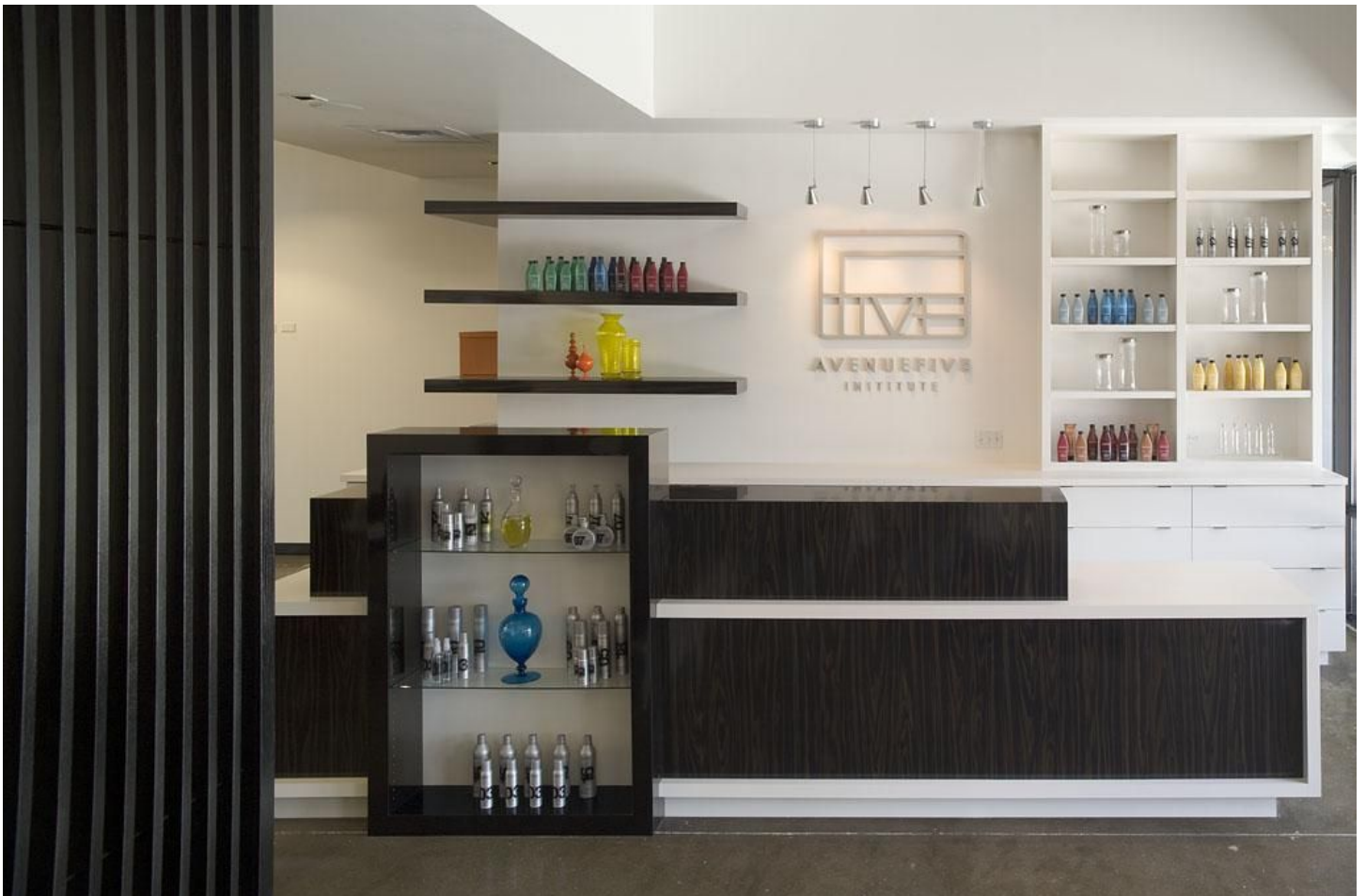




# AVENUE FIVE INSTITUTE

## Annual Campus Security Report 2017-2018

Campus Crime and Statistics are from 2015-2017



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# 1. Annual Security Report – Overview & Distribution

In accordance with the Clery Act and the Violence Against Women Act, Avenue Five Institute is committed to providing a campus experience that supports the safety of our students, our staff, and our guests. The ultimate purpose of this is to promote safe and healthy student relationships that foster a positive learning environment for everyone.

The policies and procedures for Avenue Five Institute were developed (and periodically updated) by executives of the company. The school prepares an Annual Safety Report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is distributed to students and staff each year and has been prepared in cooperation with the police agencies surrounding our campus. The report includes statistics for the previous three calendar years concerning reported crimes that occurred on campus and on any public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, VAWA, and other matters. All current and prospective employees and students can always obtain a physical copy of this year's report by visiting the administrative offices.

