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## About the Jeanne Clery Act

The Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (Clery Act) is a federal law that requires institutions of higher education, such as Austin Career Institute, to comply with certain campus safety and security related requirements as a condition of their participation in federal aid programs authorized under Title IV of the Higher Education Act of 1965 (HEA), as amended.

### Who was Jeanne Clery?

In 1986, Jeanne Clery was a nineteen-year-old liberal arts freshman at Lehigh University in Bethlehem, Pennsylvania. She was sexually assaulted and murdered in her dorm room by a former Lehigh student working as an employee in Lehigh's residential operations. Jeanne Clery's parents believed Lehigh University failed to share vital information with its students regarding campus safety, including the number of felonies committed at and around the campus, as well as certain security practices and risks, such as propping locked doors to residence halls open. Subsequently, the Clery family campaigned for legislative reform requiring colleges and universities to disclose this type information, which ultimately led to the passage of the Clery Act. For more information about the Clery Act, you may visit the Clery Center website located at <https://clerycenter.org/>.

The Austin Career Institutes' Campus Safety & Security includes campus safety policies, procedures and statistics concerning campus crime. It is for students and employees, parents, prospective students and prospective employees, and it describes steps to prevent and respond to crime, and how students, faculty, and staff can work together to maintain a safe community. This report complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

## Annual Campus Security Report

### Reporting Clery Crimes

The campus community is encouraged to report Clery crimes of which they have knowledge directly to their Campus Security Authority ("CSA"). When CSAs become aware of Clery crimes in non-emergency situations, they should report the crime to local police authorities unless the victim requests the crime not be reported to local authorities. These measures will ensure timely warnings (see below) are issued when appropriate and that the crime is included in Austin Career Institute's annual disclosure of crime statistics.

### Timely Warnings

It is the policy of Austin Career Institute to issue notices (timely warnings) to members of the Austin Career Institute community for Clery crimes that occur within the Clery geography if/when it is determined the incident represents a serious or continuing threat to the Austin Career Institute community. The decision to issue a timely warning is made on a case-by-case basis considering the facts surrounding the crime and, if deemed necessary, are issued to the Austin Career Institute community as soon as pertinent information is available; names of victims are confidential and will be withheld. Timely warnings will be distributed for such incidents whether the incident is reported directly or indirectly through a local police agency or a CSA and include the following information, unless issuing the information risks compromising law enforcement efforts:

- Date and time or timeframe of the incident;
- A brief description of the incident;
- Information that will promote safety and aid in the prevention of similar crimes;
- Suspect description when appropriate;
- Local police contact information; and
- Any other information deemed appropriate.

Austin Career Institute may also follow the timely warning process for crimes that are not categorized as Clery crimes and crimes that occur outside a campus's Clery geography if it is determined the incident represents a serious or continuing threat to the school community.

CSAs and the Campus Support Center (“CSC”) work together in issuing timely warnings. CSAs provide details of the incident and CSC reviews, drafts and publishes them electronically via email blast, but may also utilize Class App (student mobile app). CSC updates these electronic communications as new information becomes available. When physical postings are appropriate the CSAs posts notices at the entrance and exits of campus buildings; these notices remain posted for two weeks.

If there is an immediate threat to the health or safety of students or employees occurring on campus, as described in Appendix A of this report, Austin Career Institute will follow its emergency notification procedures. In the case wherein, emergency notification procedures are followed, the school is not required to issue a timely warning based on the same circumstances; however, adequate follow-up information will be provided to the community as needed.

## Preparing the Annual Security Report

Austin Career Institute’s Campus Safety and Security Administrator requests crime statistics from the most recent calendar year for Clery crimes occurring in the Clery geography for each Austin Career Institute campus from local law enforcement agencies and Campus Security Authorities annually in July. This data, once collected, is entered into the Department of Education’s Campus Safety and Security web-based data collection – usually in September. Crime statistics for the three most recent completed years, as well as any other changes to the policies and practices listed herein, are updated in this report annually by October 1st. These statistics are included in this report as Appendix B.

## Campus Security Personnel and Policies

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial and geographic considerations, the issue of campus safety is a vital concern. In 1990, Congress enacted the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542), which amended the Higher Education Act of 1965 (HEA). This act required all postsecondary institutions participating in HEA’s Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998, 2000 and 2008. The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of Jeanne Clery. It is generally referred to as the Clery Act and is in section 485(f) of the HEA.

Austin Career Institute strives to ensure the safety of everyone especially that of our students, staff and clients. Information about Austin Career Institute’s programs designed to inform students and employees about the prevention of crime, campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others may be found in the section below titled **Crime Prevention, Personal and Campus Security Program**.

## Campus Security Authorities

Campus Security Authorities (CSAs) have the authority to question all persons on school property to determine their legitimate presence and to escort unauthorized persons to the proper office or off school property, control the actions of persons violating school rules or local, state or federal laws and cooperate with local, state or federal law officers should that become necessary. CSAs do not possess arrest power; however, they maintain a highly professional working relationship with local police. Austin Career Institutes do not have a Memorandum of Understanding (“MOU”) with local police. No less than two employees at each campus have been designated and trained as Campus Security Authorities.

### Campus

Austin

### School Director

Shawn Jamali

### Student Services Coordinator(s)

Amanda Pincock

In addition to CSAs at each campus, Austin Career Institute has designated Amanda Pincock, Director of Compliance and Regulatory Affairs, as the Campus Safety and Security Administrator for the Campus Support Center. These individuals are also the campus Title IX Coordinators (see ACI-Title-IX-policy-2019).

## Campus Access

During business hours, Austin Career Institute will be open to students, staff and the general public. Admittance is permitted only at designated entrances. During non-business hours, access to Austin Career Institute facilities is by key through the facility's main entrance, as issued by Campus Director. Emergencies may necessitate changes or alterations to any posted hours of operation. Campus Security Authorities meet regularly with Austin Career Institute's Chief Executive Officer and Director of Facilities to discuss issues concerning campus security. Austin Career Institute does not have facilities for on-campus residences. CSAs do not possess arrest authority; however, they maintain a highly professional working relationship with local police. Austin Career Institutes do not have a Memorandum of Understanding ("MOU") with local police

## Accurate, Prompt Reporting to Campus Security Authorities and Local Police

All crime victims and witnesses are strongly encouraged to immediately report the crime to Campus Security Authorities and the appropriate police agency. Austin Career Institute encourages the prompt reporting of all criminal offenses, including incidents when the victim of a crime elects or is unable to make such a report. In the case of an emergency, people should call 911. Once a crime is reported and if appropriate, officers will complete a police report after the required action has been taken. Austin Career Institute in its policies encourages students, staff and the general public to voluntarily report crimes and other emergencies to CSA's and local police in a timely manner. Austin Career Institute is limited in its ability to hold reports of crime made to local authorities in confidence as all such reports are available for public examination.

Non-emergency numbers to local police: Austin Police Department 512-974-2000 or simply dial 311

Austin Career Institute does not have pastoral counselors or professional counselors on staff, or a policy that encourages pastoral counselors or professional counselors to tell those they counsel to report crimes on a voluntary, confidential basis for inclusion in Austin Career Institute's Clery statistics.

## Risk Reduction and Awareness

Austin Career Institute's commitment to raising awareness of the dangers of sexual misconduct includes offering ongoing education through annual training. We periodically educate and train employees and supervisors regarding the Title IX policy and conduct that could constitute a violation of the policy. As noted above, preventive education and training programs are provided to employees and students and include information about risk reduction, including safe and positive options for bystander intervention.

While it is impossible to prevent all crimes, we believe that persons can be made aware of ways to reduce their chances of becoming victims and increase their chances of staying safe. Students and employees should be assertive, trust their instincts, don't prop open self-locking doors, maintain possession of keys, watch out for unwanted visitors, be wary of isolated spots, travel in groups or pairs, stay or walk in well-lighted areas, report suspicious activities or persons, lock vehicles and personal belongings and know where local police and Campus Security Authorities can be reached at any time.

Austin Career Institutes place great importance on the safety and security of its students. Please review the following tips to reduce your risk of becoming a victim of sexual assault, domestic violence and stalking or any crime.

- Be alert and aware of your surroundings.
- Walk with confidence and purpose, and limit distractions, such as talking on your cell phone or texting.
- Avoid isolated areas. It is more difficult to get help if no one is around.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable then leave immediately.

