



# University Student Handbook

**ATSU** | A.T. Still  
University  
FIRST IN WHOLE PERSON HEALTHCARE



University Student Handbook  
2023-24

[catalog.atsu.edu](http://catalog.atsu.edu)

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## About the University Student Handbook

The A.T. Still University (ATSU) Student Handbook (Handbook) provides students with important information about policies, procedures, requirements, and services. Students are required to read, understand, and adhere to the Handbook's provisions.

An updated version of the Handbook is published each academic year. The yearly update (and any subsequent updates during the academic year) supersedes all prior editions and provides the latest rules, policies, and procedures to create the most up-to-date student reference.

The Handbook's provisions do not constitute an irrevocable contract between ATSU and its students since plans, policies, requirements, and services may be altered from time to time. Therefore, ATSU reserves the right to amend, modify, add, or delete information within the Handbook at any time without advance notice.

This version is the most up-to-date version and was last revised on December 14, 2023. Please contact Student Affairs at [studentaffairs@atsu.edu](mailto:studentaffairs@atsu.edu) or Student Life at [studentlife@atsu.edu](mailto:studentlife@atsu.edu) for questions or to submit an update.

## University Mission

A.T. Still University of Health Sciences serves as a learning-centered university dedicated to preparing highly competent professionals through innovative academic programs with a commitment to continue its osteopathic heritage across all programs and focus on whole person healthcare, scholarship, community health, interprofessional education, diversity, and underserved populations.

## Vice President of Student Affairs

The vice president of student affairs (VPSA) oversees student support areas and programs for the entire university community. Student Affairs is involved in all aspects of a student's life including student activities, community involvement, health and wellness, and learning support. The vice president for student affairs and associate vice president-student affairs act as ombudspersons for all students.

ATSU Student Affairs is comprised of the following functional areas: Admissions, Behavioral Health and Wellness, Enrollment Services, Learning Resources & Accommodation Services, Student Life, and the Thompson Campus Center.

## Codes of conduct

ATSU students are expected to abide by two important codes known as the Code of Academic Conduct and Code of Behavioral Standards. These codes establish minimum student expectations and serve as professional behavior. Behavior in violation of the codes is subject to sanctions including, but not limited to, reprimand, probation, suspension, dismissal, and disciplinary consultation, as well as other sanctions deemed appropriate by the University. For detailed definitions of these sanctions, please see Appendix A.

### Code of Academic Conduct

Consult the [ATSU University Catalog](#) for the Code of Academic Conduct.

### Code of Behavioral Standards

ATSU students are expected to adhere to a behavior standard consistent with University standards. In addition, students must comply with all relevant rules and regulations of the city and state in which they are residing, as well as all federal laws.

Students are subject to the same civil laws as other citizens. University policies and regulations are designed to encourage students' intellectual and personal development. Students who violate the law may incur penalties prescribed by civil authorities. Students who violate University regulations off-campus are subject to penalties just as if the violation occurred on campus.

Violations of the Code of Behavioral Standards shall initially be investigated and handled by either the dean of the college/school, the dean's designee, or VPSA. The dean and VPSA are encouraged to consult with one another to help ensure students' interests are protected. Students may read the Code of Behavioral Standards, in its entirety, in Appendix B.

### Standards and Ethics Board

ATSU shall have a standing SEB charged with the responsibility of conducting a formal hearing, when requested by a student, to determine the merits of a Code of Behavioral Standards charge and or the appropriateness of a proposed sanction.

For more information on SEB procedures including membership of the SEB, notices of hearing, hearing guidelines, recordkeeping, and appeals, please see Appendix B.

### Student Health Insurance Plan

A.T. Still University requires all students enrolled in a residential program to maintain active health insurance coverage. To ensure students have access to a comprehensive plan, A.T. Still University has chosen Aetna Student Health (ASH) as its medical plan provider for the student health plan. All ATSU students must meet ATSU requirements by either enrolling in the ATSU student sponsored health plan or submit a waiver and receive approval for use of another acceptable health coverage plan.

