



# Drake State Community and Technical College Campus Security Report 12/31/2020

**FOR REPORTING CLERY CRIMES, CALL:**

**Campus Security..... (256) 683-2303**

**Director of Operations ..... (256) 426-5047**

**Dean of Instruction..... (256) 551-5226**

**Dean of Students ..... (256) 551-3129**

**Assistant Dean of Student Success. .... (256) 551-7274**

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## **DRAKE STATE COMMUNITY AND TECHNICAL COLLEGE CAMPUS SECURITY REPORT FOR CALENDAR YEAR 2019**

### **POLICY**

It is the policy of the J.F. Drake State Community and Technical College (Drake State) to comply fully with the following Acts and Laws:

- Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act
- 34 CFR 668.46, Institutional security policies and crime statistics
- Violence Against Women Reauthorization Act of 2013
- Published mandates of the Student Right-to-Know & Campus Security Act (Public Law 101-542)
- Higher Education Technical Amendments of 1991 (Public Law 102- 26)
- Higher Education Amendments of 1992 (Public Law 102-325)

**Note:** Each operating unit of the College prepares and follows procedures to satisfy the stipulations of the above Acts and Laws. Working in partnership with the community, the College is committed to providing the highest quality of service to students, faculty, staff, and visitors by maintaining community peace, safety, and quality of life.

### **THE CAMPUS SECURITY ACT-LEGAL REQUIREMENTS**

The Campus Security Act requires colleges and universities to:

- Publish an annual report every year by 1 October that contains three years of campus crime statistics and certain campus security policy statements.
- Disclose crime statistics for the Main Campus and public property immediately adjacent to the Main Campus, as well as facilities deemed Non-Campus. The statistics are gathered from Campus Security, local law enforcement, and other college officials who have “significant responsibility for student and campus activities.”
- Provide “emergency notification” procedures for significant emergencies or dangerous situations occurring and involving an immediate threat to the health or safety to students and employees.
- Provide “timely warning” notices of those crimes that represent a serious or continuing threat to students and employees.
- Disclose in a public crime log any crimes that have occurred on the campus or within the patrol jurisdiction of Campus Security.

The Director of Operations, Dean of Instruction, Dean of Students, Director of Financial Aid, Human Resources, and the Student Success Specialist are responsible for preparing

this report by making updates based on applicable federal and state laws and policies. The Director of Operations also obtains crime statistics from reports compiled by Dynamic Security located on the Main Campus, as well as the Huntsville Police Department (HPD), Madison City Police Department (MCPD), and the Madison County Police Department. The President's Cabinet is also available to provide feedback for the report.

We encourage members of the Drake State community and prospective employees and students to use this report as a guide for safe practices on and off campus. It can be accessed by clicking on the "About Us" tab, followed by the CY 2019 Campus Security Report Link on the College's website at <http://www.drakestate.edu>." For a paper copy, the Director of Operations can be contacted at (256) 426-5047, or e-mailed at [bruce.bulluck@drakestate.edu](mailto:bruce.bulluck@drakestate.edu).

### **CAMPUS AND OTHER NON-CAMPUS LOCATIONS**

The Main Campus is located at 3421 Meridian Street North. Security cameras are located throughout the campus to ensure the safety and security of the campus community. The Director of Operations is responsible for the safety and security of the campus, as well as verifying any emergencies.

Additionally, the following facility is deemed Non-Campus, where Adult Education classes are taught:

Asbury Church Adult Education Site (Grace Building)  
980 Hughes Rd,  
Madison, AL 35758  
(Mondays & Wednesdays, 9:00 a.m. - 1:00 p.m., and 4:30 p.m. – 8:30 p.m.)

Northwoods Public Housing Community Adult Education Site (**Site opened 8 September, 2020**)  
1403 Yukon Street NW  
Huntsville, AL  
(Tuesdays & Thursdays, 4:00pm-7:00p.m.)

**Note: The College does not have any housing facilities located on campus, nor does it operate off-campus housing or off-campus student organization facilities.**

## MAIN CAMPUS MAP

The following map illustrates the Main Campus, which consists of nine buildings. The location shaded in yellow is deemed public property in accordance with Department of Education guidelines. “Public Property” refers to thoroughfares, streets, sidewalks and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.



### **BUILDING 100**

Computer Information Systems Technology  
 Director of Innovation and Program Success  
 Nursing Assistant  
 Nursing

### **BUILDING 200**

Electrical Technology  
 Engineering Design Technology  
 Mechatronics Technology  
 Machine Tool Technology  
 Operations Department  
 Robotics

### **BUILDING 300**

Cafetorium  
 Culinary Arts

### **BUILDING 400**

Automotive Technology  
 Robotic Welding and Plasma Cutter  
 Welding Technology

### **BUILDING 500**

Accounting Technology  
 Business Administration  
 Business Office  
 Information Technology (IT)  
 Human Resources  
 Medical Assisting Technology

### **S.C. O'NEAL SR. LIBRARY & TECHNOLOGY CENTER**

Library Services  
 President's Office  
 Dean of Instruction  
 Dean of Students  
 Assistant Dean of Student Success  
 Director of Institutional Effectiveness/Title III  
 Career Services  
 Public Relations  
 Workforce Development

### **BUILDING 600**

Salon/Spa Management  
 Security  
 Student Center

### **BUILDING 700**

Alabama National Guard  
 Admissions  
 Dual Enrollment  
 Financial Aid  
 Liberal Arts / General Studies  
 QEP Math Labs  
 Student Success Center  
 Testing and Assessment Center  
 Veterans Resource Office

### **BUILDING 800**

Adult Education  
 Biology  
 Heating & Air Conditioning Technology  
 Liberal Arts / General Studies

## **REPORTING OF EMERGENCIES OR CRIMINAL INCIDENTS**

Armed Security Guards are located on the Main Campus 24 hours a day, 7 days a week and can be contacted for any campus emergency. It is also the policy of Drake State that anyone (i.e. students, faculty, staff, visitors and guests) who experiences or witnesses a major crime or life threatening medical emergency on the Main Campus are strongly encouraged to immediately report the crime to HPD by dialing 911, and then contact a college official in the descending order:

1. Campus Security – Building 600 (Located in the same building as the Student Center); (256) 683-2303.
2. Director of Operations - Building 400, Room 404A; (256) 426-5047.
3. Dean of Instruction - S.C. O’Neal Library, Room 301; (256) 551-5226.
4. Dean of Students - S.C. O’Neal Library, Room 319; (256) 551-3129.
5. Assistant Dean of Student Success - S.C. O’Neal Library, Room 301; (256) 551-7274.

All crimes that occur on the Main Campus will be reported to the Security Office at (256) 551-5223, or cell phone at (256) 683-2303. Security will respond and personally handle the situation or contact HPD for assistance, if necessary. Security will also contact the Director of Operations, or the Dean of Students if students are involved. Emergency notifications, if necessary, will be made to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the Main Campus. Timely warnings will also be issued for reporting crimes that represent serious or continuing threats to student and employees.

HPD will be contacted at (256) 722-7100 or 911 for incidents or emergencies that occur at the Northwoods Adult Education Site. MCPD will be contacted at (256) 722-7190 or 911 for incidents or emergencies that occur at the Asbury Church Adult Education Site. Prompt reporting will assure emergency notifications and timely warning notices and disclosures of crime statistics. Once the notification has been made to HPD or MCPD, please contact the Director of Operations at (256) 426-5047.

## **CAMPUS SECURITY AUTHORITIES**

The Clery Act recognizes certain university officials and offices as Campus Security Authorities (CSA). 34 CFR 668.46 define CSAs as individuals who “have significant responsibility for student and campus activities”, including, but not limited to, campus

security, campus leaders and administrators, victim advocates, student life and student organizations staff and Title IX coordinators and staff.

## **CONFIDENTIAL REPORTING PROCEDURES**

Drake State is committed to providing opportunities for victims or witnesses to report crimes on a voluntary, confidential basis, even if the information must be included in the institution's crime statistics. Incidents will be reported to one of the following, without revealing the identity of the victim:

1. 9-1-1.
2. Huntsville Police Department (HPD); (256) 722-7100.
3. Madison City Police Department (MCPD); (256) 772-7190.
4. Madison County Police Department; (256) 772-5689.
5. Main Campus Security-Building 600; (256) 683-2303.
6. Crisis Services Center of North Alabama; (256) 716-1000.
7. Sexual Assault Response Team (SART); 1-800-691-8426.
8. Title IX Coordinator (Students); (256) 551-7265.
9. Title IX Coordinator (Staff); (256) 551-5214.

If you are the victim of a crime and do not want to pursue action within the College System or the criminal justice system, you may still want to consider making a confidential report. The Title IX Coordinator or a designee of Campus Security can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others.

With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of a crime with regard to a particular location, method or assailant and alert the campus community of potential dangers. Reports filed in this manner are counted and disclosed in the annual crime's statistics for the institution. Your identifying information will not be disclosed and you will not be asked, expected, or pressured to continue reporting to any other agencies.

The College will also protect the identity of persons who report incidents having been victims or witnesses of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law.



## **EMERGENCY ACTIONS**

Drake State goes to great lengths to ensure the safety and security of its faculty, staff, students and visitors to the campus. The College's Emergency Operations Plan outlines key safety items as well as actions to implement during an emergency or an incident on the campus. Safety procedures are also outlined in the Student Handbook and on the College's website. Additionally, emergency action procedures, emergency route maps, designated safe locations and assembly areas for each building on the campus, and an emergency contact list identifying individuals to report campus emergencies and Clery Act crimes are posted on bulletin boards and offices located throughout the Main Campus. Furthermore, emergency action procedures are tested periodically using drills, and appropriate modifications are made as deemed necessary.

### **Emergency Action Procedures**

The College has developed an emergency message template outlining some of the more common emergencies (i.e. lockdown, evacuation, fire, etc.) with an emergency message number assigned to each, along with the action procedures to be executed. A copy of this template is located on pages 40-41 of this report. The goal is to ensure individuals are made aware of the situation in a timely manner, and that they know the necessary steps in order to ensure their personal safety. During an actual emergency, the individual authorizing the alert will select the template message most appropriate to the on-going situation or modify it to address the specifics of the incident. In unique cases for which there are no pre-determined template messages in the system, the individual authorizing the alert will develop the most succinct message to convey the appropriate information to the community.

### **Communication Methods Used to Alert the Campus Community**

The College has various systems in place to disseminate information in an expeditious manner. Some or all of these methods of communication may be activated in the event of an emergency notification to all or a segment of the campus community. Mass notifications by the College on the Main Campus will be made primarily by using the Public Address System and/or "Drake Alert". The Public Address system can be operated from two different locations on the campus. "Drake Alert" is used to generate messages via telephone, cell phone, email and text messaging and is maintained by the Information Technology (IT) office. Television monitors are also located in buildings on the Main Campus and can be used to disseminate information, depending on the emergency. In order to receive campus-wide email announcements, students or employees must have a college e-mail account, which may be obtained from the IT office. The same office can add individuals to the Drake Alert system.

