuing basis subject to the provisions for termination of appointment contained in the chapter entitled "Termination." They also become eligible for promotion, annual performance-based pay increases, and transfer.

2.12 PAYMENT OF SALARIES*

Staff members appointed to positions exempt from the Fair Labor Standards Act are paid on the last working day of each month for work performed during that month. Members of the non-exempt staff are paid every other Friday for work performed during the pay period ending two weeks prior to the pay date. All non-exempt staff members are

*Policy also applies to part-time staff

certified for payment on a Time and Attendance Form. The form must be filed with human resources by the date shown on the time sheet.

Checks are distributed through the university mail service. Human resources, on written request, will arrange direct deposit each pay period to a designated bank.

In order to pay all employees fairly, no salary or pay advances will be issued.

2.13 EEO POLICIES*

American University has adopted a formal affirmative action plan. This plan imposes certain responsibilities on all staff members involved in the employment process, some of which are referred to in this manual. Actions affecting the employment status of staff personnel must be coordinated through Human Resources.

All appointments are subject to the approval of authorized university officials. A regular appointment does not become effective until all required written approvals are obtained.

2.14 AFFIRMATIVE ACTION PROGRAM POLICY*

The University maintains an affirmative action program in compliance with the law to promote equal employment opportunity access for all persons, including women, minorities, individuals with a disability, and veterans. Such access is based on individual merit and performance. Contrary to popular belief, the affirmative action plan does not contain quotas or make other employment decisions based on an individual's protected status. Rather, the affirmative action plan is a management tool to identify obstacles that might prohibit certain groups of individuals from receiving fair consideration and to produce applicant pools of diverse and qualified individuals from which to select employees. The University assesses the effectiveness of the affirmative action program through internal monitoring and reporting systems and updates it on an ongoing basis. If warranted, adjustments are made to recruiting strategies and other related programs and policies to ensure that all applicants and employees receive fair consideration and treatment in all employment decisions.

2.15 DISCRIMINATION AND SEXUAL HARASSMENT POLICY*

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Discrimination and Sexual Harassment Policy.

*Policy also applies to part-time staff

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2.16 AMERICANS WITH DISABILITIES ACT POLICY*

American University supports the policies of the Americans with Disabilities Act and is completely committed to treating all applicants and employees with disabilities in accordance with the requirements of that statute. The university judges individuals by their abilities, not their disabilities, and seeks to give full and equal employment opportunities to all persons capable of performing successfully in the university's positions. American University will provide reasonable accommodations to any qualified persons with disabilities who require them, and urges employees and applicants who may be disabled and require accommodation to advise the university of their particular needs. Information concerning individuals' disabilities is considered confidential and their need for accommodation will be handled with the utmost discretion.

When considering a requested accommodation, American University will require medical certification or information from a health care professional concerning the requested accommodation. Medical certification or other information may be requested at the time of the initial request or at any time thereafter, for the purpose of determining whether the individual still meets the definition of a disabled person or whether an accommodation is still necessary.

Employees and applicants who want to request a reasonable accommodation should contact human resources employee relations, extension 2607. Any staff employee or applicant who believes that they may have been discriminated against based on their disability should refer to the Discrimination and Sexual Harassment complaint procedures. Employees or applicants may also contact the Assistance Vice President of Human Resources to appeal reasonable accommodation decisions.

American University is firmly committed to the principle of equal employment opportunity. The university recognizes that the implementation of such a policy requires constant effort and supervision. Every necessary step will be taken to guarantee that this commitment is honored in principle and in practice.

2.17 REPORTING SUSPECTED MISCONDUCT (WHISTLEBLOWER POLICY)*

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Whistleblower Policy.

*Policy also applies to part-time staff

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3.0 PERSONNEL RECORDS

3.1 RECORDS MANAGEMENT*

Official personnel records of all employees are maintained in human resources. This office must be notified of all employee status changes. Address changes should be reported to human resources on a Personal Data Change Form. Each employee is responsible for making sure that his or her records are current. Employees are entitled to inspect their official records in human resources. The university prohibits disclosure of official personnel records to third parties without the expressed written consent of the staff member, except:

- when the records are ordered to be produced by court order, required by law, or within the scope of a lawful subpoena;
- when disclosed to university officials performing work for the university under proper authorization;
- to protect health, safety or property; or,
- to protect the legal interests of the university.

3.2 REFERENCES*

All requests for salary verification on current or past employees must be made in writing to human resources and accompanied by a letter of release from the employee. References may be given by the employee's department (or former department) only if authorized in writing by the employee.

*Policy also applies to part-time staff

4.0 HOURS OF WORK

4.1 UNIVERSITY SCHEDULE*

The university operates 24 hours a day throughout the year. However, the work schedule of the university is closely linked to the academic calendar. The beginning of each semester is a period of high demand upon the university's faculty and staff. An academic calendar is posted well in advance of each year for planning and scheduling purposes.

Classes are in session from early morning to late evening, as well as on weekends. Because of the long hours during which the university operates, some offices must remain open to provide necessary services during periods when other offices are closed. Therefore, staff members should be prepared to adjust their working schedules to best meet the needs of the university.

4.2 WORK SCHEDULES OF EMPLOYEES

All employees are expected to report for duty on time and to work the full number of hours each day required by the terms of their jobs. The schedules of individual offices, and of employees in those offices, are determined by the needs of the university.

Most employees work seven hours a day, Monday through Friday (a total of 35 hours a week), from 9:00 a.m. to 5:00 p.m. with one hour for lunch. They are expected to make themselves available for additional hours (including weekends) when required. Several offices, as determined by human resources, assign employees to a forty-hour workweek because of continuous operations or contractual requirements.

4.3 FLEX WORK ARRANGEMENT

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Flex Work Arrangement Policy.

4.4 PARTICIPATION IN EDUCATIONAL ACTIVITIES

A member of the staff may be employed in a teaching capacity that is not part of the position assignment. Such teaching assignments should not be undertaken during the employee's normal working hours. The approval of the provost is required before a staff member can be appointed to a teaching assignment. This approval is required each semester that the employee teaches. If, under special circumstances, an employee is authorized to

*Policy also applies to part-time staff

teach a course during regular working hours, the time away from the office must be charged against earned leave unless the time lost is made up within the same workweek.

Attendance at programs offered through human resources is considered part of the position assignment, and is not charged against earned leave. However, employees should obtain approval from their supervisors before planning to attend.

4.5 ATTENDANCE AT UNIVERSITY CLASSES

Employees of American University receive a highly valuable benefit in the form of remitted tuition. Educational benefits must be used in a manner that does not interfere with the operation of the university's offices and programs. Accordingly, employees are not permitted to take courses during their normal working hours. Normal working hours are defined by an employee's department head based on the unit's mission and the requirements of the position.

Exceptions to this rule are limited to a narrow set of circumstances and are available only to those employees admitted to degree and certificate programs. An employee may request an exception for a given course if it is required by the degree program and unavailable at any time other than normal working hours.

Employees must request an exception from this rule by completing the Educational Benefits Exception Form. The employee's immediate supervisor will review the request. If the supervisor supports the request and is satisfied that the required conditions are met, he or she will recommend it for approval to the unit executive. The unit executive will determine whether the request will be granted. The employee will be provided a written response to the request. Employees who are granted an exception to this rule will charge the lost time to annual leave.

Supervisors will notify human resources each time an exception is granted by providing human resources with the original Educational Benefits Exception Form.

Notwithstanding exceptions granted according to this policy, employees are reminded that if a conflict occurs between work and a class, work takes precedence.

4.6 CONFLICT OF INTEREST*

A conflict of interest occurs when there is a conflict or an appearance of conflict between an employee's private, financial, or business activities and the requirements of the position he or she occupies at the university. Such conflicts are prohibited.

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The university permits a full-time staff member whose on-campus performance is otherwise satisfactory to use his or her accrued annual leave on outside consulting, provided that such activity does not diminish the staff member's total contribution to the university.

4.7 UNIVERSITY FACILITY AND PERSONNEL OPERATING STATUS
(EMERGENCY CLOSING/CANCELLATION PROCEDURES,
EMERGENCY MANAGEMENT AND CONTINUITY OF
OPERATIONS PLAN, DEPARTMENTAL EMERGENCY OPERATING
PLANS*

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Emergency Management and Continuity of Operations Plan.

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5.0 COMPENSATION PROGRAM

5.1 PROGRAM OBJECTIVES

Scope

American University's staff compensation program aims to:

- support the ability of the university to offer market competitive salaries that enable units to attract, motivate and engage talent, without overpaying or underpaying relative to the market;
- be internally fair regardless of gender, race, or ethnic background and other differences and consistently applied throughout the university;
- link with career levels in a meaningful and motivating way to be able to show opportunities for career growth;
- reflect both the market value of staff responsibilities and their internal value to the university and reward higher levels of performance and contribution as measured in the performance management program; and
- be easy to understand and simple to administer.

Inherent in these principles is a desire to encourage and reward staff for acquiring and applying their knowledge, skills and abilities, and contributing to the ongoing success of the organization.

5.2 RESPONSIBILITY FOR PROGRAM ADMINISTRATION

Human resources is responsible for ongoing administration and maintenance of the compensation program. Managers and supervisors are responsible for day-to-day implementation and communication of the program, with assistance provided by human resources, as necessary.

Human resources reviews the program on an annual basis and recommends appropriate updates to ensure the program's integrity. As the program is updated, written communications will be distributed, as required.

Human resources has the ultimate responsibility for maintaining the compensation structure. However, many decisions will be made in conjunction with managers and supervisors, such as:

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- recommendations in compensation bands necessitated by changes in compensation levels in the market over time are made by human resources;
- the proper placement of new positions, or positions whose responsibilities have changed within the compensation structure is the responsibility of human resources; and
- the establishment of new positions or changes in position descriptions and titles should be reviewed with human resources and approved by the appropriate vice president or their designee.

5.3 ELEMENTS OF THE COMPENSATION STRUCTURE

Establishing a set of compensation bands is the first step in developing a systematic approach to administering salaries for American University. This set of bands is termed the compensation structure.

The compensation structure at American University consists of eight bands, with each band containing at least two market clusters. The number is sufficient to support the compensation levels required for the hierarchy of positions, as well as to allow for job differentiation. Compensation market clusters overlap, allowing for an individual who is at the maximum of a cluster in a relatively lower band to have a compensation level at or above an individual who is near the minimum of a higher market cluster, if appropriate. All American University full-time staff positions are placed into compensation bands and market clusters based on:

- salaries paid to positions with similar responsibilities in the competitive marketplace; and
- each position's impact at American University, both absolute and relative to other positions.

A market cluster facilitates control over fixed compensation expenses, aids in planning and budgeting, and provides for compensation growth for an employee commensurate with performance. American University's market clusters have been divided into three zones to enable the university to consider individual performance and experience in managing an employee's compensation progression.

*Policy also applies to part-time staff

First Zone

Salaries within the first third of a market cluster are usually reflective of employees who are still learning their jobs. These employees may have been newly hired with minimal prior work experience, newly promoted, or require performance improvement. An employee's progression through the first third of the range will depend upon individual performance versus expectations.

Second Zone

Salaries within the middle third of a market cluster are usually reflective of employees whose job performance fully meets/sometimes exceeds expectations. These employees will tend to be fully experienced and trained in their position responsibilities.

Third Zone

Salaries within the top third of a market cluster are usually reflective of employees who consistently exceed performance expectations, have exceptional skill sets or knowledge, or jobs that are in high demand in the marketplace.

Each market cluster has a minimum and maximum compensation level. The minimum represents the minimum compensation amount that American University would expect to pay an employee whose position is assigned to the range. There is a practical limit to the economic value of any job, beyond which annual compensation increases are generally not given. This limit is the maximum compensation level of the market cluster. Where an individual's compensation equals or exceeds the maximum compensation for their present position, the opportunity for continued progress lies primarily in promotion.

5.4 PLACEMENT OF POSITIONS WITHIN THE COMPENSATION STRUCTURE

The process of determining compensation bands and market clusters for positions involves the following steps:

- a position description is prepared to document current information on position purpose, key responsibilities, knowledge/skill requirements and scope of accountabilities;
- for jobs commonly found in the market, American University uses available published compensation surveys to identify base compensation levels for positions with comparable responsibilities in the competitive market;

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- American University also considers internal equity, i.e., both the absolute and relative value/worth of each position. This involves a comparison of position responsibilities, knowledge/skill requirements, and scope of accountabilities to establish a position hierarchy that reflects how American University values positions;
- when a new position is created or a position has a significant change in responsibilities, the supervisor needs to update or prepare a position description. Human resources will then determine a compensation band and market cluster based on a review of market base compensation levels and internal equity.

5.5 OVERVIEW OF SALARY DECISION-MAKING PROCESS

American University management makes three types of compensation decisions. The first is the decision upon hiring a new employee. The second (and most frequent) concerns merit increases by which an employee is rewarded for performance in a given position over a period of time. The third type is an increase that accompanies either a promotion to recognize the different responsibilities of the new position, or an “in-band” increase to recognize job growth.

No type of compensation increase should be considered automatic. The decision must be made on an individual basis. It should be justified by the employee’s progress and achievements and by positioning of the employee’s compensation within the band and cluster.

Salary Decision – Time of Hire

The compensation decision at the time of hire is important. It often is the major factor in an applicant’s decision to accept the position. In addition, the compensation offer has a continuing impact on the employee’s future compensation while with the university and on the university’s employee relations as a whole. Before making a salary offer, the hiring manager should work with human resources to:

- confirm the competitive market value of the position, if available;
- review and verify the candidate’s salary history as stated on their application, through reference checks or, if an internal candidate, confirming with human resources;

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- identify the individuals currently in the same position or similar positions within the band who fully meet/sometimes exceed expectations for the position;
- evaluate the candidate's qualifications for the position against these incumbents. The qualifications important to determining salary will vary from job to job. The following are types of individual qualifications that will be important in many jobs at American University – amount of directly related job experience, amount of any related education, award of any necessary or preferred certifications. We would expect that individuals whose achievements are less than fully competent incumbents should be offered salaries in the first zone. Similarly, individuals with substantially greater achievements than fully competent incumbents will be offered salaries at the high end of the second zone or in the low end of the third zone; and
- consider whether the salary to be offered provides the individual with the opportunity to move appropriately through the band.

Special recruiting situations are those in which market conditions make it necessary to offer starting salaries that are higher than recommended guidelines. Human resources needs to coordinate a response to these situations on a case-by-case basis.

Merit Increase Guidelines

Merit increases are awarded to an employee based on the individual's performance as demonstrated by the achievement of their goals and demonstration of competencies, the position of the individual's compensation within the market cluster, and the departmental budget allocated for increases. Merit increases are effective September 1 of each year. To be eligible for a merit increase, the staff member must have been hired, transferred, or promoted into the position prior to May 1.

Staff who are on leave without pay, leave of absence, continuous FMLA, short term disability, and military leave are not considered to be actively at work. Employees not actively at work on the date that an increase in annual salary would otherwise have occurred (generally September 1), will receive a merit increase effective the date the employee actively returns to work.

The process for determining a merit increase has four steps:

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1. A manager reviews both the employee's overall performance rating, as determined in the year-end discussion, and the recommended pay increase range based on the position of the employee's current pay.
2. A manager reviews the individual's performance and pay relative to peers and market data available for positions in their units.
3. Utilizing the departmental budget available for merit increases, a manager recommends a merit increase. The manager may need to modify increases to stay within budget. Managers will be expected to provide some justification for any recommendations outside of the recommended range and all zero pay increases.
4. A manager follows the approval process in place in their department to finalize the merit increases.

