

OCTOBER 1, 2018



# ANNUAL SAFETY REPORT



ENTERPRISE STATE  
COMMUNITY COLLEGE



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## INTRODUCTION

This report has been prepared by Enterprise State Community College Chief of Safety and Security in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act). It includes important information regarding policies on campus safety and related issues, such as crime reporting; emergency procedures and notification; alcohol and drug use; weapons; sexual violence and relationship violence; and other safety and security topics.

This Annual Safety Report contains required information pertaining to all Enterprise State Community College campuses and sites. The main campus is located in Enterprise, Alabama while Alabama Aviation College, a division of Enterprise State Community College, are located in Ozark and Andalusia, Alabama.

The report includes crime statistics for the previous three calendar years covering crimes reported to have occurred within ESCC's Clery geography (on campus; in certain off-campus buildings and property owned or controlled by the college; and on public property within or immediately adjacent to and accessible from the campus). Fire statistics are excluded as it only applies to institutions with on-campus housing facilities.

Campus crime, arrest and referral statistics contained in this report include those reported to Enterprise Police Department, Ozark Police Department, Andalusia Police Departments, other law enforcement agencies, Enterprise State Community College Safety & Security, and designated "campus security authorities" as defined under the Clery Act (including, but not limited to the Dean of Students, Athletic Director, and the Title IX Coordinator), and are compiled by ESCC's Chief of Safety and Security. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. Statistics are provided for crimes specified under the Clery Act as referenced in the Crime Statistics section of this report.

This report is published by October 1 each year and is available by selecting the appropriate link at [www.escc.edu](http://www.escc.edu). Hard copies may be obtained at Enterprise State Community College, Chief of Safety and Security Office located at 600 Plaza Drive, Enterprise, AL 36330. In addition to this report, a daily crime log is maintained, which is available for review at this location.

## **CAMPUS SECURITY AND LAW ENFORCEMENT**

Enterprise State Community College has both certified Campus Police Officers and non-sworn security officers. All functions performed by the police and security officers are under the direction of the Chief of Safety and Security (Campus Chief of Police). All certified police officers, have arrest authority on and off campus under Alabama Statute 16-22-1 and 16-22-2. All certified police officers are vested with all powers, authority, and responsibilities of any state law enforcement officer.

Enterprise Campus Police operate on a part-time basis and is available to receive emergency communication from a variety of official and public sources Monday through Thursday 7:00 A.M. to 10:00 P.M and 7:00 A.M. to 5:00 P.M. on Friday. (ESCC's Ozark Campus) Alabama Aviation College, Campus Police operate on a part-time basis Monday through Thursday between the hours of 6:00 A.M. and 11:00 P.M and 6:00 A.M. to 8:00 P.M. on Friday. For emergencies outside the hours of operation, contact the local law enforcement agency.

ESCC also employs non-sworn contracted security officers. The security officers are unarmed and do not have arrest authority. The contract security officers are trained by the contractor.

Specific information concerning the campus police, security officers, or other staffing questions may be obtained from the Chief of Safety and Security.

## **CAMPUS SECURITY AUTHORITIES**

Campus Security Authorities (CSA's) are defined by the Clery Act as Campus Police Officers, security officers, Dean of Students, Dean of Administration, Dean of Instruction, Director of Athletics, Director of Human Resources, counselors, and other ESCC officials with responsibility for student and campus activities.

A victim or witness may report a crime to any CSA on a voluntary and confidential basis. Reporting of crimes and suspicious activity will assist the Campus Police in determining patterns, locations, and times of criminal activity.

## REPORTING OF A CRIME OR EMERGENCY ON CAMPUS

All Enterprise State Community College students, faculty, staff, and visitors are encouraged to immediately notify Campus Police of all crimes and public safety-related incidents. Reporting a crime does not mean an individual must take legal action. However, documentation assists law enforcement to prevent further incidents from occurring and helps in keeping the campus community informed of criminal activity.

In addition to crimes, all suspicious activity should also be reported to the Campus Police. Examples of suspicious activity include a person with a weapon; dangerous actions or comments; someone acting unusual, out of place, or loitering; an unoccupied vehicle with doors open, running, or parked in an area not deemed for parking.

To report a crime or public safety-related incident, a complainant may contact the following agencies for the individual campus, for emergencies, dial 911 when it is safe to do so.

<b>Campus</b>	<b>Agency</b>	<b>Location</b>	<b>Phone Number</b>	<b>Other</b>
ESCC 600 Plaza Drive Enterprise, Al	Chief of Safety and Security	WA 103	334-406-0504	Ext 2344
	Campus Police	WA 101	334-447-7564	Ext 2277
	Campus Security	WA 101	334-447-6555	Ext 2277
	Enterprise Police	501 S. Main	334-347-2222	911
Alabama Aviation College 3405 Highway 231 South Ozark, Al	Chief of Safety and Security	Enterprise Campus	334-406-0504	Ext 2344
	Campus Police	RM 110 ATTC	334-447-2138	Ext 3689
	Campus Security	RM 118 ATTC	334-447-2154	Ext 3660
	Ozark Police	275 N Union	334-445-6122	911
Alabama Aviation College 21760 Bill Benton Lane Andalusia, Al	Chief of Safety and Security	Enterprise Campus	334-406-0504	Ext 2344
	Andalusia Police	102 Opp Ave	334-222-1155	911
	Covington County	290 Hillcrest Dr	334-428-2641	911

## REPORTING OF A CRIME OR EMERGENCY OFF-CAMPUS

Since the College has no off-campus organizations or structures, reporting of criminal incidents occurring at and during off-campus student organizations' activities shall mean reporting

criminal incidents which occur to the College's property or personnel when an ESCC-sanctioned activity occurs away from the campus, site, center, or facility.

It shall be the responsibility of a student or an ESCC sponsor, if they are a victim of or a witness to a crime committed against the College's property or persons representing the College, to report the crime immediately to law enforcement agencies in the location where the crime occurs. Furthermore, it shall be the student's or the College sponsor's responsibility to report the crime to campus, site, center, or facility security upon returning to that location.

## DAILY CRIME LOGS

The purpose of the daily crime log is to record all criminal incidents and alleged criminal incidents that are reported to Campus Police. Some traffic violations are criminal in nature and must be recorded. However, violations that are not considered "crimes" (i.e., parking citations, moving violations, etc.) will not be recorded in the daily crime log.

The crime log contains the most recent sixty-day period and is open for public inspection during normal business hours. A written request for any portion of the log that is older than sixty days will be made available for inspection within two (2) business days.