On or before October 1 of each year, all students and employees are informed of the existence of the Annual Security Report and are provided access to a copy of the ASR as well as information on how to easily obtain additional copies via the Campus Director. In addition, all students are made aware of information and policies contained in the Annual Security Report via the Student Catalog, which is reviewed with all students during the enrollment process. New student orientations occur on or before the first day of class and includes a review of key elements of the Student Catalog, including our Campus Security Program, and how to obtain the Annual Security Report.

## 2. Drug and Alcohol Prevention Policy

Avenue Five Institute supports, and has prepared policy in accordance with, the Drug Free Workplace Act of 1988 (P.L. 100-690, Title V, Subtitle D) and the Drug Free Schools and Communities Act Amendments of 1989 (P.L. 101-226). Drug abuse is a widespread and devastating challenge for those affected. At Avenue Five Institute, we are committed to preparing students for a successful professional career and have the responsibility of eliminating illegal drug use on campus. This is achieved by prohibiting of the unlawful distribution, dispensation, possession, or use of a controlled substance or alcohol by any student or employee on campus or as a part of any school activity. Additionally, we provide students and employees information concerning the health hazards involved with alcohol and drug abuse as well as information on the legal implications and opportunities for treatment. In compliance with federal government regulations for a drug-free workplace for students and employees, any student caught in possession, use, or distribution of illegal substances or paraphernalia will be dismissed and/or referred to the appropriate agency. Students convicted for any offense, during a period enrollment for which the student was receiving Title IV funds, under any federal or state law involving possession or sale of illegal drugs will result in the loss of eligibility for any Title IV assistance.

**HEALTH RISKS:** Health risks generally associated with alcohol and drug abuse can result in but are not limited to a lowered immune system, damage to critical nerve cells, physical dependency, lung damage, heart problems, liver disease, physical and mental depression, increased infection, irreversible memory loss, personality changes and thought disorders. The use of alcohol and other drugs represents a serious threat to health and the quality of life. More than 25,000 people die each year from drug-related accidents or health problems. With most drugs, it is possible that users will develop psychological and physical dependence. The general categories of drugs and their effects are as follows: (1) Alcohol produces short-term effects that include behavioral changes, impairment of judgment and coordination, greater likelihood of aggressive acts, respiratory depression, irreversible physical and mental abnormalities in newborns (fetal alcohol syndrome) and death. Long-term effects of alcohol abuse include damage to the liver, heart and brain; ulcers; gastritis; malnutrition; delirium tremens; and cancer. Alcohol combined with barbiturates and other depressants can prove to be a deadly mixture. (2) Amphetamines/Stimulants (speed, uppers, crank, caffeine, etc.) speed up the nervous system and can cause increased heart and breathing rates, higher blood pressure, decreased appetite, headaches, blurred vision, dizziness, sleeplessness, anxiety, hallucinations, paranoia, depression, convulsions and death due to a stroke or heart failure; (3) Anabolic steroids seriously affect the liver, cardiovascular and reproductive systems. Can cause sterility in males and females as well as impotency in males. (4) Barbiturates/ Depressants (downers, quaaludes, valium, etc.) slow down the central nervous system and can cause decreased heart and breathing rates, lowered blood pressure, slowed reactions, confusion, distortion of reality, convulsions, respiratory depression, coma and death. Depressants combined with alcohol can be lethal. (5) Cocaine/ Crack stimulates the central nervous system and is

extremely addictive, both psychologically and physically. Effects include dilated pupils, increased heart rate, elevated blood pressure, insomnia, loss of appetite, hallucinations, paranoia, seizures and death due to cardiac arrest or respiratory failure. (6) Hallucinogens (PCP, angel dust, LSD, etc.) interrupt the functions of the part of the brain that controls the intellect and instincts. May result in self-inflicted injuries, impaired coordination, dulled senses, incoherent speech, depression, anxiety, violent behavior, paranoia, hallucinations, increased heart rate and blood pressure, convulsions, coma, and heart and lung failure. (7) Cannabis (marijuana, hashish, hash, etc.) impairs short-term memory comprehension, concentration, coordination and motivation. May also cause paranoia and psychosis. Marijuana smoke contains more cancer-causing agents than tobacco smoke. The way in which marijuana is smoked - deeply inhaled and held in the lungs for a long period - enhances the risk of getting cancer. Combined with alcohol, marijuana can produce a dangerous multiplied effect. (8) Narcotics (heroin, morphine, demerol, percodan, etc.) initially produce feelings of euphoria often followed by drowsiness, nausea and vomiting. An overdose may result in convulsions, coma and death. Tolerance develops rapidly and dependence is likely. Using contaminated syringes to inject such drugs may result in AIDS. (9) Tobacco/nicotine causes death among some 170,000 people in the United States each year due to smoking-related coronary heart disease. Some 30 percent of the 130,000 cancer deaths each year are linked to smoking. Lung, larynx, esophagus, bladder, pancreas and kidney cancers strike smokers at increased rates. Emphysema and chronic bronchitis are 10 times more likely among smokers.