All merit increases are subject to review, adjustment and approval up to the provost or appropriate divisional vice president, or their designee, and review by human resources. All managers should refrain from discussing merit increase recommendations with their staff until they have received confirmation of the final approval.

Evaluating and Reviewing Performance

Please refer to [Section Six](#) for information about the performance management program. Generally, managers will assess a staff member's performance once a year prior to merit increases.

Exceptions to Policy

On rare occasions, it may be necessary to make decisions that differ from merit increase guidelines. Human resources will work with the appropriate supervisor in responding to these situations on a case by case basis.

Promotional Increase/Job Growth Decisions

A promotion results when a person moves to a position that is in a higher compensation band and assumes increased scope and responsibility. When an employee is promoted to a new position, the compensation will be reviewed, and consideration will be given to a promotional increase. Promotional increases should result in a new salary for the employee that is at least equal to the minimum of the market cluster to which he or she has

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been promoted and typically, within the first third of the market cluster to which the employee has been promoted.

Job growth occurs when an individual is operating in their same position at a significantly higher level of responsibility or complexity. Increases for job growth typically occur within the current market cluster.

5.6 SPECIAL SALARY ACTIONS

The following is a description of compensation administration guidelines in connection with special compensation actions:

Moving to a Position in a Lower Band

If an employee chooses or is required to take a position in a lower compensation band and the employee's compensation is at or above the maximum of the cluster for the new position, the employee will generally not be eligible for a merit increase until adjustments to the compensation structure result in the employee's compensation being below the cluster maximum.

Compensation for Additional Responsibilities

If an employee assumes a temporary assignment of substantial additional responsibilities or the duties of a higher paid position that exceeds 30 days, he or she may receive a temporary salary increase (stipend) of 10%. Temporary assignments of this nature may not exceed one year.

Under extraordinary circumstances, and with advance approval of the provost, the appropriate vice president or their designee, administrative and professional staff members may be paid for additional services that are clearly separate from the duties normally associated with their positions. If the special assignment must be completed during the normal working hours of the regular position, the supervisor should be prepared to verify that the responsibilities of the principal position are being met.

5.7 MAINTENANCE OF THE COMPENSATION STRUCTURE

Human resources will conduct an annual review of the compensation administration program. The review will include an assessment of progress toward implementing intended policies in the current year, as well as an analysis of American University's compensation

*Policy also applies to part-time staff

band positioning versus designated competitive markets. When appropriate, compensation bands will be adjusted to reflect competitive pay practices.

5.8 COMMUNICATION OF SALARY INFORMATION

Nothing in this document should be construed as implying a contractual obligation between American University and any of its employees. The concept of employment at will applies to American University and its employees. American University has the right to change its policies with or without notice.

5.9 COMPENSATION FOR HOURS IN EXCESS OF NORMAL WORK SCHEDULE

This policy applies to part- and full-time staff.

Non-exempt employees subject to the Fair Labor Standards Act will be paid at the base hourly rate for work up to and including 40 hours a week. Work in excess of 40 hours a week (defined as going from Saturday through Friday) will be paid at one and one-half times the base hourly rate.

In general, all work exceeding the employee's regularly scheduled hours must be explicitly approved in advance by the employee's supervisor.

The Federal Fair Labor Standards Act requires that all hours worked must be recorded on the Time and Attendance Form (Biweekly Time Sheet) in the week in which the work was performed. That Act also prohibits the accrual or awarding of compensatory leave (comp time) instead of recording and paying for actual hours worked exceeding a non-exempt employee's normal work schedule.

Employees who perform two or more jobs that pay a different hourly rate, overtime pay will be calculated in accordance with the Fair Labor Standards Act. Employees who are paid monthly are exempt from the overtime provisions of the Fair Labor Standards Act. They do not receive additional pay for working overtime.

5.10 PERMISSIBLE DEDUCTIONS FROM EXEMPT EMPLOYEES' PAY

This policy applies to part- and full-time staff, except where noted.

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American University is fully committed to complying with its obligations under the Fair Labor Standards Act, now and in the future. Therefore, it is our policy not to make deductions from the salary of an exempt employee except for reasons permitted by law.

American University may make deductions from an exempt employee's salary for the following reasons: (1) the employee is absent for one or more full days for personal reasons and does not have accrued paid leave; (2) the employee is absent for one or more full days due to sickness or disability and does not have accrued paid leave under American University's sickness or disability plan; (3) as a penalty imposed in good faith for infractions of safety rules of major significance; (4) the employee takes unpaid leave under the Family and Medical Leave Act (FMLA). In the circumstances of (3) and (4) either partial day or full day deductions may be made.

If an exempt employee believes that an improper deduction has been made from his or her pay, the employee should immediately contact their direct supervisor or employee relations (extension 2607), who will promptly and fully investigate the situation. If American University determines that the deduction was improper for any reason, American University will reimburse the employee and take steps to ensure that such improper deductions do not reoccur.

5.11 RELOCATION REIMBURSEMENT

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Relocation Reimbursement Policy

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6.0 PERFORMANCE MANAGEMENT

The university maintains a performance management program (PMP) for staff that is designed to:

- clearly state performance expectations and set high standards of performance;
- ensure that individual goals are aligned with either the university's goals or the staff member's job duties;
- reinforce the behaviors needed to support the university now and in the future;
- support positive relationships between staff and their managers;
- recognize the contributions and skills of staff; and
- ensure that staff has the skills necessary to contribute.

American University's PMP extends through a full year. The PMP includes three phases – planning, managing, and appraising.

6.1 PERFORMANCE PLANNING

The performance management cycle begins with the planning phase which occurs between August and September each year, or in the case of a newly hired, transferred or promoted staff member, within the first 30 days of hire or change in employment status.

In the performance planning phase, staff members utilize the university strategic plan, any department goals that have been developed, and their own job duties to develop 3-5 goals for the performance period. This cascade and alignment process encourages staff and their managers to identify ways for each person to best contribute in their jobs and what must happen at the department and individual levels to support the university's goals. The performance goals are recorded in a goals worksheet contained in AsuccessfulU, the online PMP system.

In addition to goals, each staff member is assigned competencies, that is, observable behaviors and skills that each staff member is expected to demonstrate in their jobs. A detailed listing of the competencies is maintained in the Staff Competencies Guide and in AsuccessfulU. Staff should familiarize themselves with the competencies that apply to their

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position during the performance planning phase and may create development goals where the need for skill improvement is indicated. Please refer to [Section 6.6, Development Plans](#).

6.2 MANAGING PERFORMANCE AND MID-YEAR EVALUATION

After goals are established and staff review the competencies against which they will be evaluated, a staff member works to achieve the goals and demonstrate the competencies. The managing phase of PMP is characterized by frequent two-way communication between the staff member and their manager to discuss progress and identify difficulties that might stand in the way of achieving goals. Managers and staff use this time to revise or update goals as needed.

One formal mid-year evaluation is required during the managing phase and it occurs in February. Staff members are asked to complete a self-assessment of progress towards goals and proficiency demonstrating competencies. Managers and staff members then meet to discuss the status of goals and competencies. Generally the mid-year evaluation does not include a formal rating of goals or competencies, though the university may on occasion include a formal rating during this phase. Progress notes for the mid-year evaluation are recorded in AsuccessfulU and the meeting is acknowledged by electronic signature of both staff members and their managers.

6.3 APPRAISING PERFORMANCE

A performance appraisal is conducted at the end of July which marks the end of the annual PMP cycle. The performance appraisal provides an opportunity for managers and staff to look at the past year and compare the achievement of goals and evaluate the level of proficiency with each competency.

Staff members and their managers prepare for the discussion by compiling the tracking sources data gathered throughout the year. Staff complete a self-assessment in advance of the performance appraisal meeting, and in the meeting staff and their managers share their assessments for each goal and competency.

The manager is responsible for appraising each goal and competency using a rating scale. Seventy percent of the overall performance rating is based on the assessment of goals and thirty percent is based on the assessment of competencies, which results in a single rating or score. The manager documents the content of the appraisal discussion in AsuccessfulU, and both staff members and their manager electronically sign the form.

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The performance appraisal concludes the PMP cycle and triggers planning for the next year.

6.4 PERFORMANCE IMPROVEMENT PLANS

AU is committed to providing all staff with the opportunity to improve their performance in order to continue successful employment at the university. In the event a staff member fails to consistently demonstrate the core competencies established for all staff, fails to meet performance expectations, or demonstrate the skills and functions required by their position, a manager may elect to place that individual on a performance improvement plan. This is a short term plan that determines clear milestones for improvement of work performance within a specified period of time, typically four to eight weeks. Performance improvement plans may be implemented independently or, if necessary, in conjunction with disciplinary action. Communication of a performance improvement plan may replace any warning step under the disciplinary policy. Failure to meet the milestones established by the performance improvement plan and maintain acceptable performance will result in termination of employment.

Managers with questions regarding performance improvement plans or seeking guidance in the design and implementation of such a plan should contact the employee relations team in human resources.

6.5 REWARDING PERFORMANCE

Several factors are used to determine merit increases. [Section 5.0, Compensation Program](#), describes these factors and the link between pay and performance.

6.6 DEVELOPMENT PLANS

A development plan is an optional, personal action plan, jointly agreed to by a staff member and their manager that identifies short and long-term development goals. A development plan identifies the training and other developmental experiences needed to achieve those goals. The university benefits from having a competent and engaged workforce, capable of continuous learning in order to meet the demands placed on it. A staff member may have a desire to grow in their current job or in other positions at the university, and may utilize the development plan to identify the specific developmental experiences necessary to fulfill those goals. Each development plan is uniquely tailored to meet the needs of the staff member.

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Staff members may create a development plan in A successful U, and are encouraged to discuss the status of it at least once a year during the mid-year discussion. The development plans are not rated. However, attainment of new skills, or improving others, may be reflected in higher levels of performance.

Managers are encouraged to work with their staff to develop development plans. To that end, managers are evaluated on the degree to which they successfully develop talent of their direct reports.

6.7 ROLES AND RESPONSIBILITIES

Several groups are responsible for ensuring the use of the PMP in their units.

The Provost, University Vice Presidents, Deans, Department Heads, Directors, Managers and Supervisors, including faculty who supervise staff, are responsible for ensuring that the PMP principles, steps and tools are utilized in their respective units, and that performance planning, management and appraisals occur for each staff member. They are responsible for ensuring that the goals of their units are communicated to encourage the alignment of individuals and university goals, that the performance cycle is completed for each of their direct reports, and that staff are encouraged to create development plans to support their professional development.

The Assistant Vice President of Human Resources is responsible for the design and implementation of the performance management program in accordance with the general management philosophy of the university. The Assistant Vice President of Human Resource, or her designee, is responsible for initiating the annual performance planning, mid-year evaluation and appraisal cycles, and for developing and delivering strategies aimed at continually communicating, educating, gathering feedback and refining the program as necessary to meet the needs of the university. The Assistant Vice President is responsible for reviewing the program to ensure fair and consistent application in accordance with the university EEO policies.

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7.0 DISCIPLINARY POLICY

American University follows a progressive disciplinary policy. Understanding and accepting of these policies are implied in accepting employment.

Disciplinary action can take one of four forms: oral warning, written warning, suspension, or dismissal. The degree of disciplinary action is based on the nature of the offense.

If disciplinary action is taken beyond a verbal warning, that action will be explained in detail in a written record which will be sent to human resources for inclusion in the employee's official personnel file.

If no additional disciplinary actions are recorded after two years, the written record of disciplinary action will be removed. However, when the disciplinary action is for a violation of the discrimination or harassment policies, as well as for certain Level III violations, the written record of the disciplinary action may remain on file beyond two years.

Supervisors are required to take disciplinary action when established procedures are not followed, or when rules of conduct are ignored to the disadvantage of a working unit or the university. These guidelines have been set up to prevent misunderstandings when such occasions arise. It is the university's intention to be fair and uniform in the handling of these matters. However, these procedures should not be interpreted as constituting an employment contract.

At the discretion of the supervisor, a performance improvement plan may be implemented as part of the progressive discipline process. Communication of a performance improvement plan may take the place of any warning step in the process. See [Section Six: Performance Management](#).

In general, the disciplinary process should proceed as follows for offenses at each level.

Level I Offense:

- (1) Oral Warning, (2) Written Warning, (3) Final Written Warning, (4) Dismissal.

Level II Offense:

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- (1) Written Warning, (2) Final Written Warning, (3) Dismissal.

Level III Offense:

- (1) Immediate Dismissal. A lesser penalty may be imposed if the supervisor thinks it more appropriate.

It is not possible to list all forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions that may result in disciplinary action up to and including termination of employment.

Level I

- stopping work, loitering, or leaving office during working hours without permission;
- creating or contributing to unsanitary conditions;
- willful violation of safety rules;
- repeated tardiness;
- unexcused absenteeism;
- failure to turn in time sheets in a timely and accurate manner;
- neglect, waste, and mishandling of equipment or supplies;
- interference with other staff members;
- failure to report accidents which occur in performance of job;
- distribution of literature, or solicitation for any cause without permission;
- failure to obey a reasonable order from a supervisor.

Level II

- sleeping during work hours;
- personal conduct detrimental to others;
- horseplay, threatening, or coercing fellow workers while working on university property, on university business, or attending a university function;

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- obscene and abusive language, malicious gossip;
- reckless, careless, or slipshod work;
- irregular attendance (defined as two unexcused absences within a three-month period);
- unprofessional behavior or conduct.

Level III

- stealing;
- falsification of records or misrepresentation of information;
- fighting, committing or threatening to commit an act of physical violence;
- refusing a direct order(s) from a supervisor after the supervisor explains the consequences for continued refusal of that order;
- deliberate destruction or abuse of university property;
- willfully accessing personnel, student, medical or other confidential records without authorization;
- violation of the university's discrimination policies;
- excessive absenteeism (defined as five unexcused absences within any six-month period);
- refusal to cooperate or interfere with an internal investigation;
- working under the influence of alcoholic beverages; unlawful possession or use of illegal or controlled substances;
- failure to demonstrate baseline performance requirements or meet the requirements of a performance improvement plan;
- other serious misconduct.

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8.0 TERMINATION

8.1 SEPARATION POLICIES

These policies are not intended to constitute a contract of employment, or to confer any additional employment rights. Employment may be terminated at any time and for any reason by either the employee or the university.

Termination of regular staff appointments may occur as outlined below. All separations must be processed through the human resources, even for those whose terminal appointments have ended. Be sure to consult the *Faculty/Staff Benefits Manual* for information about discontinuation of leave and other benefits.

Voluntary Separation

In cases of voluntary resignation or retirement, notice equivalent to the length of one pay period is normally expected. A letter of resignation must be sent to the supervisor with a copy to human resources. During this period, the employee is required to schedule an exit interview with human resources. Separating employees must complete a Separation Clearance Form by their last day of work. Salary will be paid through the effective date of the resignation or retirement. Payment will be made for annual leave accrued as of the effective date of separation. See the [Annual Leave Policy](#).

Job abandonment is defined as three or more consecutive days of absence from work without notice of intent to return having been provided to the immediate supervisor. It may be considered a voluntary separation. No severance pay is due for job abandonment.

Death

In the case of the death of an employee, the employee's supervisor should contact human resources.

Long-term Disability

If the university determines that the incumbent is unable to perform the responsibilities of the position by reason of long-term disability, the employee may be separated under provisions of the *Faculty/Staff Benefits Manual*.