Individuals may inspect the crime log for each campus at the following locations:

Enterprise State Community College, Security Office, Room WA 101, 600 Plaza Drive,  
Enterprise, Al 36330

Alabama Aviation College, Security Office, Room 110, ATTC Building, 3405 Highway 231  
South, Ozark, Al 36360

Alabama Aviation College, Director's Office, 21760 Bill Benton Lane, Andalusia, Al 36421

## TIMELY NOTIFICATIONS

Enterprise State Community College Chief of Safety and Security will issue timely warning notices to members of the college community whenever a crime is reported directly to ESCC Campus Police, campus security authorities or local law enforcement that is determined by the Chief of Safety and Security, or a designee, to represent a serious or ongoing threat to students or employees. Such warnings will be provided to students and employees in a manner that is timely and that withholds the names of victims as confidential. Timely warnings will include pertinent information about the crime that triggered the warning and information that promotes safety and aids in the prevention of similar crimes. Resources and reporting options may also be included in timely warnings.

Timely warnings are usually distributed for the following crime classifications when they are determined to pose a serious or ongoing threat to the campus community and they occur on campus and property owned or controlled by the college and used by students; and on public property within or immediately adjacent to and accessible from the campus:

- Murder/non-negligent manslaughter;
- Sexual assault (considered on a case-by-case basis depending on the facts of the case, when the incident occurred, when it was reported, and the amount of information known by the Enterprise State Community College Campus Police);
- Robbery, involving force or violence (cases involving pick pocketing and purse snatching are classified as larceny in the Uniform Crime Reporting system and will typically not result in the issuance of a crime alert, but will be assessed on a case-by-case basis);
- Aggravated assault (cases involving assaults, such as two students fighting, which result in aggravated injury, will be evaluated on a case-by-case basis to determine if there is an ongoing threat to the ESCC community);
- Major incidents of arson;
- Other crimes as determined necessary by the Chief of Safety and Security.

## **EMERGENCY WARNINGS**

The safety and security of students, faculty, and staff is paramount. It is the policy of Enterprise State Community College to notify, upon confirmation and without delay, the college community of an imminent or impending threat that may cause injuries or loss of life.

ESCC utilizes “Weevil Alert” to broadcast emergency and timely warnings to the college community. Students are automatically enrolled into the Weevil Alert system approximately one week after the beginning of the semester. Each person is encouraged to visit <https://www.myschoolcast.com/go/escc/> to update the correct contact information.

## **EMERGENCY PREPAREDNESS**

Emergencies can occur at any time, often without warning. Emergency guidelines can help you deal with many emergency situations appropriately. Your judgment often determines whether an incident is an emergency. If in doubt, err on the side of safety.

## What to do in case of a campus emergency

If you have an EMERGENCY requiring police, fire or ambulance, from any campus phone, DIAL 0 to reach the switchboard or DIAL 911 without delay and only when it is safe to do so.

- When you dial 911 for emergency services, stay on the line and give the following information:
  - Your name, telephone number, and exact location.
  - The location of the emergency.
  - The nature and extent of the emergency (e.g. Are there injuries and how many?)
- Be informed and prepared in advance. Review emergency guidelines and do not wait until an emergency strikes to know what to do.
- Be aware of your surroundings, and report any suspicious activities.
- Know the locations of fire alarm activation pull stations in your building and how to evacuate your building if the alarm is set off.
- Know the locations of severe weather shelter areas in your building and when to seek shelter.

Questions or suggestions regarding emergency procedures and response on campus should be directed to:

- ESCC Chief of Safety and Security – [jspence@escc.edu](mailto:jspence@escc.edu)

## Emergency Response Procedures

Enterprise State Community College Safety and Security Department has primary responsibility for emergency management on campus. ESCC has an Emergency Operations Plan in place that defines the organizational structure for response to emergencies of a magnitude that would cause significant disruption to college operations. The plan identifies members of the Emergency Management Team, which is responsible for managing the operational aspects of the college's response to an emergency event.

In the event of any crisis situation, including but not limited to a fire, weather emergency, significant utility disruption, hazardous materials release, or campus violence incident, the appropriate members of the Emergency Management Team may, if needed, assemble to mitigate the consequences, promote the safety of the community, and provide for “continuity of business”.

The Emergency Operations Plan (EOP) provide a more detailed framework for college operations during emergency events. Since all emergencies are unique in nature, these guidelines are designed to be flexible in order to accommodate contingencies of various types and magnitudes.

## **Evacuation Procedures**

Emergency response and building evacuation procedures are included in building-specific emergency response plans. The Evacuation Plan Appendix to the Emergency Operations Plan covers specific planning considerations for a large scale evacuation.

The Enterprise State Community College Safety and Security Department, in coordination with the local law enforcement agency, is responsible for initiating any partial or campus-wide evacuations.

When deciding whether to conduct an evacuation, consideration will be made for the type of hazard or threat, credibility of the threat, area of campus in danger, and ability to contain the threat to a specified area of campus.

The campus community may be notified to evacuate on foot or by vehicle, depending on the nature and timing of the threat, as well as other hazards that may impact the safety of persons evacuating.

Communication of an evacuation order should be facilitated through ESCC Safety & Security Department, using the “Weevil Alert” system. Messages will include the nature of the incident and directions for the campus community, including when the evacuation will begin, how to evacuate (on foot or by vehicle), and updates will be provided.

These plans also consider the number of officers and resources that will be needed quickly to facilitate a partial or full evacuation.

Once the campus is evacuated, a priority clearing approach will likely be taken in order to restore critical services first. Thus, buildings may be opened in a phased approach. Once Campus Police decide it is safe to return, announcements will be made to return to normal operations.

## **Tests of Emergency Procedures**

ESCC Chief of Safety and Security reviews and updates plans and coordinates tests of emergency response and evacuation procedures at least once a semester, via announced and/or unannounced tests, to evaluate the College’s response. Tests include drills, exercises and follow-through activities to review each test. Emergency response and evacuation procedures are publicized during these tests and documentation of the tests are maintained by ESCC Chief of Safety and Security.

Tests of the Emergency Management Agency outdoor warning siren system are conducted monthly on the first Wednesday of the month at noon, provided there is no active emergency or threat of severe weather. Indoor mass notification and the “Weevil Alert” system is tested semi-annually.

Documentation of performance results is maintained by the Chief of Safety and Security.

## **Security and/or Promotion of the College**

All persons attending any event, class, service, or other function of Enterprise State Community College should be aware that videotaping, audio taping, photography, or other means of capturing their images or voices may take place at any time and may be used for security and/or promotion of the College.

