



2016-2017

# Students Rights and Responsibilities



ACUPUNCTURE AND MASSAGE COLLEGE, LLC

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# Student Rights and Responsibilities

## Reservation of Power

The *AMC Student Handbook* is not intended to be a contract or part of a contractual agreement between AMC and the student. The *AMC Student Handbook* is available online at <http://www.amcollege.edu/wp-content/uploads/2016/06/Student-Handbook-2015-2016.pdf>

Changes in the content of the student handbook may be made at any time, by the college administration. Whenever possible, adequate notice of anticipated changes will be given to the student. This student handbook supersedes all previous handbooks, documents, and directives where they may be in conflict. The student handbook is the governing document for all program-related information. Please become familiar with the policies and procedures listed within. Failure to read this handbook does not excuse students from the rules, policies, and procedures contained in it. Students are expected to be familiar and comply with all the policies and procedures contained within the student handbook, including any revisions or modifications. Acupuncture and Massage College reserves the right to amend, modify, add to, or delete its rules, policies, and procedures without notice, affecting its institutional relationship with students as deemed necessary by the administration. Any such amendment, modification, addition, or deletion shall not be considered a violation of the relationship between the College and the student. Such right includes modification to academic requirements, curriculum, tuition, and/or fees when in the judgment of the administration such changes are required in the exercise of its educational responsibility.

## Nondiscrimination Statement

Consistent with all federal and state laws, rules, regulations, and/or local ordinances (e.g., Title VII, Title VI, Title III, Title II, Rehab Act, ADA, Title IX, and the Florida Civil Rights Act), it is the policy of Acupuncture and Massage College not to engage in discrimination or harassment against any persons because of race, color, religion or creed, sex, pregnancy, national or ethnic origin, nondisqualifying disability, age, ancestry, marital status, sexual orientation, military service, veteran status, political beliefs or affiliations, and to comply with all federal and state nondiscrimination, equal opportunity and affirmative action laws, orders, and regulations. Any such acts are unacceptable and strictly prohibited by the College.

In addition, the law prohibits retaliation against an individual for opposing any practices forbidden under this policy, for bringing a complaint of discrimination or harassment, for assisting someone with such a complaint, for attempting to stop such discrimination or harassment, or for participating in any manner in any investigation or resolution of a complaint of discrimination or harassment. This nondiscrimination policy applies to admissions, enrollment, scholarships, loan programs, athletics, employment, and access to, participation in, and treatment in all College centers, programs, and activities. AMC admits students of any race, color, religion or creed, sex, pregnancy, national or ethnic origin, nondisqualifying disability, age, ancestry, marital status, sexual orientation, military service, veteran status, political beliefs

or affiliations, and activities generally accorded or made available to students at AMC and does not discriminate in the administration of its educational policies, admission policies, scholarship and loan programs, and athletic and other school administered programs. The following person has been designated to handle inquiries and complaints regarding perceived discrimination and AMC nondiscrimination policies:

Dr. Sylvia Santana  
Title IX Coordinator/Academic Dean  
(305)595-9500  
[dean@amcollege.edu](mailto:dean@amcollege.edu)

### **Campus Security Report**

Acupuncture and Massage College, annually publishes the [Campus Safety Brochure](#), which includes security policies, procedures, practices, and statistics for offenses. Information is also available on the AMC website at [Crime Statistics](#).

### **Code of Student Conduct and Academic Responsibility**

Purpose: This code seeks to promote high standards of behavior and academic integrity by setting forth the responsibilities of students as members of the College community. Abiding by the code fosters a climate wherein all members of the College community can exercise their rights of membership.

### **Code of Student Conduct Statement**

The College is a community of scholars in which the ideals of freedom of inquiry, freedom of thought, freedom of expression, and freedom of the individual are sustained. However, the exercise and preservation of these freedoms and rights require a respect for the rights of all in the community to enjoy them to the same extent. It is clear that in a community of learning, willful disruption of the educational process, destruction of property, and interference with the orderly process of the College as defined by the College administration or with the rights of other members of the College cannot be tolerated. Students enrolling in the College assume an obligation to conduct themselves in a manner compatible with the College's function as an educational institution. To fulfill its functions of imparting and gaining knowledge, the College retains the power to maintain order within the College and to exclude those who are disruptive to the educational process.

**In support of the Code of Student Conduct, any violations of the Code of Student Conduct and Academic Responsibility and/or College policies and procedures may result in disciplinary action and/or criminal prosecution. Violations of academic and/or supplementary standards will be handled by the Academic Dean. Violations of conduct standards, supplementary standards, College policies, and/or procedures will be handled by the Academic Dean or school official as deemed appropriate. Violations of sexual misconduct/discrimination will be handled by the Title IX coordinator/Academic Dean.**

Changes to the Code of Student Conduct and Academic Responsibility will be posted on the Student Handbook. Students are required to be familiar with the rules, policies, and Code of Student Conduct and Academic Responsibility.

## Conduct Standards

1. Students should not interfere with the rights, safety, or health of members of the College community nor interfere with other students' right to learn. Students are expected to abide by all College, and program rules and regulations and all local, state, and federal laws. Students are responsible for adherence to the College code of conduct and all College policies and procedures while attending or participating in College-sponsored programs, activities, and/or events off the AMC campus.

Violations of conduct standards include, but are not limited to;

- A. theft robbery, and related crimes
- B. vandalism or destruction of property
- C. disruptive behavior/disorderly conduct (classrooms, clinic, or at College-sponsored events, on or off campus)
- D. physical or verbal altercation, assault, battery, domestic violence, or other related crimes
- E. gambling
- F. possession or use of firearms; pellet, air soft, and paint ball guns; fireworks; explosives; or other dangerous substances or items
- G. possession, transfer, sale, or use of illicit and/or illegal drugs or alcohol if a minor
- H. appearance in class or on campus under the apparent influence of drugs or alcohol, illegal or illicit drugs or chemicals
- I. any act or conspiracy to commit an act that is harassing, abusive, or discriminatory or that invades an individual's right to privacy; sexual harassment; discrimination and abuse against members of a particular racial, ethnic, religious, on the basis of sex/gender, sexual orientation, marital status or cultural group and/or any other protected group or as a result of an individual's membership in any protected group. Refer to the College's sexual misconduct policy for more information.
- J. sexual misconduct
- K. stalking
- L. unacceptable use of computing resources.
- M. impeding or obstructing AMC investigatory, administrative, or judicial proceedings
- N. threats of or actual damage to property or physical harm to others
- O. "Hazing" Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a postsecondary institution. Hazing includes, but is not limited to, pressuring or coercing the student into violating state or federal law; any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements; forced consumption of any food, liquor, drug, or other substance or other forced physical activity that could adversely affect the physical health or safety of the student; and any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events

or other similar contests or competitions or any activity or conduct that furthers legal and legitimate objective. (Florida Hazing Law, 1006.63) Engaging in, supporting, promoting, or sponsoring hazing or violating College rules governing hazing is prohibited.

P. failure to pay tuition and fees in a timely manner

Q. embezzlement or misuse of AMC and/or student organizational funds or monies

R. failure to comply with the directives of AMC officials

S. violation(s) of the terms or condition of a disciplinary sanction(s) imposed

T. violation of any policy, procedure, or regulation of the College or any state or federal law, rule, regulation, or county ordinance

U. fraud, misrepresentation, forgery, alteration or falsification of any records, information, data, or identity

V. plagiarism

W. possession of drug paraphernalia

2. Students must have authorization from the College to have access to College documents, data, programs, and other types of information and information systems. Any use of the above without authorization is prohibited.

### **Supplementary Standards**

Students are expected to comply with the legal and ethical standards of this institution and those of their chosen field of study. The College and program may prescribe additional standards for student conduct. Reasonable notice may be provided when additions or changes are made to the standards for student conduct. Students should refer to AMC website for policy updates or changes.