*Policy also applies to part-time staff

Separation While on Probation

During the probationary period, a staff member may be removed from his or her position at any time, for any reason, and without prior notice. During an extended probationary period, a staff member removed from a position is entitled to two weeks notice of termination, or pay in lieu of notice.

Involuntary Separation for Cause

After an employee's probationary period has been completed, involuntary separation for cause may be necessary. An involuntary separation for cause includes: the inability, failure, or refusal of the employee to maintain satisfactory performance of the responsibilities of the position; conduct which directly and substantially impairs the effectiveness of the employee in the performance of his or her responsibilities; conduct which directly and substantially impairs the effectiveness of university operations.

8.2 SUPERVISOR'S RESPONSIBILITIES

Each supervisor should foresee the possibility of a need to remove for cause when the adequacy of the employee's performance is in question. It is the supervisor's responsibility to give the employee full and timely notice of the problem, and to make full effort, with the assistance of human resources, to help the employee to maintain or recover his or her effectiveness or to find a more suitable position.

If the supervisor is unable to prove such efforts in a case in which anticipation was reasonably possible, the involuntary separation decision may be reversed. There may also be certain situations requiring involuntary separation where such anticipation is not possible. Nevertheless, all involuntary separations must be discussed with human resources before the employee is notified. Except for certain Level III offenses, the supervisor must have issued a final warning to the employee before termination may be considered, or have communicated a performance improvement plan in place of a final written warning.

The supervisor, after consulting with human resources and the department head, may file the Notice of Separation Form. Human resources will review the action and, if the separation follows policy, approve the form. The signatures of the department head and the appropriate vice president or executive reporting to the provost must also be obtained on the form before the employee is separated. The signature of the Vice President of Finance & Treasurer is required only for the separation of employees who report directly to the Vice

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President of Finance & Treasurer. A statement of reasons for the action must accompany the Notice of Separation.

A staff member who is on probation may be removed from his or her position at any time, for any reason, and without prior notice. A Notice of Separation and Human Resources Action Form must be completed to bring about the separation. However, human resources and department executive signatures are not necessary for probationary employees.

8.3 NOTICE REQUIREMENTS

Except in cases of serious misconduct, the supervisor either must notify the employee at least two weeks before the effective date of separation or pay the employee for two weeks in lieu of notice. The separation conference may be held at the work site with the supervisor and department head present or in human resources with a human resources representative and supervisor present. At the time of notice of separation or at any time in the notice period, the supervisor may relieve the employee from the performance of the duties of the position or change the assignment to other duties. The employee will be paid his or her salary through the effective date of the separation and for annual leave accrued.

If an employee is removed for cause which requires immediate separation from the position, the termination of employment may be made effective immediately without a requirement of severance pay or a notice period. In such a case, salary will cease with payment only of previous salary due and accrued annual leave.

8.4 APPEALS OF SEPARATION

An employee may file a written appeal to the Staff Personnel Review Board (SPRB) through the Executive Director of Human Resources. This appeal must state the basis of the complaint on which it is being filed and must state the remedy sought. The appeal must be filed within two weeks of the effective date of separation. Request for Appeal Forms are available to employees in human resources.

The Staff Personnel Review Board, upon receipt of this request, may appoint a Hearing Panel to hear the issues of fact relating to the appeal of the separation action. The Hearing Panel will present a written summary of its process and findings to the Staff Personnel Review Board, which will then prepare and transmit its conclusions and recommendations to the Vice President of Finance & Treasurer. The decision of the Vice President of Finance & Treasurer will be final and concludes the appeal.

*Policy also applies to part-time staff

8.5 REORGANIZATION/TERMINATION OF UNIVERSITY FUNDING

In the case of abolition of a position by reorganization or by termination of funding, a written plan and justification must be submitted by the executive in charge of the unit, through the Executive Director of Human Resources, to the University Counsel, and then to the President to support the personnel actions being taken. The university will give written notice at least thirty days prior to the effective date of separation, with payment of salary through that date and with further payment for annual leave accrued as of that date. Involuntary terminations due to reorganization or by termination of funding are not subject to appeal under terms of this chapter, but may be appealed directly to the appropriate vice president or Executive Director of Human Resources with the possibility of further appeal to the Vice President for Finance & Treasurer.

8.6 EXTERNALLY FUNDED POSITIONS – TERMINAL APPOINTMENTS

In cases of externally funded positions, the university will give written notice at least 30 days prior to the effective date of termination of funding. When an employee's term of appointment has ended as specified on the Human Resources Action Form, payment ceases automatically unless that appointment is renewed. A request for personnel action stating either formal separation or renewal of appointment must be submitted. The university will not pay for accrued annual leave beyond the specified termination date. In cases where positions have been funded by external agencies, it may be necessary to use all or some of the 30-day period as annual leave because leave cannot be paid as additional time in these cases.

8.7 SEVERANCE PAY PLAN FOR STAFF

Eligibility

Any staff employee may be eligible for severance pay benefits if terminated by or separated at the request of the university and if not terminated for cause, disability, or death. Executives and senior staff members have no probationary period and are therefore eligible for severance pay at any time. For others, eligibility begins after successful completion of the probationary period for the individual's first full-time position at the university. Later probation in other positions do not count towards length of service until successfully completed. Periods of voluntary unpaid leave do not count towards service.

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Severance Amount

The cash benefit is subject to income tax, FICA contributions, and retirement plan and other benefit contributions for the span of time equivalent to the negotiated payout period (normally the period of time equivalent to the benefit). The amount is determined according to regular pay for the periods listed below. The maximum benefit is six months of salary.

Time Period	Executive	Senior Staff	Other Exempt	Supervisor Non-Exempt	Other Non-Exempt
Probation to 1 year	6 months	3 months	2 weeks	2 weeks	2 weeks
2nd year	6 months	4 months	2 weeks	2 weeks	2 weeks
3rd year	6 months	5 months	3 weeks	3 weeks	2 weeks
4th year	6 months	6 months	1 month	3 weeks	2 weeks
5th year	6 months	6 months	1 mo/1 wk	1 month	2 weeks
6th year	6 months	6 months	1 mo/2 wk	1 mo/1 wk	1 month
7th year	6 months	6 months	1 mo/3 wk	1 mo/2 wk	1 mo/1 wk
8th year	6 months	6 months	2 months	1 mo/3 wk	1 mo/2 wk

After the eighth year, all employee groups other than executives and senior staff, earn one week of severance benefit for each year of active service. The maximum benefit of six months is reached in each of the categories after:

Time Period	Executive	Senior Staff	Other Exempt	Supervisor Non-Exempt	Other Non-Exempt
Service	Immediate	4 years	23 years	24 years	25 years

8.8 DEFINITION OF SUPERVISORY NON-EXEMPT

Supervisory non-exempt level employees are supervisors in non-exempt level positions who have direct supervisory responsibility over at least one full-time employee for hiring, probation, performance, and termination decisions.

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9.0 COMPLAINT POLICY AND PROCEDURE

9.1 PURPOSE*

These policies and procedures provide a forum for staff members to express their complaints. They apply to all matters affecting a staff member's relationship to the university, except for discrimination complaints, reasonable accommodation appeals, and involuntary separation. Procedures for these complaints are in the [Employment Policies in Section Two](#) of this manual. Appeal procedures for involuntary separation are in [Section Eight, Termination](#). Appeal procedures for disability reasonable accommodation matters are in the [Americans with Disabilities Act Policy](#). Appeal procedures for discrimination complaint determinations are described in the [Discrimination and Sexual Harassment Policy section](#). Retaliation against anyone who files a complaint, who supports or assists an individual in pursuing a complaint, or who participates in the resolution of a complaint is prohibited. Any retaliatory action may be the basis for a separate complaint under this policy.

9.2 POLICY*

Clear and open channels for the expression of employee complaints are basic principles of sound employee relations. Because employees do on occasion differ with supervisors on important questions, the university has provided subordinates with a mechanism for appealing the action or decision of a superior to a higher level within the organization, without fear of retaliation.

Each staff member is responsible for using this procedure in a timely manner whenever there are unanswered questions or problems which adversely affect any aspect of the employment relationship. A complaint should be initiated within ten working days of the circumstances which gave rise to the complaint. Staff members are counseled to avoid discussing specific problems with members of the university community other than their supervisor or human resources before making use of this procedure.

Members of human resources are available to any staff member for consultation and advice about how to resolve problems or file a complaint. They are also available to act as an intermediary to assist in problem resolution. All conversations between human resources staff and the staff member may be considered confidential.

9.3 INFORMAL PROCEDURE*

The first step is to report the complaint to the employee's immediate supervisor or the supervisor's immediate supervisor. The staff member should discuss the situation, explain

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the nature of the problem, and then suggest a solution, if he or she has one. If it is a group problem, one or more staff members should represent the group in advising the appropriate party. Every effort should be made to resolve the problem at this stage. If a satisfactory solution is not reached, the staff member may proceed to the formal procedure.

9.4 FORMAL PROCEDURE*

The formal procedure should be used if the informal procedure fails to produce a satisfactory solution. The staff member may use the following formal procedure without fear of retaliation.

Formal complaints must be filed within 30 calendar days of the event. No more than ten working days should elapse between steps or between the bringing of the complaint and the response of each step. Steps I, II, and III may be abbreviated to only one or two steps, depending on the reporting level of the complainant.

Step I*

The staff member submits a complaint in writing to the supervisor, with a copy to the Assistant Vice President of Human Resources. The supervisor responds in writing to the staff member, with a copy to the Assistant Vice President of Human Resources. If the staff member is dissatisfied with the response, he or she may proceed to the next step. If the complaint concerns alleged discrimination or denial of equal employment opportunity, the staff member may initiate the complaint with the Assistant Vice President of Human Resources.

Step II*

The staff member forwards to the supervisor's immediate supervisor a written statement explaining why the first supervisor's response is not satisfactory, along with a copy of that response and the original complaint. The supervisor's immediate supervisor also responds in writing. If the staff member is dissatisfied with the response, he or she may proceed to Step III.

Step III*

The staff member refers the entire matter, in writing, for review by the executive responsible for the office. The staff member's statement should indicate why the outcome of Step II was not satisfactory and should be accompanied by copies of all previous correspondence and pertinent documents. The reviewing executive may make whatever

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further investigation he or she thinks necessary in an attempt to resolve the matter. He or she will then prepare a written decision for the complainant and all parties to the complaint. This is the final step in the internal complaint procedures. The decision of the reviewing executive is final.

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10.0 PERSONAL USE OF UNIVERSITY SUPPLIES, EQUIPMENT, FACILITIES*

University supplies, equipment, and facilities are for the sole use of the academic and business purposes of the university. Any personal use of university supplies, equipment, or facilities must be approved in writing by the employee's supervisor and the director or department head.

Staff members should consult with their supervisor when in doubt about the use of university supplies, equipment, or facilities.

Violation of this policy may result in disciplinary action up to and including dismissal.

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11.0 POLICIES ON HEALTH AND WELLNESS

11.1 FACULTY AND STAFF ASSISTANCE PROGRAM (FSAP)

American University has a sincere interest in the well-being and productivity of its employees and believes that problems, with early identification and professional treatment, may be resolved. Therefore, the university has implemented a Faculty and Staff Assistance Program (FSAP).

The purpose of the FSAP is to assist all full-time employees and members of their immediate families with professional counseling on any of a broad range of human problems. Such problems may include:

- health, physical, or emotional problems;
- alcohol or other substance abuse problems;
- financial or legal problems;
- workplace problems.

The FSAP achieves its purpose through provision of:

- assessment and referral to prescreened community resources;
- short term counseling (up to and including six sessions);
- follow-up contact to assure that assistance received has been effective;
- education;
- consultation with managers.

There are no fees for the use of FSAP services. However, the university does not assume financial responsibility for any other counseling, treatment, hospitalization, or other fees. These are to be the responsibility of the employee or family member where not covered by medical/hospitalization insurance.

How an Employee May Use the FSAP

Employees are responsible for maintaining work performance and standards of conduct. They are encouraged to use the FSAP voluntarily, on a confidential basis, if they suspect they have a problem, whether or not it is adversely influencing their productivity.

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Those individuals who voluntarily access FSAP services, but wish to maintain their privacy, should make appointments on their own time. Others wishing to have release time to participate in the FSAP during usual work hours should have advance approval from their managers. Manager-referred employees will receive the same counseling services as self-referred employees. Employees are not exempt from existing work policies while participating in the FSAP. Follow-up interviews are scheduled at appropriate times.

Family problems may also require consultation or counseling. Family members are encouraged to contact the FSAP if they desire to use its services.

Managers' Responsibilities

Managers are responsible to assess and evaluate work expectations for employees. They should advise employees of any deficiencies in performance, document examples of those behaviors, and allow time for remediation.

If it is determined that usual managerial approaches are not bringing about improved performance and it is suspected that personal problems may be the cause, the manager is encouraged to:

- discuss the situation with an FSAP staff representative;
- offer the employee referral to the FSAP (this referral should be written as well as oral);
- refrain from trying to diagnose the nature of the problem;
- continue to monitor performance. If improvement in performance does not take place, appropriate administrative action must be taken.

Managers should also encourage employees who have problems that do not as yet interfere with work performance to seek assistance on their own by contacting the FSAP Director's office.

Participation in the FSAP will not jeopardize the employee's job security, reputation, career advancement, or future employment.

Confidentiality

All client information is held in strict confidence in accordance with the Privacy Act of 1974 and the Rehabilitation Act of 1973. Identification of particular employees and the

*Policy also applies to part-time staff

nature and extent of their problems is communicated only with written consent of the employees. Similarly, in cases of managerial referral, information is not given to the participating employee's manager without written consent from the employee.

FSAP case records are maintained in a secure place and coded in such a manner as to minimize any possibility of compromise. The maintenance of FSAP records is distinct from all other employee records.

FSAP staff representatives must operate in conformance to federal, state, and local laws in obtaining or disclosing information.

Information may be released without written consent in certain cases of medical emergency, harm to self or others, child abuse, criminal activity, or other cases required by law. Employees will be advised of this action.

Participation in the FSAP

Participation in the FSAP will not require or result in special regulations, privileges, or exemption from standard university policies and procedures that apply to work performance requirements. The FSAP is not intended to be a substitute for or a precondition for, the administrative action process when managers decide that administrative action is warranted.

11.2 EMERGENCY LOAN FUND

American University can provide emergency loans to faculty and staff at no interest with repayment of the loan amount through scheduled paycheck deductions. The loans will be initiated through the Faculty/Staff Assistance Program (FSAP), approved by the Executive Director of Human Resources, and administered by the payroll office.

The Emergency Loan Fund is intended to assist university full-time faculty and staff who have urgent financial needs. Examples of such emergency needs are as follows:

- food or shelter (mortgage or rent, groceries, utilities)
- health/illness care (critical surgery, medical procedures, medications)
- vehicle repairs (vehicle is essential for work transportation)
- death of immediate family member (money is needed for transportation to funeral out of state)

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Eligibility

Faculty and staff who apply for an emergency loan must meet the following eligibility requirements:

- hold full-time budgeted positions;
- be employed at American University for at least six months, and successfully completed the probationary period for those positions;
- successfully meet performance standards, and are expected to continue their employment at American University;
- successfully completed the application procedure; and,
- have not exceeded the One Thousand Dollars and No Cents (\$1,000.00) per calendar year limitation, and have no outstanding loan balance for at least one year from the date of full repayment of previous loan.