## **CRIME PREVENTION AND SECURITY AWARENESS PROGRAMS**

It is the policy of the College to promote safety and crime awareness for its students, personnel, and visitors who avail themselves of the College's facilities and programs. The following programs have been or are to be implemented:

- Any student or visitor may request either a professional employee of the College or campus security to escort him/her to his/her vehicle in one of the College parking areas,
- Instructions on the prevention of assault (including acquaintance rape) are to be included in orientation programs for entering students,
- Instructions on the prevention of assaults (including acquaintance rape) are to be published in the student newspaper when active
- Policies about crime awareness and safety are to be included in the College's publications

### **Training programs that will be given throughout the year include:**

- Refuse To Be A Victim-College Edition: A one-hour crime prevention and personal safety seminar designed to provide men and women with information that assists in the development of their own personal safety strategies. The collegiate edition was created to specifically focus on the unique environment that young adults face during their college experience.
- Civilian Response to Active Shooter Events (CRASE): A two-hour seminar designed and built on the Avoid, Deny, Defend (ADD) strategy developed by ALERRT provides strategies, guidance and a proven plan for surviving an active shooter event. Topics include the history and prevalence of active shooter events, civilian response options, medical issues, and considerations for conducting drills.
- Rape Aggression Defense (RAD) Class for Women: Teaches security and safety awareness, risk reduction strategies, and hands-on self-defense techniques.

## CRIME PREVENTION TIPS

The single most important step toward ensuring your own safety is having a personal safety strategy in place before you need it. Having a personal safety strategy in place and knowing the techniques and tactics you can use to avoid becoming an easy victim can help you live smarter and be safer.

"Crimes of Opportunity" are those committed without planning or forethought; when criminals realize they have a chance to commit a crime, they seize the opportunity. Don't be an easy target. Everyone can all pinpoint times where we have made ourselves an easy target-whether it was keeping our heads buried in our phones, parking in a dimly lit area at night, or leaving our houses or cars unlocked. But there are many more, less obvious situations that make us vulnerable as well.

### **Simple Rules for Personal Safety**

- Always Be Aware of Your Surroundings: Look around, be alert and don't keep your head buried in your phone. Awareness of what's going on around you is key to safety.
- Walk with Purpose: When walking to or from your vehicle or just for exercise, stand tall and walk confidently. Do not appear to be timid.
- Trust Your Instincts and Gut Feelings: Too often when our sixth sense shouts a warning, we ignore it. If something inside tells you you're in danger, act on it and leave the area.
- Always Have a Personal Safety Strategy in Place: What would you do if you were attacked? Those first few minutes can determine the outcome, so be prepared and have a plan.

### **Personal Life**

- Save local law enforcement contact numbers in your phone.
- Do not go to parties alone. Never leave your drink unattended or accept open drinks from someone you don't know. Also, do not accept rides from someone that has been drinking or using drugs.
- Let TRUSTED people know your schedule so that if something were to happen to you, they would know something was wrong.
- Make a plan to get home before the evening begins, and stick to the plan.
- Person pulls up to ask directions – maintain a distance for a reactionary gap. If you feel threatened run the opposite direction the car is facing.

## **On Campus**

- Subscribe to campus alerts.
- Know the location of Campus Police and security.
- Be especially careful at night. When going out, take along a friend-never go alone. Look into what resources your campus offers for escorts to the library, parking lot, or other campus locations.
- When studying in the library or Student Center, be observant. If possible, go with a study buddy and avoid non-populated areas or rooms.
- Know the warning signs for when a classmate may become violent. This could include strange and unusual behavior, verbal or written threats, unreciprocated romantic obsession, displays of unwarranted anger, inability to take criticism, drastic change in a belief system, and a lack of concern for self or others.

## **Residence**

- If your key is ever lost or stolen, have the locks changed.
- Do Not put your name and address on your keys or key ring.
- Locks must be used to be effective. Use your locks at all times, even when you are home.
- Burglars check to see if a person is home prior to breaking in. Pose as magazine sales, out of gas, many have rehearsed and sound believable. You open the door allows them to view or case your home and come back. Never open your door to a stranger. Just tell them you are busy and come back later. Never say you are alone. Tell them your spouse or parent is on the phone and he needs to handle.

## **Vehicle**

- Whoever has your keys has access to what it unlocks. When you have your Car serviced they have paperwork showing your address. Separate keys and only provide them the vehicle key.
- When walking to your vehicle, have your keys ready.
- Do Not overburden yourself with books or packages. Keep one hand free to ward off an attack.
- Keep at least a half of tank of fuel for emergencies or getting lost.

### **Technology Security**

- Update your anti-virus and security software regularly.
- Change your passwords often.
- Do Not use easy-to-guess PINS or passwords and do not auto save them into your computer or cell phone.
- Do Not click on any links or graphic hyperlinks you don't know.
- If you receive mail, be careful with bank documents, credit card offers, loan information, etc. Shred any item with personal information before throwing away.

### **Phone Security**

- Use a screen lock in case you lose your phone. With an unlocked screen a person will have access to all of the information on your phone such as pictures, emails, and banking information.
- Do Not give out personal information to people who call you.
- Never give callers answers to any questions concerning your daily routine, bank accounts, credit cards, social security number, address, or other personal information. Any financial agency will already have this information and the caller may be attempting to steal your information for criminal use.
- Be wary of callers claiming to be law enforcement, tax agencies, banks or other companies saying you owe fines or late fees. This is not how payments are collected.

### **Social Media**

- Make sure your social media accounts are private. Know who you are sharing information with and think about whether they really need to know the information.
- Do Not post specifics about your location on any social media platform. Instagram, Twitter, and Facebook all have location settings. DO NOT update these in real time. This information can be used to find you or inform others that your home or apartment may be vulnerable to burglary.
- Information shared online is stored forever. There is no true permanent delete. Even social media apps that claim to erase content may keep your information in their system where it can be hacked.
- Employers and recruiters can use social media to vet potential employees. Protect your reputation and think before you post.

- A scam rising in popularity is “sextortion”, where a criminal obtains photos or claims to have pictures of someone, and threatens to share the image if the individual does not comply with the criminal’s request.

### **Sexual Assault**

- Make sure you have a plan to get home safely BEFORE the night begins and stay connected with friends.
- Make sure your cell phone is fully charged before you go out and be sure to know the area to which you are heading before you leave.
- Attend social gatherings with friends you trust. Make sure you check on one another throughout the night and help each other get home safely.
- Predators will often isolate their victims away from their friends to take them to a secondary location. This could mean offering to go into a back room at a party or outside. Be extremely careful with who you are talking to and where you are at social gatherings.
- If you go out alone, make sure someone knows where you are going, when you will be home, and most importantly who you are meeting. Avoid walking in dark and isolated areas and be certain to check in with friends.
- Predators use their environment to their advantage. Avoid poorly lit parking areas, stairwells, and other secluded areas such as back library rooms, especially at late hours.

