

Albany College of Pharmacy and Health Sciences Vermont Campus

2020 Annual Security and Fire Safety Report

October 1, 2021

In November 1990, the Student Right-to-Know and Campus Security Act was signed into law (Public Law 101542 as amended by Public Law 102-26 and The Higher Education Amendments of 1992). This law, known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, requires educational institutions to publish and distribute an annual security report containing campus security policies and procedures as well as campus crime statistics. The Higher Education Act of 2008 created additional requirements to disclose policies related to fire safety, missing persons, and emergency notification. In 2013, the reauthorization of the Violence Against Women Act further expanded the requirements for policies and crime data collection. This document is published and distributed to the students and employees of The Albany College of Pharmacy and Health Sciences, Vermont Campus, in compliance with this act.

Public Safety Services

The Vermont Campus is monitored by the following technologies:

- A closed-circuit television system that places cameras at a number of locations, both inside and outside, around campus. The cameras are monitored in the UHA dispatch center, and in the Vermont Security Office, and they are recorded for investigatory and evidentiary purposes.
- A proximity card access to exterior doors of buildings that notifies Public Safety when doors are opened outside of normal business hours or when they are propped open.
- *Send Word Now*, an emergency text messaging system that the College uses to communicate vital information to the ACPHS community in the event of an emergency. *Send Word Now* allows students, staff, and faculty to register multiple cellular phone numbers and email addresses to which emergency messages and instructions will be sent.

Concerns may be reported to:

Colchester Police Department	911 or 802-264-5555
University Heights Association Public Safety	518-244-3177
Director of Student Affairs Jennifer Payne	802-735-2688

Reporting Criminal Activity, Emergencies and Suspicious Behavior

All students, staff and faculty of the Albany College of Pharmacy and Health Sciences Vermont Campus are encouraged to immediately report any criminal activity, emergency or hazardous situation or suspicious person or behavior as follows:

- Criminal activity and emergencies should be reported to the Colchester Police Department at 911 or 802-264-5555.

In the event that the victim of a crime is unable to report it, anyone with knowledge of the crime is encouraged to report it to any Campus Security Authority.

Community members may also report criminal offenses to the following College administrators, who have been designated as Campus Security Authorities:

Director of Student Affairs Jennifer Payne

802-735-2688

Voluntary Confidential Reporting

If you are the victim of a crime and do not want to pursue action within the ACPHS judicial process or within the criminal justice process, you may want to consider making a confidential report. With your permission, the Director of Public Safety will file a report recording the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the incident confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep accurate records of the number of incidents involving students and staff, determine if and where there is a pattern of crime, and alert the ACPHS community to a potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Response to Reports

Victims, witnesses and any other persons affected by criminal activity are encouraged to report that activity as described above:

To the Colchester Police Department, at 911 or 802-264-5555.

To a Campus Security Authority or Director of Student Affairs Jennifer Payne at 802-735-2688.

Accurate and timely information is essential to the investigation of any incident.

It is the policy of the Albany College of Pharmacy and Health Sciences to investigate all crimes, complaints and incidents reported. It may also proactively investigate any activity or situation of potential hazard or criminality.

When a complaint or report of criminal activity is reported, it is investigated immediately. Depending on the needs of the Colleges, the wishes of the complainant and the severity of the crime, it may also be referred to the appropriate local, state, or federal law enforcement agencies.

The College will also investigate reports of non-criminal activity that violates College policy.

Disclosing Information to the Community

Information related to reported crime and emergencies is essential to a safe campus. The College has several means of sharing this important information with the community.

In the event of a serious incident that poses an immediate threat to members of the community, a message will be disseminated through the *Send Word Now* emergency system advising people of the incident and providing instructions that should be followed. This system will be used for “all hazards”, regardless of the nature of the incident. It may be used for crimes, weather emergencies, hazardous material incidents, terrorist incidents or natural disasters. *Send Word Now* will also be used to update the community and provide an “all clear” message when the incident has been resolved.

The College will also provide “timely warnings” when crimes occur that pose a continuing threat to members of the community. A continuing threat occurs when a suspect in a crime is not yet identified or is identified but remains at large. These warnings are generally shared by email, voicemail, Blackboard announcement or by posted flyers. In the event that a threat is both immediate and continuing, *Send Word Now* may also be used.

All crimes reported to the College will be recorded in the crime log, which is available to the public in the Administrative Offices, Room 102. This chronological log of crime on campus is updated each business day and shows crimes occurring over the most recent 60 days. It contains information such as the nature of the crime, its location, date and time, and the disposition of the case.

Other sources of information about crimes and fires include the following tables in this document: Crime Statistics, Hate Crimes and Fires. Incident reports may be available to the community in the Administrative Offices, Room 102, contingent upon confidentiality requirements and the need for investigative integrity. The US Department of Education also offers this information for all colleges and universities in the country. It is available at [Security Survey](#).

Emergency Notification and Evacuation of the ACPHS Community

In the event of an emergency requiring immediate action, ACPHS will notify the community and provide instructions as soon as a timely assessment of the situation allows. A *Send Word Now* message will be crafted and sent, , and a global voicemail *and email* will be delivered. Depending on circumstances, a room by room verbal notification may be made. Each of those information delivery systems is practiced and tested once each semester.

Administrators authorized to issue these emergency notifications are:

Director of Student Affairs Jennifer Payne
Vice President for Administrative Operations Packy McGraw
Vice President for Student Affairs John Felio
Director of Residence Life Alison Buckley

Coordinator of Administrative Operations Kristen Ruby
Director of UHA Public Safety Bob Sears

Evacuation is practiced. Every classroom and office have evacuation routes prominently displayed.

Building Access

The Vermont Campus of the Albany College of Pharmacy and Health Sciences opens at 7:30AM and closes at 5:30PM Monday through Friday. That schedule may be modified as needed, such as during vacation periods, holidays and the summer semester. Outside those hours, access is controlled electronically according to the needs of individual members of the community.

Safety and Crime Prevention Programming

Safety and Crime prevention programming is available through the University Heights Association Office of Public Safety.

Alcohol and Drug Policies

The Drug Free Schools and Communities Act of 1989 requires that institutions of higher education receiving certain funding adopt and implement a drug and alcohol abuse prevention program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by all students and employees on school premises or as part of any of its activities. It is distributed annually to all students and employees and is subject to biannual review in December of even numbered years.