- Charge your cell phone and have it with you.
- Walk in well-lit areas and try not to walk alone. Be wary of isolated spots, like parking garages, stairwells, offices after business hours and apartment laundry rooms.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- Avoid walking or jogging alone, especially at night. Vary your route. Stay in well-traveled, well-lit areas.
- Always have your keys out and ready before you reach your door – home, work or the car. Look inside the car before you get in.
- Lock all entrances (windows, doors and sliding glass doors) into your home at all times.
- Never open the door to strangers. Install a wide-angle peephole in the door, and require salespeople or repair people to show identification.
- If strangers call or come to your door, don't admit that you are alone.
- Know your neighbors so that you can call on them if you need help.
- If you're in a social situation, watch out for your friends and vice versa.
- Never leave your drink unattended, and don't accept drinks from people you don't know or trust.

## Crime Prevention, Personal and Campus Security Program

Austin Career Institute places a high priority on the safety of our students and staff. All prospective students and prospective employees are given information pertaining to this report including the availability of it, its exact electronic address, and a description of its contents as well as an advisement that a paper copy will be provided upon request. A paper copy of the report can be requested via email or in person from the Director of Compliance and Regulatory Affairs. All active students and employees receive updated campus crime data (see Appendix B) and information on campus security procedures and practices annually by October 1 as part of this report. Austin Career Institute's Student Catalog and Employee Handbook include campus security procedures and practices to encourage students and employees to be responsible for their own security and the security of others. During orientation, students review the school's campus security procedures and practices.

Austin Career Institute is committed to preventing crimes including domestic violence, dating violence, sexual assault and stalking. These topics are covered in the programs listed below.

Austin Career Institute's student crime prevention, personal security and campus security program includes:

- Austin Career Institute policies
  - Sexual Misconduct, Harassment and Discrimination (Title IX); ACI-Title-IX-policy-2019
  - Confidential Reporting
  - Campus Security Procedures and Practices
    - student safety
    - crime prevention
- Title IX of the Education Amendment Acts
  - Values, Identities and Relationships
  - Gender Identities and Stereotypes
  - Sexual Harassment and Stalking
  - Consent, Coercion and Stepping In (Bystanders)
  - Reporting and Responding

Students are assigned the online Clery handbook and are encouraged to complete the training. Any student wishing to retake the course may do so upon request. Students entering a second academic year will be reassigned the online Clery handbook to ensure ongoing awareness.

## Drug and Alcohol Abuse and Prevention Policy

Austin Career Institute has made a commitment to its students to prepare them for a long and successful professional career. Because of this commitment, the institution has a compelling obligation to eliminate illegal drug use from the school. We intend to honor this obligation in the following manner:

1. Imposing an absolute prohibition of the unlawful distribution, dispensation, possession, or use of a controlled

substance or alcohol by any student or employee of Austin Career Institute on school property or as a part of any school activity.

2. Making available to all students and employees, information concerning the health hazards involved with alcohol and drug abuse.
3. Making available to all students and employees information concerning the legal sanctions involved with the illegal use of drugs and alcohol.
4. Making available to all students and employees information concerning drug and alcohol counseling and rehabilitation services.

## Drug and Alcohol-Free Environment

Austin Career Institute supports and endorses the Federal Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. The unlawful manufacture, distribution, dispensation, possession or use of an illicit drug or alcohol by **anyone** on Austin Career Institute property or as a part of any Austin Career Institute activity is prohibited.

### Employees

As a condition of employment, employees will notify the school of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Within 30 days of the employee's notification of the first conviction, the school will either terminate the employee or require written documentation from the employee that he/she has entered a rehabilitation program. A second conviction will result in termination.

### Students

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or abuse of alcohol by students on Austin Career Institute property or as a part of any Austin Career Institute activity is prohibited. Students taking prescribed or over-the-counter medication that may affect one's ability to function should so inform Campus Security Authorities.

If a final determination is made that any student of Austin Career Institute is found to be abusing alcohol or using, possessing, manufacturing or distributing controlled substances in violation of the law on Austin Career Institute property or at Austin Career Institute events, they shall be subject to, at a minimum, the referral to counseling and automatic and immediate suspension or dismissal from school. Austin Career Institute imposed sanctions are additional to any legal actions taken by local, state or federal authorities.

The use of alcohol is prohibited on Austin Career Institute property regardless of any legal age requirements that would permit the use of alcohol.

## Prevention Program

- AlcoholEdu for College
  - Overview of Key Definitions
  - Myths and Misperceptions
  - Alcohol and Motivation
  - Standard Drink
  - Blood Alcohol Concentration
  - Key Strategies for Drinkers
  - Key Strategies for Non-Drinkers
  - Bystander Intervention Skills
  - Academic Brain Science
  - Media Literacy and Expectations
  - Alcohol and the Law
  - College, Drinking and Stress

Students are assigned the online training course and are encouraged to complete the training. Any student wishing to retake the course may do so upon request. Students entering a second academic year will be reassigned the training course to ensure ongoing awareness. All Austin Career Institute employees complete this training as a new-hire requirement and repeat the course biennially.

## State Resources

Austin AREA	DRUG AND ALCOHOL COUNCILS
	2021 North Mays Street, Suite #500
	Round Rock, Texas 78664-2155
	512-246-9880

## Referral and Hotline Information

Austin Career Institute does not offer professional counseling services but offers the following resource information:

- National Institution on Drug Abuse (M-F, 8:30 a.m.-4:30 p.m.) 1-800-662-HELP
- National Alcohol & Drug Abuse Hotline 1-800-234-0420
- Cocaine Helpline 1-800-COCAINE
- Reach-Out Hotline 1-800-448-3000 (alcohol, drug-crisis, intervention, mental health referral)
- National Domestic Violence Hotline 1-800-799-SAFE
- National Sexual Assault Hotline 1-800-656-HOPE
- National Women’s Health Information Center 1-800-994-9662 ([www.womenshealth.gov](http://www.womenshealth.gov))
- Network of Colleges and Universities Committed to the Elimination of Drug and Alcohol Abuse 1-202-357-6206
- Care Unit Hospital Program 1-800-854-0318
- National Suicide Prevention Lifeline 1-800-273-8255 (24 hours/day)

## Legal Sanctions

The Texas Health and Safety Code sets the possession law, dividing controlled substances into five penalty groups, plus a marijuana category. While some of the substances are legal, it is illegal to possess them without a prescription, and the health code establishes the punishments for illegal possession.

### **ILLICIT DRUGS**

1	Cocaine, heroin, methamphetamine, GHB, ketamine, oxycodone and hydrocodone
1A	LSD
2	Ecstasy, PCP and mescaline
3	Valium, Xanax and Ritalin
4	Compounds containing Dionine, Motofen, Buprenorphine or Pryovalerone

Penalty Group 1

Weight (grams)	Classification	Penalty
Less than 1	State Jail Felony	180 days to 2 years in state jail; fine up to \$10,000
1 or more, less than 4	Third-Degree Felony	2-10 years in state prison; fine up to \$10,000
4 or more, less than 200	Second-Degree Felony	2-20 years in state prison; fine up to \$10,000
200 or more, less than 400	First-Degree Felony	5-99 years in state prison; fine up to \$10,000
400 or more	Enhanced First-Degree Felony	10-99 years in state prison; fine up to \$100,000

Penalty Group 1A

Amount (units)	Classification	Penalty
Less than 20	State Jail Felony	180 days to 2 years in state jail; fine up to \$10,000
20-79	Third-Degree Felony	2-10 years in state prison; fine up to \$10,000
80-3999	Second-Degree Felony	2-20 years in state prison; fine up to \$10,000
4000-7999	First-Degree Felony	5-99 years in state prison; fine up to \$10,000
8000 or more	Enhanced First-Degree Felony	15-99 years in state prison; fine up to \$100,000

Penalty Group 2

Weight (grams)	Classification	Penalty
Less than 1	State Jail Felony	180 days to 2 years in state jail; fine up to \$10,000
More than 1, less than 4	Third-Degree Felony	2-10 years in state prison; fine up to \$10,000
More than 4, less than 400	Second-Degree Felony	2-20 years in state prison; fine up to \$10,000
400 or more	Enhanced First-Degree Felony	5-99 years in state prison; fine up to \$10,000

Texas law prohibits the possession of drug paraphernalia which is defined as equipment, a product, or material that is used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing a controlled substance, or in injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Texas Controlled Substances Act. For more detailed information on Texas law regarding drugs and paraphernalia, see the Texas Controlled Substance Act (<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.481.htm>).