### **Cyberstalking and Cyberbullying**

Cyber-stalkers target and gain access to their victims through various online channels. Be careful with who you share your information with and if you think you are being stalked, talk with Campus Police or local law enforcement.

Cyberbullies usually focus on electronic information and communication devices. They often use social media or text messages to harass or humiliate victims. While they may not create physical harm, Cyberbullying situations can easily escalate. ESCC has a conduct code that protects victims of cyberbullying. If you are or know someone being bullied online, do not be afraid to report the activity to the Campus Police.

## **DRUG-FREE CAMPUS AND WORKPLACE POLICY**

In compliance with the provisions of the federal Drug-Free Workplace Act of 1988, and the Drug-Free Scholar and Communities Act of 1989, institutions under the direction and control of the State Board of Education will take such steps as are necessary in order to provide a drug-free environment in accordance with these Acts. Certification of employee’s acknowledgement that

Enterprise State Community College is in compliance with the provisions of the federal Drug-Free Workplace Act of 1988 and the Drug-Free Scholar and Communities Act of 1989 will be in the employee's personnel file.

Enterprise State Community College is committed to the maintenance of a drug-free environment for its employees and students. The College has in operation a drug abuse prevention program which is accessible to all officers, employees, and students. This program includes, but is not limited to, lectures, conferences, a Counseling Office, classroom presentations, and Student Government Association activities.

### **Standards of Conduct**

Any Student found to have committed one or more of the following acts of prohibited conduct will be subject to sanctions:

- possession, sale, and/or consumption of alcoholic beverages or non-prescribed, controlled drugs on any College property or at a student or ESCC sponsored function.
- being under the influence of alcoholic beverages or non-prescribed, controlled drugs on any College property or at a student or ESCC sponsored function.
- unauthorized manufacture, sale, delivery, or possession of any drug or drug paraphernalia defined as illegal under local, state, or federal law.

### **Disciplinary Sanctions**

Enterprise State Community College will impose sanctions (consistent with local, state, and federal law) upon all employees and students who violate these standards of conduct. Such sanctions may include but are not limited to:

- Criminal prosecution;
- Probation, suspension, or expulsion of students;
- Suspension or termination of employees

## **FIREARMS ON CAMPUS**

In order to comply with Alabama State law and maintain a safe academic environment, Enterprise State Community College prohibits the possession and use of any dangerous or potentially dangerous weapon(s) or instruments, including but not limited to those described below, on all college properties, with limited exceptions.

The following dangerous weapons and firearms are included within this policy:

- Firearms – Shotgun, rifle, pistol, revolver or other shoulder gun including ammunition. This also includes starter guns; the frame or receiver of any such weapon; any firearm muffler or silencer; or any machine gun.
- Any non-culinary knife, fixed or lock-blade (e.g. Bowie knife, knife, or instrument of like kind or description), except common pocket knife or legitimate tools appropriately used in authorized work on campus.
- Stun Gun, Taser or instrument of like kind or description.
- Air gun (e.g., air or gas powered rifle or pistol).
- Bow and arrow (e.g., archery equipment).
- Slingshots (including throwing weapons).
- Swords.
- Crossbows.
- Brass knuckles.
- Fireworks or explosive devices.

Temporary exclusions may be granted in writing by the President's Council for job-related, educational, or demonstration purposes.

Exclusions: (1) An employee may not possess firearms on campus or while otherwise engaged in duties associated with their employment, except for a firearm properly maintained in a personal vehicle in a manner consistent with Alabama law. (2) Certified law enforcement officers legally authorized to carry such weapons.

## **REGISTERED SEX OFFENDER SITE**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, 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 already 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, volunteers their services or is a student.

In Alabama, convicted sex offenders must register with local law enforcement in each county/ municipality where the offender intends to reside, be employed, or attend school. Convicted sex offenders shall register with Campus Police each semester prior to the first day of class.

Sex offender information is available on the following Web site:  
Alabama Law Enforcement Agency Sex Offender Registry  
<https://app.alea.gov/Community/wfSexOffenderSearch.aspx#1>

## **SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING**

### **Clery Based Definitions**

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition

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

Domestic Violence: A felony or misdemeanor crime of violence committed

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- 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: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

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

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.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

### **Preventing Sexual Assault/ Acquaintance Rape**

Rape is defined as an act of sexual violence and is an intolerable crime. While this crime can be committed by anyone, it is important to note that in the majority of cases, rape or sexual assault is committed by someone the victim knows and trusts. Therefore, it is important to be assertive, direct, and clear in your communications and aware of verbal and nonverbal communication. The risk of acquaintance rape is increased when riding in a car with someone you have just met (perhaps at a party). Be cautious in social situations when alcohol or other drugs are involved.

Anyone who believes that they have been the victim of rape or sexual assault should report the crime immediately to Campus Police or to another official of the College. Reporting such a crime does not mean that the alleged victim must take additional legal action. A decision to take legal action may be made at a later time. Deciding to report the crime, however, may help to stop future crimes by the same offender. Anyone who believes that they have been the victim of rape or sexual assault should make an effort to preserve physical evidence which may be used by law enforcement authorities to apprehend the offender; therefore, victims should not bathe, change clothes, or use the toilet. Victims should seek medical care immediately, whether or not the crime is reported, to receive treatment for obvious injuries and/or sexually transmitted diseases and to be counseled on the possibility of pregnancy. Victims should also seek counseling in order to cope with their feelings about the crime.

In social situations, both women and men must use good judgement in their dealings with one another.

Decisions made without forethought and a respect for others can negatively impact the future of all those involved. The law provides strict punishment for persons convicted of rape or sexual assault and does not allow excuses for these crimes based on previous knowledge of the victim. Do not assume that previous relationships with an individual are still valid without the express permission of that individual. Do not assume that you can communicate effectively about these issues while under the influence of alcohol or drugs. Stay in control of your actions and environment.

## **Title IX & Sex Discrimination Policy**

### **Introduction**

Enterprise State Community College (“College”) addresses the requirements of Title IX of the Education Amendments of 1972 (“Title IX”) federal law that protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance.