The Albany College of Pharmacy and Health Sciences strongly encourages self-reporting of nicotine, alcohol and other drug abuse. Resources exist to assist and support individuals that have recognized this issue and have come forward seeking help. The College provides counseling services through the UVM Medical Center to address the mental health issues that typically underlie substance use and abuse, as well as recommending and coordinating services with licensed substance abuse treatment centers throughout Chittenden County. Additionally, the College supports the Initiative on Substance Abuse Prevention (ISAP) Committee, which is comprised of students, faculty, and staff and has the mission of providing educational and preventive outreach throughout the ACPHS Community. Initiatives include the annual Substance Abuse Awareness Week as well as providing workshops and having information available for groups and individuals in a variety of formats. The College provides the broadest level of confidentiality allowed. Individuals seeking voluntary assistance prior to allegations of policy violation may be subject to alternative steps and sanctions than those in place for persons who are alleged to be in violation of the policy.

If an ACPHS student is alleged to be in violation of these policies, in accordance with the Student Disciplinary Code they may be required to meet with the Director of Counseling and Wellness (or other licensed professional) for an assessment. Based upon that assessment, the Director of Counseling and Wellness (or designee) can recommend additional interventions/evaluations to be completed by an approved licensed agency at the individual's expense. Additional action may be required when allegations involve illegal or controlled substances. Note: These steps represent those taken following an allegation of illegal substance use

and do not necessarily apply to individuals who are voluntarily seeking services prior to an allegation or policy violation.

Sexual Assault, Sexual Harassment, Relationship Violence, Stalking and Misconduct Policies & Procedures for Students and Employees

This policy is continuously reviewed and revised, to reflect changes and compliance requirements put forward by the Department of Education Office of Civil Rights and the Department of Justice Violence Against Women Act. The college's Title IX policies and procedures can be found on the college's website, <https://www.acphs.edu/students/title-ix>

Prohibited Acts

The Albany College of Pharmacy and Health Sciences (ACPHS) is committed to creating and maintaining a safe environment for all of its students and employees. All forms of sexual misconduct offenses and other non-consensual sexual contact by members of the ACPHS community is strictly prohibited. This includes any acts of sexual assault, domestic violence, dating violence, and stalking. In the event that a sexual assault, act of stalking, dating violence, or domestic violence does occur, ACPHS considers it both a violation of College policy and a violation of law. Violation of these policies will result in a responsive action, as prescribed under Title IX including an investigation of what occurred; action to stop the prohibited conduct; support for the victim of the conduct and, as necessary, for the broader community; and action to reasonably prevent the reoccurrence of the behavior. This may result in possible suspension, dismissal or termination from the College. ACPHS will apply the provisions of this policy regardless of whether the sexual assault, act of stalking, dating violence, or domestic violence occurs on campus or off campus. ACPHS will also apply the provisions of this policy when the sexual harassment, sexual assault, act of stalking, dating violence, or domestic violence occurs while a student or employee is participating in a study abroad program.

Non-discrimination

As stated in the College's Student Handbook, ACPHS applies the protections set forth in these policies and procedures regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

Students may exercise civil rights and practice religion without interference by ACPHS's investigative, criminal justice, or judicial or conduct process.

Definitions of Individuals:

Accused – a person accused of a violation who has not yet entered ACPHS's judicial or conduct process.

Bystander – a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of ACPHS.

Reporting Individual/Complainant – a victim, survivor, complainant, claimant, or witness with victim status.

Respondent – a person accused of a violation who has entered ACPHS’s judicial or conduct process.

Definitions of Behavior

Crime of Violence – murder, sexual assault, domestic violence, dating violence, stalking, robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, and arson.

Incapacitated Sex

To have sex with someone whom you know to be, or reasonably should know to be, incapable of making a rational, reasonable decision about a sexual situation is a violation of ACPHS policy, New York State Law, and Vermont State Law. Incapacity to make rational decisions about a sexual decision might result from the taking of a date rape drug, other drugs, alcohol, or as a result of illness. Intoxication on the part of the initiator is not an excuse for the violation of this policy or the law.

Relationship Violence

Relationship violence is a pattern of coercive behaviors that serve to exercise control and power in an intimate relationship. The coercive and abusive behaviors can be physical, sexual, psychological, verbal and/or emotional in nature. Intimate partner abuse can occur in relationships of the same or different genders; between current or former intimate partners who have dated, lived together, or been married. Relationship violence includes both domestic violence and dating violence.

Under the Clery Act regulations:

- domestic violence is defined as felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or New York and Vermont family violence laws, or by any other person against an adult or youth victim who is protected from that person’s acts under New York or Vermont domestic or family violence laws.
- dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Under Vermont law, it is unlawful to attempt to cause or to willfully or recklessly cause bodily injury to a person one is dating or has dated, or to willfully cause such person to fear imminent serious bodily injury.

Under New York law, domestic violence is generally defined as a pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the

victim. There is no specific crime of “domestic violence” under New York State law. Domestic violence is handled through the criminal courts and the Family Court as a “family offense.” A family offense is defined as certain acts/crimes delineated in the Penal Law (such as harassment, menacing, assault, and stalking) committed by a family member (individuals who are married, related by blood, or who have a child in common). Victims who meet this definition may go to criminal court to seek an order of protection and have the abuser prosecuted, or they may go to Family Court for an order of protection, services, and assistance with custody and child support. Individuals victimized by an intimate partner who does not meet the definition of family member, such as a boyfriend or same-sex partner, can only go to criminal court for legal assistance. In addition, mandatory arrest, which applies when an abuser violates an order of protection or commits certain other offenses, is only applicable when a case involves individuals who meet the family definition. According to the NYS Office for the Prevention of Domestic Abuse, however, many police departments in New York State use an expanded definition of family when making mandatory arrest determinations. This provides greater protection to victims who fall outside of the family definition, although these victims still do not have access to Family Court.

Under Vermont law, domestic violence includes violence committed (1) by a current or former spouse of the complainant, (2) by a person with whom the complainant shares a child in common, (3) by a person who is cohabitating with or has cohabitated with the complainant as a spouse, (4) by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Vermont, or (5) by any other person against an adult or youth complainant who is protected from that person’s acts under the domestic or family violence laws of Vermont. Per Vermont law, it is unlawful to attempt to cause or to willfully or recklessly cause bodily injury to a family or household member, or to willfully cause a family or household member to fear imminent serious bodily injury. “Household members” are defined as those persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, and are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or have dated.

Sexual Activity

- Contact between the penis and the vulva or the penis and the anus, and for purposes of this definition contact involving the penis occurs upon penetration, however slight;
- Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
- Penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
- Intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

Sexual Assault

Under the Clery Act regulations, the term “sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program. These terms are defined as follows:

- Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling – the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- Incest – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape – sexual intercourse with a person who is under the statutory age of consent.