Restrictions on Loan Amount

An employee may apply for one loan only up to One Thousand Dollars and No Cents (\$1,000.00). Employees will not be able to apply for a second loan until one year from the date of full repayment of any previous loan.

Employees will have up to a maximum of twelve (12) months in which to repay any amount borrowed from the HR Loan Fund. The time for repayment will be calculated from the date on which the loan monies are released to the applicant. Under no circumstances will an employee be allowed to borrow from the loan fund until one year has passed since full repayment of any previous loan.

All loans must be made payable to both the employee and the vendor/creditor. No funds will be made payable to the employee only. Stop payments initiated by the employee will not be processed once the employee has received the check.

The loan can be fully prepaid, at any time, without penalty. In the event that the employee becomes disabled or injured, or leaves the employ of American University for any reason prior to repayment, he or she will remain fully liable for the full amount of the loan and, further authorizes American University to deduct any amounts outstanding hereunder from his or her paycheck. In the event that he or she leaves the employ of American University, any amounts outstanding under the terms of the agreement will immediately become due and payable to the American University HR Emergency Loan Fund. American

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University may garnish the remaining balance from the employee's wages he or she may earn at any future place of employment, if necessary, in order to satisfy the terms of this Note. The employee further agrees to pay all costs which may be incurred in the collection of the Note in the event of his or her default in repayment according to the above terms, including, without limitation, reasonable attorney's fees.

Procedure

Each employee who requests an emergency loan must:

- schedule an appointment with the FSAP Director;
- complete an Emergency Loan Fund Application Form, including the Department Head Verification section;
- submit the Application and Verification, plus documentation of the financial need to the FSAP Director. Documentation must include: name, full address, and telephone number of the vendor or creditor, the item or service for which the charges are made, the exact amount due and the due date; and,
- complete an Emergency Loan Fund Contract.

Based on the stated criteria, the FSAP Director will determine the borrower's eligibility and will review the documentation of financial need. Upon recommendation of the FSAP Director, loan contracts are forwarded to the Assistant Vice President of Human Resources for approval. Upon approval, the contract is forwarded to the payroll office for processing. Employees will collect their checks personally at the FSAP office.

Confidentiality

All information provided as part of the FSAP loan application process is confidential and will not be shared, disseminated or used for any purpose other than determining the applicant's eligibility to participate in the AU Emergency Loan Program, or in collecting the balance of loans due in the event the employee leaves American University.

11.3 ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) POLICY AND GUIDELINES*

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Acquired Immune Deficiency Syndrome (AIDS) Policy and Guidelines.

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11.4 ALCOHOL AND DRUG ABUSE POLICY*

American University is committed to maintaining a workplace free from illegal drugs and alcohol or drug abuse. The abuse of alcohol and the use of illegal drugs by members of the American University community are incompatible with the goals of the institution. In order to further the university's commitment to provide a healthy and productive educational environment, and in compliance with the Drug-Free Schools and Communities Act Amendments of 1989 and the Drug-Free Work Force rules promulgated by the Department of Defense and other agencies, the university has established the following policy on alcohol and other drugs.

As a condition of employment, university employees agree to abide by the terms of this policy and to notify their supervisor of any criminal drug conviction no later than five (5) working days after the conviction. For the purposes of this policy "employee" refers to all full-time faculty and staff, adjunct faculty, and part-time staff.

Employee Misconduct*

Employee misconduct related to alcohol or other drug abuse will not be tolerated. Violation of the university's Alcohol and Drug Abuse Policy or the Guidelines for Serving Alcohol at University Events will result in appropriate disciplinary action in accordance with university policies. Such disciplinary action may include termination of employment and referral for legal prosecution.

Obvious examples of prohibited conduct include, but are not limited to, the following:

- The unauthorized use, possession, manufacture, distribution, dispensation, or sale of alcohol, drugs, or drug paraphernalia on university premises, on university business, in university-supplied vehicles, during the employee's work hours, or during university sponsored activities. For the purposes of this policy, "drugs" include marijuana, cocaine, opiates, PCP, amphetamines, and any other controlled substances. Unauthorized possession includes on an employee's person, as well as storage in a locker, desk, university supplied or personal vehicle, or any other repository on university premises or while on university business.
- Coming to work, or performing any job duties while impaired by alcohol or drugs on university premises, in university-supplied vehicles, in any location while on university business, or during university sponsored activities.

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- The possession, use, manufacture, distribution, dispensation or sale of alcohol or drugs off university premises that may adversely affect the individual's work performance, his or her own or others' safety at work, or the university's reputation in the community.
- Failure to adhere to the requirements of any drug treatment or counseling program in which the employee is enrolled.
- Conviction under any criminal drug statute for a violation occurring in the workplace or in another location while on university business or during university sponsored activities, or conviction under any criminal drug statute under circumstances that adversely affect the university's reputation in the community.
- Failure to notify the university of any conviction, within five (5) days of the conviction, under any criminal drug statute for a violation occurring in the workplace, on university premises, on university business, in university supplied vehicles, during employee's work hours, or during university sponsored activities.
- Deliberate failure to comply with the requirements of law or federal rules and regulations under the university's Alcohol and Drug Abuse Policy, or refusal or failure to follow reasonable instructions issued by a supervisor implementing this policy.

Improper use of prescription medication is a violation of this policy. Employees are expected to notify their supervisor if they are taking any prescribed medication that may adversely impact their job performance. Employees should keep all prescription medication in its original container bearing a label that shows drug identity; date of prescription, and name of the prescribing physician.

The university reserves the right to test any employee reasonably believed to be under the influence of drugs or alcohol while on the job.

In addition, any employee who serves or provides alcoholic beverages in his or her official capacity is subject to the Guidelines for Serving Alcohol at University Events. These guidelines should be reviewed by all employees hosting in their official capacities social events attended by students if alcoholic beverages will be served.

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Government Grants and Contracts*

Employees of American University engaged in government grants and contracts may be subject to additional drug-free workplace compliance requirements where required by government grant, contract, or law. These requirements may include, but are not limited to, drug and alcohol testing.

Alcohol and Drug Abuse*

The university provides a Faculty Staff Assistance Program (FSAP) for its faculty and staff experiencing problems with alcohol or drugs. Faculty or staff members are encouraged to contact the FSAP for help. Employees who voluntarily disclose their abuse of alcohol or use of illegal drugs to their supervisor prior to an arrest for an alcohol or drug-related offense will be referred to the Faculty Staff Assistance Program (FSAP) for assistance and further referral for treatment.

Additionally, depending upon the nature of their position, an employee's retention may be conditioned upon satisfactory completion of a treatment program. Such an employee may be required to provide proof of compliance with their treatment program throughout the course of the program. Such proof of compliance may include, but is not limited to, satisfactory results on random drug/alcohol testing. These provisions do not affect any disciplinary action for criminal conviction or alcohol/drug-related misconduct on the job. The employee's job may be restructured during that time period.

Cooperation with Law Enforcement Authorities*

American University cooperates fully with law enforcement authorities. Violations of policies which are also violations of federal or local law will be referred to the appropriate agencies. In such situations, cases may proceed concurrently at the university and in the criminal justice system as necessary.

Criminal Sanctions*

In addition to the criminal sanctions described below, employees convicted of drug-related offenses are subject to civil penalties. Such penalties may include suspension or revocation of professional and occupational licenses, restriction from public employment for up to five (5) years, and denial of retirement benefits. Workers' compensation benefits will also be denied in certain instances where alcohol or other drugs are a cause of injury.

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District of Columbia Law*

District of Columbia law prohibits the purchase or possession of alcohol by a person under the age of 21, or the furnishing of alcohol to such a person. Purposefully misrepresenting age, possession or presentation of fraudulent identification for the purpose of procuring alcohol is also prohibited. Additionally, driving under the influence of alcohol or other drugs is illegal. The punishment for these offenses may include imprisonment, payment of a fine, mandatory treatment and education programs, community service, and mandatory loss of one's driver's license.

Under District of Columbia law, it is a crime to knowingly or intentionally manufacture, distribute, or possess, with intent to manufacture or distribute, a controlled substance or drug paraphernalia. A conviction under local laws may result in imprisonment, a fine or both. The length of prison term and the amount of the fine depend upon the particular type of controlled substances involved. Subsequent convictions and violations involving distribution to minors carry increased penalties up to twice the usual sanctions.

Federal Law*

Federal laws prohibit possession, use, distribution, manufacture or dispensing controlled substances. As required by federal regulations, charts accompanying this policy detail federal penalties for drug trafficking and possession of a Controlled Substance. See [Table 1 “Federal Trafficking Penalties for Schedules I, II, III, IV, and V \(except Marijuana\)”](#) and [Table 2 “Federal Trafficking Penalties for Marijuana, Hashish, and Hashish Oil, Schedule I Substances.”](#) Both tables were retrieved April 24, 2013, from <http://www.justice.gov/dea/druginfo/ftp3.shtml>.

Counseling and Treatment Resources*

American University has a sincere interest in the well-being and productivity of its employees and believes that substance abuse problems, with early identification and professional treatment, may be resolved. The university provides a Faculty and Staff Assistance Program (FSAP) for its staff and faculty which is available to assist employees with substance abuse problems. For a detailed description of the FSAP, please see [Section 11.1, Faculty and Staff Assistance Program](#).

In addition, a variety of counseling services and treatment centers are available throughout the District of Columbia metropolitan area for anyone experiencing problems related to substance abuse. Although most counseling and treatment centers charge for their

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services, some programs are free of charge. FSAP maintains a list of available alcohol and other drug counseling services and treatment centers. Employees are encouraged to avail themselves of the FSAP counselor's referral sources and assistance to identify the services or programs which most closely meet their specific needs.

For a listing of additional on-campus and off-campus resources please see the Student Handbook: Section VIII. Alcohol and Other Drugs. Employees are encouraged to avail themselves of these resources and contact human resources for more information.

Health Risks*

The following information on health risks is from "What Works: Schools Without Drugs," U.S. Department of Education (1992) detailing the possible effects and health risks associated with alcohol consumption.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

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Controlled Substances*

Cannabis (Marijuana, Hashish). The use of marijuana may impair or reduce short term memory and comprehension, alter sense of time, and reduce coordination and energy level. Users often have a lowered immune system and an increased risk of lung cancer. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days.

Hallucinogens. Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.

Cocaine/Crack. Cocaine users often have a stuffy, runny nose and may have a perforated nasal septum. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.

Amphetamines. Amphetamines can cause a rapid or irregular heartbeat, tremors, loss of coordination, collapse, and death. Heavy users are prone to irrational acts.

Heroin. Heroin is an opiate drug that causes the body to have diminished pain reactions. The use of heroin can result in coma or death due to a reduction in heart rate.

For further information, download [Drugs of Abuse 2011 Edition, A DEA Resource Guide at http://www.justice.gov/dea/docs/drugs_of_abuse_2011.pdf](http://www.justice.gov/dea/docs/drugs_of_abuse_2011.pdf), for additional possible effects and health risks associated with the use of illicit drugs and controlled substances.

Contact Persons*

For additional information regarding:

- health risks or counseling and treatment resources, contact the Faculty Staff Assistance Program;

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- university policies on alcohol and other drugs as they pertain to employees, contact employee relations .

11.5 GUIDELINES FOR SERVING ALCOHOL AT UNIVERSITY EVENTS*

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Alcohol Service at University Events Guidelines.

11.6 UNIVERSITY SANCTIONS FOR VIOLATION OF ALCOHOL AND DRUG ABUSE POLICY*

Violation of the university's Alcohol and Drug Abuse Policy may result in disciplinary action, including discharge, in accordance with university policies.

In addition to any disciplinary action, the university, through its FSAP, may refer the employee to a treatment and counseling program for alcohol or drug abuse. Employees referred to such a program by the university must immediately cease any alcohol or drug abuse, and must comply with all conditions of the treatment and counseling program. The FSAP shall determine whether an employee it has referred for treatment and counseling should be temporarily reassigned to another position.

For employees working on any federal grant or contract, the university is required by federal law to notify the federal government contracting agency within ten days after learning of an employee's criminal drug statute conviction in the workplace.

11.7 SMOKING POLICY*

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Smoking Policy.

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12.0 LEAVE POLICIES

12.1 ANNUAL LEAVE

The university endeavors, through its arrangements for earned leave, to provide its regular full-time staff with the opportunity to absent themselves from their duties for reasonable periods of time without loss of pay, for vacation purposes and to attend to personal affairs. Annual leave must be approved in advance by the employee's supervisor and must be taken at times when it will not interfere with the ongoing work of the office to which the employee is assigned. Part-time employees do not accrue annual leave.

No more than 15 days of earned annual leave may be carried forward beyond the end of the fiscal year (April 30th). The number of hours in a day of carry-over is standardized based on employment classification and the number of hours worked per week. Annual leave is not accrued while a staff member is on leave without pay or short term disability. Staff members receiving Workers' Compensation Benefits, however, will continue to accrue annual leave.

At an employee's effective date of separation, annual leave is converted to terminal pay and reimbursed to the employee. Leave is not accrued on annual leave converted to terminal pay. Holiday pay is not provided for holidays that fall after the last actual working day. The effective date of separation may not be extended beyond the last actual working day (see "[Voluntary Separation](#)" section under [Separation Policies, Termination](#)).

Administrators/Staff with Faculty Rank

Administrators/staff with faculty rank who are contracted on a 12-month basis do not accrue annual leave. Four weeks of leave are granted each fiscal year, to be taken when conflicts with duties will be minimal; no leave is carried over into the new fiscal year. Deans of the colleges approve and administer leave for administrators/staff with faculty rank.

Senior Staff and Administrative/Professional Staff

Senior staff and administrative/professional staff who were hired on or after May 1, 1995, earn annual leave at the same rate as clerical, secretarial, technical, skilled craft & service staff (see chart below). Employees in this category hired before May 1, 1995, earn 21 days of annual leave during each year of service. Leave is accrued for each month worked at a rate commensurate with the standardized work week for that individual. Employees beginning active service in this category prior to the 15th of the month will accrue leave for

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the entire month; those separating after the 15th of the month will accrue leave for that month. Any employee in this class who is entering a status in which no leave is accruable (e.g., leave without pay) will be subject to the same guidelines as outlined above.

When a member of one of these employment categories plans to be absent, he or she must make arrangements with the appropriate supervisor so that another person, who will be present during the absence, will be fully informed about the work status and be able to speak authoritatively in an emergency.

Each individual must complete a leave report for the preceding month and return it to human resources by the due date indicated on it. Failure to do so will result in the paycheck being held in human resources until the leave report has been submitted.

Clerical, Secretarial, Technical and Service Staff

A member of the clerical, secretarial, technical or service staff earns annual leave in accordance with the following schedule:

Service Years one and two:	12 working days a year
Service Years three and four:	15 working days a year
Service Years five +:	21 working days a year

Leave is accrued for each hour worked at a rate commensurate with the standardized workday for the individual. Earned leave with pay must be recorded on the time and attendance report in periods of no less than one-quarter hour. The time and attendance report must be completed, signed, and returned to human resources by 4:00 p.m., by the due date indicated on it. Failure to do so will result in the paycheck being withheld in human resources until the time and attendance report has been submitted. Staff members who leave the university voluntarily or as a result of reorganization and return within one/three years continue to accrue annual leave at their prior rate.

12.2 SICK LEAVE*

Visit the University Policies page at <http://www.american.edu/policies/> to view the current Accrued Sick and Safe Leave Policy.

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12.3 EMPLOYEE TRANSFERS: LEAVE STATUS

An employee transferring to a position in another department will be eligible for all leave earned prior to the effective date of the change. When it is not possible to take accrued leave before the change, the new employing unit must assume responsibility for all earned leave at the university.