Federal law prohibits the possession of a controlled substance not directly obtained by a valid prescription, and the manufacture, distribution, dispensation, or possession with intent to manufacture, distribute, or dispense, a controlled substance. A controlled substance under federal law means a drug or other substance, or immediate precursor, covered under the federal Controlled Substances Act. Federal law prohibits the sale, offer for sale, use of mails or interstate commerce, import and export of drug paraphernalia. Drug paraphernalia under federal law means any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under this subchapter.

Offense	Minimum Punishment	Maximum Punishment
Manufacture, distribution or dispensing drugs (includes marijuana)	A term of imprisonment for up to 5 years, and a fine of \$250,000	Life imprisonment without release or parole; fine up to \$8M (for an individual) or \$2M (if other than an individual)
Possession of drugs (includes marijuana)	Imprisonment for up to 1 years, and a fine of \$1,000	Imprisonment of 5-20 years; fine not less than \$5,000 plus costs of investigation/prosecution
Operation of a Common Carrier under the influence of alcohol or drugs	N/A	Imprisonment for up to 15 years and a fine not to exceed \$250,000



For more detailed information on federal laws regarding drugs and paraphernalia, see the Federal Controlled Substances Act here: <https://www.deadiversion.usdoj.gov/21cfr/21usc/>.

## **ALCOHOL**

<b>Offense</b>	<b>Minimum Punishment</b>	<b>Maximum Punishment</b>
Driving while intoxicated (Includes intoxication from alcohol, drugs or both)	Confinement in jail for a term of no more than two years or less than 72 hours, and a fine not more than \$2,000 or less than \$100	Confinement in jail for a term of no more than two years or less than 30 days, or confinement in TDC for a term of not more than 5 years or less than 60 days, and a fine of not more than \$2,000 or more than \$500
Possession, consumption, purchase or attempt to purchase alcohol by a person under 21 years of age (a minor)*	Fine of not less than \$250 or more than \$2,000, confinement in jail for a term not to exceed 180 days	Both the fine and the confinement
Public Intoxication	N/A	A fine not to exceed \$200
Adults and minors who make alcohol available to minors or buy alcohol for minors	N/A	A fine up to \$2,000, confinement in jail for up to 180 days or both
Adults who sell alcohol to a minor	N/A	A fine up to \$4,000, confinement in jail for one year or both

\*Underage drinking in Texas is governed by the Texas Alcoholic Beverage Code, Chapter 106. More detailed information on the laws governing underage drinking in Texas can be found here: [https://www.tabc.state.tx.us/laws/code\\_and\\_rules.asp](https://www.tabc.state.tx.us/laws/code_and_rules.asp).

## **Health Risks Associated with the Use of Illicit Drugs and the Abuse of Alcohol**

### **Alcohol**

May provide a feeling of confidence and being in control. Those likely to be addicted may have an enzyme deficiency that allows them a high rate of consumption without drunkenness, encouraging a belief that since one doesn't get obviously drunk, no harm is done. The tolerance is only on the surface. Liver, brain, heart, and stomach destruction goes on even without apparent symptoms. Over time, beer, wine, and wine coolers, as well as hard alcohol, often cause dependency and may be fatal.

### **Marijuana**

Use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Research shows that knowledge retention may be lower when information is given while the person is "high." Motivation and cognition are altered, making the acquisition of new information difficult. Marijuana can also produce paranoia and psychosis. The tar in marijuana smoke is a highly irritating carcinogenic. Long-term use may develop psychological dependence.

### **Cocaine**

Chronic use can cause ulceration of the mucous membrane in the nose. Cocaine can produce psychological dependency, a feeling that the user cannot function without the drug. Crack or free-base rock, a concentrated form of cocaine, is extremely potent. Its effects are felt within ten seconds of administration. Physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia, and seizures. Cocaine use may lead to death through disruption of the brain's control of heart and respiration.

### **Amphetamines and other stimulants**

Stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils, and decreased appetite. In addition, users may perspire, experience headache, blurred vision, dizziness, sleeplessness, and anxiety. Extremely high doses can cause rapid or irregular heartbeat, tremors, loss of coordination, and even physical collapse. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure. In addition to the physical effects of amphetamines and other stimulants, users report feeling restless, anxious, and moody. Higher doses intensify the effects. Persons who use large amounts of amphetamines over a long period can develop an amphetamine psychosis that includes hallucination, delusions, and paranoia.

### **Narcotics (Including Heroin, Methadone, Morphine, Opium, and Codeine)**

Tolerance to narcotics develops rapidly and dependence is likely. The use of unsterilized syringes may result in transmission of diseases such as AIDS, endocarditis, and hepatitis. Addiction in pregnant women can lead to premature, stillborn, or addicted infants. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma, and death.

### **Depressants**

The use of depressants can cause both physical and psychological dependence. Regular use over time may result in tolerance to the drug, leading the user to increase the quantity consumed. Very large doses can cause respiratory depression, coma, and death. The combination of depressants and alcohol can increase the effects of the drugs, thereby multiplying the risks. When regular users stop taking depressant drugs, they may develop withdrawal symptoms ranging from restlessness, insomnia, and anxiety to convulsions and death. Babies born to mothers who abuse depressants during pregnancy may be physically dependent on the drugs and show withdrawal symptoms shortly after they are born. Birth defects and behavioral problems have been associated with these children.

### **Hallucinogens**

Chronic users of PCP report persistent memory problems and speech difficulties. Mood disorders (depression, anxiety, and violent behavior) also occur. In later stages, chronic users often exhibit paranoid and violent behavior and experience hallucinations. Large doses of PCP may produce convulsions, coma, heart and lung failure, or ruptured blood vessels in the brain. Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The physical effects may include dizziness, weakness, tremor, nausea, and drowsiness. Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline, and psilocybin. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even after the use has ceased.

### **Designer Drugs**

Underground chemists modify the molecular structure of certain illegal drugs to produce analogs known as designer drugs. These drugs can be hundreds of times stronger than the drugs that they are designed to imitate. Examples of these types of drugs include but are not limited to: Ecstasy, PCP, LSD, GHB, and Ketamine.

The narcotic analogs can cause symptoms such as those seen in Parkinson's disease; uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or perspiration, and faintness. Psychological effects include anxiety, depression, and paranoia. As little as one dose can cause brain damage. The analogs of phencyclidine cause illusions, hallucinations, and impaired perception.

## **Review of the Effectiveness of the Drug and Alcohol Abuse and Prevention Program**

In September of 2018, Austin Career Institute conducted a review of the effectiveness of our Drug and Alcohol Program, as outlined above. The CEO and the President (DAAPP review team) met to discuss the policy and any occurrences of drugs on campus or instances in which the policy was violated. The results of our review showed that the presence of drugs and alcohol (or their after-effects) at our campuses isn't measurable and the use of drugs is not impacting our school environments. Starting 2019 Director of Student Services will join DAAPP review team.

On a biennial basis, during the fall, the DAAPP review team performs a review of the effectiveness of our drug and alcohol prevention policy. This review is conducted with support from the School Directors, as needed. To determine if the drug and alcohol prevention policy is meeting its objectives, the below methods are used:

1. Determine how many violations of the drug and alcohol prevention policy occurred during the prior two years;

2. Determine how many students had been terminated due to violation of the drug and alcohol prevention policy;
3. If there are two or less individuals, per campus, who have violations during the period, and one or less individual who has been terminated due to a violation, then Austin Career Institute deems that there is not a drug and/or alcohol issue at the campus - otherwise, there is a potential drug/alcohol issue at the campus;
4. If a campus is determined to have a potential drug/alcohol issue, follow up action is taken
  - a. In such case, the School Director must develop a report to explain the situation and determine if changes to the policy are required (see 4b);
  - b. The School Director report process includes reviewing the violations in order to identify the root causes of the violations and what actions could be taken to address them and provide a summary of recommendations to be reviewed by the DAAPP review team.;
  - c. In reviewing the report, the DAAPP review team will look to see if any of the violations could/should have been prevented or addressed sooner based on previous knowledge, reports, red flags, etc.;
  - d. Based on this analysis, the DAAPP team will make appropriate changes and updates to the drug and alcohol prevention policy so that future violations can be reduced or eliminated

#### 2018 Review Outcomes and Analysis:

1. Number of violations of our drug policy - 0
2. Number of violations that resulted in student termination - 0
3. No campus-wide drug/alcohol issue was identified
4. N/A

No changes were recommended to the drug and alcohol policy as a result.