Under New York law,

“sexual assault” includes any and all “sexual offenses” defined in New York State Penal Code Article 130. These sexual offenses include sexual misconduct, rape, sexual abuse, forcible touching, and aggravated sexual contact, and involve conduct that would generally fall within the above-listed definitions. However, these offenses also cover certain actions, such as sexual assault with an object, which may not be included within the above-listed definitions. Students and employees are encouraged to review the full definitions and elements of these offenses, which can be found in New York State Penal Law §§ 130.00 to 130.96. Under New York State law, a sexual offense occurs when certain sexual acts are perpetrated against a victim without his or her affirmative consent.

Under Vermont law, sexual assault is defined as engaging in a sexual act with another person by any of the following means:

- Without his or her consent; or
- By physically forcing, threatening, intimidating, or coercing the other person; or
- By placing the other person in fear that any person will suffer imminent bodily injury; or
- When the person knows, or reasonably should know based on an objective standard, that the other person’s ability to give or withhold consent is impaired:
 - i by the consumption of drugs, alcohol or other intoxicants; or
 - ii because the other person is subject to a physical or mental incapacity such as sleep or unconsciousness.

Students and employees are encouraged to review the full definitions and elements of these offenses, which can be found in Vermont Penal Law §§ 3252.

Sexual Misconduct

Non-Consensual Sexual Contact: Any intentional sexual touching without effective consent. This includes any contact with the breasts, buttocks, groin, genitals, mouth or other bodily orifice of a person upon another person, as well as the touching of another with any of these body parts, without effective consent; or other intentional contact of a sexual nature without consent.

Non-Consensual Sexual Intercourse: Any sexual intercourse or penetration (anal, oral, or vaginal) however slight, with any object or body part, by a person upon another person without affirmative consent.

Forced Sexual Intercourse: Any sexual intercourse (anal, oral or vaginal), by any object or body part, by a person upon another person, that occurs as a result of force. The prohibited force may be physical in nature, or represented by threats, intimidation, or coercion. Intercourse obtained by any form of force impacts the free will of the victim and thus removes the opportunity for affirmative consent.

Sexual Exploitation: Sexual exploitation occurs when an individual takes non-consensual, unfair, or abusive advantage of another for his/her own advantage or benefit, even though that behavior does not constitute one of the other sexual misconduct offenses. Examples include, but are not limited to:

- Non-consensual video or audio taping of sexual activity.
- Stalking with a sexual component. Stalking may take many forms, including persistent calling, texting, or posting on a social networking site as well as physical stalking. When the content of the messages or the nature of the physical stalking is of a sexual nature sexual misconduct has occurred.
- Voyeurism is a form of sexual exploitation in which one individual engages in secretive observation of another for personal sexual pleasure or engages in non-consensual video or audio taping of sexual acts. Although the source for the secretive viewing or taping may be unaware of the observation, this behavior is a form of sexual misconduct and violates the integrity of the unaware student.
- The disrobing or exposure of another person without their consent.

Sexual Harassment

Sexual harassment is defined under this policy as severe or persistent or pervasive and objectively offensive unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or communication of a sexual nature that limits or denies a student's ability to participate in or benefit from the college's educational programs or activities, or creates a hostile working environment for employees when:

- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's academic or other advancement (quid pro quo harassment);
- Submission to, or rejection of, the conduct is used as the basis for academic decisions affecting the individual (quid pro quo harassment); or
- Has the effect of unreasonably interfering with a person's work, professional or educational performance, productivity, physical security, participation in living arrangements; or extracurricular activities, academic or career opportunities, services or benefits—or of creating an intimidating, hostile, or offensive learning environment.

Stalking

Generally, stalking is a pattern of behavior that can include:

- Repeatedly leaving or sending victim unwanted items, presents, flowers
- Harassing the victim through the internet, including social networking websites
- Repeated, unwanted and intrusive phone calls, e-mails or text messages; especially after being clearly informed to stop
- Damaging or threatening to damage the victim's property
- Following, monitoring, surveillance of victim and/or victim's family, friends, co-workers
- Abusing or killing a pet or other animal
- Crossing jurisdictions/borders to stalk/commit offenses

Under the Clery Act regulations, stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes 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; and
- "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Under New York law, a person engages in stalking when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

- is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
- causes material harm to the mental or emotional health of such person, where such conduct consists of following (including unauthorized tracking of someone's movements or location through a GPS or other device), telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or
- is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

More detailed definitions can be found in New York State Penal Law §§ 120.45 to 120.60.

Under Vermont law, stalking is defined as intentionally following, lying in wait for, or harassing a person that serves no legitimate purpose and would cause a reasonable person to fear for his or her physical safety or suffer substantial emotional distress.

More detailed definitions can be found in Vermont Penal Law §§ 1061, 1062, 1063

Definition of Consent

Affirmative Consent – a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity.

Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

Consent can be established if the following four conditions are present (Berkowitz, 2002):

- Both participants are fully conscious;
- Both participants are equally free to act;
- Both parties have clearly communicated their willingness/permission; and
- Both parties are positive and sincere in their desires.

Definitions of Confidentiality and Privacy

Confidentiality

Different people on campus have different reporting responsibilities and different abilities to maintain confidentiality, depending on their roles at the college and upon college policy. All parties should be aware of confidentiality, privacy and mandatory reporting, when consulting campus resources, in order to make informed choices. On campus, some people can offer you confidentiality, sharing options and advice without any obligation to tell anyone unless you want them to. Other people are expressly there for you to report crimes and policy violations and they will take action when you report your victimization to them. A victim may seek assistance from these campus community members without starting a formal process that is beyond the victim's control, or violates her/his privacy. The following explains each of these types of reporting.

• Privileged Reporting

Privileged reporting resources are those individuals who, by law and/or professional ethics, maintain privileged based confidentiality of the disclosure of sexual misconduct. These individuals are not required to re-disclose information shared with them other than in very extreme and unusual circumstances involving evidence of a serious and imminent threat to identifiable individuals, or by subpoena. Privileged reporting resources include:

- Counseling and Wellness, Student Center, 518-694-7262 or 518-694-7143
<http://www.acphs.edu/albany-campus/health-safety/counseling-services>
- UVM Medical Center Counseling Services: 888-329-3327

- STEPS to End Domestic Violence Hotline: 802-658-1996
- Vermont Statewide Sexual Violence Hotline: 800-489-7273
- UVM Medical Center, Urgent Care, Fanny Allen Campus, 790 College Parkway, Colchester, 802-847-1170
- SANE Services, UVM Medical Center, Emergency Room, 111 Colchester Avenue, Burlington, 802-847-2434 <https://www.uvmhealth.org/medcenter/pages/departments-and-programs/sexual-assaultnurse-examiners-sane-program.aspx>

• **Administrative (Mandatory) Reporting By Responsible Employees**

At ACPHS Responsible Employees are considered Mandatory Reporters and include all employees including Resident Assistants. Mandatory reporters are required to report all details of an incident of sexual misconduct, including the identity of the victim and the perpetrator, the date and location of the incident and details regarding the incident if known, to the appropriate office for purposes of initiation of an investigation and appropriate action. Responsible Employees are trained to provide information and support and appropriate referral to confidential or private reporting resources. Responsible Employees are also required to provide Clery Act statistical information and/or information for a timely warning if the circumstances warrant.