### **Harassment Statement**

Harassment is defined as any conduct (words or acts)—whether intentional or unintentional—or a product of disregard for the safety, rights, or welfare of others, which causes physical, verbal, or emotional harm. It is any conduct that intimidates, degrades, demeans, threatens, hazes, or otherwise interferes with another person's rights to comfort and right to be free from a hostile environment. This includes, but is not limited to, loud or aggressive behavior; behavior that disrupts the orderly functioning of the College; behavior that disturbs the peace and/or comfort of person(s) on the campus of the College; and behavior that creates an intimidating, hostile, or offensive environment. It also includes any conduct (words or acts) in which the College can determine a threat exists to the educational process or to the health or safety of a member of the AMC community.

### **Violations**

Any violation(s) of any of the academic standards, conduct standards, or supplemental standards may result in a complaint being filed against a student to enforce the Code of Student Conduct and Academic Responsibility. Administrative staff, in their discretion, immediately suspend students pending a hearing on charges of academic, conduct, or supplemental standards violations. Violations of academic, conduct, or supplemental standards are subject to disciplinary action, up to and including, expulsion from the College. Violations of academic standards will be handled through the student's Academic Dean. Violations of



conduct or supplementary standards will also be handled by the Academic Dean or by an individual as deemed appropriate by the President. Violations of sexual misconduct/discrimination will be handled by the Title IX Coordinator/Academic Dean.

## **Sanctions**

If the student is found in violation of the Code of Student Conduct and Academic Responsibility and/or College policies and procedures, one or more of the following sanctions may be imposed. The following list is only illustrative. The College reserves the right to take additional disciplinary action as it deems appropriate.

### **1. Expulsion**

Permanent dismissal from the College with no right for future readmission under any circumstances. A student who has been expelled is barred from campus and/or visiting privileges.

### **2. Suspension**

Mandatory separation from the College for a period of time specified in an order of suspension. An application for readmission will not be entertained until the period of separation indicated in the suspension order has elapsed. Readmission is subject to approval of the College. During the period of suspension, the student is barred from campus visiting privileges unless specific permission is granted by Academic Dean or designee

### **3. Temporary Suspension**

Action taken by the Academic Dean or President, which requires a student's temporary separation from the College until a final determination is made of whether or not a student is in violation of the Code of Student Conduct and Academic Responsibility.

### **4. Final Disciplinary Probation**

A disciplinary sanction serving notice to a student that his/her behavior is in flagrant violation of College standards, under which the following conditions exist:

- a. The sanction is for the remainder of the student's career and may be reviewed by the Academic Dean no sooner than two regular academic semesters or equivalent after the sanction is imposed. After two semesters in attendance, a student may initiate a request in writing for reduction of the sanction to disciplinary probation, but must also demonstrate reason to substantiate the request.
- b. Another violation of the Code of Student Conduct and Academic Responsibility will at a minimum result in suspension.

### **5. Disciplinary Probation**

A disciplinary sanction serving notice to a student that his/her behavior is in serious violation of College standards. A time period is indicated during which another violation of the Code of Student Conduct and Academic Responsibility will automatically raise the question of a more severe sanction (suspension or expulsion) if the student is found in violation.

### **6. Disciplinary Warning**

A disciplinary sanction serving notice to a student that his/her behavior has not met College standards. This sanction remains in effect for a designated number of semesters of attendance after which it is expunged from the student's file.

## **7. Verbal Warning**

A verbal warning is a verbal admonition to the student by a College staff member that his/her behavior is inappropriate. A verbal warning will be noted in the student's file for a period of time after which it is expunged from the student's file.

## **8. Fines**

Penalty fees payable to the College for violation of certain regulations with the Code of Student Conduct and Academic Responsibility.

## **9. Restitution**

Payment made for damages or losses to the College, as directed by the adjudicating body.

## **10. Restriction or Revocation of Privileges**

Restriction or revocation of privileges is the temporary or permanent loss of privileges, including, but not limited to, the use of a particular College facility and visitation privileges.

## **11. Termination or Change of Class Schedule/Accommodation**

Termination or change of class schedule contract/accommodation is a disciplinary sanction that terminates or changes the class schedule Contract/Accommodation. This should be accompanied by another form of disciplinary action. It is considered permanent unless lifted by the Academic Dean or designee.

## **12. Counseling Intervention**

When extreme behavior indicates that counseling may be beneficial, the student may be referred to counseling.

## **13. Other Appropriate Action**

Disciplinary action not specifically outlined above, but approved through the Academic Dean or designee.

## **14. Parent/Legal Guardian Notification**

AMC personnel reserve the right to contact or notify a student's parent(s) or legal guardian(s) of a minor student, under 21 years of age, in writing or by phone, when alcohol or drug violations of College policy occur, or when AMC personnel determine a student's safety and/or welfare is at risk.

## **Appeal Process**

An appeal of disciplinary action taken by the Academic Dean or its designee must be made in writing within 72 hours of the receipt of the written disposition of the hearing. In appealing a disciplinary decision, the appeal must fall into one of the following categories:

1. The student has new evidence that was not available prior to the original hearing
2. The disciplinary process was not adhered to during the student's hearing
3. The sanction(s) do not relate appropriately to the violation

A written decision will be provided by the Academic Dean within a reasonable amount of time from receipt of the appeal request. The decision of the Academic Dean will be final.

## **Grievance Procedures for Nonacademic Disputes**

Except for grievances and/or complaints involving sexual misconduct and discrimination, this process should be followed. The purpose of these grievance procedures is to promote the orderly resolution of problems arising out of a student complaint concerning a policy,

procedure, or administrative action of Acupuncture and Massage College. Grievances can often be adversarial, unpleasant, and unsatisfying, so we recommend that students discuss problems before resorting to the formal grievance steps. When formal grievance steps are perceived as necessary, students have a right to a fair process and hearing without retribution.

1. First, the student should attempt to resolve an issue in dispute at the level at which the dispute occurred. This attempt must be in writing (i.e., email, regular mail, or fax). The student may wish to use certified mail to verify receipt of the correspondence. In the correspondence, the student must present a rationale for his or her position based on factual information.
2. The student will receive a reply, in writing, which addresses the complaint.
3. If the reply is not acceptable, the student is encouraged to submit the complaint in writing to Academic Dean. The Academic Dean will attempt to resolve the dispute.
4. If the Academic Dean is unable to resolve the dispute, he or she will notify the student and the President in writing.
5. The student may then appeal in writing to the President.
6. The President will investigate and review the findings, and will notify the student in writing of his decision.
7. The President's decision is final and binding and cannot be appealed.

### **Interference with College Investigations and Disciplinary Proceedings**

Interference with College investigations, administrative procedures, or disciplinary proceedings, or judicial proceedings authorized to conduct investigations or disciplinary proceedings is prohibited. This includes, but is not limited to, the use of force, threat of force, coercion, or promise of reward to any person or property of persons involved in College investigations or disciplinary proceedings. No person may, without authorization, examine, take possession of, alter, or destroy College investigations or destroy College records or evidence. Interference with College investigations, disciplinary proceedings, or records may result in disciplinary action.

In an effort to foster and provide an environment free from bias or prejudice for the parties involved, publication (verbal or written communication(s)) regarding any College investigatory, administrative, disciplinary, or judicial proceeding is prohibited, if the publication is deemed by the appropriate official overseeing the proceeding to compromise the impartiality and integrity of the proceeding.

Communication related to the proceeding will be limited to identify individuals using administrative discretion on a need-to-know basis.