## **EMERGENCY NOTIFICATIONS & TIMELY WARNINGS**

In accordance with the requirements of the Higher Education Opportunity Act of 1965 as amended and 34 CFR 668.46, the College has comprehensive communications procedures used to provide prompt emergency notifications and/or timely warnings to the campus community. Campus Security, in concert with the Director of Operations will determine the content and notification, based on the scope of the situation or emergency, or whether or not the event is occurring only on the campus or is posing an imminent threat to the entire campus or just a portion of it, and will make a recommendation to the College President, if time permits.

### **Emergency Notifications**

Emergency notifications are issued upon the confirmation of any significant emergency or dangerous situation that may pose an immediate threat to health or safety and only involves a specific segment of the campus (i.e., a section of the campus or building), or a smaller group of people. In these cases, the decision will be made on how to make specific notifications to just the areas or people impacted.

### **Timely Warnings – Crime Alerts**

In an effort to provide timely notices to the campus community in the event of a Clery Act crime that may pose a serious or ongoing threat to members of the community (can extend beyond the campus), the College will issue “Crime Alerts”. These alerts will notify the campus community of the incident and provide information that may enable college community members to protect themselves from similar incidents. The College will generally issue Crime Alerts whenever the following criteria are met: 1) a crime is committed; 2) the perpetrator has not been apprehended; and 3) there is a substantial risk to the physical safety of other members of the campus community because of the crime.

The College President will generally make the determination, in consultation with the Director of Operations, Campus Security, or HPD if a Crime Alert is required. However, in extreme emergencies, Campus Security, the Director of Operations or another college administrator having supervisory oversight may authorize a Crime Alert.

These alerts will generally be issued for the following crimes: 1) Arson, 2) Aggravated assault, 3) Criminal homicide, 4) Robbery, 5) Burglary, and 6) Sexual assaults. A timely warning may also be issued for other crimes as deemed appropriate.

Options for these notifications include the Public Address System, “Drake Alert” (email, voicemails, text messaging), social media (Twitter and Facebook), voicemail, and the College’s website. Such warning(s) may include, but are not limited to, the following information: 1) Type of crime, 2) Date, 3) Time and location of crime, 4) Protective measures, and 5) Any available suspect information.

Timely warnings involving incidents of crimes that occur off-campus will be issued on the advice from HPD, MCPD and the Madison County Police Department, in order to prevent compromising law enforcement efforts.

### **SECURITY SERVICES**

Drake State has a contract with a security firm that performs regular security patrols for the Main Campus 24-hours a day, 7-days a week. There is also an additional roaming security guard during peak hours. Campus Security's responsibilities also include parking and speed limit enforcement and ensuring exterior lighting is functional. The speed limit on the campus is 15 MPH. Security also conducts hourly security checks and ensures buildings and rooms are secure when classes are not in session. Individuals needing access during the hours when the school is closed or when classes are not in session will need to contact Security at (256) 683-2303.

Security guards are armed, but they do not possess arrest powers. Therefore, criminal incidents on campus requiring apprehension and subsequent arrest are referred to HPD. Even though the College does not have a Memorandum of Understanding with HPD, Drake State enjoys a good relationship with HPD and once notified, they have always responded in a timely manner. The Security Office also maintains crime logs and incident reports, and both can be made available upon request.

### **UNFOUNDED CRIMES**

Since the Security Guards are not sworn officers and do not have arrest powers, the College contacts HPD to respond to major crimes that occur on the Main Campus. HPD will then conduct a formal investigation, and if warranted, deem a crime unfounded. 34 CFR 668.46 states, "An institution is not required to include (or may remove) a reported crime from its statistics when sworn or commissioned law enforcement personnel have fully investigated the reported crime and have a formal determination that the crime report is false or baseless and therefore, 'unfounded'". However, the College will still be responsible for disclosing in the Annual Security and reporting to the U.S. DOE statistics that include the total number of crimes that were investigated and determined to be "unfounded" and subsequently withheld from crime statistics during each of the three most recent calendar years. Previously, these incidents were not required to be reported.

### **SAFETY AND MAINTENANCE CONSIDERATIONS**

Drake State is committed to ensuring facilities and grounds are safe for faculty, staff, students and visitors. Exterior lighting and landscaping are critical aspects of this commitment. The Director of Operations conducts periodic inspections to ensure campus

lighting is adequate and the landscape is appropriately controlled. Security also conducts routine checks of lighting and security inspections of offices, classrooms and buildings during rounds and reports findings to the Director of Operations. Any person who has a concern about campus safety and physical security should contact the Director of Operations at (256) 426-5047. Maintenance personnel are also available to respond to calls for service regarding unsafe facility conditions or personal safety and property protection.

### **CAMPUS ESCORT**

Campus Security is available to escort any person leaving the campus and is concerned for his/her security or safety to their vehicle by contacting the Security Office at (256) 683-2303.

### **STUDENT FEEDBACK ON CAMPUS SAFETY AND SECURITY**

Student surveys are conducted on a regular basis. The College can also provide voluntary, confidential opportunities for students to provide information. The primary goal of these surveys is to identify areas of the campus that may present vulnerabilities to one's safety, assess services rendered by Campus Security and to alert these vulnerabilities to the President's Cabinet and the Director of Operations. Security, safety and other concerns can be addressed during the President's Cabinet and Administrative Council meetings or directly to the Director of Operations.

### **I.D. CARDS AND BADGES**

To further ensure the security of faculty, staff, and students, Drake State issues I. D. badges to staff and faculty and students. Additionally, there are signs posted throughout the campus directing visitors to the Business Office. Campus Security and employees of the College have the authority to ask persons for identification and to determine whether they have a legitimate need to be on the campus before providing access to campus facilities.

### **CRIME PREVENTION AND SAFETY EDUCATION AND AWARENESS**

In order to promote campus safety, the College encourages students, faculty and staff to adhere to the following tips for preventing crime on campus:

- Do not leave valuables unattended at any time on the campus. Keep laptops, backpacks, purses, IPODs etc. with you at all times.
- Always lock the doors of your vehicle.
- Avoid studying in secluded areas; try to find a location where you can still have privacy, but someone can see you.
- Wear your campus I.D. badge or have I.D. card in your possession while on the campus.
- Do not accept a ride from anyone you don't know.

- Report any suspicious behavior to Campus Security immediately using the below numbers.
- As indicated above, Campus Security is available to escort anyone to their vehicle, if needed, at any time.
- Report crimes to Campus Security at (256) 683-2303.

Officers from HPD are available to visit the campus periodically and hold seminars addressing crime prevention, as is the police chief from Jefferson State Community College. Published reading material will also be on display for students regarding campus crime prevention throughout the campus.

### **FIREARMS POLICY**

Act 2013-283, commonly referred to as Alabama “Gun Law,” took effect on August 1, 2013. Alabama Community College System (ACCS) Policy 511.01, “Firearms on Campus” dated 4/13/2016, prohibits firearms on campus or on any other facility operated by the institution. The following are exceptions to this policy:

1. Law enforcement officials legally authorized to carry such weapons who are officially enrolled in classes or are acting in the performance of their duties; or
2. An instructional program in which firearms are required equipment.

The College is in full compliance with Act 2013-283 and ACCS Policy 511.01.

### **ALCOHOL POLICY**

Per the Chancellor of ACCS, no alcohol is to be consumed anywhere on the college premises.

### **DRUG-FREE SCHOOLS AND COMMUNITIES ACT**

In compliance with Section 22 of Public Law 101-226 entitled “Drug Free Schools and Campuses”, the Drake State hereby gives notice of its policy to prevent the use of illicit drugs and the abuse of alcohol by students and employees. The Drug-Free Schools and Communities Act requires The College to verify that a Drug and Alcohol Abuse Education and Prevention Program (DAAPP) has been implemented. DAAPP prevents the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities. As part of the program, Drake State distributes DAAPP information to students and employees annually, as well as conducts a biennial review of the program. ACCS Policy 613.01: Drug-Free Workplace, Effective 4/13/2016, states, “The Community and Technical Colleges shall take reasonable and necessary action as required by federal and state law to provide a drug-free environment”.

## **DRUG AND ALCOHOL ABUSE PREVENTION POLICY AND PROGRAM**

The Drake State DAAPP is coordinated and evaluated by a six-member committee including the Dean of Students (Chair), Director of Operations, Student Success Specialist, Human Resources Specialist, a representative from Financial Aid and a representative from the New Horizons Recovery Center.

The DAAPP commences during the Fall Semester of every academic year and ends during the Summer Semester of that same academic year. The following lists the activities available to students and employees by semester:

### **Fall Semester**

During the fall semester, the DAAPP begins with an annual disclosure to students and employees, sent in the form of a letter to individual email accounts. Both the student letter and the employee letter include a description of the DAAPP, location and institutional policies. The Human Resources Specialist provides this information to employees and the Dean of Students provides the information directly to students.

The Annual Disclosure Letter and DAAPP include the following five areas:

- Standards of conduct prohibiting the possession, use and distribution of drugs and alcohol.
- Possible sanctions for violations of federal, state and local drug and alcohol laws, as well as sanctions for violations of institutional policies.
- Health risks associated with the use of drugs and alcohol.
- Information on counseling, rehabilitation and treatment programs.
- A clear statement that the school will impose sanctions on students and employees who violate drug and alcohol laws, ordinances and/or institutional policies.

### **Spring Semester**

During the spring semester, the Drake State DAAPP conducts its annual student and employee assessment. The purpose of the assessment is to determine students' and employees' knowledge level of drug and alcohol information and resources that are available to them. The survey is sent in an electronic format and the results are gathered and evaluated by the DAAPP committee in collaboration with the Office of Institutional Research.

### **Summer Semester**

Recognizing the importance of a variety of learning styles, the DAAPP utilizes service-learning as a method of sharing drug and alcohol abuse education and prevention. The Student Success Specialist and Office of Human Resources coordinate learning excursions to treatment facilities and/or campus visits by local preventative services (e.g. MADD, HPD

/Blood Alcohol Testing, etc.) with the outcome of preventing the unlawful possession, use and distribution of drugs and alcohol on campus and at recognized events and activities.

**Year Round**

All new students and new employees receive information about the DAAPP during New Student Orientation and New Employee Orientation.

**BIENNIAL EVALUATION**

Every odd-numbered year, the biennial evaluation is conducted by the DAAPP committee. The objectives of this review are to determine the effectiveness of the program and to ensure consistent enforcement of applicable laws, ordinances and institutional policies against violators.