## Sexual Misconduct, Harassment and Discrimination

Policy ACI- Sexual Harassment, Misconduct and Discrimination-2019 is Austin Career Institute's policy on Sexual Harassment, Sexual Misconduct and Discrimination on the Basis of Sex (Title IX). It defines sexual misconduct as a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. Sexual misconduct, as defined by the policy includes dating and domestic violence, sexual assault and stalking, the four Clery Act Violence Against Women Act (VAWA) offenses. This policy applies to all Austin Career Institute employees, students and third parties within Austin Career Institute's control, including visitors and applicants for employment. It applies to conduct regardless of where it occurs, including off-campus property, if it potentially affects the complainant's education or employment with the Austin Career Institute. It also applies regardless of the gender, gender identity or sexual orientation of the complainant or the respondent whether the complaint was made by or against a third party, or whether the complaint was made verbally or in writing. Individuals who engage in sexual misconduct may not only be subject to the criminal justice system, but will be subject to disciplinary action at Austin Career Institute. Austin Career Institute will take prompt disciplinary action against any individuals on its campus who violate this policy. The ACI- Sexual Harassment, Misconduct and Discrimination-2019 Policy is included as Appendix C to this report.

## VAWA – Violence Against Women Act Reauthorization

On March 7th, 2013, President Obama signed the Reauthorization of the Violence Against Women Act of 2013 (VAWA) (Pub. Law 113-4), which amended section 485(f) of the HEA also known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act requires institutions of higher education to comply with certain campus safety and security-related requirements as a condition of their participation in the Title IV, HEA programs. Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports. Final regulations were put in effect as of July 1, 2015.

Austin Career Institute will not tolerate domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct. Offenders may be subject to dismissal from school, disciplinary action (suspension), and/or criminal proceedings. The Jeanne Clery Act was amended by VAWA to require institutions to compile statistics for certain crimes that are reported to campus security authorities or local police agencies, including incidents of sexual assault, domestic violence, dating violence, and stalking.

## Discrimination

Austin Career Institute is committed to complying with all laws that prohibit discrimination on the basis of sex in admission to, employment with, and otherwise in the operation of its educational program and activities. Among the applicable laws, Title IX of the Education Amendments of 1972 prohibits sex discrimination and sexual harassment in schools. In compliance with Title IX, Austin Career Institute is committed to ensuring that all its students have equal opportunity to benefit from our program and activities, and that all its employees enjoy equal employment opportunity, free from sex discrimination and sexual harassment. The protections of Title IX also extend to third parties. Austin Career Institute has developed this Title IX policy and the associated processes to ensure that all complaints of sex discrimination and sexual harassment—whether brought by students, employees, or third parties—are promptly investigated and, where a violation is found, that Austin Career Institute takes action to end the conduct, prevent its recurrence, and address its effects.

## Reporting Sexual Misconduct

Austin Career Institute strongly encourages any person who wishes to make a complaint under this policy to bring that complaint to the Responsible Persons at their campus (Campus Security Authorities and/or the Austin Career Institute Title IX Coordinator).

However, a student may also bring such a complaint to a student advisor, area manager, campus support personnel, or educator with whom he or she is comfortable. Likewise, an employee may bring such a complaint to their immediate supervisor, another manager, or employee relations. In each case, the complainant should understand that the complaint will be forwarded to the Title IX Coordinator. Students and/or employees who are found to be participating in any form of sexual harassment will be subject to disciplinary action, including but not limited to suspension or dismissal from school or employment. Names and contact information for Title IX coordinators may be found in section titled Campus Security Authorities.

Every Responsible Person is required to immediately report to the Title IX Coordinator any incidents of sexual misconduct and other inappropriate conduct of a sexual nature that come to their attention.

## Victim Confidentiality

Respecting the privacy of the parties in a complaint is a priority for Austin Career Institute. In all instances, Austin Career Institute will comply with the Family Educational Rights and Privacy Act (FERPA), and to the extent possible, will protect the privacy of all victims of domestic violence, dating violence, sexual assault and stalking. Austin Career Institute does not publish the name of crime victims or other identifiable information regarding victims in the annual crime statistics that are disclosed in compliance with the Clery Act.

Under federal law, Responsible Employees who receive a report of *sexual misconduct*, whether from the individual involved or a third party, must share that information with the Title IX Coordinator who may need to act to maintain campus safety, to determine whether to investigate further and for inclusion in the Annual Security Report. Austin Career Institute is obligated by law to take action to eliminate sexual misconduct, prevent its recurrence and address its effects. An investigation under Title IX must be initiated *if* Austin Career Institute has enough information to reasonably determine key facts, e.g., time, date, location and names of parties involved in a complaint. Individuals wishing to remain anonymous can file a complaint in any manner, including by telephone or written communication with the Title IX Coordinator. However, electing to remain anonymous may greatly limit the school's ability to stop the sexual misconduct, collect evidence, or take effective action against individuals or organizations accused of violating its policies.

Austin Career Institute will protect the confidentiality of victims of domestic violence, dating violence, sexual assault, and/or stalking. Victims of domestic violence, dating violence, sexual assault, and/or stalking will not be retaliated against and will receive written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services, both on campus and in the community. Victims of domestic violence, dating violence, sexual assault, and/or stalking will also receive written notification about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available.

## Sexual Assault Information (Aid to Victims of Sexual Violence)

Victims of sexual assault, rape, stalking or dating violence are asked to immediately report the assault or incident to the police by calling 911 on or off campus. Any victim will be assisted by a CSA in notifying law enforcement if the victim so chooses; however, the victim may decline to notify such authorities. Police cannot investigate the incident as a crime unless a report is filed. Time is a critical factor for evidence collection and preservation which may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.

Reporting a crime to the police or to a campus office does not necessarily obligate a student to follow through with criminal prosecution. Filing a police report:

- Ensures that a victim of sexual assault receives necessary medical treatment and tests, at no expense to the victim;
- Provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later;
- Assures the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

The Austin Career Institute Campus Director or any School Employee will assist victims in obtaining medical assistance.

Victims are advised to:

- Go to a hospital emergency room as soon as possible if the assault involved a sexual penetration or other physical injuries. (Evidence can be collected several hours after an attack, but its value may be diminished.) A victim should not wash, change clothing, or otherwise “clean up,” and should bring a full change of clothing because the clothes he/she was wearing at the time of the attack may be kept as evidence.
- Receive follow-up medical care. This is crucially important as the victim may need tests for sexually transmitted diseases and pregnancy.

No matter when or where an assault occurred, the victim, where applicable has the institution’s support and referral resources available. The victim also has the right for orders of protection, “no-contact” orders, restraining orders, or similar lawful orders issued by a criminal, civil or tribal court, or institution.

Resources for Victims of Sexual Assault

- The National Center for Victims of Crime: <http://victimsofcrime.org/>
- Rape, Abuse & Incest National Network (RAINN): <https://www.rainn.org/>
- Texas Association Against Sexual Assault: <http://taasa.org/>
- Texas Department of Family and Protective Services: <http://www.dfps.state.tx.us/>

## Investigation and Disciplinary Action

Austin Career Institute applies procedures that provide swift, fair, and impartial investigation and resolution in incidents involving domestic violence, dating violence, sexual assault, and stalking. These procedures are carried out by the Campus Security Authorities located at each campus who receive annual training. Austin Career Institute also provides a lead Title IX Coordinator which provides guidance and assistance to CSAs located at each campus.

During Austin Career Institute’s investigation of sexual assault allegations, both the accused and the accuser have the same opportunity to have an advisor of their choice present during disciplinary proceedings and any related meetings or proceedings; the role of the advisor is to support the student and they may not interact with any others present. The accused/accuser may choose their advisor; however, the role is limited. The school does not need to wait for the outcome of the outside criminal investigation or legal proceedings to follow its internal disciplinary procedures or make a final determination on the outcome of a complaint.

The complainant and the respondent shall be informed concurrently in writing of the result of any disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking. Austin Career Institute does not have an appeals process for this type of proceeding. If a final determination is made that any student or employee of Austin Career Institute is found to be committing acts of sexual misconduct in violation of the law on Austin Career Institute property or at Austin Career Institute

events, they shall be subject to, at a minimum, the referral to counseling, automatic and immediate suspension or dismissal from school or employment. Austin Career Institute imposed sanctions are additional to any legal actions taken by local, state or federal authorities. Student victims have the option to change their academic situation after an alleged sexual assault, if such changes are reasonably available.

The Student Services Department in conjunction with outside organizations and agency assistance are available to assist with carrying out the provisions of the state and federal requirements.