12.4 LEAVE POLICIES FOR RESEARCH AND SPECIAL PROJECTS

Leave policies in some university-operated research or similar projects financed by non-university funds, or areas where other policies have been predetermined, may vary from those described here. In such cases, the policies will be announced in writing and will apply to all project employees.

12.5 MATERNITY LEAVE

Absences for childbirth are covered by the same provisions as other medical conditions (see Faculty/Staff Benefits Manual).

12.6 WORKPLACE ASSISTANCE FOR NURSING MOTHERS*

In accordance with the law, the university provides nursing mothers with reasonable break times and a private area to express milk as needed for nursing a child for up to one year after the child's birth. Please contact human resources if you need assistance locating an appropriate space or need assistance with this policy.

12.7 BEREAVEMENT LEAVE

In the event of death in his or her immediate family, with supervisor's prior approval, a full-time employee will be permitted to be absent with pay for up to three working days without drawing upon leave. For the purposes of this leave plan, the university defines "immediate family" to include, but not be limited to the employee's parent, spouse, domestic partner, grandparent, child, sibling, or parent or sibling of the employee's spouse or domestic partner.

12.8 JURY DUTY

Absence with pay to perform summoned jury duty, or to appear in court as a subpoenaed witness, will not be charged against earned leave provided official documentation indicating the reasons and the period for the absence is submitted.

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12.9 MILITARY LEAVE*

A staff member who spends not more than 15 calendar days during a calendar year in active duty training with Military Reserve or National Guard components of the Armed Forces of the United States will be granted a paid leave absence for such training when documented with appropriate time and attendance sheet.

A faculty member or staff member who is called to active Military Reserve or National Guard duty will be placed on military leave of absence. The faculty or staff member must give advance or written notice unless precluded by military necessity or such notice is unreasonable or impossible. For periods of active duty of 31 days or more, the returning employee must provide documentation, upon request, that establishes length of and character of the service and timeliness of the application for reemployment. All National Guard and Reserve members are encouraged to provide a copy of orders or other type of documentation as soon as available and if possible before the commencement of military duty.

An employee on military leave will not receive pay from the university but may elect to continue to participate in the benefits plans. The benefits office will notify individuals about the procedures for benefits continuation.

A full-time staff member who has accrued annual leave may elect to take that leave and delay the effective date of the military leave. While a staff member is receiving accrued leave, benefits remain active. Some restrictions may apply to these benefits as they coordinate with military benefits.

An employee who is released from active duty under honorable conditions and applies for reinstatement within the required time period will be reinstated into the position previously held or into another position that is of like seniority, status and pay, provided the employee is qualified to perform the duties of the position.

The period an individual has to make an application for reemployment or report back to work after military service is based on time spent on military duty. For service of less than 31 days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. Reservists who serve more than 30 days but less than 181 days must submit an oral or written application for reemployment to human resources within 14 days of release of service. For service of more than 180 days, an application for reemployment must be made within 90 days of release of service. If there is reasonable

*Policy also applies to part-time staff

certainty that an employee would have received a promotion and/or a salary increase during the period of military service, that employee may be rehired at the higher position and/or pay level. Similarly, if an employee would have been demoted, or received a reduction in pay, that employee may be rehired at the lower level. The purpose of this reemployment policy is to ensure that employees are not penalized for taking military leave. Individual situations are normally reviewed on a case-by-case basis.

In case of a faculty member on military leave, personnel actions will be processed on a case-by-case basis, after consultation with the Dean of Academic Affairs. The relevant processes are resumed when the faculty member returns to the university.

Reemployment rights do not apply to employees who occupy a position that is limited to a specific time period or project. Employees on grants or contracts fall into this category. However, the university will make an effort to reemploy individuals in this situation.

Upon reinstatement, reservists are entitled to enroll in the insurance programs they maintained before taking a military leave of absence. The period of time that an individual was on active duty service will be included as service time at the university in determining any benefits that use length of service as a determinant in the amount of the benefit.

Reservists who are reinstated are offered job protection for a period of time based on the length of service. Reservists who are reemployed cannot be discharged, without cause, from employment within one year after the date of reemployment if the person's period of service before reemployment was more than 180 days. If the person's period of service was more than 30 days but less than 181 days before reemployment, the person may not be discharged, without cause, within 180 days after the date of reemployment.

This policy does not apply to state call-ups for National Guard for disaster relief, riots or circumstances other than call to active duty. Faculty or staff should contact human resources in these situations.

12.10 LEAVE WITHOUT PAY

In unusual circumstances, a specified period of leave without pay may be granted by a supervisor with the approval of the department head. A full-time staff member granted leave without pay does not earn annual or sick leave while in that status.

When it can be shown to be in the best interests of the university, a staff member may be granted a "University Leave of Absence" without pay for a period up to one year from

*Policy also applies to part-time staff

the last day of active service. This form of leave without pay does not guarantee re-employment; however, the employee may continue group insurance benefits by paying the full cost.

12.11 OTHER LEAVE

Any approved paid absence not covered by one of the leave types described herein may be charged to annual leave.

12.12 HOLIDAY LEAVE

The university recognizes 12-13 paid holidays each fiscal year. Official university holidays for which staff receive holiday pay include: Martin Luther King, Jr. Day, U.S. Presidential Inauguration Day (every four years), Memorial Day, July 4th, Labor Day, Thanksgiving Day and Day After, and the week between Christmas and New Year's. Please refer to the Holiday schedule on the human resources website for the specific days the university is closed each year.

University designated holidays may not be converted to terminal pay (see [Section 12.1, Annual Leave](#)).

12.13 LEAVE SHARE

The purpose of the leave share program is to establish a system for staff to donate or receive annual leave during a serious medical emergency. The leave sharing program works in conjunction with the university's short term disability policy and may be used to satisfy the waiting period for short term disability. This program does not alter the short term disability or the Family Medical Leave policy.

Definitions

- *Leave transfer* is a voluntary transfer of annual leave balance from one employee to the annual leave account of another employee.
- *Leave donor* is a staff member whose written request for the transfer of their annual leave to the annual leave account of a leave recipient has been approved by human resources.
- *Leave recipient* is a current staff member affected by a serious medical emergency for whom human resources sends out a request for leave share donations from one or more leave donors.

*Policy also applies to part-time staff

- *Serious medical emergency* is an acute medical condition of the staff member whereby the absence is expected to result in a financial hardship to the employee because of the unavailability of annual or sick leave. Certain medical conditions are excluded from eligibility for this benefit including, but not limited to, any occupationally related accident or illness for which workers' compensation benefits have been awarded, intentionally self-inflicted injuries, elective cosmetic procedures, or injuries occurring in the course of committing a felony or assault. Employees are also ineligible to use leave-sharing benefits if the medical emergency is to care for an ill family member or during the period of any disciplinary suspensions.

Eligibility

To be eligible for donated leave, a leave recipient must have completed six months of full-time employment and qualify for short term disability.

Leave Recipient Application and Approval

Application for use of the leave sharing benefit is made in conjunction with applications for short term disability and family and medical leave. Staff members should contact human resources for a determination of eligibility for FMLA and short term disability. To become a leave recipient the staff member must have exhausted, or plan to exhaust, all annual and sick leave and be approved for short term disability.

For medical conditions resulting in an absence or an expected absence of longer than two weeks, employees must complete a short term disability application. At that time, the staff member will have the opportunity to receive leave donations to cover the waiting period for short term disability (currently 15 calendar days). In no case shall the donated leave exceed the waiting period of the short term disability period.

Human resources will contact all departments through the university's email system to publicize anonymously a need for leave donations. The name of the leave recipient will not be released in this announcement.

Leave recipients will receive salary continuation based on their full-time salary immediately preceding the commencement of their medical leave. Payments will be made through regular payroll processing. Leave benefits will be subject to all payroll taxes and other payroll deductions.

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Leave Donor Application and Approval

A staff member may submit a voluntary written request that a specified number of their accrued annual leave hours be transferred from their annual leave account to the annual leave account of a specified leave recipient.

The maximum amount of annual leave that a staff member may donate is limited to the leave donor's accrued annual leave balance. The minimum amount of annual leave that a staff member may donate is limited to seven hours.

Termination of Medical Emergency

The leave recipient will keep human resources advised of the status of the medical emergency through the short term disability process. In no case shall the donated leave exceed the approved medical emergency or the waiting period for the short term disability period, whichever is shorter.

Termination of the leave share benefit is determined by the status of the amount of leave donated to the leave recipient and not necessarily by the employee's medical condition or ability to return to work.

Unused leave donated for a specific leave recipient will be returned to the leave donor only if the Leave Donor Authorization has not yet been processed.

Leave donations are intended to be given freely, without promise of benefit and not under intimidation, coercion or threat of reprisal for failure to make the donation.

Leave recipients shall be required to reimburse leave hours donated to them if compensation is received from another source for the same period of time the employee received donated leave hours, such as worker's compensation benefits; or if human resources determines that abuse has occurred. The leave recipient may be required to repay all donated leave, and or may be subject to disciplinary action in accordance with AU's program. If repayment is required, leave payment shall be made at the current rate of the recipient, not the donor.

The university reserves the right to revise or eliminate this program as necessary.

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12.14 PRIVILEGES FOR FORMER EMPLOYEES

A member of the regular staff who terminated employment voluntarily, or as a result of position elimination due to reorganization or funding termination, and who is reemployed in a full-time position at the university within three years of the date of separation, will be entitled to earn annual leave at the rate that is appropriate for the total length of his or her previous full-time service to the university commencing on the reappointment date.

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13.0 FAMILY AND MEDICAL LEAVES (FMLA) POLICIES*

The university offers faculty and staff members the opportunity to take unpaid leave for specific family or medical related issues and military-service related events, in compliance with the District of Columbia Family and Medical Leave Act of 1990, as amended, and the Federal Family and Medical Leave Act of 1993, as amended. Family Leave refers to leave taken under specific circumstances that relate to family events. Service Member Leave refers to leave taken for a qualifying exigency or to care for a covered service member. Medical Leave refers to leave taken due to a serious health condition of the faculty or staff member. Collectively, leave under this policy will be referred to as FMLA Leave.

Eligibility*

In general, faculty and staff are eligible for FMLA Leave if they meet certain length of service and number of hours worked requirements:

Length of service: under the Federal and D.C. laws, a faculty/staff member must have worked at the university for a period totaling 12 months. Under the D.C. law, the 12-month period must be without a break in employment.

Hours of work: under the D.C. law, the faculty/staff member must have worked at least 1,000 hours during the 12-month period immediately preceding the request for leave. Under the Federal law, the faculty/staff member must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave itself. Only hours actually worked are counted toward the requirement, excluding paid or unpaid leave such as annual and sick leave.

However, all periods of absence from work due to covered service under the Uniformed Services Employment and Reemployment Rights Act are counted in the length of service and hours of work when calculating a faculty or staff member's eligibility for FMLA leave.

Applying for FMLA Leave*

When the need for FMLA Leave is known, such as for an expected birth of a child, or a planned medical treatment, faculty and staff must submit an application and supporting documentation at least 30 days in advance of the requested effective date of leave. Faculty and staff members should inform their supervisors/department chairs of their request for leave as soon as possible, and should work with human resources to review the process.

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When the need for leave is not known, faculty and staff must complete the application for leave as soon as possible. Staff must use annual leave or leave without pay until the FMLA Leave application is approved.

Length of Leave*

Length of leaves for the various types of FMLA Leave is a complicated issue due to different rules between Federal and District of Columbia laws. The amount of leave is explained in the three sections below on Family Leave, Service Member Leave, and Medical Leave. In general, under Federal FMLA law, faculty and staff are limited to a total of 12 workweeks of leave (26 workweeks in the case of leave to care for a covered service member) during any 12-month period. Under D.C. FMLA law, faculty and staff are limited to a total of 16 workweeks of Family Leave and 16 workweeks of Medical Leave during any 24-month period. In addition, D.C. and Federal FMLA Leave run concurrently with each other. In evaluating the length of eligible leave, the faculty or staff member will receive the maximum leave allowed under both laws.

13.1 FMLA FAMILY LEAVE*

Definitions*

Family Leave*

Eligible faculty and staff members may take unpaid Family Leave for the following reasons:

- the birth of the faculty or staff member's child (leave must be taken within 12 months after birth); or
- the placement of a child with the faculty or staff member for adoption or foster care (leave must be taken within 12 months after the placement); or
- the placement of a child with the faculty or staff member for whom the faculty or staff member permanently assumes and discharges parental responsibility (leave must be taken within 12 months after that placement) (under D.C. Law only); or
- the care of a family member who has a serious health condition.

*Policy also applies to part-time staff

Serious Health Condition*

A serious health condition for Family Leave is defined as a physical or mental illness, or an injury or impairment, which requires inpatient care or continuing treatment by a health care provider.

Family Member for Family Leave*

A family member under DC law includes:

- a person related by blood, legal custody, or marriage; or
- a child for whom the faculty/staff member permanently assumes and discharges parental responsibility; or
- a person with whom the faculty or staff members shares or has shared within the last year a mutual residence and maintains a committed relationship.

A family member under Federal law includes a faculty/staff member's spouse, son, daughter, or parent.

Length of Family Leave*

Under D.C. law, up to 16 workweeks of unpaid Federal Family Leave may be taken during a 24-month period. The 12 workweeks of unpaid FMLA leave in any 12-month period, to which faculty and staff are entitled under Federal law, will run concurrently with the 16 workweeks entitlement under D.C. law. A rolling 24-month or 12-month, as applicable, period measured backward from the date a faculty/staff member uses any Family Leave will be used to calculate the amount of leave a faculty/staff member is eligible for in any given 24-month or 12-month period. This means that each time a faculty/staff member takes Family Leave; the remaining leave entitlement would be any balance of the 16 or 12 weeks that have not been used during the prior 24 or 12 months.

Two family members, who work in the same office and have the same or interrelated duties, may only take a combined total of 16 or 12 weeks of Family Leave.

When medically necessary, a faculty/staff member can take Family Leave for the care of an ill family member intermittently. Intermittent means leave that is taken to accommodate conditions requiring periodic absence for medical appointments or treatments. Alternatively, with the approval of the faculty/staff member's

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supervisor/department chair and the human resources office, the leave may be taken on a reduced-schedule basis. A reduced-leave schedule is a change in the faculty/staff member's schedule over a period of several weeks or months, normally from full-time to part-time.

Coordination of Family Leave with Paid Leave*

Family Leave is unpaid leave. However, staff may substitute annual leave for their Family Leave. These days will count towards the total leave entitlement under local and Federal laws. Staff may use sick leave for Family Leave as stated in the Accrued Sick and Safe Leave Policy on the University Policies page at <http://www.american.edu/policies/>. Unless using paid leave, staff members on Family Leave do not receive paid holidays.

Faculty do not accrue paid leave. Faculty should consult with their dean and department chair regarding pay while on Family Leave.

13.2 FEDERAL FMLA FAMILY LEAVE FOR A QUALIFYING EXIGENCY AND CARE FOR AN INJURED SERVICE MEMBER*

Qualifying Exigency*

Faculty and staff members may use leave for a Qualifying Exigency if their spouse, child or parent is:

- serving in the Regular Armed Forces and being deployed to a foreign country;
- serving in the Reserves (members of the National Guard and Reserves) during deployment with the Armed Forces to a foreign country under a call of order to active duty in support of a contingency operation;
- Qualifying Exigencies include: (1) short-notice deployment, (2) military events and activities, (3) child care and school activities, (4) parental care, (5) financial and legal arrangements, (6) counseling, (7) rest and recuperation, (8) post-deployment activities, and (9) additional activities that arise out of active duty, provided that AU and the faculty or staff member agree, including agreement on timing and duration of the leave.