The biennial review report and supporting documents are maintained by the Office of the Dean of Students and are made available to the U.S. Department of Education (DOE) upon request.

An abbreviated outline of the Drake State DAAPP program year is provided below.

|  |
|--|
| Fall Semester  |
| <ul style="list-style-type: none"> <li>• DAAPP Release of Information (Student Letter) – before October 1<sup>st</sup> – Dean of Students</li> <li>• DAAPP Release of Information (Employee Letter) – Office of Human Resources</li> <li>• New Horizons Open Session (Students and Employees)</li> </ul> |
| Spring Semester  |
| <ul style="list-style-type: none"> <li>• Annual (Knowledge and Resources) Survey (Students) – During Assessment Week</li> <li>• Annual (Knowledge and Resources) Survey (Employees) – During Professional Development</li> <li>• New Horizons Open Session (Students and Employees)</li> </ul>           |
| Summer Semester  |
| <ul style="list-style-type: none"> <li>• Service-Learning Opportunity</li> <li>• Biennial Program Evaluation (2015; 2017, 2019, 2021, etc.)</li> </ul>   |
| Year Round   |
| <ul style="list-style-type: none"> <li>• Announcement of DAAPP Program and Distribution of DAAPP Pamphlet (New Student Orientation and New Employee Orientation)</li> </ul>  |

- Individual, Private Counseling Sessions (Available for Students and Employees)

## **DISCIPLINARY COMMITTEE ACTIONS FOR DRUG AND ALCOHOL VIOLATIONS**

Listed below are the possible sanctions that can be imposed on students, if recommended, by the disciplinary committee for drug and alcohol violations. They include censure, expulsion, disciplinary probation, restitution, and suspension.

- **Censure** – A statement to the offender that he/she has violated college regulations and of the possibility of more stringent disciplinary actions in the event of future violations.
- **Disciplinary Probation** – Students placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities of the student. Any conduct in violation of this code while on probationary status may result in the imposition of further action.
- **Expulsion** – Termination of student status for a definite or indefinite period. The conditions of readmission, if any, shall be stated in writing to the student.
- **Restitution** – Reimbursement for damage or misappropriation.
- **Suspension** – Students who are suspended are deprived of student status and are separated from the College for a stated period of time. The suspension shall appear on the student’s disciplinary record.

Employees who are found in violation of this policy shall be disciplined as deemed appropriate by the investigating authority as to the severity of the offense with final approval from the President.

The New Horizons Recovery Center is available to provide on-campus programming once each semester. The sessions are open forum and all students and employees are invited to attend. The College encourages students to talk with the Student Success Specialist for referrals regarding inpatient and outpatient treatment and/or local support groups. The Student Success Specialist is also available to assist students with contacting the treatment facility, if necessary. Additionally, if students request assistance for a friend or relative, the Student Success Specialist can provide suggestions on ways that the student can encourage the friend or relative to engage in treatment. Published materials regarding the various effects of substance abuse is available on display for students near the Student Success Specialist’s office. The Office of Human Resources is available to offer information and support to employees.



## **REGISTERED SEX OFFENDERS**

The Federal Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to issue a statement advising the campus community where information concerning registered sex offenders may be obtained. In the State of Alabama, this information is accessible at <https://app.alea.gov/Community/wfSevOffenderSearch.aspx>. The site was accessed by the Director of Operations on 21 September 2020 and found to be operational.

## **HATE CRIME REPORTING**

The College strives to foster a safe and healthy learning environment that embodies diversity and inclusion of all members of the college community. Hate crimes, also called bias crimes or bias-related crimes, are criminal activities motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as race, religion, sexual orientation, gender, gender identity, ethnicity, national origin or disability. If you are a victim of or a witness to a hate/bias-related crime, immediately report it to Campus Security at (256) 683-2303, or dial 911 if it is life threatening.

**Note: There were no hate crimes reported during calendar year 2019.**

## **JEANNE CLERY ACT CRIME STATISTICS**

The Director of Operations, working in concert with Campus Security, HPD, MCPD and the Madison County Police Department, collects the crime statistics and the Director of Financial Aid inputs the data in the U. S. DOE's database. The Director of Operations periodically examines the data to ensure all reported crimes are recorded in accordance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, the crime definitions outlined in the Federal Bureau of Investigator's (FBI) Uniform Crime Reporting Handbook and the FBI's National Incident-Based Reporting System Handbook (sex offenses only). The Clery Act mandates the manner and format in which statistics are to be collected and published. Other crimes that aren't reportable under this Act are maintained in the Security Office at the Main Campus.

## **CRIMES REPORTABLE TO THE DEPARTMENT OF EDUCATION**

The following are the crimes that are reportable to the U.S. DOE along with definitions:

**Murder and Non-Negligent Manslaughter** – The willful (non-negligent) killing of one human being by another, or any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime.

**Manslaughter by Negligence** - The killing of another person through gross negligence.

**Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females. The definition also includes the following:

- Instances in which the victim did not consent or was incapable of giving consent, regardless of the age of the victim.
- If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, include the crime as statutory rape.

**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.

**Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.

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

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

**Burglary** - The unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft** - The theft or attempted theft of a motor vehicle.

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

**Hate Crime** - A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim (Categories are: Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin and Disability)

**Dating Violence - (See Definition on page 19).**

**Domestic Violence - (See Definition on page 19).**

**Stalking - (See Definition on pages 19).**

**Weapons: Carrying, Possessing, Etc.** - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Included in this classification are the following: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

**Drug Abuse Violations** - The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics - manufactured narcotics which can cause true addiction (Demerol, Methadone); and dangerous non-narcotic drugs (Barbiturates, Benzedrine).

**Liquor Law Violations** - The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness. Included in this classification are: the manufacture, sale, transporting, furnishing, possessing, etc. of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and attempts to commit any of the above.

**CRIME STATISTICS FOR THE PAST THREE YEARS**  
**REPORT OF CLERY CRIMINAL OFFENSES**

**J.F. DRAKE STATE COMMUNITY AND TECHNICAL COLLEGE**  
**3421 Meridian Street North**  
**Huntsville, AL 35758**  
**Main Campus**

| Year                                  | 2017      |                 | 2018      |                 | 2019      |                 |
|---------------------------------------|-----------|-----------------|-----------|-----------------|-----------|-----------------|
|                                       | On Campus | Public Property | On Campus | Public Property | On Campus | Public Property |
| Offense (Includes Attempts)           |           |                 |           |                 |           |                 |
| Murder and Non-Negligent Manslaughter | 0         | 0               | 0         | 0               | 0         | 0               |
| Manslaughter by Negligence            | 0         | 0               | 0         | 0               | 0         | 0               |
| Rape                                  | 0         | 0               | 0         | 0               | 0         | 0               |
| Fondling                              | 0         | 0               | 0         | 0               | 0         | 0               |
| Incest                                | 0         | 0               | 0         | 0               | 0         | 0               |
| Statutory Rape                        | 0         | 0               | 0         | 0               | 0         | 0               |
| Robbery                               | 0         | 0               | 0         | 0               | 0         | 0               |
| Aggravated Assault                    | 0         | 0               | 0         | 0               | 0         | 0               |
| Burglary                              | 0         | 0               | 0         | 0               | 0         | 0               |
| Motor Vehicle Theft                   | 0         | 0               | 0         | 0               | 0         | 0               |
| Arson                                 | 0         | 0               | 0         | 0               | 0         | 0               |
| Domestic Violence                     | 0         | 0               | 0         | 0               | 0         | 0               |
| Dating Violence                       | 0         | 0               | 0         | 0               | 0         | 0               |
| Stalking                              | 0         | 0               | 0         | 0               | 0         | 0               |
| Weapons Carrying, Possessing, Etc.    | 0         | 0               | 0         | 0               | 0         | 0               |
| Drug Abuse Violations                 | 0         | 2               | 0         | 1               | 0         | 0               |
| Liquor Law Violations                 | 0         | 0               | 0         | 0               | 0         | 0               |

- The 2017 & 2018 drug violations occurred on Public Property along Meridian Street.
- There were no Clery Crimes reported in 2019.

**REPORT OF CLERY CRIMINAL OFFENSES**

**J.F. DRAKE STATE COMMUNITY AND TECHNICAL COLLEGE  
Non-Campus Locations**

| Year                                  | 2017          | 2018          | 2019          |
|---------------------------------------|---------------|---------------|---------------|
| Offense (Includes Attempts)           | Non<br>Campus | Non<br>Campus | Non<br>Campus |
| Murder and Non-Negligent Manslaughter | 0             | 0             | 0             |
| Manslaughter by Negligence            | 0             | 0             | 0             |
| Rape                                  | 0             | 0             | 0             |
| Fondling                              | 0             | 0             | 0             |
| Incest                                | 0             | 0             | 0             |
| Statutory Rape                        | 0             | 0             | 0             |
| Robbery                               | 0             | 0             | 0             |
| Aggravated Assault                    | 0             | 0             | 0             |
| Burglary                              | 0             | 0             | 0             |
| Motor Vehicle Theft                   | 0             | 0             | 0             |
| Arson                                 | 0             | 0             | 0             |
| Domestic Violence                     | 0             | 0             | 0             |
| Dating Violence                       | 0             | 0             | 0             |
| Stalking                              | 0             | 0             | 0             |
| Weapons-Carrying, Possessing, Etc.    | 0             | 0             | 0             |
| Drug Abuse Violations                 | 0             | 0             | 0             |
| Liquor Law Violations                 | 0             | 0             | 0             |

**HATE CRIMES**

**Note: There were no hate crimes reported for the past three years at the Main Campus and Non-Campus locations.**

## **VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT (VAWA)**

The Violence Against Women Reauthorization Act, signed by President Obama in 2013 amended the Clery Act. In addition to incidents involving sexual assaults, it has also expanded reporting for crimes such as dating violence, domestic violence, rape, and stalking. The College prohibits the crimes of dating violence, domestic violence, and stalking.

The following are definitions of these crimes:

### **Dating Violence** -Violence committed by;

1. A person who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors:
  - a. The length of the relationship.
  - b. The type of relationship.
  - c. The frequency of interaction between the persons involved in the relationship.

### **Domestic Violence** - A felony or misdemeanor crime of violence committed by;

1. A current or former spouse or intimate partner of the victim.
2. A person with whom the victim shares a child in common.
3. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.
4. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
5. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to;

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

The College is committed to safety and security, and complies with the Violence Against Women Act (VAWA) and the Clery Act, both helping to bolster response to and the prevention of violence. VAWA requires colleges and universities, both public and private, participating in federal student aid programs to increase transparency about the scope of sexual violence on campus, guarantee victims enhanced rights, provide for standards in institutional conduct proceedings and provide campus community-wide prevention educational programming. In compliance with VAWA and Clery, the College has processes in place to actively collect and share data on violent incidents, and

regularly offers sexual assault, domestic violence, dating violence and stalking prevention workshops. For more information, contact the Director of Operations, Dean of Instruction, Dean of Students, Assistant Dean of Student Success or the Student Success Specialist's Office for details.