Privacy

Employees of ACPHS must offer privacy to reporting individuals if they are unable to offer confidentiality to those individuals under the law. Information learned from a reporting individual or bystander to a crime or incident will not be disclosed more than necessary to comply with state and federal laws, including informing appropriate officials of ACPHS. A reporting individual’s identity will remain private at all times if the reporting individual wishes to maintain privacy.

Privacy of Records

The investigation and resolution conducted by ACPHS are maintained confidentially. Information is shared only between ACPHS administrators who need to know. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation is maintained in accordance with New York and Vermont State laws and, with respect to student records, the federal Family Educational Rights and Privacy Act of 1974 (FERPA) statute. Any public release of information to comply with the timely warning provisions of the Jeanne Clery Act (Clery Act) will not release the names of victims or information that could easily lead to a victim’s identification.

What Do I Do If I Am A Victim of Sexual Misconduct/Violence?

If you believe you are the victim of any of the offenses described above, you should follow the following procedures:

- A. **Get yourself to a safe place.** The Colchester Police Department can help you do this. Officers are trained to respond to the needs of a victim of sexual assault, relationship violence, and stalking. They can also make you aware of support and advocacy services and advise you about reporting procedures and requirements.

- B. **Obtain medical attention.** For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible is important in the case of sexual assault. The hospital will arrange for a specific medical examination at no charge. We encourage you to do so at a facility that uses SANE, or Sexual Assault Nurse Examiners. University of Vermont Medical Center is a SANE facility. Remember that this medical treatment may also provide the opportunity for the collection and documentation of evidence, should you decide to pursue the incident and offender through the legal system. The Colchester Police Department may assist you in this effort as well.
- C. **Preserve evidence.** We encourage you to take steps to preserve any and all evidence when a domestic violence, dating violence, or sexual assault incident occurs, as this evidence may be necessary to prove that the offense took place and/or to obtain a protective order. Be aware that the location of the offense, your clothing, and your person may be considered a “crime scene,” and as such, a source of evidence. The location of the incident should be safe guarded, and the victim should avoid washing, douching, using the toilet or changing clothes prior to a medical/legal exam.
- D. **Report the incident.** ACPHS encourages, but does not require, victims, survivors, complainants, claimants, and witnesses with victim status of sexual assault, relationship violence, or stalking (reporting individuals) to report the incident to one or more of the following resources:
1. You may (but are not required to) report it to local law enforcement (Colchester Police 802-264-5555) and/or state police (Vermont State Police 802-244-8727) for the sole purpose of documentation. You may also (but are not required to) report it to local law enforcement and/or state police so that they may investigate the matter and identify an offender. You have the further option (but are not required to) to pursue the case through the criminal justice system, where you will be assisted by the District Attorney’s office, the local or state Police Department and the support and advocacy services of your choice. If you want or need assistance in notifying the local or state Police Department, contact the Office of Public Safety who will assist you in doing so.
 2. You may (but are not required to) report it to UHA Public Safety. This may trigger the judicial process of ACPHS, which may result in the removal of the offender from the campus. It also assists ACPHS in complying with Federal requirements for reporting offenses occurring on campus. You may (but are not required to) report incidents of sexual assault, relationship violence, or stalking anonymously to UHA Public Safety, preserving your privacy and only reporting the particulars of the incident.
 3. You may also (but are not required to) report the incident to the Title IX Office of ACPHS at 518-694-7855 or titleix@acphs.edu.
 - When you first disclose an incident to a representative of ACPHS, you will be presented with (1) a copy of this policy, (2) a written explanation of your rights and options, whether the incident occurred on or off-campus, and (3) the following information: “You have the right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the

institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.”

- You will have the right to emergency access to the Title IX Coordinator, who will be available upon the first instance of disclosure by a reporting individual to provide immediate information and assistance regarding (1) options to proceed, including other reporting options; (2) where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible; and (3) the criminal justice process, including that it utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney.
- Be aware that certain ACPHS officials with significant responsibility for student and employee activities may be required by law to disclose the occurrence of the event. If you make a report to an official who is required by law to disclose the occurrence of the event, but you request confidentiality, the Title IX coordinator will evaluate the confidentiality request, by weighing the request against ACPHS’s obligation to provide a safe, non-discriminatory environment for all members of its community. If it is determined that the incident must be disclosed, your name will be kept confidential, and you will be offered privacy to the greatest extent possible. If it is determined that the incident must be kept confidential, ACPHS will still assist with academic, housing, transportation, employment, and other reasonable and available accommodations.
- Obtain Supportive Measures: Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, the college will provide written notification to a student or employee about the availability of supportive measures and how to request a supportive measure. The college will maintain as confidential any supportive measures provided to a student or employee, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

At your request, and to the extent of your cooperation and consent, college offices will work cooperatively to assist you in obtaining supportive measures regardless of whether you choose to report the crime to campus security or local law enforcement. If reasonably available, you may be offered changes to academic, living, working or transportation situations regardless of whether you choose to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request supportive measures/changes to academic, living, transportation and/or working situations or other supportive measures, contact the Title IX Coordinator at 518-694-7855 or TitleIX@acphs.edu.