HSA Consulting, Inc. (HSAC) is the group administrator for the student health plan and will verify waiver information to ensure all students are in compliance with A.T. Still University health insurance requirements. As the group administrator HSAC will assist students with plan questions, address changes, claims assistance and obtaining ID cards. **For more information on details of the plan, University requirements, enrollment, or completing the waiver process; please visit <https://app.hsac.com/atsu>.**

HSA Consulting, Inc. is available by phone, (888-978-8355), or email ([atsu@hsac.com](mailto:atsu@hsac.com)) for any additional questions regarding the waiver/enrollment process or the student health insurance plan.

### Student Health Insurance Requirements

All students MUST be covered by an Affordable Care Act (ACA) compliant domestic health insurance plan for the entire academic year, including summer and holidays.

Acceptable coverages to waive the A.T. Still University - Sponsored Student Health Insurance Plan are: a parent's employer group plan, a spouse's employer group plan, VA Benefits or COBRA. Individual plans will be accepted as long as they meet the University's waiver requirements. Additionally, the University will allow students to waive out of the student health insurance plan using Medicaid based coverage. Only didactic students who are permanent residents of Arizona, Missouri, and California and remain in their state of residence (Arizona, Missouri, or California) the entire year are eligible to waive with their respective state Medicaid. The A.T. Still University waiver requirements are as follows:

- Deductible MUST NOT be more than \$2,500 individual, NO exceptions. (If an individual deductible is not listed, the family deductible is the individual deductible.)
- Unlimited major medical coverage
- Prescription coverage
- Mental health coverage
- Coverage for an annual wellness exam

- A provider network in the area of your A.T. Still University campus for primary care, specialty, hospital, and diagnostic care. Students attending online programs, including those that are only partially online, are exempt from this requirement.
- ***Short-term health insurance policies, traveler's plans, or plans originating outside the United States will not be accepted as part of the waiver process.***
- Failure to maintain continuous health insurance coverage may result in disciplinary action including possible suspension and/or dismissal.

### Disability insurance

ATSU students enrolled in residential clinical-based programs are required to carry University-provided disability insurance coverage. ATSU has contracted with providers for the group coverage. Professional/graduate school is an expensive investment, and ATSU is dedicated to helping protect its students' financial well-being.

Disability insurance helps protect students from financial hardships if their education is disrupted. Additionally, it also provides assistance with loan repayment in the case of a complete disability event.

All residential (not online) students, currently enrolled, are covered under the disability insurance plan through graduation. Students who withdraw from ATSU or are dismissed will be un-enrolled from the coverage on the withdrawal/dismissal date.

### Dress code

Please refer to the academic program for guidance on appropriate dress code.

### Drug and Alcohol Misuse Prevention Program

ATSU has a Drug and Alcohol Misuse Prevention Program (DAMPP) to inform students of the existence of ATSU's drug-free and alcohol-free policy, availability of drug and alcohol counseling, dangers of drug abuse, drug and alcohol prevention measures, and drug and alcohol abuse penalties.

In compliance with the Drug Free Schools and Communities Act of 1989, a description of ATSU's complete DAMPP may be found online. Learn more at [atsu.edu/dampp](https://atsu.edu/dampp).

### Student complaints

ATSU offers mechanisms for resolution of complaints arising from academic, non-academic, administrative, or behavioral concerns. Each process is designed to help ensure the safety, security, and fair treatment of all students. ATSU encourages informal resolution through direct communication with the individuals involved, whenever possible. In instances where informal resolution as described below is unsatisfactory or there is a specific complaint process, concerns are elevated to formal complaints. Students should consult with Student Affairs if they are unsure about where or how to address a concern.

#### Informal General Complaint Processes

Informal complaints (e.g., concerns or expressions of dissatisfaction or disagreement) should be handled through direct communication (e.g., conversation, email, letter) between the student and the individual or office involved.

- a. The majority of student complaints can be addressed through communication with the individuals involved and are issues commonly handled by a university support office (e.g., Student Affairs, Human Resources).
- b. If the issue remains unresolved, the informal complaint should be directed to the appropriate university office, academic unit, or dean for additional pursuit of resolution.