### **DEFINITION OF CONSENT**

The College defines consent as “a mutual decision among all participants to engage in sexual activity”. “Consent” must be informed, voluntary, and can be withdrawn at any time. If consent is withdrawn, all sexual activity must immediately cease. A verbal “no” (no matter how indecisive) or resistance (no matter how passive) constitutes the lack of consent.

There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether or not a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. It also means that at the time of the sexual contact, words or conduct indicate freely given approval or agreement, without coercion by both participants in the sexual contact. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

An individual is unable to give consent if he or she is:

- Substantially physically or mentally impaired by alcohol or drugs (including so-called “date rape drugs”);
- Forced or threatened;
- Physically incapable of resisting assault, asleep, or unconscious

### **LOCAL/STATE SEX OFFENSE POLICIES OR CODES**

The Clery Act requires state or local policies or codes relating to sex offenses and consent to also be included in the Annual Security Report. They are listed on pages 45-51 of this report. However, the UCR definition will be used in determining if the incident will be included in the crime statistics.

## **ON-GOING PREVENTION AND AWARENESS CAMPAIGNS FOR STUDENTS AND EMPLOYEES**

Drake State is committed to providing members of the campus community with the safest and most secure environment possible. To increase knowledge of the issues of sexual assault, domestic violence, dating violence and stalking, information is shared and resources are provided to prevent interpersonal violence, promote safety and reduce perpetration. The College also provides information on culturally relevant, inclusive prevention awareness programs to incoming students and new employees during New Student Orientation, and New Employee On-boarding.

In addition, private counseling sessions are available to students and employees through local agencies. Policies regarding these programs are published on the College's website, College Course Catalog, and the New Student Orientation Handbook. These policies not only reflect the College's high standard of conduct but also local, state, and federal laws. All campus community members and visitors of the College are required to obey these regulations.

The College's safety program includes a number of professional, educational, and crime preventive services to further instill a sense of awareness and personal responsibility in each individual to reduce criminal opportunities. In compliance with VAWA and Clery, Drake State offers annual sexual assault, domestic violence, dating violence, and stalking prevention workshops. In the past, the College has sponsored an awareness lecture on "Sexual Assault Prevention", presents by professionals from the Oakwood University Police Department. The topics included rape, sexual assault, stalking, primary prevention, safety tips and defensive tactics. The Police Chief from Jefferson State Community College has also presented briefings on sexual harassment and sexual assault prevention to faculty and staff members.

"Title IX: Addressing Sexual Harassment/Sexual Violence" handbooks (located in the Dean of Students office) are used to address sexual harassment/sexual violence and are available for students and employees. In addition, handbooks titled "540 Degrees Awareness, Tips and Ideas to Minimize Becoming a Victim" by Dennis Smithee, Alabama State Capitol Police, have been distributed to employees, and copies are available in the Human Resources Office.

The College has on-going prevention and awareness campaigns which include a comprehensive set of year-round goals, activities, safety and security measures and/or information targeted to all faculty, staff and students with the purpose of reducing the likelihood of dating violence, domestic violence, sexual assault and stalking.

The on-going prevention and awareness campaign for students and employees generally commences during the Fall Semester with an annual disclosure and the distribution of the



Annual Security Report by October 1, handbook distribution, activities throughout the year, year-round orientation and a biennial evaluation.

### **ANNUAL DISCLOSURE LETTER**

During the fall semester, the on-going prevention and awareness campaign for students and employees begins with an annual disclosure. The disclosure is sent in the form of a letter directly to students via email from the Dean of Students and employees via email from the Office of Human Resources. The letter underscores that the College goes to great lengths to ensure the safety and security of its faculty, staff, students, and visitors to the campus. The letter also outlines that the College is required to publish and distribute an ASR by 1 October of each year and how paper copies of the ASR can be obtained. The College reinforces its commitment to safety and security by informing students, faculty and staff of its compliance with VAWA and Clery, by actively collecting and sharing data on violent incidents and regularly offering sexual assault, domestic violence, dating violence and stalking prevention workshops.

### **ACTIVITIES**

Crisis Services of North Alabama provides on-campus programming. Sessions for employees are typically incorporated into professional development and sessions for students are based on referrals. The College also encourages students to talk with the Student Success Specialist regarding local support groups, and faculty and staff to speak with Human Resources for guidance. Additionally, if students or employees request assistance for a friend or relative, the Student Success Specialist, Dean of Students or Human Resources can provide suggestions on ways students and employees can encourage the friend or relative to find assistance. Published materials addressing sexual harassment/sexual violence, Title IX and VAWA are found throughout the Student Services Directorate, and are housed with the Dean of Students.

### **YEAR-ROUND ORIENTATION**

Some studies show that students are most vulnerable to attack during their freshman year and new employees may not be familiar with the VAWA guidelines. Therefore, all new students and new employees receive information about prevention and awareness during New Student Orientation and New Employee On-Boarding.

### **BIENNIAL EVALUATION**

Every odd numbered year, a biennial evaluation is conducted by the DAAPP Committee. The objectives of this review are to determine the effectiveness of the on-going prevention and awareness campaign.

The biennial review report and supporting documents are maintained by the Office of the Dean of Students and are made available to the U.S. DOE upon request.

- Awareness Programs - Individual goals, activities and/or information targeted to faculty, staff and students with the purpose of developing knowledge of dating violence, domestic violence, sexual assault and stalking (e.g. Oakwood University Police Department visited the campus and provided a presentation to faculty on Sexual Assault Prevention).
- Bystander Intervention - Information, training, and strategies to provide bystanders with the resources they need to safely intervene and/or report dating violence, domestic violence, sexual assault and stalking (e.g. calling the campus or local counseling/crisis center for support and options).
- On-going Prevention and Awareness Campaigns - A comprehensive set of year-round goals, activities, safety and security measures and/or information targeted to all faculty, staff and students with the purpose of reducing the likelihood of dating violence, domestic violence, sexual assault and stalking (e.g. distribution of Drake State Title IX booklets to students is an example of a portion of its on-going prevention and awareness campaign).
- Primary Prevention Programs - A comprehensive set of year-round goals, activities, safety and security measures and/or information targeted to new faculty, staff and students with the purpose of reducing the likelihood of dating violence, domestic violence, sexual assault and stalking (e.g. the incorporation of VAWA in the New Student Orientation Handbook, the New Student Orientation Session, and in the ORI 101: Orientation to College Class. Human Resources providing a guide from the Alabama Department of Public Health titled “Sexual Violence: Prevention and Recovery” to employees).
- Risk Reduction - Safety and security measures to reduce the risk of dating violence, domestic violence, sexual assault and stalking (e.g. Human Resources providing a list of awareness tips to prevent becoming a victim developed by the Alabama State Capitol Police.)

The College’s Student Code of Conduct provides the standards of conduct by which students and organizations are expected to abide. Enrollment and affiliation with the College in no way relinquishes the right nor provides an escape of responsibilities of local, state, or federal laws and regulations.

The conduct of each student and organization is to conform with the standards of common decency, with respect being given to the rights and property of others. The Student Code of Conduct is applicable to conduct which occurs on the College premises or while participating in official College sanctioned activities. A student may be disciplined and found in violation of the Student Code of Conduct for the following:

***“Harassment, intimidation, physical assault, dating violence, domestic violence, sexual assault, or stalking.”***

Failure to comply with the authority of College officials acting within the capacity of their positions or any other activity or conduct not specifically stated herein which impairs or endangers any person or property of the College is considered to be in violation of the rules and regulations of the College.

The College is committed to assuring its employees and students work and learn in an environment free from discrimination and/or sexual harassment.

**Discrimination** means making a difference in treatment in any service, program, course or facility for Drake State on the basis of race, color, creed, gender (*including gender identity*), religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status, or parental status.

**Harassment** means the use of verbal or physical conduct which does the following:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive academic or employment environment;
2. Has the purpose or effect of unreasonable interference with an individual's academic or employment performance;
3. Otherwise adversely affects academic or employment progress. The term "harassment" encompasses "sexual harassment," which means unwelcomed sexual advances, unwelcomed physical contact of a sexual nature, unwelcomed requests for sexual favors and other verbal or physical conduct of a sexual nature (including, but not limited to, the deliberate repeated making of unsolicited gestures or comments, or the deliberate or repeated display of sexually graphic materials which are not necessary for educational purposes), when the following conditions exist:
  - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's status as a student or employee;
  - Submission to or rejection of such conduct by an individual is used as a basis for enrollment, rating, or grading of a student or employee;
  - Such conduct has the purpose or effect of substantially interfering with an individual's academic or work progress, or creating an intimidating, hostile, or offensive academic or work environment.

### **NONDISCRIMINATION POLICY STATEMENT**

The following policy reflects Drake State's commitment to equal opportunities in education and employment:

***“No person shall be denied employment, excluded from partaking in, denied the benefits of, or subjected to discrimination in any program, activity, or employment on the basis of gender, race, color, disability, religion, national origin, age or ethnic group.”***

**Note: This policy also includes gender identity.**

The College complies with nondiscriminatory regulations under Title VII of the Civil Rights Act of 1964; Title IX Educational Amendment of 1972, which prohibits discrimination based on sex; Title IX, Section 106.8, which prohibits sexual harassment; Section 504 of the Rehabilitation Act of 1973, which prohibits violations of the rights of the disabled; Title VI, which prohibits discrimination based on race, color, or national origin; and the Americans with Disabilities Act (ADA) of 1990, covering policies for public accommodations for disabled individuals.

Individuals or any class of individuals who believe that they have been subjected to discrimination prohibited by Titles VI, VII, IX or Section 504 may contact the College’s Title IX Coordinator (Students), the Student Success Specialist, at (256) 551-2765 or Title IX Coordinator (Staff), at (256) 551-5214.

### **HARASSMENT POLICY- EMPLOYEES**

ACCS Harassment Policy 601.04, dated November 10, 2020, outlines the responsibilities of College employees. The entire policy is listed on page 36 of this ASR. College employees are also required to receive harassment training annually, which includes sexual harassment. Faculty and staff should contact the Director of Human Resources at (256) 551-5214.

Note: For these purposes, the term "harassment" includes, but is not necessarily limited to:

Slurs, jokes or other verbal, graphic or physical conduct relating to an individual's race, color, gender (or gender identity), religion, national origin, age, disability or any other protected class. Harassment also includes unwelcome sexual advances, requests for sexual favors and other verbal, graphic or physical contact if perceived as such by the recipient.