**PUNISHMENT FOR ALCOHOL AND DRUG RELATED CRIMES IN STATE OF TEXAS:** 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.

Penalty Group	Examples of Drugs/Controlled Substances
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 \$250,000

**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 \$50,000

Penalty Groups 3 and 4

Weight (grams)	Classification	Penalty
Less than 28	State Jail Felony	No more than 1 year in county jail; fine to \$4,000
28 or more, less than 200	Third-Degree Felony	2-10 years in state prison; fine up to \$10,000
200 or more, less than 400	Second-Degree Felony	2-20 years in state prison; fine up to \$10,000
400 or more	Enhanced 1st-Degree felony	5-99 years in state prison; fine up to \$50,000

The Texas Tax Code, in addition to criminal penalties for drug possession, also sets potential civil penalties. Although the statute is not often used in minor possession cases, the code requires that taxes must be paid on illegal drugs, so that "dealers" who possess over certain amounts can be charged with tax evasion. The state of Texas can also suspend your license for up to six months following a conviction on any violation of Texas Controlled Substances Act.

The Code of Criminal Procedure also allows police to seize any property used or "intended to be used" in the commission of a drug felony. That means they can take your car, your home, or any other belonging where you are accused of carrying or hiding drugs. The asset forfeiture law is a civil action, not criminal, and you don't have to be convicted for the state to try to take your property. Drug possession penalties are complicated, and depend on the classification of the substance and the quantity.

Possession of Drug Paraphernalia- Any item that can be used as a drug processing, packaging, or consumption mechanism can be defined as paraphernalia under 481.002 (17) of the Texas Controlled Substances Act. Even common household items such as scales, spoons, bowls, envelopes or bags can land you an illegal possession of paraphernalia charge. The most common paraphernalia charges result from pipes, and bong. Simple possession of drug paraphernalia is a Class C Misdemeanor, which carries a penalty of fines up to \$500. Distribution or possession with intent to distribute or sell drug paraphernalia is a Class A misdemeanor, which can result in up to a year in jail. Second offense penalties will result in mandatory jail time, or if you sell to someone under 18 years old.

Federal Law

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		Imprisonment for up to 15 years and a fine not to exceed \$250,000.

REFERRAL AND HOTLINE INFORMATION- The school does not offer professional counseling services but offers the following recourse 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)

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

In September of 2018, Avenue Five Institute conducted a review of the effectiveness of our drug and alcohol program, as outlined above. The Director of Operations and CEO 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 the our school environment.

#### **Method Used to Determine the Effectiveness of Policy**

On a biennial basis, during the Fall, the CEO performs a review of the effectiveness of our Drug Policy. This review is conducted with support from the School Directors, as needed. To determine if the Drug Policy is meeting its objectives, the below methods are used:

1. Determine how many violations of the Drug and Alcohol Policy (and Standards of Conduct Regarding Drugs & Alcohol) occurred during the prior two years.
2. Determine how many students had been terminated due to violation of the Drug (and Standards of Conduct Regarding Drugs & Alcohol).
3. If there are two or less individuals who have violations during the period, and one or less individual who has been terminated due to a violation, then Avenue Five 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. Follow-up actions are taken if a campus is determined to have a potential drug/alcohol issue. In such case, the Campus Director must develop a report to explain the situation and determine if changes to the policy are required (see step 5).
5. The Campus 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. The Campus Director will provide a summary of recommendations to be reviewed by the CEO. In reviewing the report, the CEO 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. Based on this analysis,

Based on this analysis, the CEO will make appropriate changes and updated to the Drug and Alcohol policies and standards of conduct so that future violations can be reduce 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. NA
5. N/A

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

### **4. Campus Security Information, Policies and Procedures**

1. 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 previous 3 calendar years' crime statistics are always available upon request.