## Record Keeping

Austin Career Institute shall confidentially maintain information related to complaints as required by law. The Title IX Coordinator will document each complaint or request for assistance, whether made by a victim, a third party, or anonymously, and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law. Any person who knowingly and intentionally makes an unauthorized disclosure of confidential information contained in a complaint or otherwise related to the investigation of a complaint is subject to disciplinary action.

## Registered Sex Offenders

Pursuant to the [“Campus Sex Crimes Prevention Act of 2000”](#), all states that register sex offenders are required to develop procedures whereby institutions of higher education in that state can obtain information concerning registered sex offenders such as where the person is employed, carries on a vocation, or is a student. Beginning in October 2002, the registration information is to be made available to law enforcement agencies with jurisdiction where the institutions of higher education are located. In Texas, information regarding registered sex offenders may be obtained at the [Texas Department of Public Safety web page](#) or by contacting the police department with which the sex offender is registered.

Emergency Response and Evacuation Procedures may be found in Appendix A.

## The Annual Security Report

Austin Career Institute publishes its Annual Security Report (ASR) to keep current and prospective students and employees and prospective students and employees informed regarding campus crime and Austin Career Institute’s safety and security related policies and procedures.

## Clery Crimes

As an institution that receives Title IV, HEA funds, Austin Career Institute must report to the Department of Education (the “Department”) and disclose in its annual security report statistics for the three most recent calendar years concerning the number of each of the following crimes that occurred on or within its Clery geography and that are reported to local police agencies or to a campus security authority:

- Primary crimes, including -
  - Criminal homicide:
    - Murder and non-negligent manslaughter; and
    - Negligent manslaughter
  - Sex offenses:
    - Rape;
    - Fondling;
    - Incest; and
    - Statutory rape
  - Robbery
  - Aggravated assault
  - Burglary
  - Motor vehicle theft
  - Arson
- Arrests and referrals for disciplinary actions, including -
  - Arrests for liquor law violations, drug law violations, and illegal weapons possession

- Persons not arrested for one of those offenses but who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession
- Hate crimes, including -
  - The number of each type of crime listed in “primary crimes” of this section that are determined to be hate crimes; and
  - The number of the following crimes that are determined to be hate crimes:
    - Larceny-theft
    - Simple assault
    - Intimidation
    - Destruction/damage/vandalism of property
- Dating violence, domestic violence, and stalking as defined in Appendix C and Appendix D

## Clery Geography

For the purposes of collecting statistics on the crimes listed in the section above for submission to the Department and inclusion in Austin Career Institute's annual security report, Clery geography includes -

- Buildings and property that are part of the institution's campus;
- The institution's non-campus buildings and property; and
- Public property within or immediately adjacent to and accessible from the campus

The Clery Geography for each Austin Career Institute campus is unique to its location and crimes are reported accordingly. Austin Career Institute does not officially recognize student organizations and, therefore, does not monitor or record through local police agencies any criminal activity by students at non-campus locations.

## Crime Log

Austin Career Institute does not have a security department and, therefore, is not required to maintain a daily crime log.

## Dissemination

In accordance with federal regulations, this report is published and actively distributed as a single document. On or before October 1 of each year, Austin Career Institute distributes a notice to all students and employees, which includes a statement of the report’s availability and its exact electronic address, a description of its contents, as well as an advisement that a paper copy will be provided upon request. A paper copy may be requested via email or in person from the Director of Compliance and Regulatory Affairs. These regulations also require institutions to provide a notice containing this information to all prospective students and prospective employees. This notice must also advise interested parties of their right to request a paper copy of the ASR and to have it furnished upon request. Austin Career Institute distributes its report, and associated statement, description and advisements, as mentioned above, in the following ways:

- Current Employees
  - Via company email address on or before October 1 annually
  - Sent by the Director of Student Services
- Current Students
  - Via email address provided during enrollment on or before October 1 annually
  - Sent by the Director of Student Services
- Prospective Employees
  - Via email address provided during electronic inquiry
  - Via email address provided during verbal inquiry
  - Provided with email Sent by the Director of Student Services from weekly inquiry list
- Prospective Students
  - Via email address provided during electronic inquiry
    - Provided within automated response sent via website
    - Via email address provided during verbal (phone) inquiry
    - Provided within email sent daily by Director of Student Services using Lead Master List Summary report

## Appendix A – Action Plans for Specific Emergencies

See ACI safety plan.



## Appendix B – Safety and Security Act Disclosure Statement



The Campus Security Act (Public Law 102-26) requires postsecondary institutions to disclose the number of instances in which certain specific types of crimes have occurred in any building or on any property owned or controlled by this institution which is used for activities related to the educational purpose of the institution and/or any building or property owned or controlled by student organizations recognized by this institution. In compliance with that law, the following reflects this institution's crime statistics for the period between 1/1/2014 and 12/31/2018.

See attached map for the campus which includes outlines of the building and parking that students use while attending classes at Austin Career Institute.

**Note:**

1. In complying with the crime statistical reporting requirements, Austin Career Institute provides a map to current and prospective students and employees that depict its campus.
2. Austin Career Institute does not have non-campus building or property, and public property areas.
3. Statistics must be disclosed separately for each of the four general categories; this means that when an incident meets definitions in more than one of these four categories, it must be reported in each appropriate category.

**4. Distributing the Annual Security Report:**

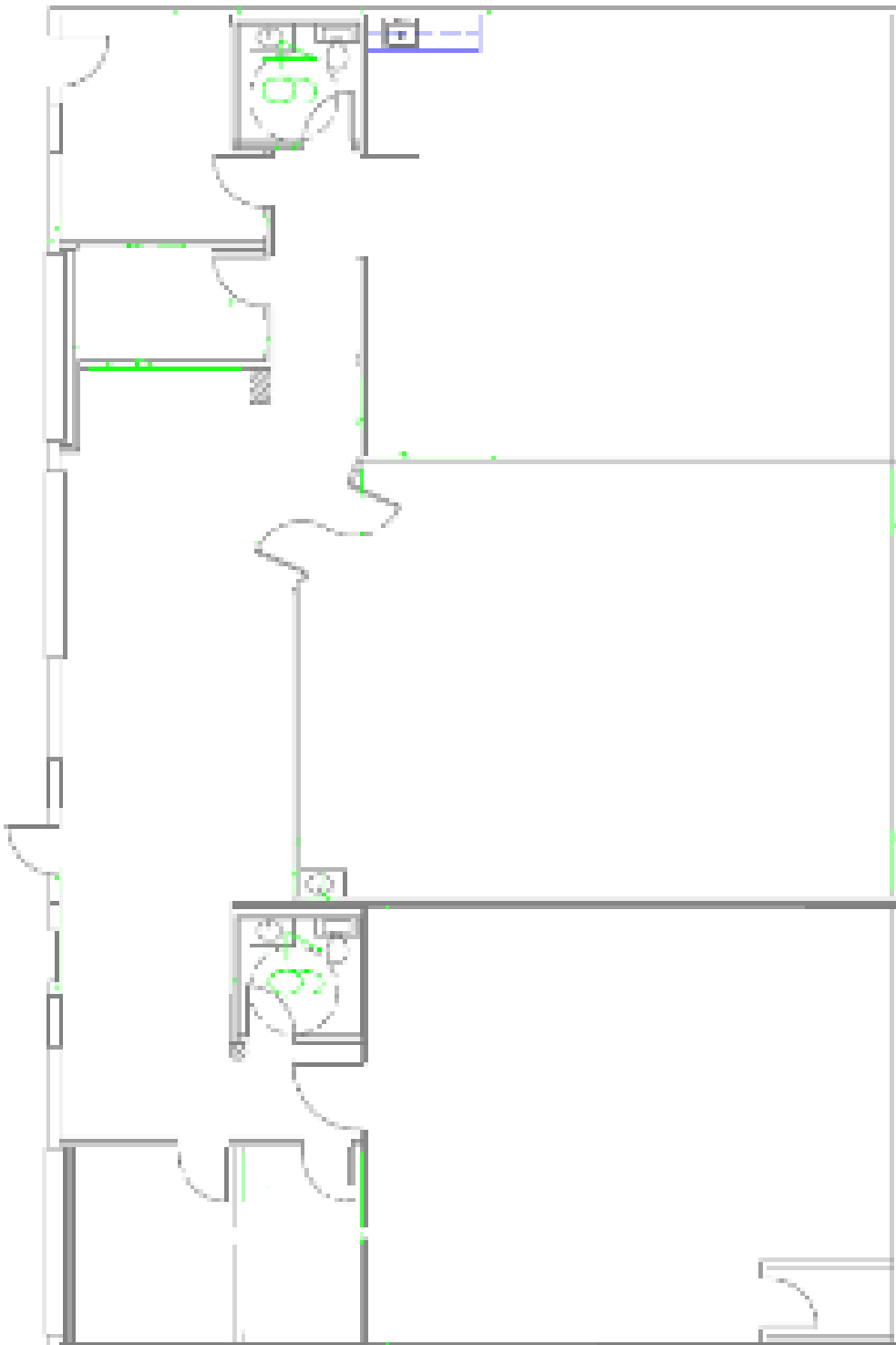
- a.** Who gets the annual security report?