### **HARASSMENT POLICY- STUDENTS**

It is the policy of the College to provide students an academic atmosphere free of harassment, including sexual harassment. Sexual harassment is a form of sex discrimination. A common form of sexual harassment is the inappropriate introduction of sexual activities or comments into the workplace or learning environment. While sexual harassment may involve relationships among equals, it often involves relationships of unequal power, giving rise to elements of coercion centered on sexual activity for opportunities of benefit such as improved job or academic status.

Each employee of the College is responsible for the enforcement of this policy and for setting an example with respect to conduct. The exploitation of institutional, academic, or supervisory authority to sexually harass students, faculty, or staff is a form of illegal sex-based discrimination. Violation of this policy is a violation of Title IX of the Education Rights Act of 1972 and Title VII of the Civil Rights Act of 1964. Further, violation of this policy can lead to suspension or termination of employment or student status, liability for the College and civil or criminal liability for the harassing employee.

Individuals or any class of individuals who believe that they have been subjected to discrimination prohibited by Titles VI, VII, IX or Section 504 may contact the College's Title IX Coordinator (Students) at (256) 551-2765 or the College's Title IX Coordinator (Staff) at (256) 551-5214.

### **STANDARDS OF CONDUCT AND ENFORCEMENT THEREOF**

Drake State is a public educational institution of the State of Alabama and, as such, prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking by any student, employee, or visitor. In the event of the confirmation of such prohibited activity by a student, employee or visitor, the College shall, within the scope of applicable Federal and State due process requirements, take such administrative or disciplinary action as is appropriate.

For a student, the disciplinary action may include, but shall not be limited to, suspension or expulsion. For an employee, such administrative or disciplinary action may include, but shall not be limited to reprimand, suspension or termination of employment, or requirement that the employee participate in and/or successfully complete an appropriate rehabilitation program. Any visitor engaging in any act prohibited by this policy shall be called upon to immediately refrain from such behavior and/or leave the premises.

If any employee, student, or visitor engages in any behavior prohibited by this policy (which is also a violation of Federal, State, or local law or ordinance), that employee, student, or visitor shall be subject to referral to law enforcement officials for arrest and prosecution.

### **INITIAL STEPS TO RESOLVE A COMPLAINT**

#### **Informal Student Complaint Process**

Drake State has a variety of procedures for dealing with student-related issues, including grade appeals, academic dishonesty violations, student discipline, harassment complaints, and Student Grievance procedures. One area not generally covered by other procedures concerns informal student complaints about faculty, staff or student conduct. The College respects the academic freedom of the faculty and will not interfere with the exercise of

appropriate discretion concerning the content or style of teaching activities. Indeed, academic freedom is and should be of paramount importance. At the same time, the College recognizes its responsibility to provide students with a procedure for addressing complaints about faculty/staff treatment of students that are not covered by other procedures.

Wherever possible, complaints at Drake State are handled in an informal manner. Administrators, faculty, and staff maintain an “open-door” policy to discuss issues of concern for all students. Faculty and staff serve as a resource for individuals seeking assistance in resolving matters within the College community. Students are encouraged to first attempt to resolve complaints with the faculty or staff person. If unresolved, students should next speak to the departmental chairperson or supervisor of the faculty or staff member in an effort to resolve the matter. If still unresolved, the student should lodge their complaint with the Dean of Instruction (academic complaints) or Dean of Students (non-academic complaints). The chart below details the initial area for assistance referral and subsequent contact areas. If students have any questions about the applicable area for assistance, they should consult with the Title IX Coordinator, who will advise the student if some other procedure is applicable to the type of complaint they are seeking to resolve.

**Informal Complaint Referral Chart**

| Issue                               | 1 <sup>st</sup> Response - Level I | 2 <sup>nd</sup> Response - Level - II |
|-------------------------------------|------------------------------------|---------------------------------------|
| Academic Instructor Concerns        | Instructor                         | Division Chair                        |
| Grade Appeals                       | Instructor                         | Division Chair                        |
| Academic Probation/Suspension       | Admission Records                  | Registrar/Director of Financial Aid   |
| Admissions Application Process      | Admissions                         | Director of Admissions/Registrar      |
| Assessment/Testing Center           | Testing Center Coordinator         | Dean of Students                      |
| Academic Advising                   | Instructor                         | Division Chair                        |
| Canvas Technical Assistance         | IT Help                            | IT Coordinator                        |
| Bookstore                           | Business Office Clerk              | Director of Fiscal Affairs            |
| Campus Tours                        | Enrollment Specialist              | Director of Admissions/Registrar      |
| Discipline Outside of the Classroom | Operations/ Staff Member           | Dean of Students                      |
| Financial Aid Issues                | Financial Aid Staff                | Director of Financial Aid             |
| Veteran Benefits                    | Veteran and Military Affairs Clerk | Director of Financial Aid             |
| Tutor Support                       | Instructor                         | Division Chair                        |
| Students with Disabilities          | Student Success Specialist         | Dean of Students                      |
| Student Orientation                 | Student Success Specialist         | Dean of Students                      |

|                                |                                   |                                  |
|--------------------------------|-----------------------------------|----------------------------------|
| Transcripts                    | Admissions Records                | Director of Admissions/Registrar |
| Refund Requests                | Business Office Staff             | Director of Fiscal Affairs       |
| Workforce Development Concerns | Director of Workforce Development | Dean of Instruction              |
| Adult Education Concerns       | Director of Adult Education       | Dean of Instruction              |

**PLAN OF RESOLVE**

**Formal Student Complaint Process**

If an informal conference regarding a complaint fails to reach the outcome requested by the student, the student may initiate the formal process described below by timely filing a written complaint the respective Dean. Any student enrolled at Drake State who wishes to make a formal complaint about an academic matter must report that matter in writing to the Dean of Instruction, who is responsible for managing academic complaints. Any other types of complaints are considered non-academic and are reported to the Dean of Students, who is responsible for managing non-academic complaints. If the complaint involves a specific occurrence, the complaint shall be made within ten (10) working days of the occurrence.

The written complaint is completed on a Complaint Form which includes the date the complaint was reported, the student’s name, student identification number, contact information and current enrollment status. The specific elements of the complaint review that are included in the records are as follows:

1. The date of the incident;
2. Whether or not the complaint is an academic or non-academic matter;
3. If the complaint involves a specific person and/or department;
4. A description of the complaint, including specific details and additional documentation;
5. Whether the complainant has had an opportunity to speak to a Drake State faculty or staff member regarding the complaint;
6. The person to whom the complainant spoke regarding the complaint;
7. The outcome of the conversation the complainant had with a Drake State faculty or staff member regarding the complaint;
8. Signature and Dated Complaint Form completed by complainant;
9. A processing section for either the Dean of Instruction and/or Dean of Students to complete.

If, after discussion between the student and the respective dean, it is determined that the complaint can be resolved immediately; the college official will take action to resolve the complaint and will submit a report within ten (10) working days of the filing of the complaint to the President and other appropriate college officials, detailing both the complaint and its resolution.

### **Due Process of Student Disciplinary Cases**

The College is committed to ensuring an environment for all employees and students, which is fair, humane, and respectful. The College assures each student that no action will be taken on grounds that are not supported by academic policies and procedures. Emphasis will be placed upon achieving an equitable resolution to problems rather than seeking to emphasize guilt or punishment. Students are guaranteed procedural due process in situations involving severe disciplinary problems.

### **Procedure for Bringing Charges**

1. Any student, faculty or staff member may file a charge in writing against a student for misconduct. The charge is to be filed with the Dean of Students.
2. The complainant must file with the Dean of Students within thirty (30) calendar days following the date of the alleged violation(s). Upon receipt of the charge, the Dean of Students will provide the student with a written statement of the charges and determine the course of action regarding the accusations. During this stage, the accused may admit to the charge and waive the right to the Hearing Board, and disciplinary action will be determined by the Dean of Students.
3. If disciplinary proceedings appear warranted, the Dean of Students will set a date, time and place for the hearing and the accused will be informed by written notice at least two (2) days before the hearing. Anytime up until the day of the hearing, the accused may waive the right to a hearing, admit the charge and have the punishment be decided by the Dean of Students. Under such circumstances, the accused will be informed of the disciplinary action within five (5) days.
4. Any student whose presence poses a possible danger to persons or property of the College or an on-going threat of disrupting the academic process may be removed from the campus immediately.
5. Written notification of the date, time and place of the hearing shall be sent to the student within five (5) days of a complaint being filed.
6. A Disciplinary Committee comprised of the Dean of Students, faculty, staff and a student representative will be selected to hear each disciplinary case.



7. The Dean of Students will notify the student(s) in writing of the results and findings of the Student Disciplinary Committee and the course of appeal to the President.

### **Disciplinary Sanctions**

Upon the determination that a student(s) has violated any of the rules, regulations, or guidelines set forth in this code, the following disciplinary sanctions may be imposed, either singularly or in combination by the appropriate College officials:

**Censure** – A statement to the offender that he/she has violated College regulations and of the possibility of more stringent disciplinary actions in the event of future violations.

**Disciplinary Probation** – Students placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities of the student. Any conduct in violation of this code while on probationary status may result in the imposition of further action.

**Expulsion** – Termination of student status for a definite or indefinite period. The conditions of readmission, if any, shall be stated in writing to the student.

**Restitution** – Reimbursement for damage or misappropriation.

**Suspension** – Students who are suspended are deprived of student status and are separated from the College for a stated period of time. The suspension shall appear on the student's disciplinary record.

### **PROTECTIVE MEASURES**

Following an allegation of dating violence, domestic violence, sexual assault or stalking, it may be necessary to take an interim measure to address safety issues before the process officially begins. In those instances, the College is prepared to provide the complainant with specific remedies in order to eliminate a hostile environment, and reduce/prevent the recurrence of an incident.

Those remedies are outlined in Drake State's "Title IX: Addressing Sexual Harassment/Sexual Violence" handbooks (located in the Dean of Students office) for students and staff and include but are not limited to the following:

- Assurance of alternative class or working arrangements

- Suggestion of alternative housing arrangements
- Availability of counseling services
- Access to Sexual Assault and Response Team (SART) Advocates
- Availability of Medical Services
- Academic Support Services (e.g. Tutoring)
- Arrangement for course withdrawal (without penalty) or adverse changes to an academic record

**Written Explanation of Rights**

Drake State’s “Title IX: Addressing Sexual Harassment/Sexual Violence” handbooks (located in the Dean of Students office) for students and staff were designed to provide students, faculty and staff with access for information, whether the incident occurred on the campus or not. The handbook includes information on local, counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, bystander intervention, student financial aid and other services available for victims both within the institution and in the community. The handbook also includes the availability of changes to the academic, living, transportation and working situations, and whether or not the incident should be reported to law enforcement.