Title IX states:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

### **Policy Statement**

It is the policy of the College to provide an educational and employment environment free of all forms of discrimination or harassment. Discrimination or harassment based upon one’s race, color, religion, national origin, gender identity, sexual identity, age, genetic information, veteran status, or disability as defined in this policy and as otherwise prohibited by state and federal statutes is prohibited at the College. Sexual harassment, including acts of sexual assault, sexual violence, domestic violence, dating violence, stalking and sexual exploitation/misconduct, is a form of sex discrimination and is prohibited at the College. This policy applies to all College students, faculty, staff, other members of the College community, and non-employee third parties who are doing business or providing services to the College.

### **Commitment to Address Title IX Reports of Violations**

Enterprise State Community College is committed to providing an environment that is safe and conducive for learning and employment. Any behavior that threatens this environment is a violation of College policy. All members of the College community are strongly encouraged to report any incident of sexual harassment, sexual assault, sex offenses, sexual exploitation, dating violence, stalking, intimate partner violence, and domestic violence directly to the appropriate Title IX Coordinator. Violations may also be reported to any “responsible employee” as outlined in this policy.

Upon receipt of a report, the College will take prompt and effective action by providing interim remedies to issues that threaten the safety and security of the victim and offering appropriate support. Additionally, the College will conduct a thorough review and investigation in an effort to address the alleged policy violation.

Retaliation against any person who makes a complaint or participates in the complaint process is a violation of College policy, and should be reported to the appropriate Title IX Coordinator. A finding of retaliation may result in disciplinary action in addition to any sanctions that may be imposed as a result of the underlying allegations of discrimination and/or harassment. Violations

of this policy may result in the imposition of sanctions up to, and including, termination, dismissal, or expulsion, as determined by the appropriate officials at the College.

Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited.

### **Jurisdiction of the Policy**

This policy applies to related conduct occurring on College campuses and sites, College property or at College-sanctioned events or programs that may take place off campus. In particular, off-campus conduct that is likely to have a substantial adverse effect on or poses a threat of danger to any member of the College community or the College as a whole is covered under this policy.

### **Individuals Covered by the Policy**

The policy applies to all members of the College community, including students, faculty, staff, administrators, volunteers, vendors, independent contractors, visitors and any individuals regularly or temporarily employed, studying, conducting business or having any official capacity with the College or on College property.

### **Title IX Coordinators & Responsibilities**

Any inquiries regarding this policy should be directed to one or more of the Title IX Coordinators identified below. These Coordinators will be available to meet with students and employees regarding issues relating to Title IX and this policy.

The Title IX Coordinator is responsible for implementing and monitoring compliance of the policy on behalf of the College. This includes responsibility for training, education, communication and administration of grievance procedures for the handling of complaints alleging violations of this policy.

#### Title IX Coordinator for Students

Dr. Felisha Ford  
Director of Counseling  
Lurleen B. Wallace Student Center, Suite 102  
[fford@escc.edu](mailto:fford@escc.edu)  
334-347-2623 ext. 2293

#### Title IX Coordinator for Employees

Ms. Jessica Herbster  
George C. Wallace Administration Building, Room 121  
[jherbster@escc.edu](mailto:jherbster@escc.edu)  
334-347-2623 ext. 2222

## **Prohibited Conduct & Definitions**

The College prohibits all forms of sexual and gender-based harassment, including sexual harassment, sexual assault, sex offenses, sexual exploitation, dating violence, stalking, intimate partner violence, and domestic violence. Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and it can occur between individuals of the same or different gender. The listing of these examples does not preclude nor set aside the College's formal codes of conduct listed elsewhere in College publications, handbooks, or addendums to the like. Violations of the College's codes of conduct may not constitute a violation of this policy but would be addressed under the proper College codes such as those found in the Catalog and Student Handbook, Student Code of Conduct, or other applicable policies. Each of the terms defined herein encompasses a broad range of behaviors. Within these broad contexts, the College prohibits the following conduct:

### Discriminatory Harassment

Discriminatory harassment is unwelcome verbal or physical conduct based on race, color, religion, national origin, sex, gender identity, sexual orientation, age, genetic information, veteran status, or disability, when:

- Such conduct has the purpose or effect of unreasonably interfering with the individual's work or educational performance;
- Such conduct creates or has the intention of creating an intimidating, hostile, or offensive working and/or learning environment; or
- Such conduct unreasonably interferes with or limits one's ability to participate in or benefit from an educational program or activity.
- Harassing conduct includes, but is not limited to the following:
  - Epithets, slurs, jokes, negative stereotyping or threatening, intimidating or hostile acts that relate to a person's race, color, religion, gender, national origin, age or disability;
  - Written or graphic material which demeans or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age or disability and is posted on walls, bulletin boards, e-mail or elsewhere at the College; or
  - Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual's employment.

The terms intimidating, hostile and offensive are interpreted according to legal standards as determined by the law and are viewed from the perspective of a reasonable person in similar circumstances as the complainant.

### Sex Discrimination

Sex discrimination includes, but is not limited to the following:

- Making a distinction in favor of, or against, a person on the basis of sex rather than on individual merit in an educational setting;
- Making a distinction on the basis of sex that deprives a person of the ability to participate in or benefit from the college's education program or activities; or
- Treating someone less favorably because of his or her connection with an organization or group that is generally associated with people of a certain sex.

### Gender-Based Harassment

Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the College's education or work programs or activities.

For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this policy.

### Sexual Harassment

Sexual harassment is conduct that is sexual in nature, is unwelcome, and denies or limits a student's ability to participate in or benefit from a school's education program.

Sexual harassment can take different forms depending on the harasser and the nature of the harassment. The conduct can be carried out by school employees, other students, and non-employee third parties, such as a visiting speaker. Both male and female students can be victims of sexual harassment, and the harasser and the victim can be of the same sex.

The conduct can occur in any school program or activity and can take place in school facilities, on a school bus, or at other off-campus locations, such as a school-sponsored field trip or a training program at another location. The conduct can be verbal, nonverbal or physical.

Examples of sexual harassment include, but are not necessarily limited to, unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's gender, sexuality or sexual experience. Sexual harassment may consist of repeated actions or may even arise from a single incident if sufficiently extreme. The complainant and the accused may be of either gender and need not be of different genders.

### Sexual Assault/Sexual Violence

Sexual assault/sexual violence is a particular type of sexual harassment that includes, but is not necessarily limited to, non-consensual sexual contact, non-consensual sexual intercourse, physical assaults of a sexual nature, such as rape, sexual assault, sexual battery, domestic violence, dating violence, stalking or attempts to commit these acts or other physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

### Non-Consensual Sexual Contact

Non-consensual sexual contact is any intentional sexual touching, however slight, with any object, by a man or woman upon a man or woman that is without consent and/or by force.