### General Complaint Processes

ATSU recognizes students' rights to express general complaints and seek solutions to problems arising from complaints, disagreements with faculty/administrators, or different interpretations of ATSU policy. Concerns may involve course grades, promotion, financial concerns, etc. The procedure for expressing a general complaint that does not fall under the Code of Academic Conduct; Code of Behavioral Standards; or the Specific Complaint Processes shown below:

- **Academic.** Any concern academic in nature should be first discussed with the immediate instructor. If resolution cannot be reached, a student may appeal in writing to the next ranking administrator.
- **Non-academic.** For concerns in areas other than academic, a student should first direct their complaint in writing to the director of the specific area of concern and if resolution is not reached, then to the appropriate dean or vice president.

General complaints should include the nature of the complaint, requested outcomes, and a description of previous attempts to resolve the issue informally. Students should expect a preliminary response from the appropriate office/unit within ten (10) business days of receipt of the general complaint. The designated responder will address the general complaint as timely as possible and provide the student a final written determination including any proposed resolution.

- a. General complaints cannot be anonymous or filed on behalf of another person.
- b. Complaints handled through a different university process or procedure will be returned to the student with information on where/who to submit the complaint to for processing. See above for a list of specific complaint resources.

Students are encouraged to consult with Student Affairs if unsure about where or how to address a concern and/or complaint. To submit a report, please navigate to [atsu.edu/incident-report-form](https://atsu.edu/incident-report-form). ATSU offers a fraud hotline allowing for anonymous complaints. Please see [www.fraudhl.com/submit-a-report/](https://www.fraudhl.com/submit-a-report/) or call 1-855-FRAUD-HL, company ID "ATSU".

### Specific Complaint Processes

There are many types of specific complaints directly addressed by policy. Specific complaints and the source for the appropriate processes are listed below.

- **Discrimination, Harassment, and Retaliation.** ([catalog.atsu.edu](https://catalog.atsu.edu); University Student Handbook)
- **Title IX.** (<http://www.atsu.edu/prohibition-of-discrimination-harassment-and-retaliation>)

- **Work Study and Title VII.** ([catalog.atsu.edu](http://catalog.atsu.edu); University Student Handbook: Professional Rights, Responsibilities, and Conduct)
- **Student Records/FERPA.** (<https://www.atsu.edu/department-of-student-affairs/enrollment-services/my-academics#ferpa-student-privacy>)
- **Policy and Procedures for Students with Disabilities.** ([catalog.atsu.edu](http://catalog.atsu.edu); University Student Handbook: Appendix G)
- **Institutional Accreditation.** Any prospective or enrolled student may request a copy of ATSU's accreditation documents from the ATSU Office of Assessment and Accreditation, or copies of state approval documents from the office of the senior vice president for university planning & strategic initiatives. Complaints relating to ATSU's institutional quality may be filed with the Higher Learning Commission (<https://www.hlcommission.org/HLC-Institutions/complaints.html>).
- **School and/or Program Accreditation.** ([catalog.atsu.edu](http://catalog.atsu.edu); University Student Handbook; <https://www.atsu.edu/about-atsu#accreditation>). For Arizona programs, students may file a complaint with the Arizona State Board of Private Postsecondary Education (1740 W. Adams, Ste. 3008, Phoenix, AZ 85007).
- **Online Programs.** Students with complaints about online programs may contact the designated agency for the state in which the student resides. See State Contact Information for Online Students <https://www.atsu.edu/about-atsu#complaint-resolution>.
- **Veterans Affairs.** Students who are receiving VA tuition benefits may submit a complaint to the US Department of Veterans Affairs if they believe ATSU is failing to follow the VA's Principles of Excellence in education and training. Complaints may be filed online at: <https://www.benefits.va.gov/gibill/feedback.asp>
- **Federal Financial Aid.** Students may file a complaint with the Department of Education if they are dissatisfied with their experience in the federal student aid process or want to report suspicious activity related to federal loans. Complaints may be filed online at: <https://studentaid.gov/feedback-center/>

### **On the Arizona campus**

If the complaint cannot be resolved after exhausting the institution's complaint procedures, the student may file a complaint with the Arizona State Board for Private Postsecondary Education. The student must contact the State Board for further details. The State Board address is 1740 W. Adams, Ste. 3008, Phoenix, AZ 85007, phone # 602-542-5709, website address: <https://ppse.az.gov/>