**VICTIM CONFIDENTIALITY**

The College recognizes the sensitive nature of sexual violence and is committed to protecting the privacy of any individual who reports an incident of sexual violence. Different officials on campus are, however, able to offer varying levels of privacy protection to victims. Reports ultimately made to HPD, including if criminal prosecution is pursued, may be made public and shared with the accused when criminal charges are filed. Reports made to College officials will be kept mostly confidential and identifying information about the complainant shall not be made public. Reports made to medical professionals and licensed mental health counselors will not be shared with third parties except in cases of imminent danger to the complainant or a third party. The College will not release names in the issuance of “Timely Warnings” or “Emergency Notifications,” nor in the “Daily Crime Log”, each of which are required by the Clery Act and any accommodation or protective measure will be confidential unless it interferes with the measure’s implementation.

**DUE PROCESS**

The College is committed to ensuring an environment for all employees and students which is fair, humane and respectful. The College assures each student that no action will be taken on grounds that are not supported by policies and procedures. Emphasis will be placed

upon achieving an equitable resolution to problems rather than seeking to emphasize guilt or punishment.

Survivors will be provided "rape shield" protections and are not required to divulge any medical, psychological, or similar privileged records.

Students and employees are guaranteed procedural due process in situations under the "preponderance of evidence" standards involving alleged dating violence, domestic violence, sexual assault or stalking in the following six ways:

1. Officials conducting hearings are appropriately trained and in the case of situations involving alleged dating violence, domestic violence, sexual assault or stalking;
  - A Disciplinary Committee comprised of the Dean of Students, faculty, staff and a student representative will be selected to hear each disciplinary case. It is mandated that no person on the committee has a conflict of interest or bias for or against the accuser or accused.
2. The accuser and the accused have equal opportunities to have others present, including an advisor of their choice;
3. The accuser and the accused receive simultaneous notification in writing of the result of the proceeding and any available appeal procedures;
  - The current procedure is that upon receipt of the charge, the Dean of Students will provide the student with a written statement of the charges.
4. The proceeding is completed in a reasonably prompt timeframe, in person or remotely.
  - The current procedure is the complainant must file with the Dean of Students within thirty (30) calendar days following the date of the alleged violation(s). The "Title IX: Addressing Sexual Harassment/Sexual Violence" handbooks (located in the Dean of Students office) for students and staff advise the entire process may take as long as sixty (60) days. While ten (10) days is listed as a goal for resolution, the sensitive nature of the incidents dictates the timeframe.
5. The accuser and the accused are given timely notice of meetings at which one or the other or both may be present.

- If disciplinary proceedings appear warranted, the Dean of Students will set a date, time and place for the hearing, and the accuser and accused will be informed by written notice at least two (2) days before the hearing.
6. The accuser, accused, and appropriate officials are given timely and equal access to information that will be used during informal and formal disciplinary meetings and hearings.

### **GRIEVANCE AND APPEALS – STUDENTS**

The College recognizes that in order to efficiently and effectively carry out its mission, students must feel confident that any valid complaint or grievance made concerning the college will be promptly addressed by the appropriate authorities.

If any student’s complaint is not or cannot be resolved at the first level of supervision as described in the paragraphs above, such an unresolved complaint shall be termed a “grievance.” A student who submits a complaint to the appropriate College officials under the paragraphs above and who is not satisfied with the plan of resolution shall have the right file a grievance with the College official and shall include the following information:

1. Date the original complaint was reported;
2. Name of the person to whom the original complaint was reported;
3. Detailed facts of the complaint;
4. Proposed action to be taken by the receiving official to resolving the complaint;
5. Specific action to be taken by the receiving official to resolve the complaint;
6. Specific objection(s) to be the proposed plan of resolve;
7. Other information relevant to the grievance that the complainant wants considered.

If the complainant fails to file notice of appeal by 4:30 pm on the 15th calendar day following having received the plan of resolution, the right to further appeal is forfeited.

### **Investigation Procedures**

The Grievance Officer, either personally or with the assistance of such other persons as the President may designate, shall conduct a factual investigation of the grievance and shall research the applicable statute, regulations or policy, if any. The factual findings from the investigation by the Grievance Officer shall be stated in a written report.

The report will be submitted to the complainant and to the party against whom the complaint was made, the “Respondent,” and shall be made a part of the hearing record, if a hearing is requested by the complainant.

**Review by ACCS**

In 2016, the Alabama Legislature vested oversight of the state’s public two-year institutions of higher education (known as the Alabama Community College System with the Alabama Community College System Board of Trustees. The Alabama Legislature further directed the Board of Trustees to delegate to the System’s Chancellor the authority to act and make decisions concerning the management and operation of the community and technical colleges. The Chancellor is assisted in these duties by the staff of the System Office, formerly known as the Alabama Department of Postsecondary Education. Consumer and student complaints that are not resolved at the institutional level are thus arbitrated at the state level by the ACCS System Office.

ACCS is committed to respecting and supporting the work of its member institutions and to providing a quality educational experience for all students. The objective of the student complaint process is to ensure that the concerns and complaints of students are addressed fairly and are resolved promptly. ACCS requires each institution to establish its own procedures to address student grievances and complaints. A student must exhaust his/her rights under the institution’s official complaint/grievance policy before advancing any complaint to the System Office. Students may file consumer/student complaints with ACCS by following these procedures:

1. The Alabama Community College System pursuant to ACCS policies and procedures, with respect to Title IX violations;
  - a. If, after exhausting all available institutional processes, a student’s complaint remains unresolved, the student may appeal to the Alabama Community College System using the System’s official Student Complaint Form available [here](#) or at the ACCS website ([www.accs.edu](http://www.accs.edu)). Students may submit completed complaint forms by printing the form, signing it, and then either scanning it and emailing it to [complaints@accs.edu](mailto:complaints@accs.edu) or mailing it to:

Alabama Community College System  
 Attention: Office of the Vice Chancellor  
 for Instructional and Student Services  
 P.O. Box 302130 Montgomery, AL 36130-2130

2. The Vice Chancellor for Instructional and Student Services or an appropriate administrator designated by the Vice Chancellor will investigate the complaint within 30 days of receipt.
3. The institution which is the subject of complaint has 30 days to provide a written response to questions and/or concerns raised during the investigation. Such response may or may not contain a resolution.

4. The Vice Chancellor or designated administrator will adjudicate the matter and write a report or letter to the institution and student detailing corrective action, if any is necessary, or stating that the school has no violation of policies.
5. If corrective action is needed the institution will have 30 days to comply or develop a plan to comply with the corrective action.
6. The System Office will monitor the institution's compliance to ensure the completion of any required corrective action.
7. The regional office of the Office of Civil Rights of the U.S. Department of Education within 180 days of the discriminatory act;
8. The Equal Employment Opportunity Commission within 180 days of the discriminatory act.

## **SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS COMMISSION (SACSCOC) FEDERAL REQUIREMENT 12.4**

### **Student Complaints Statement of Compliance**

In compliance with SACSCOC accreditation Federal Requirement 12.4, the College recognizes that in order to efficiently and effectively carry out its mission, its students must feel confident that any valid complaint a student makes will be promptly addressed by the appropriate authorities. With its student-centered focus, Drake State is very sensitive to the fair and professional treatment of student issues, whether those issues involve complaints, academic issues or disciplinary matters.

The institution has adequate procedures for addressing written student complaints and is responsible for demonstrating that it follows those procedures when resolving student complaints. Records of student complaints are also maintained and can be accessed upon request from SACSCOC. To date, having adequate procedures for addressing written student complaints, and demonstrating that Drake State follows those procedures when resolving student complaints, has not been challenged.

Contact the Southern Association of Colleges and Schools Commission on Colleges directly at 1866 Southern Lane, Decatur, GA 30033, Phone: (404) 679-4500 for questions about the accreditation of J.F. Drake State Community and Technical College.

## **GRIEVANCE AND APPEALS – EMPLOYEES**

Employees follow ACCS Policy 620.01, Employee Grievance dated 4/10/2019, and ACCS Policy 620.02, Employee Complaint dated 11/10/2020, (see pages 38-39 of this ASR). This

information also contained in the “Grievance and Appeal Policy and Procedures” in the Employee Handbook.

## **ALABAMA COMMUNITY COLLEGE SYSTEM POLICIES FOR EMPLOYEES**

### **601.04: Harassment Policy for Employees, Effective November 10, 2020**

1. The Alabama Community College System is committed to providing both employment and educational environments free of harassment in any form. Employees shall adhere to the highest ethical standards and professionalism and refrain from any form of harassment. Both employees and students shall strive to promote an environment that fosters personal integrity where the worth and dignity of each human being is respected. Any practice or behavior that constitutes harassment shall not be tolerated.
2. Harassment can be defined as but is not limited to:
  - Disturbing conduct which is repetitive;
  - Threatening conduct;
  - Intimidating c o n d u c t ;
  - Inappropriate or offensive slurs, jokes, language, or other verbal, graphic, or other like conduct;
  - Unwelcome sexual advances, requests for sexual favors, or sexual based offenses;
  - Assault;
  - Repeated contact solicited during non-traditional business hours which may be perceived as harassment by recipient unless it is specifically associated with work related duties.
3. Employees and students who are found in violation of this policy shall be disciplined as deemed appropriate by the investigating authority.
4. Harassment of employees or students by non-employees is also a violation of this policy.
5. This policy encourages faculty, students, and employees who believe that they have been the victims of harassment to contact the Title IX Coordinator, Human Resources Director/Coordinator or President at the institution within ten days of when the alleged incident occurred. Any reprisals shall be reported immediately to the Title IX Coordinator, Human Resources Director/Coordinator or President. Any employee or student who becomes aware of any harassment shall report the incident to the Title IX Coordinator, Human Resources Director/Coordinator or President. Failure to act, which includes initial investigation, shall be deemed in direct violation of this policy.
6. This policy shall be distributed, communicated, and implemented in a manner which provides all interested parties the opportunity to be informed of this policy. A system-

wide educational program shall be utilized to assist all members of the community to understand, prevent and combat harassment. Each community and technical college is required to provide annual training related to harassment, including sexual harassment.

7. Complaints or Reports concerning sexual harassment should be made, processed and addressed under Policy 620.03 - Sexual Harassment Complaint Procedures.

### **ACCS Policy 620.01: Employee Grievance, Effective April 10, 2019**

This policy is intended to cover grievances between and amongst employees of an ACCS entity about general workplace issues, conduct, or professionalism. This policy does not apply and cannot be used against a President. This policy is not intended to cover complaints regarding discrimination, harassment, hostile work environment, ethical concerns, or other legal-related matters, which are covered under Policy 620.02.

Any employee who claims a grievance (or who is reporting an observed grievance) must file a written statement within 10 calendar days from the date of the alleged incident, otherwise the grievance will not be reviewed under this policy. Oral grievances do not comply with this policy. The written statement must be filed with the complaining employee's direct supervisor, unless the direct supervisor is the person about whom the grievance is lodged. In such cases, the employee must file the statement with the next supervisor in line. The supervisor (or other person receiving a written grievance) will notify HR personnel and/or the President as appropriate.