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

Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education's implementing regulations at 34 C.F.R. Part 106, the College's Title IX Coordinator has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of this

College, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

Sexual misconduct against students, including sexual harassment, sexual assault, rape, and sexual exploitation, can be a form of sex discrimination under Title IX. The Title IX coordinator oversees the College's response to reports and complaints that involve possible sex discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the College can address issues that affect the wider school community.

A student should contact the Title IX Coordinator or Deputy Title IX Coordinator(s) in order to:

- Seek information or training about students' rights and courses of action available to resolve reports or complaints that involve potential sex discrimination, including sexual misconduct,
- File a complaint or make a report of sex discrimination, including sexual misconduct,
- Notify the College of an incident or policy or procedure that may raise potential Title IX concerns,
- Get information about available resources (including confidential resources) and support services relating to sex discrimination, including sexual misconduct, and
- Ask questions about the College's policies and procedures related to sex discrimination, including sexual misconduct.

In the event that the incident, policy, or procedure about which the student seeks to file a report or complaint creates the appearance of a conflict of interest with one of the members of the Title IX compliance team, students may contact any other member of the team.

Inquiries or complaints that involve potential violations of Title IX may also be referred to the U.S. Department of Education's Office for Civil Rights, which can be reached at:

<https://wdcrobcopl01.ed.gov/cfapps/OCR/contactus.cfm>

Or the Educational Opportunities Section of the Civil Rights Division of the U.S. Department of Justice (DOJ):

<http://www.justice.gov/crt/complaint/#three>.

## **Functions and Responsibilities of the Title IX Coordinator**

The Title IX Coordinator's functions and responsibilities include the following:

### **(1) Training for Students, Faculty, and Staff**

The Title IX Coordinator provides or facilitates ongoing training, consultation, and technical assistance on Title IX for all students, faculty and staff, including:

- regular training for faculty and staff outlining their rights and obligations under Title IX, including the appropriate response to reports of sexual misconduct, the obligation to report

sexual misconduct to appropriate College officials, and the extent to which counselors and advocates may keep a report confidential, and

- regular training for students outlining their rights under Title IX; with regard to sexual misconduct, this training will include what constitutes sexual misconduct and when it creates a hostile environment, the definition of consent, reporting options (including reports to responsible employees, campus and local law enforcement, and confidential reporting to counselors or advocates), the grievance procedures used to process complaints, applicable disciplinary code provisions relating to sexual misconduct and the consequences of violating those provisions, the role of alcohol and drugs in sexual misconduct, the effects of trauma, strategies and skills for bystander intervention, the offices or individuals with whom students can speak confidentially, the offices or individuals who can provide support services, the employees who must report incidents to the Title IX coordinator, and Title IX's protections against retaliation.

## **(2) Investigations**

The College is responsible for conducting adequate, reliable, and impartial investigations of reports and complaints of sexual misconduct. The Title IX Coordinator oversees many aspects of this response, including:

- Determining whether the report or complaint alleges conduct that may, upon investigation, constitute prohibited sexual misconduct,
- Appointing an investigative team upon such determination,
- Making certain that individual reports and complaints are handled properly and in a prompt and timely manner,
- Informing all parties regarding the grievance process,
- Confirming that all parties have been notified of grievance decisions and of the right to, and procedures for, appeal, if applicable,
- Maintaining information and documentation related to the investigation in a secure manner, and
- Monitoring compliance with timeframes specified in the grievance procedures.

The Title IX Coordinator evaluates requests for confidentiality by those who report or complain about sexual misconduct in the context of the College's responsibility to provide a safe and nondiscriminatory environment for all students.

## **(3) Remedies, Including Interim Measures**

Upon learning of a report or complaint of sexual misconduct, the Title IX Coordinator promptly takes steps to ensure the complainant's equal access to the College's programs and activities and protect the complainant as necessary. Such steps include taking interim measures before the final outcome of any investigation, providing remedial measures after the final outcome of investigation, and making the complainant aware of all available resources, including (such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance).

Upon a finding of prohibited sexual misconduct, the Title IX Coordinator determines whether campus-wide remedies should be adopted in response, including review and revision of the College's sexual misconduct policies, increased monitoring, supervision or security at locations where sexual misconduct is reported to occur, and increased education and prevention efforts, including to targeted populations.

If the College finds that an individual engaged in prohibited sexual misconduct, the Title IX Coordinator reviews proposed sanctions before they are imposed to ensure that they, along with the College's interim and long-term measures taken in response to the sexual misconduct, are reasonably calculated to stop the sexual misconduct and prevent its recurrence.

#### **(4) Monitoring and Advising**

In order to address sexual misconduct on campus and ensure ongoing compliance with Title IX, the Title IX Coordinator:

- Coordinates an annual climate survey, in consultation with research personnel with expertise in survey design and data collection and analysis,
- Analyzes data collected by the annual climate survey to assess the rates and nature of sexual misconduct, any location hot-spots or risk factors, knowledge of the College's sexual misconduct policies, procedures and resources, and the consequences of violating such policies, and the effectiveness of the College's efforts to ensure that the College is free from sexual misconduct,
- Reviews regularly all reports and complaints raising potential Title IX issues throughout the College to ensure that the College responded consistent with its Title IX obligations, even if the report or complaint was initially filed or raised with another individual,
- Reviews regularly all reports and complaints raising potential Title IX issues throughout the college to identify and address any patterns,
- Reviews regularly the College's policies and procedures to ensure that they comply with the requirements of Title IX,
- Organizes and maintains files related to grievances, reports, complaints, and other records of potential sex discrimination, including sexual misconduct, in a secure manner,
- Assesses regularly the College's compliance with, and the effectiveness of, policies and procedures related to sex discrimination, including sexual misconduct, and recommends modifications where appropriate,
- Coordinates regularly with the College's Clery Act Compliance Officer with respect to overlapping obligations related to sexual misconduct against students, including prevention, education, and training,
- Consults regularly with the College President and campus stakeholders to promote campus-wide awareness and discussion of Title IX-related issues, and develop and implement any modifications of policies and procedures to prevent and eliminate sex discrimination, including sexual misconduct, and
- Ensures that appropriate policies and procedures are in place for working with local law enforcement and coordinating with local victim advocacy organizations and service providers, including rape crisis centers.

## **Sexual Misconduct Policy Summary**

### **I. Rights Afforded to All Community Members**

- a. The right to have all acts of sexual misconduct treated with seriousness; and the right, as victims, to be treated with dignity and respect.
- b. The right to have any acts of sexual misconduct investigated and adjudicated by the duly constituted criminal and civil authorities of the governmental entity in which the crimes occurred and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities.
- c. The right to be free from pressure that would suggest that victims (1) not report crimes committed against them to civil and criminal authorities and/or disciplinary officials; or (2) report crimes as lesser offenses than the victim perceives them to be.
- d. The right to be free from suggestions that victims of sexual misconduct not report, or underreport, crimes because
  - (1) Victims are somehow “responsible” for the commission of crimes against them;
  - (2) Victims contributed to or assumed the risk of being assaulted; or
  - (3) By reporting crimes, they would incur unwanted personal publicity.
- e. The right to the full, prompt, and reasonable cooperation from campus personnel in responding to an incident of sexual misconduct.
- f. The right to have access to counseling services established by the College or other victim service organizations.
- g. The right to require that campus personnel take the necessary steps or actions reasonably feasible to prevent unwanted contact with, or proximity to, alleged assailants following a report of sexual misconduct, including assistance with academic, workplace, and housing accommodations, if requested and reasonably available.
- h. The right of both the complainant and accused to the same opportunities to have others present during a disciplinary proceeding.
- i. The right of both the complainant and the accused to be informed of the outcome of any College disciplinary proceeding.
- j. The right to be provided with written information regarding the victim’s rights and options following a report of sexual misconduct.