- Even ACPHS officers and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution. Your identity will remain private at all times if you wish to maintain privacy.
 - ACPHS will make every effort to ensure that you are asked to describe the incident to as few representatives of ACPHS as possible, and are not required to unnecessarily repeat a description of the incident.
4. In addition to, or in lieu of, reporting an incident to one or more of the above, you may (but are not required to) make a confidential report to any mental health counselor, pastoral counselor, social worker, psychologist, nurse-practitioner, or other person with a professional license or who is supervised by such a person. This includes, but is not limited to, professional employees and support staff of the Office of Counseling and Wellness. These employees are exempt from any requirement to further disclose your report to them, unless you want and ask them to do so. These employees can assist in obtaining services for reporting individuals.
 5. In addition, you may confidentially disclose the incident and obtain services from the state or local government.
 6. You can also make an anonymous report to a confidential hotline provided by Vermont state agencies and not-for-profit entities. These hotlines include:
 - HOPE Works Hotline: 802-863-1236
 - STEPS to End Domestic Violence Hotline: 802-658-1996
 - Vermont Statewide Sexual Violence Hotline: 800-489-7273
 - Vermont Statewide Domestic Hotline: 1-800-228-7395
 - The National Sexual Assault Hotline: 1-800-656-4673
 - The National Domestic Violence Hotline: 1-800-799-7233
 7. Lastly, if the responder is an employee of ACPHS, you can report the incident to ACPHS's Human Resources Department, or request that another employee assist in reporting to the Human Resources Department.

ACPHS encourages the victims of sexual assault, relationship violence, and/or stalking to report the incident, in any of the manners described above. However, again, victims are not required to report the offense to, or to seek assistance from ACPHS, law enforcement, or campus authorities. ACPHS will not pressure any student or employee to disclose a crime or violation, or to participate in the judicial, conduct, or criminal justice processes.

Reporting an incident does not:

- obligate the victim to prosecute;
- subject the victim to inappropriate scrutiny or judgment by the person receiving the report; or

- suggests in any way that the victim is at fault for the crime or violation, or should have acted in a different manner to avoid the crime or violation.

Reporting the incident does:

- ensure that a victim of sexual assault, relationship violence, or stalking receives necessary medical testing and treatment;
- provide the opportunity for collection of evidence critical to a prosecution, which cannot be obtained later;
- ensure that the victim has knowledge of and access to professional, confidential counseling from a counselor specifically trained in the areas of sexual assault, relationship violence, or stalking.

Students' Bill of Rights

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously; 3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

Ways to Protect Yourself

There are some practical steps you can take that may decrease the risk of sexual assault.

- Express your expectations and limits clearly before you are involved in a sexual encounter.
- Limit alcohol and drug use. They make it more difficult for you to be in control. Never ride with someone who has used alcohol or drugs.
- Avoid meeting in secluded places and walking alone.
- Try to be aware of attitudes that your date expresses concerning women or men: hostility, unrealistic views of women or men and/or viewing people as "sex objects."

- Use assertive language such as, "I feel uncomfortable when you don't listen to me or when you touch me like that."
- Scream "fire" (rather than "rape" or "help"), if you need assistance.
- Be alert to what is happening around you.

These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

Additional Options of Available Action

Potentially File Student Conduct Charges. If the respondent is a student, you may file student conduct charges against the respondent. Charges should be prepared in writing and directed to the Vice President of Student Affairs. Additional details regarding the Student Disciplinary Code can be found on the ACPHS's Student Handbook.

Potentially Seek a Court Order. Victims of relationship violence, sexual assault, and/or stalking may have a right to obtain a court order to protect themselves from the perpetrators. ACPHS will enforce all applicable no contact orders, restraining orders, and similar lawful orders issued by a criminal, civil, or tribunal court, to the extent required by law.

ACPHS will provide reporting individuals assistance in obtaining an order of protection. ACPHS will provide the respondent and the reporting individual a copy of any order of protection or equivalent that ACPHS receives. ACPHS will also provide the respondent and the reporting individual an opportunity to meet or speak with a representative of ACPHS, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the respondent's responsibility to stay away from the

protected person or persons. ACPHS will provide the respondent and the reporting individual an explanation of the consequences of violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension. ACPHS will also call on and assist local law enforcement in effecting an arrest when an individual violates an order of protection.

Right to Withdraw. You have the right to withdraw your report and/or to withdraw from involvement in ACPHS's investigation of the complaint at any time.

Possible/Potential Immediate Consequences Following a Report of an Incident of Sexual Assault, Relationship Violence, and/or Stalking

A. Mandatory No Contact Order

When the respondent is a student, ACPHS will issue a "no contact order," whereby: (1) continued intentional contact with the reporting individual is a violation of ACPHS's policy that is subject to additional conduct charges; and (2) if the respondent and a reporting individual observe each other in a public place, it is the responsibility of the respondent to leave the area immediately and without directly contacting the reporting individual. This may include establishing an appropriate schedule for the respondent's to access applicable buildings and property of ACPHS at a time when such buildings and property are not being accessed by the reporting individual.

Upon request, both the respondent and the reporting individual are entitled to a prompt review, reasonable under the circumstances, of the need for and terms of the no contact order, including potential modification, in which they are allowed to submit evidence in support of their requests.

Rights of Victims and the Institutions, Responsibilities for Orders of Protection, "No Contact" Orders, Restraining Orders or Similar Lawful Orders Issued by a Criminal, Civil or Tribal Court or by the Institution:

Albany College of Pharmacy and Health Sciences complies with New York law in recognizing orders of protection by providing the resources to comply with protective orders and assist victims of sexual assault, domestic violence, dating violence and stalking. Any person who obtains a protective order from New York or any reciprocal state should contact UHA (University Heights Association) at 518-244-3177 who can work with the Title IX Coordinator to coordinate services and additional assistance to the survivor. This information will be shared with additional persons only at the request of the victim/survivor. Survivors may choose to meet with UHA or the Title IX Coordinator to develop a Safety Action Plan, which is a plan for campus security and the survivor to have in place to provide the survivor options and resources to travel to and from campus safely. This plan may include, but is not limited to: special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc. The college cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

B. Mandatory Interim Suspension

When the respondent is a student who is determined by a College official to present a continuing threat to the health and safety of the community, the respondent will be subject to an interim suspension pending the outcome of a judicial or conduct process.

Upon request, ACPHS will provide both the respondent and the reporting individual a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, in which they are allowed to submit evidence in support of their request.

C. Additional Supportive Measures.

ACPHS will offer reasonable and available supportive measures to all reporting individuals and complainants in order to help ensure safety, prevent retaliation, and avoid an ongoing hostile environment. These interim measures may include:

- support services (victim advocacy, housing assistance, academic support, counseling, health and mental health services, legal assistance);
- changing work assignments and situations);
- changing living arrangements, course schedules, assignments, or test schedules (for students);
- no contact orders, campus escorts, transportation assistance, or targeted interventions;
- providing increased monitoring, supervision, or security; and/or providing an escort.
- When the accused is not a student, but is a member of ACPHS's community and presents a continuing threat to the health and safety of the community, ACPHS will subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and rules and policies of ACPHS.
- ACPHS will protect the confidentiality of accommodations or protective measures provided to a complainant or accuser, to the extent that doing so will not impair ACPHS's ability to provide the accommodations or protective measures.
- Upon request, ACPHS will provide both the accused or respondent and the reporting individual a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects him or her, in which he or she is allowed to submit evidence in support of his or her request.