2. Prior to enrollment, all prospective students are provided a school catalog containing campus security procedures and practices. At orientation conducted on or before the first day of class, students review the school's campus security procedures and practices. All active students and staff receive updated campus crime data and information on campus security procedures and practices annually on or before October 1st as part of the school's annual security report and campus crime disclosure.
3. This institution does not employ campus security personnel or law enforcement, but has designated the CEO, School Directors, and Director of Human Resources as Campus Security Authorities (CSAs). 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. Campus Security Authorities do not possess arrest power. All crime victims and witnesses are strongly encouraged to immediately report the crime to Campus Security Authorities and the appropriate police agency. All reports will be investigated. Brandon Martin currently serves as the Campus Safety Officer and the Campus Fire Safety Officer.
4. Current policies concerning campus law enforcement are as follows:
  1. Institution's officials have no powers of arrest other than the Citizens Arrest Law, and are required in the event of a crime or emergency to call the correct agency or dial (911) for the police and emergency services. The Citizens Arrest Law will be invoked only as a last resort, and after all other possibilities have been explored.
  2. Employees shall contact their immediate or nearest ranking supervisor to report any criminal action or emergency to the appropriate agency by calling (911).
  3. The institution currently has no procedures for encouraging or facilitating pastoral or professional counseling (mental health or otherwise), other than the student or employee is encouraged to seek such aid.
5. All students and employees are required to report any crime or emergency to a staff member promptly and as accurately as possible. If a student or employee wishes to report a crime on a voluntary or confidential basis, the institutional official will be prepared to record and report the crime, but not the name of the informant. The student or employee may, in order to maintain confidentiality, submit the information in writing a staff member with or without a signature who in turn will contact the nearest supervisor to report criminal actions or emergencies to the appropriate agency or by calling (911) if appropriate. Non-emergency crimes or questions about crimes can be discussed with Austin Police Department by calling (512) 974-2000. The school will prepare and "Incident Report," completed by a staff member, for any instance of crime or emergency within the physical walls of the school and outside parking areas.
6. Information regarding any crimes committed on the campus or leased/attached properties (parking lot) will be available and posted in a conspicuous place within two (2) business days after the reporting of the crime and be available for sixty (60) business days during normal business hours, unless the disclosure is prohibited by law, would jeopardize the confidentiality of the victim, or an ongoing criminal investigation the safety of an individual, cause a suspect to flee evade detection: or result in the destruction of evidence. Once the reason for the lack of disclosure is no longer in force, the institution must disclose the information. If there is a request for information that is older than sixty 60 days, that information must be made available within two (2) business days of the request.
7. Though this institution does not offer regularly scheduled crime awareness or prevention programs, students are encouraged to exercise proper care in seeing to their own personal safety and the safety of others. For information on crime prevention programs and tips contact the local police department's crime prevention unit. The following is a description of policies, rules and programs designed to inform students and employees about the prevention of crimes on campus. This guidance is provided to students .
  1. Do not leave personal property in classrooms
  2. Report to your institutional official, any suspicious persons
  3. Always try to walk in groups outside the school premises and stay in well-lighted areas
  4. If you are waiting for a ride, wait within sight of other people

5. Don't prop open self-locking doors
6. Trust your instincts
  
8. During business hours, Avenue Five Institute will be open to students, staff and the general public. Admittance into the building is permitted only at designated entrances. Emergency only exits are secured from outside entry and equipped with alarms to notify of their use. During non-business hours, access to school facilities is by key through the facility's main entrance, as issued by the Director of Operations. Emergencies may necessitate changes or alterations to any posted hours of operation.
9. In the event Avenue Five is made aware of a potential security situation that is not of immediate emergency nature, but may affect the safety and security of students, guests, or employees of the school will distribute written notification documenting the security concern. Written updates will be distributed if needed.
10. If an emergency situation arises that presents an ongoing/continuing threat to the health or safety of students, guests, or employees of the school, Avenue Five will immediately notify the campus community. Since the school campus is small (building and exterior parking), the existence of this threat will be confirmed by a CSA who will, without delay, determine the content of the notification. As soon as possible, a notification will be delivered by the CSA via text, app message, email announcements, flyers, announcements, etc. The broader community will be made aware in a timely manner of any crimes, suspicious activities or other security problems through local police reports, which are made available to public.
11. In the event an emergency requires students, guests, or staff to evacuate, everyone should proceed calmly to the nearest exit and meet at the front parking lot or rear parking lot (unless threat persist there, in which case evacuees should proceed further from threat). Evacuation plans are posted throughout the school. Emergency exits are clearly marked and all exit doors remain unlocked during school hours.
12. In the event a severe weather warning has been issued or another situation arises that may impact the health or safety of those on campus, an announcement and directives will be made to students via email, text message, or other appropriate means. All associates and students need to remain calm and should follow instructions of CSA and other staff, seeking shelter in interior, non-windowed areas of the school.
13. In the event the emergency requires persons within the school to seek shelter, everyone should proceed calmly to the designated shelter area. Everyone must remain in the shelter area until released to leave by Campus Security Authorities. Avenue Five periodically conducts evacuation drills to test emergency response and evacuation readiness.
14. Avenue Five Institute does not officially recognize any off-campus student organizations and therefore no monitoring of such programs is conducted.
15. The Student Right to know act states that schools must notify students on where they can obtain information in regards to sex offenders who must register with the state. The State of Texas requires that sex offenders be registered in the county that they reside. Pursuant to Texas Code of Criminal Procedure Article 62.005, the Texas Department of Public Safety (DPS) establishes the website <https://records.txdps.state.tx.us/sexoffender> Pursuant to Texas Code of Criminal Procedure Article 62.301 and judicial orders, not all offenders are available on the public access sex offender database. Anyone who uses any information on this website to injure, harass, or for any other unlawful purpose may be subject to criminal prosecution or civil liability.