Sexual Contact includes intentional contact with the breasts, buttocks, groin or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts or any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

### Non-Consensual Sexual Intercourse

Non-consensual sexual intercourse is any sexual intercourse, however slight, with any object or body part, by a man or woman upon a man or a woman, that is without consent and/or by force.

Intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

### Domestic Violence

Domestic violence is a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

### Dating Violence

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

### Stalking

Stalking is defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

### Hazing

Hazing includes but is not limited to any act directed toward an individual, or any coercion or intimidation of an individual to act or to participate in something which a reasonable person would perceive is likely to cause physical or psychological injury and where such act is a condition of initiation into, admission into, continued membership in or association with any group whether that group is a formal or informal entity.

### Sexual Exploitation/Sexual Misconduct

Sexual exploitation/sexual misconduct occurs when a student/employee takes non-consensual or abusive sexual advantage of another.

Examples of sexual exploitation and sexual misconduct include, but are not limited to:

- Invasion of sexual privacy
- Prostituting another student
- Non-consensual video or audio-recording or broadcasting or sharing of sexual activity
- Engaging in voyeurism
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals
- Sexually-based stalking and/or bullying
- Use or display in the classroom or any facility of the College, including electronic, of pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical justification
- Sexual activity with someone whom one should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated (by alcohol or other drug ingestion, unconsciousness or blackout), constitutes a violation of this policy
- Sexual activity with someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of drugs
- Sexual activity of any kind with anyone under the age of 18

Use of alcohol or drugs will never function as a defense for any behavior that violates this policy.

### **Other Definitions and Terms**

#### Consent

Consent is an act of reason and deliberation. A person who possesses and exercises sufficient mental capacity to make an intelligent decision demonstrates consent by performing an act

recommended by another. In the matter of sexual misconduct, consent is a voluntary agreement to engage in sexual activity by an individual who has the capacity to do so. Someone who is incapacitated cannot provide consent.

Past consent does not imply future consent; silence or an absence of resistance does not imply consent; consent to engage in sexual activity by one person does not imply consent to engage in sexual activity with another; the manner in which an individual is dressed does not imply consent; the existence of a prior or current relationship does not imply consent; accepting a meal, a gift, or invitation for a date does not imply or constitute consent to further activity; consent can be withdrawn at any time (no means no); and coercion, force, or threat of either invalidates consent.

### Incapacitation

Incapacitation is a state or condition that renders an individual unable to make qualified and rational decisions (i.e., a condition resulting from the use of drugs or alcohol, when a person is asleep or unconscious or because of an intellectual or other disability that prevents him/her from having the capacity to give consent.)

### Victim

A person who has been the subject of a prohibited conduct, regardless of whether that individual makes a complaint or seeks disciplinary action.

### Complainant

A victim who has made a complaint of a violation of the Title IX and Sex Discrimination Policy, or on whose behalf a complaint was made or disciplinary action initiated.

### Respondent

The individual(s) who is accused of a prohibited conduct.

### Confidentiality

The College is committed to protecting the privacy of all individuals involved in a report of Title IX and sex discrimination. All College employees who are involved in the College's Title IX response process have received specific instructions about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy of all individuals involved in a manner that allows the College to conduct a thorough review of the issue.

### “Responsible Employees”

A “responsible employee” is a College employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or sex discrimination, or who a student could reasonably believe has this authority or duty. Responsible employees at the

College include:

- Title IX Coordinator
- Campus Police Officers
- Faculty, Staff, and Administrators

When a victim tells a responsible employee about an incident of sexual misconduct or violence, the victim has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must refer the complainant to the Title IX Coordinator and report to the Title IX Coordinator any relevant details about the alleged sexual violence shared by the victim.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College's response to the report.

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations. If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim's request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including requesting that the College fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to do so.

### **Requesting Confidentiality from the College**

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, faculty, and staff, including the victim. Although rare, there are times when the College may not be able to honor a victim's request. This is the case when safety and security is a factor. If the College honors the request for confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited. In all cases of sexual violence that are a crime, the College has an obligation to include the incident in its annual security report in accordance with the Clery Act requirements.

It shall be the responsibility of the Title IX Coordinator to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence. When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as whether:

- There have been other sexual violence complaints about the same alleged perpetrator;
- The alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- The alleged perpetrator threatened further sexual violence or other violence against the victim or others;
- The sexual violence was committed by multiple perpetrators;
- The sexual violence was perpetrated with a weapon;
- The victim is a minor;
- The College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence); and/or
- The victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors are present, the College will likely respect the victim's request for confidentiality.

If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and will work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated. The College may not require a victim to participate in any investigation or disciplinary proceeding.

The College will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus through the Title IX Coordinator;
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and/or
- Inform the victim of the right to report a crime to campus police or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

Because the College is under a continued obligation to address issues of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the College determines that it can respect a victim’s request for confidentiality, the College will also take immediate action as necessary to protect and assist the victim.

### **Privacy and Confidentiality Defined**

Privacy and confidentiality have distinct meanings under this policy.

#### Privacy

Privacy generally means that information related to a report of Title IX violation will only be shared with a limited circle of individuals. The use of this information is limited to those College employees who “need to know” in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

#### Confidentiality

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual.

These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

#### Requests for Confidentiality

Where a complainant requests that his/her name or other identifiable information not be shared with the Title IX officers or requests that no formal action be taken, the College will balance this request with its dual obligation to provide a safe and non-discriminatory environment for the College community and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against the accused. In making this determination, the College may consider the seriousness of the conduct, the respective ages and roles of the complainant and the accused, whether there have been other complaints or reports of harassment or misconduct against the accused, and the rights of the accused to receive notice and relevant information before disciplinary action is sought.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the complainant. Where the College is unable to take action consistent with the request of the complainant, the Title IX Coordinator will

inform the complainant about the chosen course of action, which may include the College seeking disciplinary action against the accused. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against the accused or revealing the identity of the complainant.

### **Ongoing Assistance**

The Title IX Coordinator and Director of Counseling at the College will assist victims of sex discrimination/sexual violence with ongoing support by providing appropriate counseling referral services. Students will be assisted with any academic accommodations that may be necessary including, but not limited to, schedule modifications, withdrawal from class, modifications in work-study schedules, etc.