The Institution will distribute the report to all currently enrolled students (including those attending less than full-time and those not enrolled in Title IV programs or course) and all employees **by October 1 each year.**

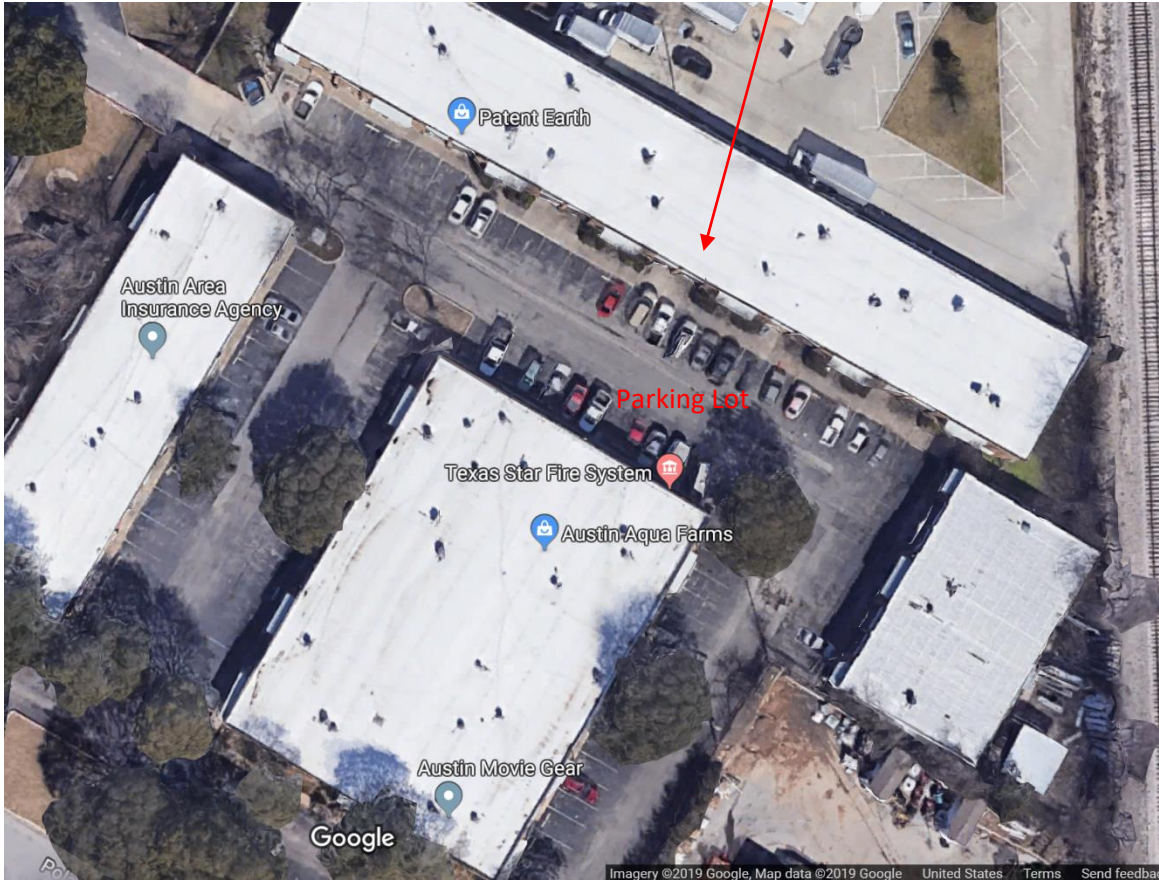
**The following criminal offenses, published each year and must be report no later than October 1 of each year, include any crime statistics that occurred on campus during the previous three calendar year periods.**

Updated as of 7/2019

No criminal offenses to report.



Austin Career Institute



## Crime Statistics

A copy of the Employee/Student Drug-Free Workplace/School Drug Prevention Policy Statement and Campus Crime Report is available to all students and employees. This report includes statistics for the previous three years concerning reported crimes that occurred on-campus or on public property. Austin Career Institute does not have residential housing or off-campus property. On Campus (OC) is the building space Austin Career Institute occupies plus the parking spaces immediately in front of the building space. Non-campus (NC) is the buildings and parking spaces within 8711 Burnet Rd, Austin, TX 78757 excluding OC. Public (P) is all the area within 1000 feet of 8711 Burnet Rd, Austin, TX 78757 excluding OC and NC. To populate Crimes Reported chart below Austin Career Institute used City of Austin's Crime Viewer website (<http://www.austintexas.gov/GIS/CrimeViewer/>) using campus address 8711 Burnet Rd, Austin, TX 78757 and 1000 foot radios.

Crimes Reported	2018	2019	2020
<b>Location codes which should proceed the incident number(s)</b>			
OC=On Campus OC=On Campus Student Housing Facility NC=Non-campus NP= Non-campus property P=Public Area			
<b>Criminal Offenses</b>			
Notes:			
#1 Also referred to as Primary Crimes			
#2 also referred to as sex offenses			
<b>Criminal Homicide #1</b>			
(these offenses are serrated into two categories)			
• murder	0	0	0
• non- negligent manslaughter	0	0	0
• Manslaughter by Negligence	0	0	0
<b>Sexual Assault #2</b>			
• Rape	1P	2P	0
• Foundling	3P	1P	0
• Incest	0	0	0
• Statutory Rape	0	0	0
Robbery	3P	1P	3P
Aggravated Assaults	6P	3P	6P
Burglaries	41P	30P	6P
Motor Vehicle Thefts	13P	12P	10P
Arson	0	0	0
Criminal Mischief	1P	0	5P
<b>Hate Crimes Reporting</b>			
Notes:			
1. Any of the above –mentioned offenses & any of the following incidents			
2. a hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.			

3. Three are eight categories that are reportable: race, religion, sexual orientation, gender, gender identity ethnicity, national origin and disability			
	2018	2019	2020
Larceny-theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	2P	2P
Destruction, Damage or Vandalism of Property	0	0	0
Gender Identity	0	0	
Violence Against Women Act			
	2018	2019	2020
Domestic Violence	7P 1NC	11P	1P
Dating Violence	0	0	1P
Stalking (including cyber-stalking)	0	0	0
Rape & Forcible Foundling	0	0	0
Sex offenses - forcible	0	0	0
Sex offenses - non-forcible	0	0	0
Arrests and Disciplinary Referrals			
Note: this information also includes those individuals that were referred for campus disciplinary action for liquor law violations, drug law violations and illegal weapons possession.			
Arrest:	2017	2018	2020
• Weapons- Carrying	2P	0	0
• Weapons Possession	3P	0	0
Disciplinary Referrals:			
• Weapons- Carrying	0	0	0
• Weapons Possession	0	0	0
Arrest:			
• Drug Abuse Violations	23P	13P	5P
Disciplinary Referrals:			
• Drug Abuse Violations	0	0	0
Arrest:			
• Liquor Law Violations	1P	0	0
Disciplinary Referrals:			
• Liquor Laws Violations	0	0	0

There were no reported Hate Crimes for 2016, 2017 and 2018 reporting period. Any Hate Crime based on the following bias would be included: Race, Religion, Sexual Orientation, Gender, Gender Identity, Disability or Ethnicity/National Origin.

**NOTES:**

\*2016 statistic for Austin in Crime Viewer Website produced no results. ACI's Director Contacted Austin Police Department through 311 and was directed to the Crime Viewer website as the only source for crime reports.

## Appendix C



# AUSTIN CAREER INSTITUTE

<b>POLICY #</b>	<b>ACI- Sexual Harassment, Misconduct and Discrimination-2019</b>
<b>POLICY SECTION</b>	<b>All Students and Employees</b>
<b>POLICY TITLE</b>	<b>Sexual Harassment, Sexual Misconduct and Discrimination on the Basis of Sex – Title IX</b>
<b>EFFECTIVE DATE</b>	<b>07/2019</b>
<b>NEW / REVISED</b>	

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### BACKGROUND

Austin Career Institute is committed to maintaining a learning and working environment that is free from discrimination based on sex in accordance with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities, Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act (SaVE Act). Sexual misconduct, as defined later in this policy (see Definitions and Examples), will not be tolerated and will be subject to disciplinary action. Any student or employee of Austin Career Institute will promptly be disciplined if found in violation of this policy.