## **Harassment & Bullying Policy**

Avenue Five Institute intends to maintain an environment that is free from intimidation or harassment. Harassment of by any employee, student, guest, or outside vendor is prohibited and may result in disciplinary action, up to and including termination from the program or company. Harassment is defined as behavior that is offensive to an individual or group, including unwelcome sexual advances, uninvited suggestive remarks, verbal, written or graphic communication that is sexist, racist, contains religious slurs, or ethnic jokes, etc. Racial, religious, or ethnic intimidation, sexual harassment in an educational environment creates a psychologically-harmful atmosphere. If you observe this type of behavior, you should immediately address the issue by advising the individual that it is unwelcome, unwanted and inappropriate. If the behavior does not cease, report it to a CSA or Campus Management immediately. Verbal and/or written threats to any individual(s) will be taken seriously, perceived as credible and turned over to the local police for investigation.



## **Title IX Anti-Harassment and Discrimination Policy**

Avenue Five Institute is committed to providing a work and school environment free of unlawful harassment or discrimination. The school is also committed to supporting the Violence Against Women Act. In furtherance of these commitments, all students and employees are required to take our mandatory ongoing prevention and awareness programs covering Sexual Harassment and Prevention upon starting with the School and every year thereafter. This training includes guidance on safe and positive options for bystander intervention, as well as information on risk reduction to prevent dating violence, domestic violence, sexual assault, and stalking.

School policy prohibits harassment or discrimination based on race, religion, creed, color, national origin, ancestry, sex (including pregnancy, childbirth or related medical conditions), military or veteran status, physical or mental disability, medical condition, marital status, age, sexual orientation, gender, gender identity or expression, genetic information or any other basis protected by the federal, state or local law. Additionally, in accordance with Title IX of the Education Amendments of 1972, the School prohibits discrimination based on sex, which includes sexual harassment and sexual violence, and the School has jurisdiction over Title IX complaints.

The School's anti-harassment policy applies to all persons involved in the operation of the School, and prohibits unlawful harassment by any employee of the School, as well as students, customers, vendors or anyone who does business with the School. It further extends to prohibit unlawful harassment by or against students. Any employee, student or contract worker who violates this policy will be subject to disciplinary action. To the extent a customer, vendor or other person with whom the School does business engages in unlawful harassment or discrimination, the School will take appropriate corrective action.

As part of the School's commitment to providing a harassment-free working and learning environment, this policy shall be disseminated to the School community through publications, the School website, new employee orientations, student orientations, and other appropriate channels of communication. The School provides training to key staff members to enable the School to handle any allegations of sexual harassment or sexual violence promptly and effectively. This training includes information on recognizing situations of potential harm and taking safe bystander intervention measures in order to encourage risk reduction. The School will respond quickly to all reports, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

The Title IX coordinator at Avenue Five Institute is Brandon Martin. All schools receiving Federal financial assistance must designate at least one professional employee as the Title IX Coordinator to oversee compliance efforts and investigate any complaint of sex discrimination. This person is responsible for monitoring the overall implementation of Title IX for Avenue Five and coordinating compliance with Title IX in all areas covered by the implementing regulations. The Title IX coordinator can be reached directly and confidentially at any time at [bmartin@avenuefive.com](mailto:bmartin@avenuefive.com).

### **Definitions**

**Sexual Harassment** is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile or offensive.

**Sexual Violence** is defined as physical sexual acts engaged in without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

**Domestic Violence** is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

**Dating Violence** is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**Sexual Assault** occurs when a physical sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or

intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, and taking advantage of the other person's incapacitation (including voluntary intoxication).

*Stalking* is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

*Bystander Intervention* is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

*Risk Reduction* is defined as options designed to decrease perpetration and bystander inaction, increase empowerment for victims, and help individuals and communities address conditions that facilitate violence.

*Consent* is informed, voluntary and revocable. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. It must be given without coercion, force, threats or intimidation. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

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## **Prohibited Conduct**

This policy strictly prohibits sexual or other unlawful harassment or discrimination as well as sexual violence, as defined above. Sexual or other unlawful harassment or discrimination includes any verbal, physical or visual conduct based on sex, race, age, national origin, disability or any other legally protected basis if:

- *submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;*
- *submission to or rejection of such conduct by an individual is used as a basis for decisions concerning that individual's education or employment; or*
- *it creates a hostile or offensive work environment, which means the alleged conduct is sufficiently serious to limit or deny a student's or ability to participate or benefit from the student's education program.*

Unlawful harassment or discrimination may include racial epithets, slurs and derogatory remarks, stereotypes, jokes, posters or cartoons based on race, national origin, age, disability, marital status or other legally protected categories.

Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", practical jokes, jokes about or displays of obscene printed or visual material, questions about sexual fantasies, preferences or history, and physical contact such as patting, pinching, or intentionally brushing against another person's body. Gender-based harassment, including acts of verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping are strictly prohibited, even if those acts do not involve conduct of a sexual nature.

## **Complaint/Grievance Procedure**

If you believe that you have experienced or witnessed harassment or sexual violence, notify your instructor, supervisor, Human Resources, or the Title IX Coordinator as soon as possible after the incident. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation. No employee, contract worker, student, vendor or other person who does business with the School is exempt from the prohibitions in this policy. Supervisors will refer all harassment complaints to the Title IX Coordinator for student-related complaints and to the Human Resources Department if the complaint involves an employee. In order to facilitate the investigation, your complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses.

All complaints involving a student will be referred to the campus' Title IX Coordinator. The Title IX Coordinator is listed below and has the responsibility of overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

*Title IX Coordinator:*

**Brandon Martin, CEO**

**8620 Burnet Rd. Ste 300, Austin TX 78757**

**(512) 968-2835**

**[bmartin@avenuefive.com](mailto:bmartin@avenuefive.com)**

The School ensures that its employee(s) designated to serve as Title IX Coordinator(s) have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the School's grievance procedures operate. Because complaints can also be filed with an employee's supervisor or Human Resources, these employees also receive training on the School's grievance procedures and any other procedures used for investigating reports of sexual harassment.

### **Investigation of Complaints**

Investigations will be conducted by school officials that receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and how to safely conduct an investigation and hearing process to protect the safety of the victims and promote accountability. In response to all complaints, the School promises prompt and equitable resolution through a reliable and impartial investigation of complaints, including the opportunity for both parties to present witnesses or other evidence. The accuser and the accused are also permitted to be accompanied by the advisor of their choice to any meetings or proceedings. The school will not limit the choice or presence of an accompanying adviser but may establish restrictions, applied equally to both parties, regarding the extent to which an adviser may participate in the proceedings. The time necessary to conduct an investigation will vary based on complexity but will generally be completed within sixty (60) days of receipt of the complaint. The School shall maintain confidentiality for all parties to the extent possible, but absolute confidentiality cannot be guaranteed. In cases where a student does not give consent for an investigation, the School will weigh the student's request for confidentiality against the impact on School safety to determine whether an investigation must proceed. Complainants should be aware that in a formal investigation due process generally requires that the identity of the charging party and the substance of the complaint be revealed to the person charged with the alleged harassment. The institution will complete publically available recordkeeping without the inclusion of personally identifiable information about the victim and strive to maintain protections for victim identity.

The preponderance of the evidence standard will apply to investigations, meaning the School will evaluate whether it is more likely than not that the alleged conduct occurred. The institution will provide simultaneous notification, in writing, to both the accuser and accused of the result of any institutional disciplinary proceeding and the schools procedures for appealing the results, if available. The school will also provide simultaneous written notification to both the accuser and the accused of any changes to the results and when results become final.

During the investigation, the School will provide interim measures, as necessary, to protect the safety and wellbeing of students and/or employees involved.

If the School determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the circumstances involved, and the School will take steps to prevent the recurrence of any harassment or discrimination. Any employee determined by the School to be responsible for unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination. Remedies for student-related claims may include, but are not limited to, an order to stay away, suspension or expulsion.

To initiate a criminal investigation, reports of sexual violence should be made to "911" or local law enforcement. The criminal process is separate from the School's disciplinary process. To the extent that an employee or contract worker is not satisfied with the College's handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

### **Retaliation Prohibited**

The School will not retaliate against you for filing a complaint, and will not tolerate retaliation by students or employees. If you believe you have been retaliated against, you should promptly notify your supervisor, Human Resources or the Title IX Coordinator.

### **Reporting Requirements**

Victims of sexual misconduct should be aware that School administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to other members of the campus community. The School will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The School reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

### **Additional Information**

Employees should contact Human Resources for more information or any questions related to this policy. Students may contact the Title IX Coordinator with any questions related to this policy. In addition, the U.S. Department of Education Office for Civil Rights ("OCR") investigates complaints of unlawful harassment of students in educational programs or activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the parties. For more information, visit the OCR website at: <http://www.hhs.gov/ocr/>.