On and Off-Campus Support Services Following an Incident of Sexual Assault, Relationship Violence, and/or Stalking

ACPHS recommends that reporting individuals seek the assistance of trained professionals in the aftermath of an incident of sexual assault, relationship violence, and/or stalking, and will assist reporting individuals to receive this assistance. ACPHS will provide reporting individuals with information on sexually transmitted infections and sexual assault forensic examinations.

UVM Medical Center in Colchester are providers of helpful services for reporting individuals, including exit counseling, health, mental health, and other related services. These services are provided at no cost to the reporting individual. These resources can be located and/or contacted as follows:

Vermont Campus

UVM Medical Center
Urgent Care, Fanny Allen Campus
790 College Parkway
Colchester, VT 05446
Phone:(802) 847-1170

ACPHS has also entered into collaborative partnerships with community-based organizations (including rape-crisis centers, domestic violence shelters, and assistance organizations), to refer students for assistance or make services available to students. These helpful service providers in Chittenden County provide helpful services (such as counseling, legal assistance, victim advocacy, and visa/immigration assistance), including the following:

Program/Entity	Contact Information	Cost
STEPS to End Domestic Violence	P: 802-658-1996 E: https://www.stepsvt.org/	No cost
HOPE Works Hotline	P: 802-863-1236 E: https://www.hopeworksvt.org/	For a fee
Vermont Statewide Domestic Violence Hotline:	P: (800) 228-7395	No cost
Vermont Statewide Sexual Violence Hotline	P: (800) 489-7273	No cost

Medical services are also available to reporting individuals from the following providers:

Program/Entity	Location	Contact Information	Cost
University of Vermont Medical Center	Fanny Allen Campus 790 College Parkway Colchester, VT 05446	Phone:(802) 847-1170	No cost
University of Vermont Medical Center: S.A.N.E. Services	Emergency Room 111 Colchester Ave. Burlington, VT 05401	Phone:(802) 847-2434	No cost

Amnesty from Campus Conduct Process

ACPHS strongly encourages the reporting of incidents of sexual misconduct.

The health and safety of every student at the College is of utmost importance. ACPHS recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to College officials or law enforcement will not be subject to the College's student disciplinary code action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault. As an institution that reports to a licensing board, ACPHS reserves the right to take steps necessary to ensure the safety of patients and the public and to report truthfully to licensing bodies.

ACPHS Procedures for Investigating and Resolving a Sexual Misconduct Complaint

When ACPHS becomes aware of an incident of sexual assault, relationship violence, or stalking by or against an employee or student or that has a reasonable connection to ACPHS, it will take prompt and appropriate action.

Below is a summary of the process if a student or employee chooses to file a formal complaint of domestic violence, dating violence, sexual assault, or stalking to the college's Title IX Coordinator. The full Sexual Misconduct Policy and Complaint Procedures is found online at <https://www.acphs.edu/students/title-ix>. All individuals who submit a Sexual Misconduct report or complaint via the online Maxient form, regardless of whether the alleged incident occurred on or off campus, will receive a written explanation of their rights and options in addition to information about the formal grievance process.

Upon submission of a formal complaint, the college's formal grievance process is initiated. The complainant and respondent (accused individual) will separately and simultaneously receive notice of the Sexual Misconduct complaint and investigation. The notice will include specific information, including but not limited to, the date and location of incident, availability of supportive measures, identities of parties involved, conduct allegedly constituting a policy violation, ability to have advisor of choice, and statement that the determination regarding responsibility is made at the conclusion of a hearing.

The Title IX Coordinator, or designee, reviews the complaint to determine jurisdiction and if the complaint requires a dismissal or referral to an alternative university process. If no jurisdiction is determined, the complaint is dismissed or referred. The complainant and respondent will receive notice of this decision and will have an opportunity to appeal the decision. Absent a dismissal or referral or if an appeal is granted, the investigation will proceed.

At any time before, during or after the investigation, the complainant and respondent may elect to resolve the complaint by means of informal resolution. Resolving the complaint through informal resolution does not require a full investigation or hearing.

If an investigation proceeds, it will be conducted in as timely of a manner as possible. The complainant and respondent will have the opportunity to provide a statement as to what occurred and may also suggest questions to the investigator to be asked of the other party, at the discretion of the investigator. Witnesses may then be contacted and a collection of inculpatory and exculpatory evidence, to include text messages, photos, emails, etc., will be conducted. Periodic updates about the grievance process will be provided to the complainant and respondent.

After gathering all reasonably available evidence, the investigator will prepare an Investigative Report to be distributed to the complainant and respondent. This report will contain all statements and evidence obtained during the investigation. The complainant and respondent will have the opportunity to provide a written response to the report. After a review of submitted written responses, the investigator will incorporate the additional information into a final Investigative Report, which is provided to both parties, their advisors, and the hearing officer prior to the hearing. The final Investigative Report serves as a basis to the hearing. Before the hearing takes place, both parties and their advisors will separately meet with the Title IX Coordinator, or designee, to discuss the rules and procedures of the hearing. The party's advisor must attend this meeting and failure to attend may result in their disqualification from participating in the hearing.

The hearing will be conducted by a neutral hearing officer to determine by a preponderance of evidence ("more likely than not") whether the respondent violated the sexual misconduct policy and, if so, appropriate sanctions. The respondent is presumed not responsible until this decision is made. During the hearing, both parties are required to have an advisor present and if they do not have one, a college-advisor will be appointed. The party's advisor will have the opportunity to cross-examine all participants. The hearing officer will also have the ability to ask questions of all of the participants. At the conclusion of the hearing, the hearing officer will separately and simultaneously issue a written determination to the complainant and respondent regarding responsibility and sanctions, if appropriate. The complainant and respondent have the right to appeal the decision regarding responsibility and/or sanctions. The determination regarding responsibility becomes final either on the date that the appeal response is provided (if an appeal has been filed), or the date on which an appeal would no longer be considered timely. Sanctions will be in effect after the determination is final.

The following is a list of possible sanctions:

- Warning
- Required Counseling
- Probation
- Suspension
- Expulsion
- Withholding Diploma
- Revocation of Degree
- Organizational Sanction
- Other Actions: In addition to or in place of the above sanctions, ACPHS may assign any other sanctions as deemed appropriate

Any third-party (visitor, guest, contractor, subcontractor, vendor, partner or business affiliate) who violates the Sexual Misconduct Policy will receive a sanction ranging from a written warning to banishment from any university property, activities and/or programs, including the termination of any business contract with the university.