Military Caregiver Leave*

Eligible faculty and staff members may take leave to care for a covered service member if the covered service member is their spouse, child, parent or “next of kin” (nearest blood relative).

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Covered service member means: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (2) a covered veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness. Covered veteran is an individual: (1) who was a member of the Armed Forces (including a member of the National Guard or Reserves), (2) was discharged or released under conditions other than dishonorable, and (3) was discharged within the five-year period before the eligible employee first takes military caregiver leave to care for the veteran.

Serious Injury or Illness*

For current members of the Armed Forces, serious illness or injury is defined as a condition incurred in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating.

For covered veterans, a serious injury or illness means an injury or illness that was incurred or aggravated in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became and veteran, and is:

1. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank or rating; or
2. A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating of 50 percent or greater, and the need for military caregiver leave is related to that condition; or
3. A physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or
4. An injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

*Policy also applies to part-time staff

Length of Service Member Leave*

For a Qualifying Exigency leave, eligible faculty and staff may take up to 12 weeks of leave in any 12-month period. The 12 workweeks include all FMLA Leave taken by eligible faculty and staff during the 12-month period. For military caregiver leave, eligible faculty and staff may take up to 26 weeks of leave during a single 12-month period. The 26 workweeks include all FMLA leave taken by eligible faculty and staff members during the 12-month period. The 26-week period may be further limited if eligible faculty and staff members are spouses and who both need leave to care for an injured service member.

Coordination of Service Member Leave with Paid Leave*

Service member leave is unpaid leave. However, staff members may substitute annual leave for their service member leave. These days will count towards the 12 weeks allowed for a Qualifying Exigency or 26 weeks of leave allowed for care of a covered service member. Staff may use sick leave for service member leave as permitted by the Accrued Sick and Safe Leave Policy on the University Policies page at <http://www.american.edu/policies/>. Unless using paid leave, staff members on service member leave do not receive paid holidays.

Faculty do not accrue paid leave. Faculty should consult with their dean and department chair regarding pay while on Family Leave.

13.3 FMLA MEDICAL LEAVE*

Definitions*

Medical Leave*

Faculty or staff members who are unable to perform their job responsibilities due to a “serious health condition” can take unpaid Medical Leave. The university’s Short Term Disability benefits will run concurrently with Medical Leave for faculty and staff eligible for Short Term Disability.

Serious Health Condition*

A serious health condition for Family Leave and Medical Leave is defined as a physical or mental illness, or an injury or impairment, which requires inpatient care or continuing treatment by a health care provider.

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Length of Medical Leave*

Under D.C. law, up to 16 workweeks of unpaid Medical Leave may be taken during a 24-month period. The 12 workweeks of unpaid FMLA leave in any 12-month period, to which faculty/staff members are entitled under Federal law, will run concurrently with the 16 workweeks under D.C. law. A rolling 24-month or 12-month period, as applicable, measured backward from the date an faculty/staff member uses any Family and Medical Leave will be used to calculate the amount of leave a faculty/staff member is eligible for in any given 24-month or 12-month period. This means that each time an faculty/staff member takes medical leave; the remaining leave entitlement would be any balance of the 16 or 12 weeks that have not been used during the prior 24 or 12 months.

When medically necessary, a faculty/staff member can take Medical Leave intermittently. Intermittent means leave that is taken to accommodate conditions requiring periodic absence for medical appointments or treatments. Alternatively, the leave may be taken on a reduced schedule basis. A reduced leave schedule is a change in the staff member's schedule over a period of several weeks or months, normally from full-time to part-time. Consent of the supervisor and human resources is necessary before a faculty/staff member may begin a reduced work schedule as an alternative to intermittent medical leave.

Coordination of Medical Leave with Paid Leave*

Medical Leave is unpaid leave. However, staff may substitute accrued sick leave for their Medical Leave. Staff may also substitute accrued annual leave for Medical Leave, with permission of their department and human resources. These days will count towards the total leave entitlement under local and Federal laws. Unless using paid leave, staff on Medical Leave do not receive paid holidays.

Faculty do not accrue paid leave. Faculty should consult with their dean and department chair regarding pay while on Family Leave.

13.4 OTHER PROVISIONS RELATED TO FMLA LEAVE*

Transfer to a Temporary Position*

Where recurring periods of leave are required, the university may transfer a faculty or staff member temporarily to an available position for which the person is qualified which has an equivalent pay and benefits, and which better accommodates recurring periods of leave than the regular employment position.

*Policy also applies to part-time staff

Extension of Benefits*

Group health insurance benefits may be continued throughout the leave without pay if the faculty/staff member continues to pay his/her portion of the premiums. All other benefits cease while a faculty/staff member is on unpaid leave unless they elect to continue certain benefits through human resources and the faculty/staff member agrees to assume their full cost. Educational benefits may continue if the faculty/staff member certifies his/her intention to return to full-time active status immediately for at least 30 days after the leave has ended and agrees in writing to reimburse the university if he/she does not return to work.

Return to Work*

Upon return to work from FMLA Leave, faculty/staff members will be restored to either their original or an equivalent position (unless one of the exceptions in the law applies). Faculty and staff do not accrue employment benefits during a Family or Medical Leave. In order to return to work from Medical Leave, the university may require a “fitness-for-duty” certification from the faculty/staff member’s medical provider. American University reserves the right to obtain additional medical opinions at the university’s expense prior to permitting the faculty/staff member to return to work.

Temporary Replacement of Faculty and Staff*

A department may temporarily replace faculty and staff on FMLA Leave. Lapsed department salary may be used to cover the temporary replacement. Normal budgetary channels should be followed to determine funding requirements.

Certification of Serious Health Condition, Qualifying Exigency, and Serious Injury or Illness of Covered Service Member*

In General*

Faculty and staff must provide complete and sufficient medical or military documentation in support of a request for FMLA Leave. Failure to provide such documentation may result in the denial or delay of FMLA. The university may seek a second or third opinion of medical documentation, and may also request reasonable updates of supporting documentation. The faculty/staff member may also be required to provide documentation of the familial relationship to support Service Member leave.

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The university will promptly notify the faculty/staff member in writing if the faculty/staff member is eligible for FMLA and, if so, whether the requested leave will be counted as FMLA leave. In certain circumstances the university may designate an absence as FMLA even if the faculty/staff member did not request FMLA.

Serious Health Condition*

A faculty/staff member wishing to take leave because of the faculty/staff member's own serious health condition or that of a family member must provide human resources with timely certification of that condition by the treating health care provider. This certification must include:

1. the date on which the serious health condition began;
2. the probable duration of the condition;
3. appropriate medical facts regarding the condition; and
4. as appropriate, a statement that the faculty/staff member is needed to care for a family member (along with an estimate of the time required), or that the faculty/staff member is unable to perform his or her expected functions at work.

In the case of intermittent or reduced schedule leave due to the faculty/staff member's own serious health condition, the certification must specify the medical necessity for intermittent or reduced schedule leave and the expected duration of the intermittent or reduced schedule leave. In the case of intermittent leave to care for a family member with a serious health condition, the certification must state that the intermittent or reduced schedule leave is necessary or will assist in the family member's recovery, and must state the expected duration and schedule of the intermittent or reduced schedule leave. If the intermittent or reduced schedule leave is for planned medical treatment, the certification must state the dates on which that treatment is expected and the duration of the treatment. Failure to provide the required certification may result in the denial or delay of leave. Please contact human resources for details and to obtain a medical certification form.

Qualifying Exigency and Serious Injury or Illness of Covered Service Member*

The university will require certification of the qualifying exigency and the serious injury or illness of the covered Service Member for FMLA leave. Failure to provide the required certification may result in the denial or delay of leave. Please contact human resources for details and to obtain medical certification form.

*Policy also applies to part-time staff

No Retaliation or Interference*

The university will not discriminate or retaliate against a faculty/staff member who exercises his or her rights under the FMLA, or otherwise interfere with those rights.

Interpretation of Policy*

The provisions of this policy are intended to comply with the D.C. and Federal family and Medical Leave laws and regulations and do not grant rights less than or greater than required by law. To the extent that this policy is ambiguous or contradicts the laws or regulations, the language of the laws or regulations will prevail.

*Policy also applies to part-time staff

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TABLE 1 *

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. Second Offense: Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
Substance/Quantity		Penalty		
Any Amount Of Other Schedule I & II Substances		First Offense: Not more that 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid		Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV) 1 Gram				
Any Amount Of Other Schedule III Drugs		First Offense: Not more than 10 yrs. If death or serious bodily injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
Any Amount Of All Schedule V Drugs		First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

*Policy also applies to part-time staff

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TABLE 2*

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	<p>First Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p>Second Offense: Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants	<p>First Offense: Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p>Second Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants	<p>First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p> <p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
Hashish More than 10 kilograms	
Hashish Oil More than 1 kilogram	
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
1 to 49 marijuana plants	
Hashish 10 kilograms or less	
Hashish Oil 1 kilogram or less	

*Policy also applies to part-time staff

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APPENDIX A – DATES OF LAST POLICY REVISIONS

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1.2	Purpose of the Manual	
1.3	Affirmative Action	
1.4	Changes/Revisions	
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2.1	Definition of Full-time Employment	
2.2	Definition of Part-time Employment	
2.3	Immigration and Naturalization Service Requirements	
2.4	Affirmative Action Report	
2.5	Employment of Family Members	
2.6	Employment of Students	
2.7	Categories of Positions	
2.8	Job Posting	
2.9	Promotions, Transfers, and Demotions	
2.10	University-Initiated Transfer and Demotions	
2.11	Terms of Service	07/13
2.12	Payment of Salaries	
2.13	EEO Policies	
2.14	Affirmative Action Program Policy	07/13
2.15	Discrimination and Sexual Harassment Policy	07/99
2.16	Americans with Disabilities Act Policy	07/13
2.17	Reporting Suspected Misconduct (Whistleblower Policy)	06/06
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4.2	Work Schedule of Employees	
4.3	Flex Work Arrangement	
4.4	Participation in Educational Activities	
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Policy sections that do not have dates in the “Last Revised” column have not been revised since 1999.

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4.6	Conflict of Interest	
4.7	University Facility and Personnel Operating Status (Emergency Closing/Cancellation Procedures, Emergency Management and Continuity of Operations Plan, Departmental Emergency Operating Plans)	04/10
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5.3	Elements of the Compensation Structure	03/14
5.4	Placement of Positions within the Compensation Structure	03/14
5.5	Overview of Salary Decision-Making Process	03/14
5.6	Special Salary Actions	03/14
5.7	Maintenance of the Compensation Structure	03/14
5.8	Communication of Salary Information	03/14
5.9	Compensation for Hours in Excess of Normal Work Schedule	03/14
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6.4	Rewarding Performance	03/14
6.5	Roles and Responsibilities	03/14
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8.2	Supervisor's Responsibilities	10/12
8.3	Notice Requirements	10/12
8.4	Appeals of Separation	10/12
8.5	Reorganization/Termination of University Funding	10/12
8.6	Externally Funded Positions – Terminal Appointments	10/12
8.7	Severance Pay Plan for Staff	10/12
8.8	Definition of Supervisory Non-exempt	10/12
9.0	Complaint Policy and Procedure	10/12
9.1	Purpose	07/13
9.2	Policy	10/12

Policy sections that do not have dates in the "Last Revised" column have not been revised since 1999.

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Policy sections that do not have dates in the "Last Revised" column have not been revised since 1999.

*Policy also applies to part-time staff

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University Policy: Discrimination and Sexual Harassment Policy and Procedures

Policy Category: Institutional Policy and Procedures

Subject: Discrimination, Discriminatory Harassment, Sexual Harassment, Dating and Domestic Violence, Sexual Assault and Stalking

Office Responsible for Review of the Policy: Human Resources, Academic Affairs, Campus Life

Related University Policies: Student Conduct Code, WCL Honor Code, Faculty Manual, Staff Personnel Policies Manual, Reasonable Accommodations Grievance Procedures for Students

Related Local and Federal Laws:

- *Title VI of the Civil Rights Act of 1964* prohibits discrimination on the basis of race, color, or national origin by recipients of federal financial assistance.
 - *Title IX of the Education Amendments of 1972* prohibits sex discrimination by educational institutions (“Title IX”).
 - *Violence Against Women Act 2013* addresses violent crimes against women.
 - *Age Discrimination Act of 1975* prohibits discrimination based on age in programs or activities that receive federal financial assistance.
 - *Age Discrimination in Employment Act* prohibits discrimination based on age in employment.
 - *Title VII of the Civil Rights Act of 1964* and the *DC Human Rights Act* prohibit discrimination in employment in general.
 - *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990* prohibit discrimination against individuals with disabilities.
 - *Equal Pay Act* prohibits discrimination based on sex in the payment of wages.
-

I. SCOPE

This policy and procedure document covers all faculty, staff, and students of American University, and related third-parties (such as applicants for admission and employment, vendors, guests, and contractors) (collectively "AU Community")¹. This policy and procedure document applies to all University programs and activities. The University will address complaints related to an AU Community member’s participation in those programs and activities, regardless of whether the offending conduct occurred on or off campus. This policy and set of procedures is intended to be consistent with applicable local and federal laws and regulations.

¹ **NOTE:** Complaints by students about disability reasonable accommodation are reviewed using the Reasonable Accommodation Grievance Procedures for Students. Appeals by tenure-line and certain multi-year term faculty of unlawful discrimination relating to reappointment, promotion, and tenure are reviewed using the applicable Faculty Manual.

When several processes/procedures may be applicable in resolving a discrimination complaint, the Designated Official (See Section IV (E) below for contact information) will determine which process will be used for resolving the complaint. This is to avoid confusion about parties/facts/procedures, and to prevent duplication of resolution efforts.

II. POLICY STATEMENT

Nondiscrimination and Equal Opportunity in Employment and Education

American University is an equal opportunity, affirmative action institution that operates in compliance with applicable laws and regulations. The University does not discriminate on the basis of race, color, national origin, religion, sex, pregnancy or parenting, age, sexual orientation, disability, marital status, personal appearance, gender identity and expression, family responsibilities, political affiliation, source of income, veteran status, an individual's genetic information or any other bases under applicable federal and local laws and regulations (collectively "Protected Bases") in its programs and activities. The University expressly prohibits any form of discriminatory harassment including sexual harassment, dating and domestic violence, rape, sexual assault, sexual exploitation and stalking.

Complaint Resolution

The University will respond promptly and effectively to reports of discrimination and will take appropriate action to prevent, to correct, and if necessary, to discipline individuals who violate this policy. Members of the University Community who have relevant information are expected to cooperate with investigations of such misconduct.

Retaliation

The University prohibits retaliation against a member of the AU Community for filing a complaint of discrimination, assisting in the filing of a complaint, and/or participating in the resolution of a complaint. Retaliation includes, but is not limited to threats, intimidation, and/or adverse actions related to employment or education.

III. DEFINITIONS OF PROHIBITED CONDUCT

- A. **Discrimination.** Discrimination occurs when an individual suffers an adverse employment, academic, or other decision based on an individual's Protected Bases.
- B. **Discriminatory Harassment.** Discriminatory harassment is defined as unwanted verbal, visual, or physical conduct that denigrates or shows hostility against an individual protected by this policy (e.g. race, national origin), when the conditions outlined below in C (1) and/or C (2) are present.
- C. **Sexual Harassment.** Sexual harassment is any unwelcome sexual advance, request for sexual favors or other conduct of a sexual nature, whether verbal, graphic, physical, or otherwise, when the conditions outlined below in C (1) and/or C (2) are present.