### **II. Reporting Sexual Misconduct**

The AMC community is encouraged to report to the local police (9-1-1) and AMC Title IX Coordinator all occurrences of sexual misconduct. Professional staff members in the Administrative team are among those who are trained and willing to assist students and employees who are victims of sexual misconduct. Students aggrieved by a violation of this policy may file a grievance under Title IX. All reports of sexual misconduct will be thoroughly investigated by the College Title IX Coordinator or the designees. Victims of sexual violence have the option to notify—or decline to notify—the proper law enforcement authorities, including local police. Victims also have the option to be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses.

Students and employees may be assisted by and should report allegations of sexual misconduct to the following individuals.

**For Students**

Dr. Sylvia Santana  
Title IX Coordinator/Academic Dean  
10506 North Kendall Drive, Miami FL 33176  
(305)595-9500  
[dean@amcollege.edu](mailto:dean@amcollege.edu)

Confidential resources are also available to students and employees.

**Emergency Situations**

<b>CAMPUS SECURITY ACT OF 1990</b>
In 1990, President George Bush signed into law the “Student Right to Know and Campus Security Act.” This act requires all post-secondary institutions to prepare, publish and distribute certain information regarding campus crimes and policies relating to security. AMC’s campus crime and security policy information can be found in the Student Handbook and Personnel Manual.

Any emergency situation involving a threat to life or property should be immediately reported to the POLICE. The caller should stay on the line until the dispatcher terminates the call. Do not hang up. Emergency police, fire, or medical assistance can be obtained by calling **9-1-1**. Protection of persons and property is the primary mission of the Police. State and local laws are enforced at AMC.

Campus crime statistics are tabulated and provided annually to all students, faculty and staff at orientation and every September thereafter. Additional copies are available upon request.

**EMERGENCY-POLICE/FIRE/MEDICAL – DIAL 911**

(first dial 9 on the student lounge phone)

Non-emergency: Kendall Mall Security Pager (786) 229-9159 AMC Student Services (305) 595-9500
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## **Fire Safety**

Unnecessarily setting off a fire alarm; unnecessarily tampering with fire hoses, extinguishers, exit signs, and alarm equipment; or blocking fire exits and other means of impeding traffic may result in immediate College disciplinary action and criminal prosecution. Failure to evacuate the building during a fire alarm is also prohibited.

## **Emergency Response and Evacuation Procedures / Fire Drills**

Our College building has clearly-marked exit signs should you be required to evacuate. There are fire extinguishers in the corridors. There are smoke alarms, water sprinklers and battery-operated exit signs. Students may request to see our fire safety report by contacting our Administrative Coordinator.

AMC will notify students, patients, faculty, and staff upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, patients, or employees occurring on the campus. AMC will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. When an evacuation is deemed necessary, students are to leave the building by the stairs and meet on the sidewalk by Kendall Drive. If necessary, any non-ambulatory patients should be assisted or carried out of the building. AMC conducts fire drills annually.

Should there be a hurricane or other act of nature, the city and county will provide instructions for evacuation.

## **Life-Threatening Behavior**

Acupuncture and Massage College recognizes that certain life-threatening behavior (e.g., suicide threats, gestures, or attempts; eating disorders; substance abuse; threats, gestures, or attempts to harm others) is a sign of personal distress. The College is committed to helping students alleviate whatever stress factors are precipitating life-threatening behavior by providing support and/or referral through use of appropriate resources. However, since it is critically important to maintain civility and respect for all members of the College community, it is recognized that action must be taken when such behavior is considered by the College to be disruptive to and unacceptable in the academic and social/living environment.

## **Off-Campus Violations**

The College reserves the right to take disciplinary action for violations of the Code of Student Conduct and Academic Responsibility and College policies and procedures, even when they occur off campus or through electronic communications.

## **Parent/Legal Guardian Notification**

College personnel may use administrative discretion in parental or legal guardian notification in writing and/or by phone of a student under 21 years of age when alcohol or drug violations of the College occur or when a student's health or safety is at issue.

## **Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act of 1974 (FERPA) affords a student certain rights with respect to his or her education records. These rights include;

- The right to inspect and review the student's education records within 45 days of the day the College receives a request for access. A student should submit to the Registrar's Office a written request that identifies the record(s) the student wishes to inspect. The Registrar's Office will arrange for access and notify the student of the time and place where the records may be inspected.
- The right to request the amendment of the student's education record that the student believes is inaccurate or misleading. A student who believes that his or her education records contain information that is inaccurate or misleading, or is otherwise in violation of the student's privacy or other rights, may discuss his or her concerns informally with the College Registrar. If the decision is in agreement with the students' requests, the appropriate records will be amended. If not, the student will be notified within a reasonable period of time that the records will not be amended and will be informed by the Office of the College Registrar of his or her right to a formal hearing.
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, collection agent, loan servicing agent, or the National Student Clearinghouse); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate education interest if the school official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the College may disclose educational records, without consent, to officials of another school in which a student seeks or intends to enroll or is already enrolled, so long as the disclosure is for purposes related to the student's enrollment and transfer.
- The right to file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C., 20202-4605 concerning alleged failures by Acupuncture and Massage College to comply with the requirements of FERPA.

Acupuncture and Massage College hereby designates the following student information as public or directory information. Such information may be disclosed by the institution for any purpose, at its discretion.

- Student name
- Local and home address
- Telephone numbers
- email address
- Major Field of study
- Place of birth
- Dates of attendance
- Degrees, honors, and awards received
- Enrollment status
- Year in school
- Anticipated graduation date

### **Release of Student Information**

A student can give consent to permit Acupuncture and Massage College to discuss and/or release personal identifiable information to a third party such as a spouse, a parent, a guardian, etc. This consent must be provided in writing with the student's signature. To provide a written consent, complete the Authorization for Release of Information form available on the Office of the College Registrar

### **Health Care Privacy (HIPAA) Statement**

The Health Insurance Portability and Accountability Act of 1996 ("HIPAA") requires "covered entities" to abide by the regulations governing the privacy, confidentiality, and security of protected health information, defined as individually identifiable health information created, received, maintained, or transmitted at or by a covered entity, whether such information is electronic, written, or spoken.

Pursuant to the HIPAA Privacy and Security Regulations, the AMC Clinic is responsible for enacting privacy and security policies and procedures. Thus, the AMC Clinic that provides patient care in a HIPAA-covered setting has enacted such policies and procedures. All AMC Clinic workforce members including—but not limited to—faculty members, employees, and trainees, are responsible for following the policies and procedures implemented by the applicable AMC Clinic.

In addition, the HIPAA Regulations require that AMC provide training to its health care center faculty members, employees, and trainees with respect to its HIPAA Privacy, Security, and Research policies and procedures.

Violations of AMC policies and procedures regarding privacy and security of protected health information will be reported to the appropriate supervising authority for potential disciplinary action, up to and including dismissal in accordance with the applicable College policies.

Further, AMC faculty members and students may be subject to the HIPAA privacy and security policies and procedures enacted by various non-AMC health care facilities in which they train. It is the responsibility of the faculty member and student to familiarize himself or herself with such policies and procedures upon entering each facility.

Any questions concerning the HIPAA privacy policies can be directed to the HIPAA Liaison of your AMC Clinic.

## **Public Laws**

Students are responsible for compliance with all public laws. Any act that could constitute a violation of public laws will establish cause for legal and/or disciplinary action by the College.

## **Abuse/Physical Assault**

Acupuncture and Massage College has expectations of the student body to resolve differences in a mature and respectful manner. Physical abuse, verbal abuse, threats, intimidations, coercion, and/or other conduct that threatens or endangers the health, safety, and/or welfare of any other member of the College community on or off campus is prohibited.