Notation on Student Transcripts (Effective October 5, 2015)

If a student is found responsible for a crime of violence, ACPHS must make a notation on the student's transcript that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." If a student withdraws from ACPHS while such conduct charges related to crimes of violence are pending against the student, and declines to complete the disciplinary process, ACPHS must make a notation on the student's transcript that he or she "withdrew with conduct charges pending."

These transcript notations can be appealed by contacting the Vice President of Student Affairs. Transcript notations for violence-related suspensions shall not be removed prior to one year after conclusion of the suspension. Transcript notations for violence-related expulsions shall never be removed from a student's transcript. If a finding of responsibility is vacated for any reason, however, the transcript notation must be removed.

Prohibition of Retaliation

It is a violation of federal and state law and this policy for any employee or student to retaliate against any student or employee for exercising any rights or responsibilities under the Violence Against Women Act, the Clery Act, and/or Title IX. This includes retaliating against a student or employee who reports an incident of sexual assault, relationship violence, or stalking in good faith, or furnishes information or participates in any manner in an investigation of such a report. Retaliation includes any conduct directed at someone because he or she engaged in such protected activity, which might deter a reasonable student or employee from making or supporting such a report. Any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including, termination of employment and/or dismissal from ACPHS.

Any employee or student who feels as though someone has subjected him or her to retaliation as a result of a report or participation into the investigation of a report should contact the Vice President of Student Affairs or Vice President of Human Resources or other senior officer immediately.

Education and Training for Students and Employees

It is the policy of ACPHS to offer multiple methods of educational programming to all students and employees each year to prevent relationship violence, sexual assault (including stranger and known offender assaults), and stalking. ACPHS has adopted a comprehensive student onboarding and ongoing education campaign to educate members of ACPHS's community about domestic violence, dating violence, stalking, and sexual assault, in compliance with applicable federal laws.

As part of this campaign, ACPHS requires all new first-year and transfer students who enroll in ACPHS, whether first-year or transfer, undergraduate, graduate, or professional, to receive training, as well as all new employees during the course of their onboarding, on the following topics, using a method and manner determined by ACPHS:

1. Sexual and interpersonal violence including resources to any victims and survivors of such violence and administrative/conduct action regarding any accused individual within the jurisdiction of the institution;
2. Relevant definitions including, but not limited to, the definitions of sexual assault, domestic violence, dating violence, stalking, confidentiality, privacy, and consent;
3. The equal application of policies regarding of sexual orientation, gender identity, or gender expression;
4. The role of the Title IX Coordinator, campus security, and other relevant offices that address domestic violence, dating violence, stalking, and sexual assault prevention and response;
5. Awareness of violence, its impact on victims and survivors and their friends and family, and its long-term impact;
6. Bystander intervention and the importance of taking action to prevent violence when one can safely do so;
7. Risk assessment and reduction including, not limited to, steps that potential victims, perpetrators, and bystanders can take to lower the incidence of violations, which may contain information about the dangers of drug and alcohol use, including underage drinking and binge drinking, involuntary consumption of incapacitating drugs and the danger of mislabeled drugs and alcohol, the importance of communication with trusted friends and family whether on campus or off campus, and the availability of institution officials who can answer general or specific questions about risk reduction; and
8. Consequences and sanctions for individuals who commit these crimes and code of conduct violations.

ACPHS regularly assesses programs and policies established pursuant to federal and state law to determine effectiveness and relevance for students and employees.

Public Awareness and Advocacy Events

As part of ACPHS's public awareness campaign, ACPHS may from time to time schedule primary prevention, public awareness, and advocacy programs for students and employees, which include the following:

- RAD (Rape Aggression Defense) Training for Women
- Title IX training - including training on roles as mandated reporters
- Training on how to appropriately respond to victims of sexual assault
- In Her Shoes- domestic violence empathy exercise
- Active Bystander training
- Healthy Relationship trainings
- Sex Signals
- Domestic Violence 101 for the Healthcare Provider

If an individual discloses information through a public awareness event such as candlelight vigils, protests, or other public event, ACPHS is not obligated to begin an investigation based on such information. However, ACPHS may use the information provided at such an event to inform its efforts for additional education and prevention efforts.

Sexual Offender Registry

The federal Campus Sex Crimes Prevention Act enacted in 2000 went into effect October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders required to register in a State to provide notice, as required under state law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. The Vermont sex offender registry may be accessed at <http://vcic.vermont.gov/sor>

Memoranda of Understanding

ACPHS's Vermont Campus has a memoranda of understanding in partnership with:

- 1S.T.E.P.S. to End Domestic Violence, a local rape crisis center, to further provide victim advocacy and support services to victims of sexual violence; and

Climate Surveys

Commencing during the 2016 - 2017 school year, ACPHS will conduct a biannual anonymous survey of students to examine (1) the prevalence and incidence of sexual assault, relationship violence, and stalking, (2) the perceptions of the campus climate, (3) the general awareness and knowledge of students about the provisions of the New York Enough is Enough law, and (4) student experience with and knowledge of reporting and college adjudicatory processes. Participation in such climate survey shall be voluntary but is encouraged.

The climate survey will be developed using standard and commonly recognized research methods, and includes questions covering the following topics:

1. the Title IX Coordinator's role;
2. campus policies and procedures addressing sexual assault;
3. how and where to report domestic violence, dating violence, stalking or sexual assault as a victim, survivor or witness;
4. the availability of resources on and off campus, such as counseling, health and academic assistance;
5. the prevalence of victimization and perpetration of domestic violence, dating violence, stalking, or sexual assault on and off campus during a set time period;
6. bystander attitudes and behavior;
7. whether reporting individuals disclosed to the institution and/or law enforcement, experiences with reporting and institution processes, and reasons why they did or did not report;
8. the general awareness of the difference, if any, between the institution's policies and the penal law; and

9. general awareness of the definition of affirmative consent.

ACPHS will take steps to ensure that answers to climate assessments remain anonymous and that no individual is identified. ACPHS will publish an executive summary of the climate assessment survey results on ACPHS website, provided that no personally identifiable information or information which can reasonably lead a reader to identify an individual is shared.

Annual Reporting

According to the Clery Act and Violence Against Women's Act of 1994, the college annually reports certain crimes occurring in specific geographic locations. These crimes are included in ACPHS's Annual Security Report (ASR), in an anonymous manner that identifies neither the specifics of the crime nor the identity of the reporting individual.