The supervisor, or other person appointed to address the grievance, must review the written statement and conduct an investigation of the claims within 45 calendar days (or as otherwise agreed), and then make a written report of findings with recommendations within 60 calendar days of receipt of the grievance. The report must be given to the President, the complaining employee, and the person about whom the grievance is lodged. The complaining employee or the person about whom the grievance is lodged has 5 calendar days from receipt of the written report to provide specific written objections to the report of findings with recommendations to the President, which will be considered by the President or his/her designee before issuing a final decision. This decision shall be final.

An employee who brings a good faith grievance under this policy shall not be retaliated against in any manner. Any employee who retaliates against an employee for making a good faith grievance under this policy will be disciplined.

The President's decision will be final.

**NOTE:** If the last day for filing a notice of appeal falls on a Saturday, Sunday, or a legal holiday, the appealing party will have until 5:00 p.m. the first working day following to file.

### **ACCS Policy 620.02: Employee Complaints, Effective November 10, 2020**



This policy is intended to cover employee complaints related to discrimination, harassment, hostile work environment, ethical concerns, and other legal-related matters against any person associated with an ACCS entity. This policy does not cover general workplace grievances, conduct, or professionalism, which are addressed by Policy 620.01 or complaints of sexual harassment which are covered in Policy 620.03. This policy does not apply and cannot be used against a President.

Any employee who believes he/she has been subjected to or observed:

- discrimination based on race, color, national origin, religion, marital status, disability, sex, age or any other protected class as defined by federal and state law,
- harassment in forms other than sexual,
- hostile work environment,
- ethical violations or similar concerns,
- criminal acts,
- ACCS, College, or Chancellor policy or procedure violations,
- or other legal-related issues,

by any person associated within the ACCS entity (other than a President), shall report the action immediately, and in no event less than ten (10) calendar days following the event, to the Title IX Coordinator, Human Resources Director, or President. In conjunction with the report, the employee shall provide a written statement, as well as any evidence the employee believes substantiates the complaint, and shall be required to assist in an appropriate investigation.

The College shall designate an appropriate person to review and investigate the matter and may engage legal counsel for this purpose, as determined by the President. This review and investigation shall be conducted promptly and within 45 calendar days if practical, but not later than 60 days, unless this period is extended by agreement of the complaining and responding parties. The President or his/her designee shall issue a written response to the reporting employee within 15 calendar days if practical, but not later than 30 days unless this period is extended by agreement of the complaining and responding parties; once the review and investigation has been completed, and this written response shall be final.

An employee who brings a good faith complaint under this policy shall not be retaliated against in any manner. Any employee who retaliates against an employee for making a good faith complaint under this policy will be disciplined.

## **EMERGENCY ACTION PROCEDURES**

### **(Emergency Message #1--Weather Alert):**

#### **Tornado Warning:**

1. When notified, all personnel should go to the assigned shelter areas.

**Note:** Building shelter locations are indicated by a CD symbol on evacuation route diagram.

2. Sit on the floor in the assigned shelter and place your head between your legs and your hands overhead.
3. If caught outside, go to the nearest ravine and lie down flat with face down.
4. Await “All Clear Signal.”

### **(Emergency Message #2--Fire Alert):**

1. Notify other occupants by shouting, “FIRE!”

**Note:** Pull one of the fire pull handles if you are located in the library or Building 600.

2. Immediately evacuate the building by following the instructions on the evacuation route diagram and assist anyone with special needs.

**Note:** If in the library, take the stairwell down to the first floor and exit out the main entrance or use one of the emergency exits illustrated on each map. **DO NOT USE THE ELEVATOR!!**

3. Assemble at the walking track behind building 800.
  - a. Instructors—Take roll and ensure all of your students are present, and that no one is left in the Building.

- b. Department Heads—ensure all of your people are accounted for.
4. Notify the fire department by dialing 911, followed by Security and let them know the building and room number of the emergency.
5. Re-enter the building only when instructed by an authorized official.

**(Emergency Message #3--Lockdown):**

1. If possible, lock all external doors to building to secure the area.
2. Lock interior classroom doors and remain in classrooms.
3. Move to an area in the classroom that is not visible from the outside.
4. Sit down on the floor away from any windows and remain there until the “ALL CLEAR” signal is given.

**(Emergency Message #4--Suspicious Packages or Bomb Threat):**

1. Follow evacuation procedures for fire drill with the exception of pulling the fire pull handle if you are located in the Library or building 600.
2. Scan classroom upon leaving and report any suspicious package.
3. Await “All Clear” Signal.

**(Emergency Message #5--Shelter In-Place):**

Note: Specific information will be provided, depending on the situation.

## COLLEGE DEFINITIONS

- **Affirmative Consent**-A knowing, voluntary, and mutual decision among all participants to engage in sexual activity.
- **Aggravated Assault** -An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Arson** - Any willful or malicious burning or attempt to burn, with or without intent to defraud a dwelling, house, public building, motor vehicle or aircraft, personal property of another, etc.
- **Awareness Programs** - Individual goals, activities and/or information targeted to faculty, staff and students with the purpose of developing knowledge of dating violence, domestic violence, sexual assault and stalking.
- **Burglary** - The unlawful entry of a structure to commit a felony or a theft.
- **Bystander Intervention** - Information, training, and strategies to provide bystanders with the resources they need to safely intervene and/or report dating violence, domestic violence, sexual assault and stalking.
- **Censure** - A statement to the offender that he/she has violated college regulations and of the possibility of more stringent disciplinary actions in the event of future violations.
- **Consent** - A mutual decision among all participants to engage in sexual activity.
- **Dating Violence**-Violence committed by; 1) A person who is or has been in a social relationship of a romantic or intimate nature with the victim; and 2) Where the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors:
  - The length of the relationship.
  - The type of relationship.
  - The frequency of interaction between the persons involved in the relationship.
- **Dating Violence** - Violence committed by; (1) A person who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (a) The length of the relationship; (b) The type of relationship; and (c) The frequency of interaction between the persons involved in the relationship.
- **Disciplinary Probation** - Students placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular

activities of the student. Any conduct in violation of this code while on probationary status may result in the imposition of further action.

- **Discrimination** -Making a difference in treatment in any service, program, course or facility for Drake State on the basis of race, color, creed, gender, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status.
- **Domestic Violence** - A felony or misdemeanor crime of violence committed by; (1) A current or former spouse or intimate partner of the victim; (2) A person with whom the victim shares a child in common; (3)A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (4) A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; and (5)Any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred..
- **Drug Abuse Violations** - The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics - manufactured narcotics which can cause true addiction (Demerol, Methadone); and dangerous non-narcotic drugs (Barbiturates, Benzedrine).
- **Expulsion** - Termination of student status for a definite or indefinite period. The conditions of readmission, if any, shall be stated in writing to the student.
- **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.
- **Harassment** - The use of verbal or physical conduct which does the following: (1) Has the purpose or effect of creating an intimidating, hostile, or offensive academic or employment environment; (2) Has the purpose or effect of unreasonable interference with an individual’s academic or employment performance; and (3) Otherwise adversely affects academic or employment progress.
- **Hate Crimes** - (bias crimes or bias-related crimes)-Any criminal activities motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race,

religion, ethnicity, national origin, gender identity, sexual orientation or disability.

- **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Liquor Law Violations** - The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness. Included in this classification are the following: (1) The manufacture, sale, transporting, furnishing, possessing, etc. of intoxicating liquor; maintaining unlawful drinking places; (2) Bootlegging; (3) Operating a still; (4) Furnishing liquor to a minor or intemperate person; (5) Underage possession; (6) Using a vehicle for illegal transportation of liquor; (7) Drinking on a train or public conveyance; and (8) Attempts to commit any of the above.
- **Motor Vehicle Theft** - The theft or attempted theft of a motor vehicle.
- **Murder and Non-Negligent Manslaughter** - The willful (non-negligent) killing of one human being by another.
- **Manslaughter by Negligence** - The killing of another person through gross negligence.
- **On-going Prevention and Awareness Campaigns**- A comprehensive set of year-round goals, activities, safety and security measures and/or information targeted to all faculty, staff and students with the purpose of reducing the likelihood of dating violence, domestic violence, sexual assault and stalking.
- **Primary Prevention Programs** - A comprehensive set of year-round goals, activities, safety and security measures and/or information targeted to new faculty, staff and students with the purpose of reducing the likelihood of dating violence, domestic violence, sexual assault and stalking.
- **Proceeding** - A course of action regarding all accusations.
- **Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- **Restitution** - Reimbursement for damage or misappropriation.
- **Result** - The consequence or outcome of a proceeding including notification in writing of the findings of the Disciplinary Committee and the course of appeal.
- **Risk Reduction** - Safety and security measures used to reduce the risk of dating violence, domestic violence, sexual assault and stalking.
- **Robbery** - The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

- **Sexual Assault** - The sexual exploitation, forcible penetration, or an act of sexual contact on the body of another person, male or female, without his or her consent.
- **Sexual Harassment** - Unwelcome sexual advances, physical contact of a sexual nature, requests for sexual favors, and other verbal or physical conduct of a sexual nature (including, but not limited to, the deliberate repeated making of unsolicited gestures or comments, or the deliberate or repeated display of sexually graphic materials, which are not necessary for educational purposes), when the following conditions exist: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's status as a student or employee; (2) Submission to or rejection of such conduct by an individual is used as a basis for enrollment, rating, or grading of a student or employee; and (3) Such conduct has the purpose or effect of substantially interfering with an individual's academic or work progress, or creating an intimidating, hostile or offensive academic or work environment.
- **Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to; (1) Fear for the person's safety or the safety of others; or (2) Suffer substantial emotional distress.
- **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent
- **Suspension** - Students who are suspended are deprived of student status and are separated from the College for a stated period of time. The suspension shall appear on the student's disciplinary record.
- **Weapons** - (Carrying, possessing, etc.) - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Included in this classification are the following: (1) Manufacture, sale, or possession of deadly weapons; (2) Carrying deadly weapons, concealed or openly; (3) Using, manufacturing, etc. of silencers; (4) Furnishing deadly weapons to minors; (5) Aliens possessing deadly weapons; and (6) Attempts to commit any of the above.

**ALABAMA TITLE 13 A - CRIMINAL CODE, ARTICLE 4-SEXUAL OFFENSES**

**Section 13A-6-60 Definitions.**

The following definitions apply in this article:

(1) **SEXUAL INTERCOURSE.** Such term has its ordinary meaning and occurs upon any penetration, however slight; emission is not required.