### **Grievance Procedures: Reporting and Investigation**

#### Reporting

A student, faculty member or staff member who has a complaint against a student, faculty, staff member or other individual involving a suspected violation of this policy or of retaliation should contact the appropriate Title IX Coordinator. Incidents may also be reported to any Responsible Employee at any time; however, individuals are encouraged to report incidents within ten (10) working days of an alleged violation. This will maximize the College's ability to effectively investigate and act upon an alleged violation. If the complaint is about the designated Title IX Coordinator, the complaint will be sent directly to the President's Office. The President will assign the complaint to another administrator.

The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to sex discrimination/sexual violence complaints. The 10-day request is in no way intended to limit a complainant's right to assistance after that time period but rather is to ensure a timely resolution of any complaint.

#### Filing a Criminal Report

Persons who wish to file a criminal report may contact the Enterprise State Community College Campus Police at 334-447-2154, 334-447-7564 or 334-406-0504.

In case of an emergency, please call the switchboard or dial 911.

#### Investigation

The Title IX Coordinator will begin an investigation in partnership with other College officials, as deemed appropriate by the College. The investigation phase will be completed within sixty (60) days of the filing of a complaint.

As part of the investigation, the Title IX Coordinator will seek separate interviews with the complainant, the accused, and any witnesses to the greatest extent possible. To help ensure a

prompt, fair, and thorough investigation, complainants are encouraged to provide as much of the following information as much as possible, including the following:

- The name, department, and position of the person or persons allegedly causing the discrimination, harassment or retaliation.
- A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses.
- The alleged effect of the incident(s) on the complainant's academic standing, educational benefits or opportunities, position of employment, salary, employee benefits, promotional opportunities, or other terms or conditions of employment.
- The names of other students or employees who might have been subject to the same or similar discrimination, harassment or retaliation.
- Any steps the complainant has taken to try and stop the discrimination, harassment, or retaliation.
- Any other information the complainant believes to be relevant to the alleged discrimination, harassment, or retaliation.

The accused also is encouraged to provide as much information as possible in connection with the investigation.

### **Resolution of a Filed Grievance**

The Title IX Coordinator in partnership with other College officials, as deemed appropriate by the College, will review the information gathered in the investigation process and determine next steps. The resolution process typically includes the following elements, which may be modified by the College in its discretion to fit the circumstances of a particular case:

- The Title IX Coordinator will be responsible for an investigation either alone or with one or more other school officials as deemed appropriate by the College and as outlined above.
- Once the investigation is concluded, the Title IX Coordinator will prepare a report of the investigation and a determination of "violation" or "no violation" as well as what the recommended corrective actions and remedies appropriate for the determination, if warranted, will be. Unless the report is questioned or appealed, the report will stand as the resolution.
- The standard for determining responsibility that will be used to determine whether this policy has been violated is whether it is more likely than not that sexual discrimination or violence occurred.

This is often referred to as a "Preponderance of the Evidence" standard.

- Appropriate, corrective action/remedies by the College will serve to: eliminate the policy violation, prevent the recurrence of the violation, and address the effects of the violation (in accordance with the Grievance Procedures contained herein).
- Within seven (7) days of the conclusion of the investigation, both the complainant and the accused will be informed in writing by the Title IX Coordinator of the outcome of the investigation. The letter will state the ruling of "violation" or "no violation" of the policy and any corrective actions/remedies that will be put into place. This written notice will be issued concurrently to the complainant and the accused.

Allegations of sexual assault or sexual violence will not be resolved by mediation.

### **Sanctions and Recommendations for Violation of Title IX For Students**

#### Reprimand

Written notice that continuation or repetition of improper conduct may be cause for further disciplinary action.

#### Restitution

Compensation for damages to property owned by the College, limited to actual cost of repair or replacement.

#### Probation

This sanction is for a designated period of time, which may include exclusion from privileges, such as extracurricular activities and/or on-campus driving privileges. Furthermore, if the student is determined by any of the disciplinary procedures herein to be in subsequent violation of the Code of Student Conduct during the probationary period, the student may be either suspended or expelled. Provisions of the probationary period shall be determined and expressed by the Title IX Coordinator.

#### No Contact Orders

Written notice to cease all contact with an alleged victim of sexual misconduct.

#### Cease and Desist Orders

The alleged perpetrator will be directed by written notice to cease and desist any activity noted by the alleged victim as offensive or threatening and that may be a violation of the Title IX & Sex Discrimination Policy.

#### Voluntary Withdrawal

A student may be given the option to voluntarily withdraw from a class or from the College in lieu of disciplinary action. The Title IX Coordinator, in some circumstances, may specify a

period of time before the student may apply for readmission or reenroll in a class or classes. To qualify for readmission, the student must receive approval from the Dean of Instruction and meet the academic standards for readmission. Students will not be eligible for any refund from the College. (If a student withdraws before disciplinary procedures are carried out, the student will be subject to discipline as may be imposed by the designated College official at the time of reentry into the College).

### Suspension

Separation from the College for a definite period of time. A student may be suspended for a specific period of time not to exceed two (2) years. To qualify for readmission after suspension, a student must receive approval from the Dean of Instruction and meet all reasonable requirements and academic standards for readmission. Students will not be eligible for any refund from the College.

### Expulsion

An indefinite termination of student from the College for a period of not less than two (2) years. To qualify for readmission after expulsion, a student must receive approval from the Dean of Instruction and meet all reasonable requirements and academic standards for readmission. Students will not be eligible for a refund from the College. Under certain conditions, expulsion could mean permanent severance from the College.

Other Requests of the victim as deemed appropriate.

### **Sanctions and Recommendations for Violation of Title IX For Employees**

For violations of this policy by faculty or staff members, disciplinary penalties (in accordance with the employment laws, regulations, and policies governing the employee in question) may include:

- Counseling or training;
- Written warning;
- Reprimand;
- Suspension with or without pay;
- Demotion;
- Termination;
- Other requests of the victim as deemed appropriate.

### **Interim Protective Measures**

The College reserves the right to suspend or place on immediate administrative leave any member of the campus community accused of violating this policy, or to take any other interim measures the College deems appropriate, pending the outcome of an investigation and/or disciplinary proceedings. Such interim measures can include, but are not limited to, placing an employee on paid or unpaid administrative leave, removing a student from campus and/or current classes, modifying course schedules, and issuing a "no contact" order, among many other remedies.

### **Prohibition Against Retaliation**

Retaliation exists when action is taken against a participant in the complaint process that adversely affects the individual's employment or academic status and is motivated in whole or in part by the individual's participation, or lack thereof, in the complaint process.

No individual involved in a complaint alleging a violation of this policy or participating in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation. Any acts of retaliation, as defined in this policy, shall be grounds for disciplinary action, up to and including expulsion/dismissal for students and termination/dismissal for faculty and staff.