- (1) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's education, employment or participation in other University programs and/or activities or is used as the basis for University decisions affecting the individual (often known as "*quid pro quo*" harassment); or
- (2) Such conduct creates a hostile environment. A "hostile environment" exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University's education or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. When evaluation whether a hostile environment exists, the University will consider the totality of known circumstances, including but not limited to:
 - a. The frequency, nature and severity of the conduct;
 - b. Whether the conduct was physically threatening;
 - c. The effect of the conduct on the complainant's mental or emotional state;
 - d. Whether the conduct was directed at more than one person;
 - e. Whether the conduct arose in the context of other discriminatory conduct;
 - f. Whether the conduct unreasonably interfered with the complainant's educational or work performance and/or University programs and activities; and
 - g. Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

D. Sexual Violence. Sexual violence includes acts such as rape, dating and domestic violence, sexual assault, sexual exploitation, stalking, and other forms of non-consensual sexual activity; or violence or harassment based on sexual orientation. Categories of sexual violence include, but are not limited to, the following:

- (1) **Dating Violence.** Dating violence is defined as violence or abusive behavior against an intimate partner (romantic, dating, or sexual partner) that seeks to control the partner or has caused harm to the partner (the harm may be physical, verbal, emotional, economic, or sexual in nature). The existence of such a relationship shall be determined based on consideration of the following factors:

the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship.

- (2) **Domestic Violence.** Domestic violence is defined as violence or abusive behavior against a roommate, family member, or intimate partner that causes physical or psychological injury, pain, or illness.
- (3) **Rape.** Rape is defined as any act of sexual intercourse or sexual penetration of any orifice of the body with a body part or other object that takes place against a person's will or without consent, or that is accompanied by coercion or the threat of bodily harm.
- (4) **Sexual Assault.** Sexual assault is defined as any intentional sexual touching with any object(s) or body part(s) that is against a person's will or without consent or that is perpetrated through coercion or threat of bodily harm.
- (5) **Sexual Exploitation.** Sexual Exploitation is taking sexual advantage of another, for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples include, but are not limited to: recording, photographing or transmitting sexual photos, sounds, images or other information; voyeurism; indecent exposure; prostituting or soliciting another person; inducing incapacitation to commit acts of sexual misconduct; knowingly exposing another person to sexually transmitted infection (STI) or human immunodeficiency virus (HIV).
- (6) **Stalking.** Stalking is defined as repeated, unwanted contact with any person, including contact by electronic means or by proxy, or the credible threat of repeated contact with the intent to place a reasonable person in fear for his or her safety or the safety of his or her family or close acquaintances or to inflict substantial emotion distress.

IV. POLICY PROCESS & REPORTING

The following roles and responsibilities and complaint resolution process have been established to assist the University in ensuring an educational environment and work place free from sexual harassment, discrimination, and discriminatory harassment.

- A. **Duty to Report Complaints.** AU Community members employed by the university (including student employees such as teaching assistants, resident assistants, and orientation leaders) have a duty to report Prohibited Conduct to the appropriate Designated Official (See Section IV (E) below for contact information), when they become aware of such conduct. AU Community members who have a duty to report Prohibited Conduct may be subject to discipline or corrective action for failing to fulfill this obligation.

B. Option to Report Complaints. AU students who are not employed by the University are encouraged to report complaints that they are aware of to the appropriate Designated Official or seek support from a Confidential Resource (See Section IV (D) below for contact information), but they do not have a duty to do so.

C. Complaint Resolution. Incidents reported to Designated Officials will be resolved through informal procedures or formal investigations. AU Community members are expected to cooperate in the resolution or investigation of discrimination complaints.

D. Confidential Support, Medical, and Counseling Resources for Students (“Confidential Resources”). Students are encouraged to utilize the following resources for confidential discussion and support related to sexual harassment or other illegal discrimination and its effects. Because of the confidentiality afforded to these relationships, however, students should know that these confidential resource persons are not in a position to report the discrimination to University officials or to intervene to end the misconduct. To ensure University involvement, students must report the unlawful discrimination through either the informal or formal reporting process, as detailed in this policy. Confidential Resources include:

- (1) **Victim Advocates** and all full-time Wellness Center staff – Office of Advocacy Services for Interpersonal and Sexual Violence (OASIS), Wellness Center; (202) 885-7070; OASIS@american.edu; www.american.edu/ocl/OASIS
- (2) **Professional Counselors** – Counseling Center; (202) 885-3500 (including the satellite location in the Washington College of Law); www.american.edu/ocl/counseling
- (3) **Medical Providers** – Student Health Center; (202) 885-3380; shc@american.edu; www.american.edu/ocl/heathcenter
- (4) **Ordained Clergy** – Kay Spiritual Life Center; (202) 885-3320; kslc@american.edu; www.american.edu/ocl/kay

E. Designated Officials and Where to File a Complaint. The below University officers are charged with resolving discrimination complaints and ensuring the University’s compliance with this policy and civil rights laws related to Title IX, equal opportunity, and non-discrimination.

Responsibilities – Type of Complaints Handled by Designated Official	Designated Officials – Where to File a Complaint
<ul style="list-style-type: none"> • Resolves Title IX complaints filed against students (including WCL) • Oversees the University’s Title IX compliance <p><i>Title IX covers sex- and gender-based discrimination, sexual harassment, and all forms of sexual violence</i></p>	<p>Regina Curran, Title IX Program Officer Office of Campus Life, American University www.american.edu/titleix Phone (202) 885-3310 or (202) 885-3373 Email TitleIX@american.edu</p>

Responsibilities – Type of Complaints Handled by Designated Official	Designated Officials – Where to File a Complaint
<ul style="list-style-type: none"> • Resolves non-Title IX discrimination complaints filed against students • Serves as Deputy Title IX Program Officer for student matters 	<p>Rob Hradsky, Dean of Students Office of Campus Life, American University www.american.edu/ocl/dos Phone (202) 885-3300 Email dos@american.edu</p>
<ul style="list-style-type: none"> • Serves as Deputy Title IX Program Officer and 504 Coordinator for WCL student matters 	<p>David Jaffe, WCL Dean of Students Washington College of Law, American University www.wcl.american.edu Phone (202) 274-4052 Email djaffe@wcl.american.edu</p>
<ul style="list-style-type: none"> • Resolves discrimination complaints against staff, university administrators (including University President and other executive staff), university guests or contractors • Serves as Deputy Title IX Program Officer, EEO Officer and 504 Coordinator for staff matters. 	<p>Beth Muha, Assistant Vice President, Office of Human Resources, American University www.american.edu/hr Phone (202) 885-2591 Email employeerelations@american.edu</p>
<ul style="list-style-type: none"> • Resolves discrimination complaints against faculty members, faculty administrators, or individuals carrying out teaching responsibilities • Serves as Deputy Title IX Program Officer, EEO Officer and 504 Coordinator for faculty matters 	<p>Mary Clark, Dean of Academic Affairs Office of the Provost, American University www.american.edu/provost/academicaffairs Phone (202) 885-2125 Email deanofacademicaffairs@american.edu</p>
<ul style="list-style-type: none"> • Resolves disability reasonable accommodation complaints filed by students (these complaints will be resolved by using the Reasonable Accommodation Grievance Procedures for Students (which is separate from this Policy)). • Serves as the University’s 504 Coordinator for student matters. • Oversees the University’s compliance with local and federal laws related to the protection of persons with a disability 	<p>Katie Porras, Director of Student Conduct and Conflict Resolution Services Office of Campus Life, American University www.american.edu/ocl/sccrs Phone (202) 885-3328 or (202) 885-3300 Email conduct@american.edu</p>

In addition to the above duties, the Designated Officials will:

- (1) Investigate Title IX and/or other discrimination complaints.
- (2) Coordinate, plan, and manage the discrimination, discriminatory harassment, sexual harassment, dating and domestic violence, rape, sexual assault and stalking education and training programs, including bystander intervention. The programs will include wide dissemination of this policy to the University Community; provide educational materials to promote compliance with the policy and familiarity with reporting procedures; and training University employees responsible for reporting or responding to reports of discrimination.
- (3) Develop and implement consistent procedures to provide for prompt and effective response to reports of discrimination in accordance with this policy.
- (4) Coordinate the maintenance of records of reports of discrimination complaints and actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary action, as appropriate.
- (5) Identify and address patterns or systemic problems of discrimination.
- (6) Answer questions and be available to meet with students, employees, and others about this policy.
- (7) Submit a confidential annual report to the Office of the President on aggregate data of discrimination complaint activity during the preceding academic year that comports with the confidentiality requirements of this policy.
- (8) Conduct periodic campus climate surveys.
- (9) Receive periodic training on issues related to Prohibited Conduct and how to conduct an investigation process that promotes accountability, equity and fairness.

Additional information about civil rights laws pertaining to education and employment are available on the website of the U.S. Department of Education, Office for Civil Rights ("OCR") at <http://www2.ed.gov/about/offices/list/ocr/index.html>, the Equal Employment Opportunity Commission at <https://www.eeoc.gov/eeoc/>, and the DC Office of Human Rights at <https://ohr.dc.gov/page/about-ohr>.

F. INITIATING A COMPLAINT & COMPLAINT PROCEDURES

Community members who feel that they have been subjected to Prohibited Conduct ("Complainant") may file a complaint with the University as described below. A complaint should be filed as soon as possible, but no later than one year after the date the alleged discrimination occurred. Timely complaint filing gives the University the best chance to resolve the problem. A delay in filing a complaint may severely limit available remedies. The University may extend this time frame for good cause, such as illness, incapacity, or other circumstances beyond a Complainant's control.

The specific procedures for reporting, investigating, and resolving Prohibited Conduct are based upon the nature of the Respondent's (the individual accused of violating this Policy) relationship to the University (student, staff, or faculty)² but all referenced procedures, whether for students, staff, or faculty, generally follow STEP ONE, STEP TWO, AND STEP THREE described below.

² For students, all procedures, including sanctions and appeal, are detailed in the [Student Conduct Code](#). For staff, Human Resources will take action in accordance with the [Staff Personnel Policies Manual](#) Disciplinary Policy. For Faculty, the Provost's Office will take action in accordance with the [Faculty Manual](#) Disciplinary Procedures.

The procedures provide for a thorough and impartial investigation that afford all parties notice and opportunity to present evidence in determining whether a policy violation has occurred. The University applies the preponderance of evidence standard in determining whether this policy has been violated. Preponderance of evidence means it is more likely than not that a policy violation occurred.

1. *STEP ONE (Where to File/Report a Complaint and Estimated Resolution Timelines).*

Notify Designated Official. Notify the appropriate [Designated Official](#) (listed above) as quickly as possible of violations of this policy.

Option to File a Criminal Report. Simultaneous to pursuing resolution through the University's internal process, the Complainant may also file a criminal report with the Metropolitan Police Department or the appropriate law enforcement agency for any criminal conduct. The University will not delay its investigation if criminal charges are filed. At the request of law enforcement authorities, however, the University may postpone the University investigation and proceeding while the authorities gather evidence.

Interim Measures. Once a complaint has been reported and until the resolution of the matter, the Designated Official may take interim measures to ensure safety and non-retaliation for all parties. Examples of interim measures include separation of the parties, no-contact directives, and alternative academic or housing arrangements.

Advisors. In cases of sex- and gender-based discrimination, sexual harassment, and sexual violence, the Complainant and the Respondent may be advised and accompanied by advisors of their choice during any meeting related to the complaint. In all other cases, advisors are allowed in accordance with the relevant procedures. The advisor may not participate directly in any meeting or contact the Designated Official.

Estimated Timeline for Resolution for Title IX Complaints. At the initial meeting with the Complainant, the Designated Official will explain the resolution procedures that are identified below. The University strives to complete resolution of complaints within 60 days from when the University has notice of the grievance. However, during winter breaks and summer sessions, when witnesses may not be available or disciplinary panels cannot be convened, the case is complex, or other comparable situations, the 60-day timeframe may be adjusted to accommodate these circumstances. Where the estimated timeline cannot be adhered to, the Designated Official will notify the parties and provide an anticipated completion date. The 60-day time frame does not include the time needed for the University to process appeals.

2. *STEP TWO (Informal Resolution).* The University encourages, but does not require, informal resolution when possible. The Designated Official may elect to bypass the informal procedures because of the severity of the allegation or complexity of the complaint.

Informal Resolution. The goal of informal resolution is to resolve concerns at the earliest stage possible, with the cooperation of all parties involved. Informal resolution may include

inquiry into the facts, but typically does not include a formal investigation. These informal efforts may include addressing the Respondent directly; participating in a facilitated meeting with the appropriate University official; or participating in mediation. The informal resolution could include by way of example: separating the parties; referring the parties to counseling; conducting targeted educational and training programs; or providing remedies for the individual harmed by the alleged discrimination. If the matter is resolved informally to the satisfaction of all parties, the Designated Official shall maintain a record of the complaint and its resolution. Informal resolution is not appropriate for complaints of sexual violence.

3. ***STEP THREE (Formal Resolution)***. If informal resolution is unsuccessful or not appropriate as determined by the Designated Official, the Complainant, or the Respondent, a formal complaint may be filed with the Designated Official for investigation.

Investigation. Depending on the nature of the allegations, the investigation could include interviews with the Complainant, the Respondent and/or witnesses; review of written documentation and relevant policies; review of evidence; and any other steps necessary to thoroughly investigate the allegations. During the investigation, the Complainant and Respondent will have an equal opportunity to identify witnesses and evidence that the Designated Official (or designee) may consider.

Resolution. At the conclusion of the investigation, the Designated Official will issue simultaneous, written notifications of the outcome of the investigation to the concerned parties, including referral to the appropriate disciplinary procedures. The range of sanctions includes, but is not limited to a written censure, a ban from specific areas of campus, loss of specific privileges, community service, transfer or loss of on-campus housing privileges, disciplinary probation, mandatory training, suspension, dismissal and disciplinary action up to and including termination from employment.

V. FALSE OR FRIVOLOUS CHARGES

The University encourages good faith reporting of violations of this policy. This policy shall not be used to bring false or frivolous charges against students, faculty, or staff. Those bringing such charges may be subject to disciplinary action. Failure to prove a complaint, does not itself constitute a false or frivolous complaint.

VI. CONFIDENTIALITY & THE UNIVERSITY'S OBLIGATION TO RESPOND TO COMPLAINTS

The University will maintain the confidentiality of information shared throughout the complaint process. However, disclosures may be required for the purpose of fact-finding or efforts to resolve the complaint. In the limited instances where disclosures must be made by the University, disclosures will be limited to those persons necessary to proceed in the fact-finding process or to otherwise address the grievance. All persons involved in the grievance will be advised of the importance of confidentiality throughout the process.

In some cases, Complainants may request that their names be kept confidential and that the University take no action on their discrimination report (“confidential reporting”). The relevant

Designated Official will evaluate each request and advise the Complainant that “confidential reporting” will limit the University’s ability to respond fully to the matter, including pursuing disciplinary action against the Respondent. Nevertheless, in most instances, the University will honor such confidentiality requests unless to do so would impede its ability to provide a safe and nondiscriminatory environment for the AU Community.