ACPHS is obligated to issue timely warnings of crimes enumerated in the Clery Act occurring within relevant geography that represent a serious or continuing threat to students and employees, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual. A reporting individual shall not be identified in a timely warning.

FERPA allows ACPHS to share information with parents when (i.) there is a health or safety emergency, or (ii.) when the student is a dependent on either parent's prior year federal income tax return. Generally, however, ACPHS will not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the reporting individual.

Effective July 7, 2016, ACPHS will annually report the following information about reports of domestic violence, dating violence, stalking and sexual assault to the New York State Education Department:

1. The number of such incidents that were reported to the Title IX Coordinator.
2. The number of reporting individuals who sought ACPHS's judicial or conduct process.
3. The number of cases processed through ACPHS's judicial or conduct process.
4. The number of respondents who were found responsible through ACPHS's judicial or conduct process.
5. The number of respondents who were found not responsible through ACPHS's judicial or conduct process.
6. A description of the final sanctions imposed by ACPHS for each incident for which a respondent was found responsible through ACPHS's judicial or conduct process.
7. The number of cases in ACPHS's judicial or conduct process that were closed prior to a final determination after the respondent withdrew from ACPHS and declined to complete the disciplinary process.
8. The number of cases in ACPHS's judicial or conduct process that were closed because the complaint was withdrawn by the reporting individual prior to a final determination.

Missing Persons

The Albany College of Pharmacy and Health Sciences has a comprehensive policy in place for the investigation of missing persons. Although primarily intended as a safety net for resident students, it may also be used to investigate the disappearance of any student, staff member or faculty member who disappears from campus. It can also be used to assist local law enforcement agencies who are investigating the disappearance of a community member from some off-campus location.

Key elements of the plan include:

- Students may identify a confidential emergency contact person who would be notified in the event of a disappearance.
- The confidential emergency contact person and the Colchester Police Department must be notified no longer than twenty-four hours after a person is thought to be missing.
- Circumstances such as the possibility of foul play or mental health concerns require the immediate notification of the emergency contact person and the Colchester Police Department.

Those who suspect a member of the community to be missing may report that information to:

Director of Student Affairs Jennifer Payne
802-735-2688
Jennifer.Payne@acphs.edu

Campus Crime Statistics

The Clery Act requires that the institution collect and distribute statistical data concerning certain specified crimes on campus. It also requires that those crimes be further reported according to where the incidents occur. There are four categories for location of criminal activity, defined as follows:

- “campus” means any building or property controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls and, property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).
- “non-campus building or property” means any building or property controlled by a student organization recognized by the institution, and any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.
- “public property” means all public property, all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

- “residence hall” means residential facilities for students on campus.

The Act also requires that crimes that single out an individual because of actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability are to be reported according to the category of prejudice and that the number of arrests or referrals to the campus judicial process for violation of alcohol, drug and weapons polices be reported.

Fire Statistics

The Clery Act requires all colleges to report on fires occurring in on-campus or off campus residence halls owned or controlled by the institution.

Presently, there are no residence halls located on or off campus at ACPHS-VT

Crime statistics for the years 2018, 2019, and 2020 are denoted below.

Crime statistics, 2018 -2020, Vermont Campus

Offense	Year	On Campus Property	Non Campus Property	Public Property	Total		Residential Facilities	Unfounded
Murder/Non-Negligent Manslaughter	2018	0	0	0	0		0	0
	2019	0	0	0	0		0	0
	2020	0	0	0	0		0	0
Negligent Manslaughter	2018	0	0	0	0		0	0
	2019	0	0	0	0		0	0
	2020	0	0	0	0		0	0
Rape	2018	0	0	0	0		0	0
	2019	0	0	0	0		0	0
	2020	0	0	0	0		0	0
Fondling	2018	0	0	0	0		0	0
	2019	0	0	0	0		0	0
	2020	0	0	0	0		0	0
Incest	2018	0	0	0	0		0	0
	2019	0	0	0	0		0	0
	2020	0	0	0	0		0	0
Statutory Rape	2018	0	0	0	0		0	0
	2019	0	0	0	0		0	0
	2020	0	0	0	0		0	0
Robbery	2018	0	0	0	0		0	0
	2019	0	0	0	0		0	0
	2020	0	0	0	0		0	0
Aggravated Assault	2018	0	0	0	0		0	0
	2019	0	0	0	0		0	0
	2020	0	0	0	0		0	0
Burglary	2018	0	0	0	0		0	0
	2019	0	0	0	0		0	0

	2020	0	0	0	0		0	0
Motor Vehicle Theft	2018	0	0	0	0		0	0
	2019	0	0	0	0		0	0
	2020	0	0	0	0		0	0
Arson	2018	0	0	0	0		0	0
	2019	0	0	0	0		0	0
	2020	0	0	0	0		0	0

Interpersonal Violence, 2018-2020 Vermont Campus

Offense	Year	On Campus	Non Campus	Public Property	Total		Residential Facility
Domestic Violence	2018	0	0	0	0		0
	2019	0	0	0	0		0
Dating Violence	2020	0	0	0	0		0
Stalking	2018	0	0	0	0		0
	2019	0	0	0	0		0
	2020	0	0	0	0		0
Arrests and Referrals, 2018 – 2020, Vermont Campus	2018	0	0	0	0		0
	2019	0	0	0	0		0
	2020	0	0	0	0		0

Offense	Year	On Campus	Non Campus	Public Property	Total	Residential Facility *
Liquor Law Arrests	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Liquor Law Violations referred for disciplinary action	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Drug Law Arrests	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Drug Law Violations referred for disciplinary action	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Illegal Weapons Possession Arrests	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Illegal Weapons Possession referred for disciplinary action	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0

Hate Crime

Certain crimes that single out an individual because of actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, nationality, or disability are to be reported according to the category of prejudice. Those crimes include all of the crimes enumerated above in the “Crime Statistics” section of this report, as well as the crimes of larceny-theft, simple assault, intimidation, destruction/damage/vandalism to property and any other crime involving bodily injury.

The Vermont Campus of the Albany College of Pharmacy and Health Sciences had no reported hate crime in 2018, 2019, or 2020.

Preparation of This Report

This report is presented on an annual basis and is available by October 1. It is prepared by the Director of Public Safety utilizing incident reports generated during the year, as well as information provided by Campus Security Authorities and the Colchester Police Department. It is available in hard copy as well as on the Web at Annual Security and Fire Safety Report. The statistical portion of the report is also available at the U.S. Department of Education's Campus Crime Survey on their website.