### **Appeals**

Appeals must be requested in writing to the Title IX Coordinator within seven (7) days of receipt of a written outcome of an investigation. The appeals process is outlined below:

1. Either party may appeal the decision of the investigation in writing to the Title IX Coordinator within seven (7) days of receiving the written notice.
2. Appeals must include relevant new information for consideration. This would include information that was unavailable at the time of the decision, concerns about procedural errors or concerns about the level of sanction imposed according to the policies of the College. Disagreement with the findings of an investigation is not sufficient grounds for appeal.
3. The Title IX Coordinator will carry the appeal with the documentation of all previous proceedings to the President of the College or his designee. The President or his designee will be the final arbiter on all appeals of rulings of violation of the Policy. The President or his designee will lead an Appeals Committee made up of herself and two other administrators who have otherwise not been previously involved in the complaint.
4. The Appeals Committee may request written submissions from either party or consider any other information as deemed appropriate by the school. Both parties will be informed in writing of the outcome of any appeal within fourteen (14) days of the date by which all requested information is received unless the College determines that additional time is required.

## **Rights and Complaints of Accused Parties**

Complainants and accused parties shall be provided with the following in connection with any proceeding used to reach a decision regarding whether any violation of this Policy has occurred.

### Rights of Complainants

- The opportunity/right to speak on one's own behalf;
- To be accompanied by an advisor or support person who may take notes and advise the complainant, but not otherwise participate;
- To present witnesses who can speak about the alleged conduct at issue;
- To present other evidence on one's own behalf;
- To be informed of the outcome of the investigation or other proceeding;
- And to appeal the outcome of the proceeding.

### Rights of Accused Parties

- The right to a written explanation of the alleged violations of this policy;
- The opportunity/right to speak on one's own behalf;
- To be accompanied by an advisor or support person who may take notes and advise the accused, but not otherwise participate;
- To present witnesses who can speak about the alleged conduct at issue;
- To present other evidence on one's own behalf;
- To be informed of the outcome of the investigation or other proceeding;
- And to appeal the outcome of the proceeding.

## CRIME STATISTICS

The statistics on the following pages are provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Crime statistics include reports made in good faith which are collected from Enterprise Police Department, Ozark Police Department, other law enforcement agencies, ESCC Campus Police, and designated “campus security authorities” as defined under the Clery Act (including, but not limited to Dean of Students, Dean of Administration, Dean of Instruction, Athletic Department, and the Title IX Coordinators). Statistics are compiled and published by the Chief of Safety and Security. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

## APPENDIX A: ENTERPRISE STATE COMMUNITY COLLEGE-ENTERPRISE CAMPUS CRIME STATISTICS

### Criminal Offenses

Offense	Year	On-Campus Property	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Negligent Manslaughter	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Sex Offenses: Forcible	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Sex Offenses: Non-Forcible	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Robbery	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Aggravated Assault	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Burglary	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Motor Vehicle Theft	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Arson	2017	0	0	0
	2016	0	0	0
	2015	0	0	0

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

Offense	Year	On-Campus Property	Non-Campus Property	Public Property
Domestic Violence	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Dating Violence	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Stalking	2017	0	0	0
	2016	0	0	0
	2015	0	0	0

**Arrests and Disciplinary Referrals Report**

Offense	Year	On-Campus Property	Non-Campus Property	Public Property
Arrests for Weapons: Carrying, Possessing, Etc.	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Disciplinary Referrals for Weapons: Carrying, Possessing, Etc.	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Arrests for Drug Abuse Violations	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Disciplinary Referrals for Drug Abuse Violations	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Arrests: Liquor Law Violations	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Disciplinary Referrals: Liquor Law Violations	2017	0	0	0
	2016	0	0	0
	2015	0	0	0

There were no reported Hate Crimes for the years 2015, 2016, or 2017.

## APPENDIX B: ALABAMA AVIATION COLLEGE- OZARK CAMPUS CRIME STATISTICS

### Criminal Offenses

Offense	Year	On-Campus Property	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Negligent Manslaughter	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Sex Offenses: Forcible	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Sex Offenses: Non-Forcible	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Robbery	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Aggravated Assault	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Burglary	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Motor Vehicle Theft	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Arson	2017	0	0	0
	2016	0	0	0
	2015	0	0	0

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

Offense	Year	On-Campus Property	Non-Campus Property	Public Property
Domestic Violence	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Dating Violence	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Stalking	2017	0	0	0
	2016	0	0	0
	2015	0	0	0

**Arrests and Disciplinary Referrals Report**

Offense	Year	On-Campus Property	Non-Campus Property	Public Property
Arrests for Weapons: Carrying, Possessing, Etc.	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Disciplinary Referrals for Weapons: Carrying, Possessing, Etc.	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Arrests for Drug Abuse Violations	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Disciplinary Referrals for Drug Abuse Violations	2017	0	0	2
	2016	0	0	0
	2015	0	0	0
Arrests: Liquor Law Violations	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Disciplinary Referrals: Liquor Law Violations	2017	0	0	0
	2016	0	0	0
	2015	0	0	0

There were no reported Hate Crimes for the years 2015, 2016, or 2017.

## APPENDIX C: ALABAMA AVIATION COLLEGE- ANDALUSIA SITE CRIME STATISTICS

### Criminal Offenses

Offense	Year	On-Campus Property	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Negligent Manslaughter	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Sex Offenses: Forcible	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Sex Offenses: Non-Forcible	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Robbery	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Aggravated Assault	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Burglary	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Motor Vehicle Theft	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Arson	2017	0	0	0
	2016	0	0	0
	2015	0	0	0

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

<b>Offense</b>	<b>Year</b>	<b>On-Campus Property</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
Domestic Violence	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Dating Violence	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Stalking	2017	0	0	0
	2016	0	0	0
	2015	0	0	0

**Arrests and Disciplinary Referrals Report**

<b>Offense</b>	<b>Year</b>	<b>On-Campus Property</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
Arrests for Weapons: Carrying, Possessing, Etc.	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Disciplinary Referrals for Weapons: Carrying, Possessing, Etc.	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Arrests for Drug Abuse Violations	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Disciplinary Referrals for Drug Abuse Violations	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Arrests: Liquor Law Violations	2017	0	0	0
	2016	0	0	0
	2015	0	0	0
Disciplinary Referrals: Liquor Law Violations	2017	0	0	0
	2016	0	0	0
	2015	0	0	0

There were no reported Hate Crimes for the years 2015, 2016, or 2017.