Policy strictly prohibits the illegal use, possession, manufacture, dispensing, or distribution of alcohol, drugs or controlled substances in the workplace, on its premises, or as a part of all school sponsored activities. A violation of this policy is considered a major offense, which may result in requirement for satisfactory participation in a drug or alcohol rehabilitation program, referral for criminal prosecution, and/or immediate disciplinary action up to and including termination from employment and suspension or expulsion from the school. A criminal conviction is not required for sanctions to be imposed upon an employee or student for violations of this policy. Violations of applicable local, state and federal laws may subject a student or employee to a variety of legal sanctions including but not limited to fines, incarceration, imprisonment and/or community service requirements. Convictions become a part of an individual's criminal record and may prohibit certain career and professional opportunities.

### **Texas Penal Code § 22.011 states:**

A person commits an offense if the person:

(1) intentionally or knowingly:

- (A) Causes the penetration of the anus or sexual organ of another person by any means without that person's consent;
- (B) Causes the penetration of the mouth or another person by the sexual organ of the actor, without that person's consent; or
- (C) Causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(2) Intentionally or knowingly:

- (A) Causes the penetration of the anus or sexual organ of a child by any means;
- (B) Causes the penetration of the mouth or a child by the sexual organ of the actor;
- (C) Causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
- (D) Causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
- (E) Causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

(b)A sexual assault under Subsection (a) (1) is without the consent of the other person if:

- (1) The actor compels the other person to submit or participate by the use of physical force or violence;
- (2) The actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
- (3) The other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
- (4) The actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it
- (5) The other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

- (6) The actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
- (7) The actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
- (8) The actor is a public servant who coerces the other person to Submit or participate;
- (9) The actor is a mental health services provider
- (10) The actor is a clergyman
- (11) The actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2 Family Code.

**Texas Penal Code § 1.07 definition section states:** “*Consent*” means in fact, whether express or apparent.

Any person who may be a victim or is aware of a victim of sexual assault on campus should immediately report the incident to the School Director and/ the Title IX coordinator at Avenue Five Institute by emailing [bmartin@avenuefive.com](mailto:bmartin@avenuefive.com).

Students, faculty, and staff are strongly encouraged to report sexual assaults to the Austin Police Department, whether the assault occurs on or off campus, no matter who the alleged assailant is. If the assault occurs off campus, the school will assist a victim with notification to the appropriate law enforcement agency having police jurisdiction where the crime occurred. In the event of an on or off campus VAWA crime occurring, the school will provide a written explanation of the students rights and options.

It is important for persons who have been sexually assaulted to seek medical attention. A representative from the STARS (Sexual Trauma & Assault Response Services) is available to accompany students who have been sexually assaulted to the hospital and for counseling, if desired. A medical examination specifically tailored for sexual assault victims is conducted by the hospital staff. This will help preserve important evidence of the sexual assault if the person who has been sexually assaulted decides later to prosecute. It is important for persons who have been sexually assaulted to contact the police who will arrange for immediate medical attention and will initiate an investigation.

The school will work with local law enforcement to investigate all sexual assault complaints with sensitivity, compassion, patience and respect for the victim. Investigations are conducted in accordance with guidelines established by Texas state law and the Travis County District Attorney's Office.

In accordance with the Texas Code of Criminal Procedure Art. 57, victims may use a pseudonym to protect their identity. A pseudonym is a set of initials or a fictitious name chosen by the victim to be used in all public files and records concerning the sexual assault. Victims of sexual assault are not required to file criminal charges; however, preferring charges is encouraged.

If you have been sexually assaulted:

1. Call 9-1-1 on campus/from a cell phone or off campus phone line.
2. DO NOT shower, bathe, or douche.
3. Have a trusted friend take you to a medical center that performs sexual assault examinations. Take the clothes in which you were assaulted with you to the hospital in a paper bag, not plastic.
4. Obtain counseling services recommendations from the hospital or law enforcement.
5. Remember it is not your fault.

How to file a sexual assault complaint

If the complainant elects not to file criminal charges, but still wishes to proceed with formal administrative charges, an investigation is conducted, and the case is referred to the School Director. Disciplinary actions assessed in a particular case will be dependent upon the nature of the conduct involved, the circumstances and conditions which existed at the time the student engaged in such conduct and the results which followed as a natural consequence of such conduct. The institution will provide simultaneous notification, in writing, to both the accuser and accused of the result of any institutional disciplinary proceeding and the schools procedures for appealing the results, if available. The school will also provide simultaneous written notification to both the accuser and the accused of any changes to the results and when results become final.

Sanctions can include the following:

- Disciplinary warning
- Disciplinary probation
- Withholding of grades, official transcript or degree
- Bar against readmission or drop from current enrollment
- Restitution
- Suspension of rights and privileges
- Suspension
- Expulsion
- Other penalty as deemed appropriate under the circumstances

Campus Sexual Assault Victims' Bill of Rights The United States Congress enacted the "Campus Sexual Assault Victims' Bill of Rights" in 1992 as a part of the Higher Education Amendments of 1992. This law requires that all universities afford sexual assault victims certain basic rights such as:

- Accuser and accused must have the same opportunity to have others present.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be informed of their options to notify law enforcement
- Survivors shall be notified of counseling services.