## **Arson**

No student shall commit or aid in the intentional commission of an act that results in a fire being ignited, which causes damage, or is intended to cause damage, to the property of the College or the personal property of any member of the College community.

## **Bomb Threats**

The placement of a bomb threat is an intolerable violation of College policy, which will result in expulsion from the College.

## **Breaking and Entering**

The entering, or attempt to enter, any room, building, motor vehicle, or other form of property without proper authorization or consent is prohibited.

## **Stalking**

Any individual who willfully, knowingly, maliciously, or repeatedly follows; harasses; attempts to contact or communicate (written, verbal or electronic); and makes a credible threat placing the individual in reasonable fear of death or bodily harm may be in violation of AMC's stalking policy. Such conduct is prohibited. Stalking causes substantial emotional distress in individuals and serves no legitimate purpose. Course of conduct means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

## **Theft or Unauthorized Possession**

Students involved in the taking, sale, or possession of property without the consent of its owner or without proper remuneration may be subject to College disciplinary action and a fine, as well as arrest and prosecution by legal authorities.

## **Title IX Compliance Policy**

Title IX of the Education Amendments of 1972, 20 USC Sections 1681 et seq., prohibits discrimination on the basis of sex in schools. In furtherance of Title IX, Acupuncture and Massage College has adopted a Title IX Compliance Policy. It is the College's policy that no student enrolled at AMC shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving federal financial assistance. In addition, the College has adopted a comprehensive sexual misconduct policy that addresses sexual harassment, discrimination, assault, and other related violations involving sex/gender and can also be found in this manual.

The Title IX coordinator at AMC is Dr. Sylvia Santana, Academic Dean, who can be reached at (305) 595-9500. Students are entitled to file a grievance or complaint with the Title IX Coordinator if they perceive they have been a victim of sexual misconduct or discrimination on the basis of sex. The grievance procedure is available from the Title IX Coordinator, and is outlined in the [sexual misconduct policy](#).

## **Reporting and Confidentially Disclosing Sexual Violence: Know the Options**

The College encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the College can respond appropriately. Different employees on campus have different abilities to maintain a victim's confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."
- Other employees may talk to a victim in confidence, and generally only report to the College that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a College investigation into an incident against the victim's wishes.
- Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX coordinator. A report to these employees (called "responsible employees") constitutes a report to the College – and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual violence. The College encourages victims to talk to someone identified in one or more of these groups.

## **The Options: Privileged and Confidential Communications**

- *Professional and Pastoral Counselors.*

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission.

- *Non-professional Counselors and Advocates*

Individuals who work or volunteer, including front desk staff and students, can generally talk to a victim without revealing any personally identifying information about an incident to the College. A victim can seek assistance and support from these individuals without triggering a College investigation that could reveal the victim's identity or that the victim has disclosed the incident.

While maintaining a victim's confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator. A victim who speaks to a professional or non-professional counselor or advocate must understand that, if the victim wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to do so.

NOTE: While these professional and non-professional counselors and advocates may maintain a victim's confidentiality vis-à-vis the College, they may have reporting or other obligations under state law. ALSO NOTE: If the College determines that the alleged perpetrator(s) pose a serious and immediate threat to the College community the Title IX Coordinator may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

## **Policy and Procedures for Issuing a Campus Timely Warning Notice or an Emergency Notification**

Overview In the event of a substantiated serious safety concern, either on college property or in the near vicinity of the campus, numerous and diligent efforts are made to advise members of the campus community. The College takes its duty seriously to inform students and campus community members of threatening situations—and how they can best protect themselves from harm. As a result, information about crime-related and other potentially threatening situations is provided in an accurate and timely fashion. The College will release information which can be used by students and other College community members to reduce their chances of becoming victims. These notices will be issued as a means of a “Campus Timely Warning Notice” (CTWN) or an “Emergency Notification” (EN).

### **Campus Timely Warning Notice Policy What Constitutes Issuance of a Campus Timely Warning Notice (CTWN)?**

Campus Timely Warning Notice is specifically related to compliance with the federal Clery Act, which requires colleges and universities to notify students and employees whenever there is a threat that a serious crime is ongoing or may be repeated-- so that campus community members can protect themselves from harm. The Clery Act defines certain specific crimes that require a timely warning notice to be issued when crimes are reported to Campus Security Authorities (CSA's) with significant responsibility for student and campus activities, campus safety, or the local police AND the reported crime(s) are believed to have occurred on campus, in or on non-campus buildings or property, or on public property contiguous to the campus. Types of incidents or situations that constitute a campus timely warning being sent are:

1. All Clery Act Crimes which represent a serious or continuing threat to the person and/or property of students and employees.  
Examples include but are not limited to:
  - Criminal Homicide
  - Sex Offenses
  - Robbery
  - Aggravated Assault
  - Burglary
  - Motor Vehicle Theft
  - Arson
  - Hate Crimes
2. Emergency situations that are life threatening. Examples include, but are not limited to:
  - Persons with weapons with intent to use
  - Threat of violent crime
  - Situations where identity or location of suspect is not known
  - Assault (physical or sexual)
3. Any act or immediate threat of interpersonal violence. Examples include, but are not limited to:
  - Domestic or relationship situations
  - Hate crimes
  - Consistent pattern of violent behavior
4. Serious acts or threats to campus-owned or personal property

### **Timing, Content, and Decision Criteria for a Campus Timely Warning Notice:**

The warning should be issued as soon as the pertinent information is available because the intent of a campus timely warning is to alert the campus community of continuing threats, especially concerning safety, thereby enabling community members to protect themselves. The issuing of a timely warning notice must be decided on a case-by-case basis in light of all of the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

Clery Act regulations do not specifically specify what information should be included in a timely warning. However, because the intent of the warning is to enable members of the campus community to protect themselves, the warning should include all information that would promote safety. Generally, the warning will specify the type of reported crime, the time and location at which the reported crime occurred, and specific advice to the campus community regarding steps to take to avoid becoming a victim and to protect themselves.

The timely warning notice WILL NOT include any information that would identify the victim.

### **Decision to Issue Campus Timely Warning Notice – Responsibility:**

The decision to issue a Campus Timely Warning Notice is made in coordination and consultation by at least two members of the Administration team. In an extreme emergency, the notification process will be implemented at the sole direction of the College's Academic Dean.

### **How Campus Timely Warning Notices are issued:**

1. Campus Timely Warning notices will be issued to students and employees upon the confirmation of a significant emergency, dangerous situation, incident or crime, impacting the campus community and/or the surrounding area.
2. Upon receiving pertinent information of an emergency situation that requires an immediate response, the Administrative team members will communicate and/or convene without delay to implement the notification process. In an extreme emergency, the notification process will be implemented at the sole direction of the Academic Dean.
3. This information may be disseminated to campus community members via a variety of mechanisms or mediums.

AMC will use one or more of the following means:

- Electronic mail messages
- Public announcements
- Postings and signage in hall ways and classrooms and other highly visible locations throughout the school including staff/faculty lounges
- Other methods deemed necessary that may be used in the information dissemination process.

### **Emergency Notification Policy What Constitutes Issuance of an Emergency Notification/Safety Alert?**

AMC uses an Emergency Notification to notify students and employees in a timely manner when it is determined that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, patients, or employees occurring on campus. The notification to the



campus community may contain only the information that is reasonably necessary to promote the safety of the campus community as dictated by the situation.

An Emergency Notification will be released as soon as reasonably necessary and without delay, unless notification will compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency. After the initial notification, follow-up information must be disseminated to the community via the mediums stated below. An Emergency Notification can be related to criminal activity that is not subject to the timely warning standard required by the Clery Act, but is not necessarily related to criminal activity.