To ensure that students, employees and third parties with questions concerning this policy or those who wish to make a complaint of an alleged violation of this policy, a designated Title IX Coordinator has been appointed. In addition, Responsible Persons are employed at each campus location to assist with implementing and enforcing Title IX. Responsible Persons are school employees who have the duty to report incidents of sexual misconduct to the Title IX Coordinator or an employee whom an individual could reasonably infer has this authority. When an investigation is deemed necessary, the Title IX Coordinator and the Responsible Persons act as investigators.

#### **Title IX Coordinator\***

Amanda Pincock  
Austin Career Institute Management LLC  
8711 Burnet Rd, Suite H98  
Austin, TX 78757  
Phone: 512-371-0100  
E-mail: [Amanda@AustinCareerInstitute.edu](mailto:Amanda@AustinCareerInstitute.edu)

#### **Responsible Persons**

**Campus Director** Shahram Jamali, [Shawn.jamali@austincareerinstitute.edu](mailto:Shawn.jamali@austincareerinstitute.edu)

## **POLICY**

This policy applies to all Austin Career Institute employees, students and other individuals within the school's control, including visitors and applicants for admission or employment; regardless of gender, gender identity or sexual orientation of those involved. This policy applies to conduct regardless of where it occurs, including off-campus property, if the conduct potentially affects the complainant's employment or education with Austin Career Institute or potentially affects the school. Complaints may be made verbally or in writing. Although not required, Austin Career Institute encourages each complainant to put his or her complaint in writing, providing a detailed description of the alleged events that are the basis for the complaint and a list of witnesses to the events.

Persons found to be in violation of this policy will be subject to disciplinary action, which may include, but is not limited to, verbal or written warnings, suspension, or termination from Austin Career Institute. This policy is supplemental to Austin Career Institute's policies generally prohibiting illegal discrimination and harassment against students and employees, including on the basis of sex, and includes certain additional safeguards and requirements pursuant to Title IX, as fully described below.

### **Filing a Complaint:**

Any student, employee or other person who believes that he or she has been subjected to any form of sex discrimination, sexual harassment, or sexual assault in violation of this policy should make a complaint. Austin Career Institute takes all such complaints seriously. Criminal complaints and policy violations may be submitted simultaneously.

Austin Career Institute strongly encourages any person who wishes to make a complaint under this policy to bring that complaint to the Responsible Persons at the campus (Campus Security Authorities and/or the Austin Career Institute Title IX Coordinator). However, a student may also bring such a complaint to a student advisor, campus support personnel, or educator with whom he or she is comfortable. Likewise, an employee may bring such a complaint to their immediate supervisor, another manager, or employee relations. In each case, the complainant should understand that the complaint will be forwarded to the Title IX Coordinator.

### **Employee Responsibility:**

At times, Austin Career Institute employees may have knowledge of conduct (by witnessing it or, alternatively, by hearing a second-hand report about the conduct) that may constitute a violation of this policy. Should this occur:

- When the witnessed or reported conduct is perpetrated against a student, any supervisory employee, student advisor, or educator who possesses that knowledge is expected to immediately report the matter to their supervisor and the Title IX Coordinator, even if the individual making a report requests that no action be taken; and
- When the witnessed or reported conduct is perpetrated against an employee, any supervisory employee who possesses that knowledge is expected to immediately report the matter to their supervisor and the Title IX Coordinator, even if the individual making a report requests that no action be taken

Employees who fail to meet this reporting expectation will be subject to disciplinary action, up to and including termination.

### **Confidentiality & Title IX Complaints:**

Austin Career Institute seeks to handle each complaint and investigation with professionalism and discretion. A fair and effective investigation often requires that the details of the complaint and/or the identity of the complainant be shared with those individuals involved in and/or interviewed in the investigation. Such individuals will, however, be expected to maintain the confidentiality of the matter to the extent possible.

Before beginning an investigation, Austin Career Institute will seek consent of the complainant to (i) proceed with the investigation and (ii) identify him or her in connection with the complaint. If the complainant requests that no investigation occur or that his or her name not be disclosed, Austin Career Institute will:

- Weigh the request(s) against its broader responsibility to provide an environment free from sex discrimination, sexual harassment, and sexual assault for all, considering the totality of the circumstances, the seriousness of the alleged harassment, whether there have been other harassment complaints about the same individual, etc.

- Inform the complainant whether it can comply with the request(s), as applicable
  - If the request(s) are not granted, conduct the investigation
  - If the request(s) are granted, consider whether there are other steps that may be taken in lieu of investigation and/or identification of the complainant

**Resources:**

If you experience any form of sexual, domestic, or dating violence, you are encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within four (4) days of the incident. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE, go directly to the nearest hospital that provides SAFE services. Local providers of SAFE services can be found by calling (800) 656-4673. Individuals may be prescribed medication by their health provider to prevent sexually transmitted infections and/or pregnancy even if a SAFE is not performed or the police are not contacted.

The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases where a report will not be made to the police, the Texas Department of Public Safety. This does not include fees related to medical treatment that are not a part of the SAFE. Medical care can be provided at a local emergency room or by a private physician.

If an individual experienced or witnessed sexual misconduct, Austin Career Institute encourages the individual to make a report to the police as described above in this policy, even if time has passed since the misconduct occurred. The police may, in turn, share your report with the Title IX Coordinator. Reporting sexual misconduct to law enforcement does not mean the case will automatically go to criminal trial or lead to a disciplinary hearing. When appropriate, the police may be able to assist the individual with a ride to the hospital or with obtaining other resources and services. If an individual qualifies, the police will also be able to assist with applying for a Protective Order through the appropriate district or county attorney. A Protective Order is a civil court order issued to prevent further acts of family violence, sexual assault, or stalking. Members of the Austin Career Institute community who have Protective Orders are strongly encouraged to provide copies of their orders to Campus Security Authorities.

See Outcomes below, for additional resources.

**Investigations**

Austin Career Institute will undertake a prompt and thorough investigation, where appropriate. Except in extraordinary circumstances, Austin Career Institute seeks to conclude each such investigation within 30 calendar days. The investigation process generally occurs in three stages:

- Stage 1: Intake of the complaint by the Title IX Coordinator, including determination of whether an investigation may proceed and the identification of the issues to be determined based on the allegations of the complaint
- Stage 2: Investigation of the allegations by the investigator(s), including investigatory interviews and review of any additional evidence
- Stage 3: Notice of outcome determination including, when applicable, disciplinary action(s) and remedial measure(s)

Austin Career Institute seeks to conclude stage one (1) within 10 days, stage two (2) within 15 days of completion of stage one; and stage three (3) within five (5) days of completion of stage two. At times, an extension of these timeframes may be necessary and/or appropriate, due to time taken by a complainant to decide whether to provide consent, unavailability of witnesses, complexity or number of allegations under review, or other factors. Austin Career Institute retains discretion to determine when an extension of the general timelines is warranted based on the totality of the circumstances. Extensions of the timelines, when they occur, will be communicated to the complainant(s).

In this process, the complainant(s) and subject(s) of the complaint may name witnesses and provide other evidence to the investigator(s), as described below. The steps necessary to thoroughly investigate the complaint



will vary, but will often include interviews of the complainant(s), the subject(s) of the complaint, and the identified witnesses, as well as a review of relevant documentation and relevant policies. Where the investigation results in a finding of a violation of this policy, Austin Career Institute will take immediate steps to end the conduct, prevent its recurrence, and address its effects. Further information concerning the notification of outcomes is provided below.

### **Outcomes**

At the conclusion of the investigation, the investigator(s) will make a finding of whether a violation of this policy has occurred. In making this decision, the investigator(s) will apply the preponderance of the evidence standard to the factual allegations, by determining whether the alleged conduct is more likely than not to have occurred. As to the finding of facts reached under this standard, the investigator(s) will also decide whether those facts constitute a violation of this policy. The investigator(s) will give the complainant(s), subject(s) of the complaint, and Title IX Coordinator (if not already involved in said investigation) written notification of the outcome (specifically, whether or not a violation of the Title IX policy was found to have occurred). In the event a violation was found to have occurred, Austin Career Institute will impose disciplinary action and, if appropriate, implement other remedial measures.