## 5. Campus Crime Statistics

OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES*	NON-CAMPUS PROPERTY*	PUBLIC PROPERTY
MURDER / NON-NEGLIGENT MANSLAUGHTER	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
RAPE	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
FONDLING	2017	0	0	0	0
	2016	1	0	0	0
	2015	0	0	0	0
INCEST	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
STATUTORY RAPE	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
ROBBERY	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
AGGRAVATED ASSAULT	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
BURGLARY	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
MOTOR VEHICLE THEFT	2017	0	0	0	0

ARSON	2016	0	0	0	0
	2015	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0

### VAWA Offenses Reporting

OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		ON- CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES*	NON-CAMPUS PROPERTY*	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
DATING VIOLENCE	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
STALKING	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0

### Arrests and Disciplinary Referrals Reporting

OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		ON- CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES*	NON-CAMPUS PROPERTY*	PUBLIC PROPERTY
ARRESTS: WEAPONS: CARRYING, POSSESSING, ETC.	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0

\*The school does not have any on-campus student housing facilities or any non-campus buildings or property.

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

**Unfounded Crimes-** There were no unfounded crimes in 2015, 2016 or 2017.

## **6. Sexual Misconduct Prevention and Response Policy**

Avenue Five Institute will not tolerate any form of sexual harassment, assault, or violence, whether committed by a stranger, acquaintance, customer, or employee. Such behavior is a violation of our institutional standards and could also be a criminal act under State or Federal Law. This Sexual Misconduct Prevention and Response Policy is intended to maintain campuses free of sexual misconduct and outline the process for reporting and responding to violations.

Sexual harassment includes behaviours such as unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this behaviour explicitly or implicitly affects a person's employment or education, unreasonably interfered with a person's work or educational performance, or creates an intimidating, hostile or offensive working or learning environment.

Individuals who believe they are victims of sexual harassment should respond by making it clear that such behavior is offensive to them. Students who believe they have been the victim of sexual harassment should document the matter and report it to campus security authorities. Students who are found to be participating in any form of sexual harassment will be subject to disciplinary action, including but not limited to, dismissal from school. If you believe you have been sexually assaulted, the most important thing to do immediately is get to a place of safety. It is recommended that victims of sexual assault report the incident in a timely manner. An assault should be reported directly to campus security authorities and may be reported to local law enforcement authorities. At the request of a student, campus officials are available to assist victims in reporting incidents of sexual assault to local law enforcement. Timely reporting is critical for evidence collection and preservation of evidence for criminal investigations. Filing a police report does not obligate the victim to prosecute, nor does it subject the victim to scrutiny or judgmental opinions from officers.

During an investigation of sexual assault allegations, both accused and accuser have the same opportunity to have an advisor of their choice present during disciplinary proceedings and any related meetings or proceedings. The school will not limit the choice or presence of an accompanying advisor but may establish restrictions, applied equally to both parties, regarding the extent to which an adviser may participate in the proceedings. The role of an advisor should be to support the student and not to interact with other parties involved in the proceedings. The school may not wait for the outcome of any criminal investigation or legal proceedings to pursue disciplinary action or make a final determination on the outcome of a complaint. If a final determination is made that any student is found to be committing acts of sexual misconduct in violation of the law on school property or at a school event, they shall be subject to, at a minimum, the referral to counseling, automatic, and immediate suspension or dismissal from school. Any Avenue Five Institute imposed sanctions are separate and in addition to any legal actions taken by local, state or federal authorities. Student victims have the option to reasonably change their academic status after an alleged sexual. The institution will provide simultaneous notification, in writing, to both the accuser and accused of the result of any institutional disciplinary proceeding and the schools procedures for appealing the results, if available. The school will also provide simultaneous written notification to both the accuser and the accused of any changes to the results and when results become final. During the investigation, the School may also provide interim measures, as necessary, to protect the safety and wellbeing of students and/or employees involved.

The school will protect the confidentiality of victims and related parties whenever possible, including submission of any required reports without the inclusion of personally identifiable information whenever possible. The school will also maintain any victim accommodations as confidential so long as it does not impair the school from providing victim protections. Students 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 reasonable.

The school can also facilitate support from outside organizations to carry out state and federal requirements. 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/> And in accordance with the Student Right to Know Act, schools must notify students how and where they can obtain information in regards to registered sex offenders in their state. Students should contact the local police departments or visit the Texas Sex Offenders Database at <https://records.txdps.state.tx.us/SexOffenderRegistry> to obtain this information.