Examples of situations that may constitute the College's decision to issue an Emergency Notification include, but are not limited to:

1. Situations where serious injuries may or have occurred. Examples include, but are not limited to:

- Building collapse
- Fire

2. Situations that cause major disruption to campus operations.

Examples include, but are not limited to:

- Transformer fire
- Weather-related situations
- Power outages
- Water emergencies
- Serious acts or threats to campus property

### **Decision to Issue Emergency Notifications – Responsibility:**

The decision to issue an Emergency Notification is made in coordination and consultation by at least two of the Administrative Team.

How Emergency Notifications are issued:

1. Emergency Notification messages will be issued to students and employees upon the confirmation of a significant emergency, dangerous situation, incident or crime, impacting the campus community and/or the surrounding area.

2. Upon confirmation of an emergency situation that requires an immediate response, the Decision Team will communicate and/or convene without delay to implement the notification process. In an extreme emergency, the notification process will be implemented at the sole direction of the Administrative team.

3. This information may be disseminated to campus community members via a variety of mechanisms or mediums. AMC will use one or more of the following means:

- Electronic mail messages
- Postings and signage in residence halls and other highly visible locations throughout campus including staff/faculty lounges
- Other methods deemed necessary that may be used in the information dissemination process.

4. Unlike a Timely Warning Notice which must be sent campus wide, an Emergency Notification may be segmented to a specific group of individuals in a designated area. If an Emergency Notification is issued, there is no need to issue a Timely Warning for the same circumstance.

## **Reporting to “Responsible Employees”**

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

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

A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the College will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College’s response to the report. A responsible employee should not share information with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement.

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

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

## **Requesting Confidentiality from the College: How the College Will Weigh the Request and Respond**

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College’s obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the College honors the request for confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when the College may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
  - whether there have been other sexual violence complaints about the same alleged perpetrator;
  - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
  - whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
  - whether the sexual violence was committed by multiple perpetrators;
- Whether the sexual violence was perpetrated with a weapon;
- Whether the victim is a minor;
- Whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- Whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group. The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the victim's request for confidentiality.

**If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response.**

The College will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated. The College will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including

for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and

- Inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The College may not require a victim to participate in any investigation or disciplinary proceeding.

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

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

## Resources

### **Roxcy Bolton Rape Treatment Center**

Miami, FL

Hotline: 3055857273

Phone: 3055857273

### **Nancy J. Cotterman Center**

Ft. Lauderdale, FL

Hotline: 9547617273

Phone: 9547617273

### **211 Palm Beach Treasure Coast, Inc.**

Lantana, FL

Hotline: 8668917273

Hotline: 5618337273

Phone: 5618337273

### **Project Help, Inc. - Rape Crisis Program**

Naples, FL

Hotline: 800-329-7227

Hotline: 239-262-7227

Phone: 239-262-7227

### **Abuse Counseling and Treatment (ACT)**

Fort Myers, FL

Hotline: 2399393112

Phone: 2399393112

## **Interim and Supportive Measures**

Interim measures are those services, accommodations, or other assistance that the College puts in place for victims after receiving notice of alleged sexual misconduct but before any final outcomes – investigatory, disciplinary, or remedial – have been determined. We want students to be safe, to receive appropriate medical attention, and to get the help they need to heal and to continue to access their educational opportunities. We also want students to understand their reporting options and how to access available interim measures. The College encourages victims of sexual misconduct to report those incidents to the College’s Title IX coordinator or any responsible employee with whom the victim feels comfortable. The College recognizes that sexual violence is traumatic and may leave victims feeling overwhelmed and confused. This policy seeks to provide clear guidance regarding available resources and who can help in securing them.

Upon receiving a report of sexual misconduct, the College will provide the victim, or the victim’s counselor or advocate, with a written explanation of the interim measures available on campus and through local community resources and shall ask victims, or their counselors or advocates, what measures are sought. Some possible interim measures are listed below, and the College determines which measures are appropriate for a particular victim on a case-by-case basis. Not all of the measures listed below will be necessary in every case to keep victims safe and ensure their equal access to educational programs and activities. If the victim or advocate identifies an interim measure that is not already provided by the College, the College will consider whether the request can be granted. In those instances where interim measures affect both a victim and the alleged perpetrator, the College will minimize the burden on the victim wherever appropriate.

A victim of sexual misconduct, or the victim’s counselor or advocate, may request the interim measures listed below. The College – after consulting with the victim or the victim’s counselor or advocate – will determine which measures are appropriate to ensure the victim’s safety and equal access to educational programs and activities:

- Academic accommodations (for additional information, see below)
- Medical and mental health services, including counseling
- Assistance in finding alternative housing
- A “No contact” directive pending the outcome of an investigation. Such a directive serves as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another

- Providing an escort to ensure that the student can move safely between school programs and activities
- Transportation accommodations, such as shuttle service, cab voucher, or parking arrangements to ensure safety and access to other services
- Assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support, and services

The College will work with victims or their counselors or advocates to identify what interim measures are appropriate in the short term (e.g., during the pendency of an investigation or other school response), and will continue to work collaboratively throughout the College's process and as needed thereafter to assess whether the instituted measures are effective, and if not, what additional or different measures are necessary to keep the victim safe.

As explained below, when a victim's counselor or advocate requests any of the above measures on the victim's behalf without disclosing that sexual misconduct is the basis for the request, the College will consider these requests for supportive measures consistent with its general policy of allowing counselors and advocates to seek such measures for victims of trauma without requiring that the nature of the trauma be disclosed.

### **Academic Accommodations**

Academic accommodations are one type of interim measure that the College may provide to a victim after receiving notice of alleged sexual misconduct to ensure that the victim is safe and can continue to access educational opportunities following alleged sexual misconduct. To address the possible adverse effects of sexual misconduct on a victim's academics, it may be possible to secure time-limited academic accommodations, such as rescheduling an exam. If the victim experiences persistent academic difficulties as a result of the sexual misconduct (e.g., including difficulties stemming from anxiety, depression, post-traumatic stress disorder or any other mental or physical illnesses or injuries), the victim may request more long-term academic accommodations, such as a temporary leave of absence. Students may also be entitled to additional services and supports if they have a disability, including those who developed a disability as a result of experiencing sexual misconduct.

Victims of sexual misconduct, or the victim's counselor or advocate, may request the following academic accommodations as interim measures. The College – after consulting with the victim or the victim's counselor or advocate – will determine which accommodations are appropriate to ensure the student's safety and equal access to educational programs and activities.

Requests for academic accommodations may include assistance in:

- Transferring to another section of a lecture or clinic
- Rescheduling an academic assignment or test
- Accessing academic support (e.g., tutoring)
- Arranging for incompletes, a leave of absence, or withdrawal from campus
- Preserving eligibility for academic, or other scholarships, financial aid, internships, study abroad, or foreign student visas

## **Options for Requesting Interim Measures or Supportive Measures**

The College offers victims of sexual misconduct two options for reporting the misconduct and requesting interim measures required by Title IX. The first option allows the victim to report the misconduct to a College employee whom the College has designated as responsible for receiving and/or responding to reports of sexual misconduct and to request interim measures from these “responsible employees.”

The second option allows a victim who has not reported the misconduct to a responsible employee to disclose the misconduct to a professional counselor, non-professional counselor, or victim advocate who in turn can request interim measures on the victim’s behalf from the College. Under the second option, victims should be aware that when a counselor or advocate requests interim measures on their behalf from a responsible employee of the College and discloses that the reason for the request is sexual misconduct, the request may trigger the College’s Title IX obligation to investigate. To the extent the counselor or advocate makes such a disclosure, but, consistent with the victim’s wishes, asks that the College not investigate or otherwise notify the alleged perpetrator of the report, the Title IX coordinator will consider whether it can honor the request while still providing a safe and nondiscriminatory environment for all students, as set forth in the College’s Confidentiality Policy, and take interim measures to protect the victim as necessary.