(2) **DEVIATE SEXUAL INTERCOURSE.** Any act of sexual gratification between persons not married to each other involving the sex organs of one person and the mouth or anus of another.

(3) **SEXUAL CONTACT.** Any touching of the sexual or other intimate parts of a person not married to the actor, done for the purpose of gratifying the sexual desire of either party.

(4) **FEMALE.** Any female person.

(5) **MENTALLY DEFECTIVE.** Such term means that a person suffers from a mental disease or defect which renders him incapable of appraising the nature of his conduct.

(6) **MENTALLY INCAPACITATED.** Such term means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other incapacitating act committed upon him without his consent.

(7) **PHYSICALLY HELPLESS.** Such term means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(8) **FORCIBLE COMPULSION.** Physical force that overcomes earnest resistance or a threat, express or implied, that places a person in fear of immediate death or serious physical injury to himself or another person.

**Section 13A-6-61 Rape in the first degree.**

(a) A person commits the crime of rape in the first degree if:

(1) He or she engages in sexual intercourse with a member of the opposite sex by forcible compulsion; or

(2) He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being physically helpless or mentally incapacitated; or



(3) He or she, being 16 years or older, engages in sexual intercourse with a member of the opposite sex who is less than 12 years old.

(b) Rape in the first degree is a Class A felony.

**Section 13A-6-62 Rape in the second degree.**

(a) A person commits the crime of rape in the second degree if:

(1) Being 16 years old or older, he or she engages in sexual intercourse with a member of the opposite sex less than 16 and more than 12 years old; provided, however, the actor is at least two years older than the member of the opposite sex.

(2) He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being mentally defective.

(b) Rape in the second degree is a Class B felony.

**Section 13A-6-66 Sexual abuse in the first degree.**

(a) A person commits the crime of sexual abuse in the first degree if:

(1) He subjects another person to sexual contact by forcible compulsion; or

(2) He subjects another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated.

(b) Sexual abuse in the first degree is a Class C felony.

**Section 13A-6-67 Sexual abuse in the second degree.**

(a) A person commits the crime of sexual abuse in the second degree if:

(1) He subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; or

(2) He, being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.

(b) Sexual abuse in second degree is a Class A misdemeanor, except that if a person commits a second or subsequent offense of sexual abuse in the second degree within one year of another sexual offense, the offense is a Class C felony.

**Section 13A-6-130 Domestic violence - First degree.**

(a) A person commits the crime of domestic violence in the first degree if the person commits the crime of assault in the first degree pursuant to Section 13A-6-20 or aggravated stalking pursuant to Section 13A-6-91, and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating relationship, as defined in Section 13A-6-139.1, with the defendant. Domestic violence in the first degree is a Class A felony, except that the defendant shall serve a minimum term of imprisonment of one year without consideration of probation, parole, good time credits, or any other reduction in time for any second or subsequent conviction under this subsection.

(b) The minimum term of imprisonment imposed under subsection (a) shall be double without consideration of probation, parole, good time credits, or any reduction in time if a defendant willfully violates a protection order issued by a court of competent jurisdiction and in the process of violating the order commits domestic violence in the first degree.

(c) The minimum term of imprisonment imposed under subsection (a) shall be double without consideration of probation, parole, good time credits, or any reduction in time if the offense was committed in the presence of a child under the age of 14 years at the time of the offense, if the victim was the parent or legal guardian of the child. For purposes of this subsection, "in the presence of a child" means in the physical presence of a child or having knowledge that a child is present and may see or hear the act.

**Section 13A-6-131 Domestic violence - Second degree.**

(a) A person commits the crime of domestic violence in the second degree if the person commits the crime of assault in the second degree pursuant to Section 13A-6-21; the crime of intimidating a witness pursuant to Section 13A-10-123; the crime of stalking pursuant to Section 13A-6-90; the crime of burglary in the second or third degree pursuant to Sections 13A-7-6 and 13A-7-7; or the crime of criminal mischief in the first degree pursuant to Section 13A-7-21 and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating relationship, as defined in Section 13A-6-139.1, with the defendant. Domestic violence in the second degree is a Class B felony, except the defendant shall serve a minimum term of imprisonment of six months without consideration of probation, parole, good time credits, or any reduction in time for any second or subsequent conviction under this subsection.

(b) The minimum term of imprisonment imposed under subsection (a) shall be double without consideration of probation, parole, good time credits, or any reduction in time if a defendant willfully violates a protection order issued by a court of competent jurisdiction and in the process of violating the order commits domestic violence in the second degree.

(c) The minimum term of imprisonment imposed under subsection (a) shall be double without consideration of probation, parole, good time credits, or any reduction in time if the offense was committed in the presence of a child under the age of 14 years at the time of the offense, if the victim was the parent or legal guardian of the child. For purposes of this subsection, "in the presence of a child" means in the physical presence of a child or having knowledge that a child is present and may see or hear the act.

**Section 13A-6-132 Domestic violence - Third degree.**

(a) A person commits domestic violence in the third degree if the person commits the crime of assault in the third degree pursuant to Section 13A-6-22; the crime of menacing pursuant to Section 13A-6-23; the crime of reckless endangerment pursuant to Section 13A-6-24; the crime of criminal coercion pursuant to Section 13A-6-25; the crime of harassment pursuant to subsection (a) of Section 13A-11-8; the crime of criminal surveillance pursuant to Section 13A-11-32; the crime of harassing communications pursuant to subsection (b) of Section 13A-11-8; the crime of criminal trespass in the third degree pursuant to Section 13A-7-4; the crime of criminal mischief in the second or third degree pursuant to Sections 13A-7-22 and 13A-7-23; or the crime of arson in the third degree pursuant to Section 13A-7-43; and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating relationship, as defined in Section 13A-6-139.1, with the defendant. Domestic violence in the third degree is a Class A misdemeanor.

(b) The minimum term of imprisonment imposed under subsection (a) shall be 30 days without consideration of reduction in time if a defendant willfully violates a protection order issued by a court of competent jurisdiction and in the process of violating the order commits domestic violence in the third degree.

(c) A second conviction under subsection (a) is a Class A misdemeanor, except the defendant shall serve a minimum term of imprisonment of 10 days in a city or county jail or detention facility without consideration for any reduction in time.

(d) A third or subsequent conviction under subsection (a) is a Class C felony.

(e) For purposes of determining second, third, or subsequent number of convictions, convictions in municipal court shall be included.

**Section 13A-6-138 Domestic violence by strangulation or suffocation.**

(a) For the purposes of this section, the following terms have the following meanings:

(1) STRANGULATION. Intentionally causing asphyxia by closure or compression of the blood vessels or air passages of the neck as a result of external pressure on the neck.

(2) SUFFOCATION. Intentionally causing asphyxia by depriving a person of air or by preventing a person from breathing through the inhalation of toxic gases or by blocking or obstructing the airway of a person, by any means other than by strangulation.

(b) A person commits the crime of domestic violence by strangulation or suffocation if he or she commits an assault with intent to cause physical harm or commits the crime of menacing pursuant to Section 13A-6-23, by strangulation or suffocation or attempted strangulation or suffocation against a victim, as the term is defined in Section 13A-6-139.1.

(c) Domestic violence by strangulation or suffocation is a Class B felony punishable as provided by law.

**Section 13A-6-70 Lack of consent.**

(a) Whether or not specifically stated, it is an element of every offense defined in this article, with the exception of subdivision (a) (3) of Section 13A-6-65, that the sexual act was committed without consent of the victim.

(b) Lack of consent results from:

(1) Forcible compulsion; or

(2) Incapacity to consent; or

(3) If the offense charged is sexual abuse, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct.

(c) A person is deemed incapable of consent if he is:

(1) Less than 16 years old; or

(2) Mentally defective; or

(3) Mentally incapacitated; or

(4) Physically helpless.

**Section 13A-6-90 Stalking in the first degree.**

(a) A person who intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in

reasonable fear of death or serious bodily harm is guilty of the crime of stalking in the first degree.

(b) The crime of stalking in the first degree is a Class C felony.

**Section 13A-6-90.1 Stalking in the second degree.**

(a) A person who, acting with an improper purpose, intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person's immediate family, or any third party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously informed to cease that conduct is guilty of the crime of stalking in the second degree.

(b) The crime of stalking in the second degree is a Class B misdemeanor.

**Section 13A-6-91 Aggravated stalking in the first degree.**

(a) A person who violates the provisions of Section 13A-6-90(a) and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking in the first degree.

(b) The crime of aggravated stalking in the first degree is a Class B felony.

**Section 13A-6-91.1 Aggravated stalking in the second degree.**

(a) A person who violates the provisions of Section 13A-6-90.1 and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking in the second degree.

(b) The crime of aggravated stalking in the second degree is a Class C felony.

**Section 13A-6-92 Definitions.**

As used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise.

(a) **COURSE OF CONDUCT.** A pattern of conduct composed of a series of acts over a period of time which evidences a continuity of purpose.

(b) **CREDIBLE THREAT.** A threat, expressed or implied, made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the

threat to fear for his or her safety or the safety of a family member and to cause reasonable mental anxiety, anguish, or fear.

(c) **HARASSES.** Engages in an intentional course of conduct directed at a specified person which alarms or annoys that person, or interferes with the freedom of movement of that person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress. Constitutionally protected conduct is not included within the definition of this term.

**RESOURCES**

|   |                |
|---|----------------|
| Alcoholics Anonymous.....                                   | (256) 885-0323 |
| Bradford Health Services – Huntsville Regional Office ..... | (256) 895-3848 |
| Student Success Specialist .....                            | (256) 551-2765 |
| Crestwood Medical Center – Behavioral Health .....          | (256) 429-5480 |
| Crestwood Medical Center .....                              | (256) 429-4000 |
| Crisis Services Center of North Alabama.....                | (256) 716-1000 |
| Dean of Instruction.....                                    | (256) 551-5226 |
| Assistant Dean of Student Success .....                     | (256) 551-7274 |
| Director of Operations .....                                | (256) 426-5047 |
| Dean of Students .....                                      | (256) 551-3129 |
| Emergency (24 hours).....                                   | 911            |
| Huntsville Hospital .....                                   | (256) 265-1000 |
| Huntsville Police Department (HPD) .....                    | (256) 722-7100 |
| Madison City Police Department (MCPD).....                  | (256) 772-7190 |
| Madison County Police Department (MCPD).....                | (256) 772-5689 |
| Madison Hospital .....                                      | (256) 265-2012 |
| Main Campus Security.....                                   | (256) 683-2303 |
| Narcotics Anonymous.....                                    | (800) 230-5109 |
| New Horizon Recovery Center.....                            | (256) 532-4141 |
| College President .....                                     | (256) 551-3117 |

Sexual Assault Response Team (SART) ..... (800) 691-8426

Substance Abuse and Mental Health Services..... (800) 662-4357