VII. RECORDS

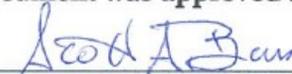
Records of informal and formal complaints will be maintained by the Designated Official who received and handled the complaint. Complaints against faculty, staff, or students that result in a personnel or disciplinary action will also be a part of the respondent’s personnel or disciplinary record. All records are confidential with access only to individuals with a legitimate need to know. Records of complaints will be kept on file in accordance with the University’s Records Retention and Disposal Policy.

VIII. EFFECTIVE DATE

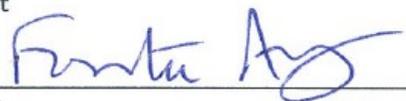
This Policy was approved August 1, 2011 and amended August 1, 2014, August 31, 2015 and August 31, 2017. Replaces Faculty Sexual Harassment Policy, Student Sexual Harassment Policy, Staff EEO Policy, Staff Sexual Harassment Policy, University-Wide Discrimination and Discriminatory Harassment Policy.

IX. SIGNATURE, TITLE AND DATE APPROVED

This document was approved and signed by



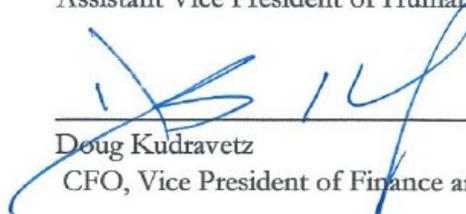
Scott A. Bass
Provost



Fanta Aw
Vice President of Campus Life



Beth Muha
Assistant Vice President of Human Resources



Doug Kudravetz
CFO, Vice President of Finance and Treasurer

On September 1, 2017

**University Policy: Missing Student Notification****Policy Category: Student Policy****Subject: Notification Procedure for Missing Resident Students**

Office Responsible for Review of this Policy: Office of Campus Life, Office of Finance and Treasurer

Procedures: n/a

Related University Policies: n/a

I. SCOPE

This statement establishes the policy and procedures for the AU community regarding the reporting, investigation, and required emergency notification when a Residential Student is deemed to be missing. While the scope of policy is directed primarily to Residential Students and the staffs of Campus Life and Public Safety, all members of the AU community including students, faculty, and staff share the responsibility of reporting to designated university officials when they believe that a student is missing.

II. POLICY STATEMENT

The safety of students living on campus is of utmost priority for American University. To this end, this policy is established to assist in locating AU students living in on-campus housing who, based on the facts and circumstances known to AU, are determined to be missing. This policy is in compliance with the missing person provision of the Higher Education Opportunity Act of 2008.

III. DEFINITIONS

A. Residential Student - A student who resides in on-campus housing under an AU licensing agreement and is currently enrolled at the university.

B. Missing - For purposes of this policy, a Residential Student is presumed missing if he or she is overdue in reaching home or campus for more than 24 hours past their expected arrival and a check of their residence supports that determination. A residential student may be considered missing if he or she is overdue in reaching home, campus or another specific location past their expected arrival, or any additional factors which lead university staff to believe he or she is missing, and a check of their residence supports that determination.

IV. POLICY

In General

American University will notify all Resident Students of the provisions of the Missing Student Notification Policy and will actively investigate or assist in the investigation of all missing student reports involving Resident Students. The missing person contact(s) (and custodial parent or guardian in the event a student is under age 18) will be notified within 24 hours of the student's determined to be missing.

Designation of Emergency Contact by Resident Students

On an annual basis, each resident student, upon applying/registering for campus housing and/or checking into his/her residence hall room, has the option to confidentially register an emergency contact ("missing person contact") for American University to notify, within 24 hours, of when the student has been determined to be missing. The missing person contact information will be registered confidentially and will be accessible only to authorized University officials and will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

The missing person contact may be in addition to the general purpose emergency contact provided during the residence hall check-in process.

If a missing person contact is not formally declared, the University will notify the general purpose emergency contact.

If a student is under age 18 and non-emancipated, the student's custodial parent or guardian (in addition to any designated missing person contact) will be notified in the event the student is deemed missing.

Procedures for Reporting and Notification Regarding Missing Students

Individuals who have reason to believe that a student is missing should immediately report their concerns to Public Safety at 202-885-3636. Public Safety will engage appropriate residence hall and other university staff in immediate efforts to locate the student. These efforts may include but are not limited to:

1. Contact the student via his or her telephone, email
2. Check student's residence hall room, determine if student has been in class, determine if ID card has been used, and make a reasonable attempt to locate the student's vehicle (if any)
3. Check with roommates, friends, members of the residential community and others who may have relevant information

If a student who has been reported missing is not located within 24 hours, as determined in consultation with Public Safety, the following will occur:

1. The Dean of Students or designee will notify the student's designated missing person contact, general purpose emergency contact, and/or the custodial parent or legal guardian,) as appropriate.
2. Public Safety will notify law enforcement agencies, including the DC Metropolitan Police Department, coordinate its investigation with outside law enforcement agencies and continue its efforts to locate the student.

If, in the course of this investigation, foul play is evident or strongly indicated or other compelling circumstances exist, law enforcement will be contacted immediately.

Notification of Policy

Notification of this Policy will be made directly to all student residents in campus housing annually through its inclusion in American University's Annual Security Report and through the residence hall registration process.

V. EFFECTIVE DATE(S)

This Policy is effective June 1, 2009.

Revised July, 2010; October, 2014.

Reviewed September 2016.

Frequency of review and update: This policy is reviewed biennially unless changes in laws or university business needs require a different review/revision schedule.

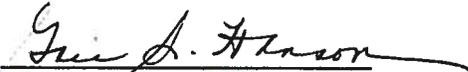
VI. SIGNATURE, TITLE AND DATE OF APPROVAL

This policy needs to be signed by the appropriate officer (listed below) before it is considered approved.

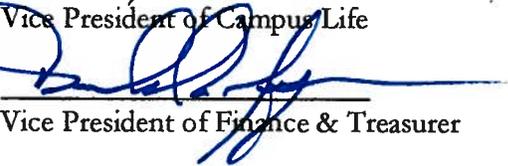
Approved:



President



Vice President of Campus Life



Vice President of Finance & Treasurer

Date approved:

University Policy: Policy on Alcohol Service at University Events

Policy Category: Student Policies, Administrative Policies

Subject: Alcohol service at university events

Office Responsible for Review of this Policy: Office of Campus Life, Office of the Provost, Office of Finance and Treasurer

Procedures: Alcohol Approval Form (Please contact the office of Student Activities, University Center, or Procurement and Contracts to obtain an alcohol approval form)

Related University Policies: Employee Alcohol and Drug Policy found in the American University Staff Personnel Policy Guide, Advertising Policy, Posting Policy, Tavern Programming Guidelines, and the AUTO Van Request and Charter Manifesto.

I. SCOPE

This policy establishes guidelines for alcohol service at University sponsored events.

II. POLICY STATEMENT

American University is committed to maintaining a healthy and safe academic environment that reflects high standards of personal responsibility and behavior. Alcohol abuse will not be tolerated under any circumstances. This policy permits the responsible use of alcohol in moderation by persons of legal drinking age and in accord with these guidelines.

III. DEFINITIONS

University Sponsored Events – Events hosted by the University, whether the event is held on or off university premises.

University Premises – buildings and grounds owned, leased, operated, controlled, or supervised by the University.

IV. POLICY

A. Authorization Requirements

1. The president, provost, dean, vice provost or appropriate vice president must authorize, in advance, alcohol service for all university events, whether the events are held on or off university premises.
 2. The president, provost, dean, vice provost or appropriate vice president must authorize the expenditure of university funds to purchase alcohol for approved events.
- B. General Requirements
1. Consumption of alcohol is prohibited on university premises except as authorized by this policy.
 2. Possession of alcohol is prohibited in university residence halls, Bender Arena, and at open-air events.
 3. Advertising that highlights the availability of alcohol at an event is prohibited.
 4. University officials reserve the right to check proof of age at university events.
 5. University officials can deny admission, alcohol services, or continued attendance at a university event to anyone who, in the sole judgment of the officials, is intoxicated.
 6. Food or snacks and nonalcoholic beverages must be available at university events where alcohol is served.
 7. One-price, all-you-can-drink arrangements are prohibited.
 8. Bring-Your-Own-Beverage (BYOB) arrangements are prohibited.
- C. Legal and Risk Management Requirements
1. Alcohol service on university premises is limited to beer and wine.
 2. Alcohol service off university premises must comply with the vendor's license.
 3. The vendor's license for university dining service permits the service of beer and wine in any university venue.
 4. A District of Columbia permit is required to serve beer and wine at approved events on university premises that are not covered by the vendor's license for university dining services. A permit is also required for approved university events at which alcohol is sold or an admission fee is assessed in any form. The alcohol vendor is responsible for obtaining the permit.
 5. Non-university vendors must provide a certificate of insurance with a minimum of \$1 million in liquor liability coverage. The certificate should accompany the alcohol approval form.
 6. All contracts must have the appropriate signatures prior to approved university events being held. If alcohol will be served at an event, a copy of the signed alcohol approval form, liquor license, District of Columbia permit when applicable, and certificate of insurance when applicable must accompany the contract.

D. Additional Information

1. Faculty and Staff may obtain an Alcohol Approval Form in the offices of Student Activities, University Center, and Procurement and Contracts and through my.american.edu on the [Controller's Office Forms & Resources page](#). Students can obtain the form in the office of Student Activities.
2. Questions about the Alcohol Policy should be directed to the Office of the Vice President of Campus Life (x3310) or to the Office of the Provost (x2127).
3. The university reserves the right to amend this policy in accordance with the law, community standards, or the best interests of the university.

E. University Sanctions for violating the Alcohol Policy can be found in the Staff Manual posted on my.american.edu and in the Student Handbook posted on www.american.edu/policies.

V. EFFECTIVE DATE

Last revised May 2005; October 2010

VI. SIGNATURE, DATE, AND APPROVAL

This policy needs to be signed by the appropriate officer (listed below) before it is considered approved

This document was approved and signed by

Scott Bass
Provost

Gail Hanson
Vice President of Campus Life

Donald Myers
Vice President of Finance



University Policy: Policy on Clery Timely Warning Notices, Safety Advisories and Emergency Notification

Policy Category: Public Safety

Subject: Issuing Clery Act Timely Warning Notices and Safety Advisories

Office Responsible for Review of this Policy: Office of Finance and Treasurer

Procedures: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)

Related University Policies:

I. SCOPE

This policy addresses the criteria and process for issuing Clery Act Timely Warning Notices to the American University Community.

II. POLICY STATEMENT

The University takes its duty seriously to inform students and campus community members of threatening situations and how they can best protect themselves from harm.

The purpose of this policy is to identify the means by which the American University community will be informed about certain categories of criminal activity occurring on campus, in or on non-campus buildings or property, or on public property, as defined below, when these activities are considered to be an ongoing threat to the campus community.

III. DEFINITIONS

Clery Act: A federal statute that requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. The Act requires notification to students and employees whenever there is a threat that a serious crime is ongoing or may be repeated. Compliance is monitored by the United States Department of Education, which can impose civil penalties, up to \$35,000 per violation, against institutions for each infraction and can suspend institutions from participating in federal student financial aid programs.

On-Campus: (1) Any building or property owned or controlled by American University (AU) within the same reasonably contiguous geographic area and used by AU in direct support of or in a manner related to its educational purposes, including residence halls; and (2) any building or property that is within or reasonably contiguous to the area identified in

(1), that is owned by AU but controlled by another person, is frequently used by students and supports AU's educational purposes (such as a food or other retail vendor.)

Non-Campus Buildings or Property: (1) Any building or property owned or controlled by a student organization that is officially recognized by AU; or (2) any building or property owned or controlled by AU that is used in direct support of or in relation to AU's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of AU.

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

Clery Act Timely Warning Notice: American University issues Crime Alerts to fulfill the Timely Warning component of the Clery Act. Information on crime-related and other potentially threatening conditions provided in an accurate and timely fashion for use by students and other University community members to reduce their chances of becoming victims. These notices are specifically related to compliance with the federal Clery Act. Types of incidents or situations that may require the issuance of a Clery Timely Warning Notice include, but are not limited to:

- Criminal homicide (including nonnegligent and negligent manslaughter)
- Sex offenses (forcible/nonforcible)
- Aggravated Assault
- Burglary (occupied rooms/offices)
- Motor vehicle theft
- Arson
- Robbery
- Hate Crimes
- Domestic Violence
- Dating Violence
- Stalking

Safety Advisories: American University issues Safety Advisories to notify students and employees when it is determined that there is a string of criminal activity, usually property crime related or other criminal activity that is not subject to the timely warning standard required by the Clery Act. Examples of situations that may generate the decision to issue a Safety Advisory include, but are not limited to:

- Burglaries (unoccupied rooms/buildings/structures)
- Minor thefts
- General criminal activity (fraudulent use of credit cards/forgeries)
- Vandalism

Emergency Notifications: American University issues Emergency Notifications to students and employees upon confirmation of a significant, dangerous situation, incident or

crime, posing an immediate threat to the campus community and/or the surrounding area. Examples of such situations may include, but are not limited to:

- Active Shooter
- Gas Leak
- Earthquake
- Armed Intruder
- Outbreak of serious illness
- Power Outage/Water Emergency

Campus Security Authority: University officials with significant responsibility for student and campus activities, campus police, or the local police.

IV. POLICY

The Clery Act identifies specific crimes that require a timely warning notice to be issued when crimes are reported to a Campus Security Authority and the reported crime is believed to have occurred on campus, in or on non-campus buildings or property, or on public property, as defined herein. It is the policy of American University to provide timely notice of continuing threats, especially concerning safety, to enable community members to protect themselves. The warning will be issued as soon as pertinent information is available. Issuing a timely warning shall be decided on a case-by-case basis in light of all of the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community, date of disclosure and the possible risk of compromising law enforcement efforts. Generally, the warning will specify the type of reported crime, the time and location at which the reported crime occurred, and specific advice to the campus community regarding steps to take to avoid becoming a victim. Timely Warnings will never disclose the name or any identifying characteristics of a crime victim.

Timely Warnings and Safety Advisories may be disseminated to campus community members through one or a combination of the following methods:

- Email
- Text messaging to cell phones
- Paper Flyer Postings
- University Police website
- Other methods deemed necessary to disseminate the information

Emergency Notification will be issued without delay and taking into account the safety of the community. American University will determine the content of an Emergency Notification and initiate the notification system, unless the aforementioned notification will compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

The university operates a campus notification system, AU Alert, which will provide immediate notification and updates to students, faculty, and staff, with information and instructions. Public Safety will use this system to notify the campus community of the nature of the emergency and procedures to follow.

Emergency Notifications may be disseminated to campus community members through a variety of methods to include:

- Email
- In-building alarm systems
- Text messaging to cell phones
- Outdoor Speaker Systems
- Wall-mounted beacons
- Desktop Alerts
- University Police website
- Other methods deemed necessary to disseminate the information

The decision to issue a Clery Timely Warning Notice, Safety Advisory or Emergency Notification is made at the sole discretion of the Executive Director of University Police and Emergency Management or his/her designee. This policy is published in American University's Annual Security Report issued and distributed each Fall semester.

V. EFFECTIVE DATE(S)

This Policy is effective May 1, 2015.

VI. SIGNATURE, TITLE AND DATE OF APPROVAL

This policy needs to be signed by the appropriate officer (listed below) before it is considered approved.

This document was approved and signed by

Doug Kudravetz
CFO, Vice President of Finance and Treasurer

on May 1, 2015