The College also offers victims an option for the victim’s counselor or advocate to request supportive measures from the College without reporting the sexual misconduct to the College. While we strongly encourage all victims of sexual misconduct to report the incident to the College directly, we want victims to have access to supportive measures regardless of when or whether they decide to report the conduct to the College.

### **Option 1: Victims Who Report Sexual Misconduct to a Responsible Employee**

Reports of sexual misconduct to responsible employees will be forwarded to the Title IX coordinator who will determine what steps need to be taken. Generally, the College will investigate the report to determine what occurred and the College will provide interim measures during the investigative process and any disciplinary process. However, for victims who report sexual misconduct to responsible employees but request that the College not pursue an investigation or otherwise keep their report confidential (e.g., from the perpetrator), the Title IX coordinator will consider whether it can honor the victim’s request while still providing a safe and nondiscriminatory environment for all students. For more information on confidentiality, please see the College’s [Confidentiality Policy](#). Whether the Title IX coordinator decides that the College can honor the confidentiality request or must pursue an investigation, the Title IX coordinator (or designee) will inform the victim of available interim measures and coordinate appropriate interim measures for the victim.

## **Options 2 and 3: Victims Who Disclose Sexual Misconduct to Professional Counselors, Non-Professional Counselors, and Victim Advocates**

The College recognizes that counselors and victim advocates are often in a unique position to know when and what interim measures or supportive measures would be most appropriate to address a victim's health and safety needs. For this reason, victims who disclose incidents of sexual misconduct to their counselors or victim advocates should discuss whether to have the counselor or advocate report the misconduct to the College and request interim measures required by Title IX or request discretionary supportive measures from the College without reporting the nature of the conduct. The counselor or advocate will work with the victim to determine what information the victim is willing to have shared with College employees involved in securing interim measures or supportive measures. The counselor or advocate will explain how sharing certain information with responsible employees may trigger the College's Title IX obligation to investigate.

### **Option 2. Interim Measures**

A counselor or advocate may request that the College provide interim measures to a victim of sexual misconduct to protect the victim and ensure the victim's equal access to the College's educational programs and activities before the final outcome of any investigation. The counselor or advocate may ask a victim who is seeking interim measures to sign a release specifying the information that may be shared with the College. After the counselor or advocate informs the College that sexual misconduct is the basis for the request for interim measures, the College will work with these individuals to investigate the alleged sexual misconduct and determine what interim measures are appropriate. For example, the counselor or advocate may ask the Title IX coordinator to arrange academic or living accommodations for the victim, or may ask faculty or housing personnel directly for such interim measures.

### **Option 3. Supportive Measures**

A counselor or advocate may request that the College provide supportive measures for a student who has experienced trauma, including, but not limited to, trauma related to sexual misconduct. If a victim does not want the College to investigate the alleged sexual misconduct, the victim should discuss this with the counselor or advocate. Counselors and advocates should explain what type of requests will trigger the College's Title IX obligations and discuss other avenues for securing supportive measures consistent with the victim's wishes. For example, counselors and advocates may request supportive measures (e.g., changes to housing, dining, classes, or employment [as long as it is reasonable]) from the College on behalf of a victim who does not want the College to pursue an investigation of the alleged sexual misconduct, and the College will consider these requests for supportive measures consistent with its general policy of providing supports to students who have experienced various forms of trauma without requiring their counselor or advocate to reveal the nature of the underlying trauma to the College.

The College encourages victims of sexual misconduct to report the incident(s) and to seek help under the option above with which they feel most comfortable. If you have any questions about



available interim measures or supportive measures, please contact Dr. Sylvia Santana, Title IX Coordinator/Academic Dean.

## Definitions

A. **Sex-Based Harassment** “Sex-based harassment” includes sexual harassment and gender-based harassment.

B. **Sexual Harassment** “Sexual harassment” is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances; requests for sexual favors; or other verbal or nonverbal conduct of a sexual nature, including rape, sexual assault, and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment.

C. **Gender-Based Harassment** “Gender-based harassment” is unwelcome conduct of a nonsexual nature based on a student’s actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.

D. **Unwelcome Conduct** Conduct is considered “unwelcome” if the student did not request or invite it and considered the conduct to be undesirable or offensive. Unwelcome conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex. Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that a student may have welcomed some conduct does not necessarily mean that a student welcomed other conduct. Also, the fact that a student requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

E. **Hostile Environment** A “hostile environment” exists when sex-based harassment is sufficiently serious to deny or limit the student’s ability to participate in or benefit from the College’s programs or activities.

A hostile environment can be created by anyone involved in a College’s program or activity (e.g., administrators, faculty members, students, and campus visitors).

In determining whether sex-based harassment has created a hostile environment, the College considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was unwelcome to the student who was harassed. But the College will also need to find that a reasonable person in the student’s position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment.

To make the ultimate determination of whether a hostile environment exists for a student or students, the College considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of

the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected one or more student's education.

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

#### *First Amendment Considerations*

This policy does not impair the exercise of rights protected under the First Amendment. The College's sexual misconduct policy prohibits only sex-based harassment that creates a hostile environment. In this and other ways, the College applies and enforces this policy in a manner that respects the First Amendment rights of students, faculty, and others.

F. **Sexual Assault** "Sexual assault" is actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:

- Intentional touching of another person's intimate parts without that person's consent; or
- Other intentional sexual contact with another person without that person's consent; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or
- *Rape*, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.

G. **Consent** "Consent" must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether 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.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

H. **Sexual Exploitation** "Sexual exploitation" occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;

- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and,
- Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

### **Unauthorized Possession of College Property**

Students in possession of property owned or controlled by Acupuncture and Massage College without authorization for such property will be subject to College disciplinary action and/or restitution. In addition, students may be referred to legal authorities for prosecution.

### **Tobacco-Free Policy**

#### **Policy Statement**

Smoking and tobacco use are prohibited in all Acupuncture and Massage College facilities and on all College property and other properties owned or leased by the College with no exception. This includes, but is not limited to, all indoor and outdoor areas and properties. Indoor areas and properties include, but are not limited to, all common work areas, elevators, hallways, College owned or leased restrooms, dining areas, faculty lounges, and all other enclosed areas in the workplace. Outdoor areas include, but are not limited to, parking lots, grounds, rooftops, entrance and exit ways, and any other areas of the College campus.

### **Alcohol Policy**

Acupuncture and Massage College, as an institution of higher education, is dedicated to the well-being of all members of the College community—students, faculty members, employees, and administrators. Concerned with the misuse of alcohol and other drugs (both licit and illicit), it is the policy of AMC to endeavor to prevent substance abuse through programs of education and prevention. AMC recognizes alcoholism and drug abuse as illnesses or treatable disorders, and it is AMC's policy to work with members of the AMC community to provide channels of education and assistance. However, it is the individual's responsibility to seek help. AMC also recognizes that the possession and/or use of certain substances are illegal. AMC is further obligated to comply with all local, state, and federal laws.

The policy governing the use of alcohol by students at Acupuncture and Massage College is in compliance with the laws of the state of Florida prohibiting the consumption of alcoholic beverages by persons who are minors (under the age of 21). The policy is based on the use of alcohol in moderation and under appropriate circumstances. The College recognizes that students are adults and are expected to obey the law and take personal responsibility for their own conduct. The laws of the state of Florida prohibit the possession or consumption of alcohol by individuals less than 21 years of age.