Such other remedial measures for the complainant, where appropriate, will be tailored to the particular circumstances presented and may include, by example, providing opportunities to retake portions of the curriculum and/or quizzes, rubrics or examinations; granting the complainant's request to change campuses or schedule. When implementing corrective actions or other remedial measures, Austin Career Institute will seek to minimize the burden upon the complainant.

The complainant will generally not be provided information of specific disciplinary action taken against other persons, unless the disciplinary action will directly impact the complainant, such as whether and/or when the subject(s) of the complaint may be present in the school environment.

### **Student Appeals:**

In the event that a student party to a complaint disagrees with the outcome of an investigation under this Title IX policy, the student may seek a review of the outcome by submitting a written appeal statement to:

Student Appeals Committee  
c/o Austin Career Institute  
8711 Burnet Rd, Suite H98  
Austin, TX 78757  
Email: [contact@AustinCareerInstitute.edu](mailto:contact@AustinCareerInstitute.edu)

An appeal under this policy must be made within 14 calendar days of receipt of the written notice of the outcome of the investigation. An appeal may be made on one or more of the following grounds only: one (1) an error occurred that, if corrected, may change the outcome of the investigation; or two (2) new information has arisen, that was not available or known to the student at the time of the investigation, which if considered may change the outcome of the investigation. Information that was known or available to the student during the investigation will not be considered.

The Committee will conduct an impartial review of the appeal and will provide the appealing student with a written determination. The Committee seeks to issue its determination on each appeal within 30 calendar days of its receipt of the appeal; however, this timeframe may be longer in certain cases.

Employee parties to a complaint under the Title IX policy do not have a right of appeal.

### **Anti-Retaliation Policy:**

Austin Career Institute will not retaliate against any person for filing a good-faith complaint or for participating or assisting in good faith in an investigation of alleged sex discrimination, sexual harassment, or sexual assault under this policy. An employee or student who retaliates will be subject to disciplinary action, up to and including termination from Austin Career Institute.

Any student or employee who feels that he or she has been subject to retaliation in violation of this policy should report the matter immediately to the Title IX Coordinator.

### **Definitions and Examples:**

**Coercion** - The use of pressure to compel another individual to initiate or continue sexual activity against an

individual's will. Coercion can include a wide range of behaviors, including psychological or emotional pressure, physical or emotional threats, intimidation, manipulation, or blackmail that causes the person to engage in unwelcome sexual activity. A person's words or conduct are sufficient to constitute coercion if they eliminate a reasonable person's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include but are not limited to threatening to "out" someone based on sexual orientation, gender identity, or gender expression; threatening to harm oneself if the other party does not engage in the sexual activity; and threatening to expose someone's prior sexual activity.

**Complainant** - The student, employee or third party who presents as the victim of any prohibited conduct under this policy, regardless of whether that person makes the report or seeks action under this policy.

**Consent** - A voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Past consent does not imply future consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual activity.

The definition of consent for the crime of sexual assault in Texas can be found in Section 22.011(b) of the Texas Penal Code.

**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 by the victim with 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

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

**Domestic (Family) 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 state of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Texas.

**Hostile Environment**– exists when sexual harassment (which is a form of sex-based harassment) is sufficiently severe or pervasive to deny or limit the individual's ability to participate in or benefit from class/clinic participation or school activities or an employee's terms and conditions of employment. A hostile environment can be created by anyone involved in the overall school experience (e.g., administrators, employees, students, and visitors).

In determining whether sex-based harassment has created a hostile environment, Austin Career Institute considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not adequate, that the conduct was unwelcome to the individual who was harassed. To conclude that conduct created or contributed to a hostile environment, the school must also find that a reasonable person in the individual's position would have perceived the conduct as undesirable or offensive.

To ultimately determine whether a hostile environment exists for an individual or individuals, Austin Career Institute considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and

relationships of the persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and (5) the degree to which the conduct affected an individual's education or employment.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

**Incapacitation**– The inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if they demonstrate that they are unaware at the time of the incident of where they are, how they got there, or why or how they became engaged in a sexual interaction.

The use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one's own or the other individual's intoxication or incapacitation, the safest course of action is to forgo or cease any sexual contact.

*Being impaired by alcohol or other drugs is not a defense to any violation of this policy.*

**Intimidation**– Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Other Inappropriate Sexual Conduct** – Includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of sexual harassment but is unprofessional, inappropriate for the workplace or campus and is not protected speech. It also includes consensual sexual conduct that is unprofessional and inappropriate for the workplace or campus. Depending on the facts of a complaint, the conduct may not violate this policy but may violate other Austin Career Institute policies including but not limited to standards of conduct or professionalism policies.

**Sexual Assault**– An offense that meets the definition of rape, fondling, incest, or statutory rape:

- A. *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.
- B. *Fondling*: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- C. *Incest*: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- D. *Statutory Rape*: Sexual intercourse with a person who is under the statutory age of consent.

**Sexual Exploitation**– Conduct where an individual takes non-consensual or abusive sexual advantage of another for their own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; the intentional removal of a condom or other contraceptive barrier during sexual activity without the consent of a sexual partner; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.

**Sexual Harassment**– Unwelcome conduct of a sexual nature including but not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's student status, employment, or participation in other school activities; or

- B. Such conduct is sufficiently severe or pervasive that it creates a hostile environment, as defined above.

Sexual harassment is a form of sex discrimination that includes:

- A. Sexual violence, sexual assault, sexual exploitation, stalking, domestic violence and dating violence as defined herein.
- B. Physical conduct, depending on the totality of the circumstances present and frequency and severity, including but not limited to:
  - 1. unwelcome intentional touching; or
  - 2. deliberate physical interference with or restriction of movement.
- C. Verbal conduct not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea, including oral, written, or symbolic expression, including but not limited to:
  - 1. explicit or implicit propositions to engage in sexual activity;
  - 2. gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
  - 3. gratuitous remarks about sexual activities or speculation about sexual experiences;
  - 4. persistent, unwanted sexual or romantic attention;
  - 5. subtle or overt pressure for sexual favors;
  - 6. exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials; or
  - 7. deliberate, repeated humiliation or intimidation based upon sex.

**Sexual Misconduct** – A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes, but is not limited to, sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. The term also includes “other inappropriate sexual conduct,” as defined above. Sexual misconduct can be committed by any person, including strangers or acquaintances.

**Sexual Violence** – Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. The term includes, but is not limited to, rape, sexual assault, sexual battery, sexual coercion, sexual abuse, and/or indecency with a child.

**Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. For the purposes of this definition--

- A. *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.
- B. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- C. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### **Role of the Title IX Coordinator**

The investigation of complaints under this policy will be overseen by the Title IX Coordinator. The Title IX Coordinator will not conduct investigations, assess credibility of witnesses, or make findings as to whether a violation of this policy has occurred. Rather, his or her role will be to ensure that Austin Career Institute’s Title IX policies

and procedures are followed, in part by (i) seeking the complainant's consent to conduct an investigation and disclose his or her name in connection with the complaint; (ii) guiding the investigator(s) in order to facilitate and support their compliance with this policy; and (iii) ensuring that the outcome of each such complaint is appropriately communicated. More specifically, the Title IX Coordinator will:

- Upon receiving a complaint of sex discrimination, sexual harassment or sexual assault, seek the consent of the complainant to conduct the investigation and disclose his or her identity in connection with the complaint.
- In the event that a complainant requests that an investigation not be conducted, or that his or her identity not be revealed, communicate the determination on this request to the complainant and direct additional actions as appropriate.
- Recommend any interim protections or other measures to be taken during the course of the investigation, before any findings are determined. Interim measures will be taken within the context of Austin Career Institute policies and might include placing a student or students on an absence for investigation, placing an employee on administrative leave, limiting contact between the parties, or other measures.
- When an investigation may proceed, designate the appropriate investigator(s) to carry out a prompt and impartial investigation.
- Review the procedural requirements for the investigation with the investigator(s), including without limitation that: (i) the complainant(s) and subject(s) of the complaint are provided equal opportunity to provide evidence and to identify witnesses; and (ii) that Austin Career Institute maintain the complaint and investigation confidential to the extent possible.
- Review the investigation documentation to determine whether the investigation, before it is closed, has been sufficient. Where additional steps are merited, the Title IX Coordinator will define those additional steps to be taken by the investigator(s) prior to concluding the investigation.

Additionally, the Title IX Coordinator will document all reports and complaints of sex discrimination, sexual harassment, and sexual assault and establish a protocol for keeping records related to such incidents.

## **LOCATION MODIFICATIONS**

All Austin Career Institutes, April 2019