1. The College will not authorize the use of student activity fees or other student funds collected and administered by the College to provide alcoholic beverages for any student event.
2. The sale, delivery, possession, and/or consumption of alcoholic beverages on any property owned and controlled by AMC is strictly prohibited, except as licensed by the state of Florida or otherwise permitted in these regulations. The use of alcoholic beverages on College premises shall be considered a privilege and may be allowed only if consistent with state laws and College regulations, and only when it will not interfere with the decorum and academic atmosphere of the campus.
3. The president, or an appropriate designee, may approve other exceptions to this prohibition, to allow possession or consumption of alcoholic beverages by persons of legal drinking age at designated events and locations on campus.
4. The use of alcoholic beverages off campus by students of legal drinking age is permissible. However, incidents of intoxication and/or misconduct are subject to College disciplinary action. Students are expected to comply with municipal, state, and federal laws pertaining to the possession and consumption of alcoholic beverages. Any violation of these laws may result in disciplinary action including, but not limited to, probation, suspension, or expulsion from the College.

## **Drug-Free Schools and Campuses**

In order to comply with the Drug-Free Schools and Communities Act (Pub. L. No. 101-226, Title 34C. F. R., part 86), Acupuncture and Massage College has adopted the following policy for all workplace, school, campus, and field-based programs.

The unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs and the abuse of alcohol are prohibited in and on property owned or controlled by Acupuncture and Massage College and as a part of any of its activities.

The term “illicit drugs” refers to all illegal drugs, and to legal drugs obtained or used without a physician’s order. This policy does not prohibit the use of prescribed medication under the direction of a physician. No Acupuncture and Massage College student or employee is to report to work or school while under the influence of illicit drugs or alcohol. Possession of paraphernalia for illegal drug use, or taking a prescription that does not belong to you, are also prohibited.

There are serious health risks associated with the abuse of drugs and alcohol. If you, a fellow student, teacher, or coworker has a problem with abuse of drugs and/or alcohol, help can be provided at the following locations:

## **Community Programs**

Department of Children and Families  
Substance Abuse Program Office  
1317 Winewood Boulevard, Bldg. 6, Third Floor

Tallahassee, Florida 32399-0700  
(850) 487-2920

Alcoholics Anonymous: (954) 462-0265

Narcotics Anonymous: (954) 476-9297

**REFERRAL LIST FOR SUBSTANCE ABUSE TREATMENT PROGRAMS**

<b><u>DETOX SERVICES</u></b>	<b><u>ADDRESS</u></b>	<b><u>PHONE</u></b>
Miami-Dade County		Area Code (305) unless noted
Central Intake Unit	2500 N.W. 22nd Ave.	638-6540
CHI Mental Health Center	10300 S.W. 216th Street	252-4840
(Must reside in catchment area to receive services – From Kendall to Homestead)		
Memorial Regional Hospital	3501 Johnson Street, Hollywood	(954) 987-2000
South Miami Hospital	6200 S.W. 73rd Street	662-8118
<b><u>INPATIENT TREATMENT</u></b>		
Concept House	162 N.E. 49th Street	751-6501
Hanley Hazelden	5200 East Ave. West Palm Beach	(800)444-7008
Memorial Regional Hospital	3501 Johnson Street, Hollywood	(954)987-2000
South Miami Hospital	6200 S.W. 73rd Street	662-8118
St. Luke’s Catholic Charities	7707 N.W. 2nd Ave	795-0077
<b><u>OUTPATIENT TREATMENT</u></b>		
CHI Mental Health Center	10300 S.W. 216 <sup>th</sup> Street	252-4840
(Must reside in catchment area to receive services – From Kendall to Homestead)		
Hanley Hazelden	5200 East Ave. West Palm Beach	(800)444-7008
Here’s Help	9016 S.W. 152 <sup>nd</sup> St.	238-8500
Jewish Community Services	735 N.E. 125 St	576-6550
LifeLine Recovery Programs:	2125 Biscayne Blvd.	270-0400
	6550 Griffin Road, Davie	(954)791-5484
Memorial Regional Hospital	3501 Johnson Street, Hollywood	(954)987-2000

Miami Counseling Services	2450 SW 137 Ave. Suite 228	388-7774
Miami Behavioral CMHC	3750 S. Dixie Hwy.	442-0748
Professional Health Network	10631 N Kendall Dr. Suite 115	274-4330
South Miami Hospital	6200 S.W. 73 <sup>rd</sup> Street	662-8118
St. Luke's/Catholic Charities	7707 N.W. 2 <sup>nd</sup> Ave.	795-0077
The Village	3180 Biscayne Blvd.	573-3784

**Alcoholics Anonymous Meetings (check web: [www.aamiamidade.org](http://www.aamiamidade.org) for meeting days/times)**

AA Information and Help	299 Alhambra Circle Suite 309	
Coral Room	1100 Ponce De Leon Blvd.	446-9558
Harmony Room	2215 S.W. 67 <sup>th</sup> Ave.	261-1221
Sabal Palm Group	10120 S.W. 107 <sup>th</sup> Ave.	274-7434
South Dade Group	10965 Quail Roost Drive	238-6451
Oficina Intergruppal Hispana	1770 W Flagler #4	642-2805

Note: Some meeting rooms are only open 30 minutes before a scheduled meeting. This is a small sample of meeting locations; check web.

**Narcotics Anonymous Meetings (Call 265-9555 or 1(866) 288-6262 for meeting day/ times or check web: [www.namiami.org](http://www.namiami.org))**

NA Information & Help	265-9555 or 1 (866) 288- 6262 toll free
Breakfast Club	8603 S.W. 40 <sup>th</sup> Street (Behind Denny's)
Electric Lunch	South Miami Lutheran Church – 7190 Sunset Drive
Recovery in the Grove	St. James Church – 7410 S.W. 72 <sup>nd</sup> Street
From the Heat Group	Lord of Life Lutheran Church – 9225 S.W. 137 <sup>th</sup> Ave. Note: This is a small sample of meeting locations; check web.

When a student uses or deals in drugs, he or she also risks incarceration and/or fines. In addition to the federal sanctions, Florida state statutes provide sanctions in regard to the use, possession, and/ or sale of illicit drugs and the abuse of alcohol. Punishment varies depending on the amount and type of drugs and/or alcohol involved. Felony convictions range from one year to life imprisonment.

Possession of not more than 20 grams of cannabis is punishable as a misdemeanor of the first degree.

Punishment for misdemeanors ranges from less than 60 days to one-year imprisonment.

Under Sec. 893.13, Florida Statutes: It is unlawful for any person to sell, manufacture, deliver, or possess with intent to sell, manufacture, or deliver a controlled substance. Violation of this statute is a felony and is punishable under Chapter 775 of the Florida Statutes.

Under Sec. 893.13 (1) (c), Florida Statutes: It is unlawful for any person to sell, manufacture, deliver, or possess with the intent to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of a public or private elementary, middle, or secondary school. Punishment for a violation of this statute may include a minimum three-year imprisonment.

Under Sec. 316.1936, Florida Statutes: It is unlawful for any person to possess an open container of an alcoholic beverage or consume an alcoholic beverage while operating a vehicle in the state or while a passenger in or on a vehicle being operated in the state. Violation of this law will result in a noncriminal moving traffic violation, punishable as provided in Chapter 318 of the Florida Statutes, with fines and points on a driving record leading to driver's license suspension.

Under Sec. 316.193, Florida Statutes: A person is guilty of driving under the influence (DUI) if such a person is driving or in actual physical control of a vehicle within the state and the person is under the influence of alcoholic beverages or any controlled substance when affected to the extent that his or her normal faculties are impaired or the person has a blood alcohol level or breath alcohol level of .08 percent or higher. Criminal penalties for DUI include, but are not limited to, fines and incarceration.

### **Drug Policy—Zero Tolerance**

Any student found in violation of the drug-free schools and campuses policy with regard to the unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs or alcohol will face serious College disciplinary action, which may include expulsion from the College.