### **On the California campus**

If the complaint cannot be resolved after exhausting the institution's complaint procedures, the student may file a complaint with the Bureau for Private Postsecondary Education. The student must contact the Bureau for further details. The Bureau for Private Postsecondary Education address is P.O. Box 980818, West Sacramento, CA 95798-0818, phone # (888) 370-7589, website address: <https://www.bppe.ca.gov/enforcement/complaint.shtml>

Vice President of Student Affairs Contact  
<https://www.atsu.edu/student-affairs/contact>

**Lori Haxton, MA**

Vice President for Student Affairs  
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Tinning Education Center, 2nd Floor Student Affairs Suite  
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Executive Assistant: 660.626.2236

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Associate Vice President for Student Affairs  
5835 E. Still Circle, Ste 102, Mesa, AZ  
85206  
480.219.6026  
E-mail: [michaelzajac@atsu.edu](mailto:michaelzajac@atsu.edu)  
Executive Assistant: 660.626.2236

## Admissions

ATSU Admissions is dedicated to providing support for University programs by recruiting and advising highly-qualified, diverse individuals who are committed to lifelong learning, becoming competent healthcare providers, and serving underserved populations.

### Student Ambassador Program

The Student Ambassador Program is ATSU's volunteer public relations organization and is represented on the Arizona, California and Missouri campuses. Ambassadors play a key role in successful student recruitment and retention in a number of ways, some of which include:

- participating in admissions interview days
- contacting prospective students by e-mail, phone, and mail
- conducting campus tours for prospective students and various groups
- representing ATSU at local college/university and career fairs.
- participating in recruitment and alumni events

To learn more about ATSU's Student Ambassador Program, please stop by Admissions on either residential campus or click here: <https://www.atsu.edu/department-of-student-affairs/admissions#student-ambassadors>

Students must remain in good standing to maintain active student ambassador positions. Ambassadors who are placed on academic warning and/or probation will have their ambassador duties temporarily suspended. When a student is removed from academic/disciplinary probation, and/or has successfully completed all remediation work, they are encouraged to contact Admissions regarding their status as an ambassador.

### Residential re-admission

Please see the [ATSU University Catalog](#). The residential re-admission policy is located under ATSU Policies, Re-Admission Policy & Procedures.

### Contact Admissions

E-mail: [admissions@atsu.edu](mailto:admissions@atsu.edu)

Telephone: 660.626.2237

Arizona: 5845 E. Still Circle, Ste. 201, Mesa, AZ 85206

California: 1075 E. Betteravia Rd., Ste. 201, Santa Maria, CA 93454

Missouri: 800 W. Jefferson St., Kirksville, MO 63501

Connect with Admissions

[atsu.edu/admissions](https://atsu.edu/admissions)

## Diversity & Inclusion

ATSU is deeply committed to an educational and collaborative environment embracing cultural proficiency. Students striving to become the best healthcare professionals possible must understand and embrace society's diversity.

The Department of Diversity & Inclusion provides resources for students including a calendar of diversity-related events, trainings and university-wide programming, and scholarships.

### Principles for diversity

ATSU recognizes, values, and affirms that diversity contributes richness to the University community and enhances the quality of education and campus life for individuals and groups. Students, faculty, staff, and administrators are valued for their diversity as reflected by gender, race, national origin, age, religious beliefs, socio/economic background, sexual orientation, political beliefs, and disabilities. ATSU is committed to creating and maintaining an environment where persons may work together in an atmosphere free of all forms of abusive or demeaning communication. ATSU acknowledges the individual right of expression within the bounds of courtesy, sensitivity, and respect.

ATSU creates and supports a campus community that educates healthcare professionals who value and appreciate the importance of and have a unique perspective and outlook on diversity. ATSU seeks to improve quality of life for faculty, staff, and students by developing and implementing policies and programs supporting the University's philosophy on diversity. ATSU hopes to help students learn about different cultures in society, understand the value of diversity, and actively seek to work with clients from varied cultures and backgrounds. This diversity-rich experience at ATSU adds value to the campus community.

### Contact Diversity & Inclusion

**Clinton Normore, MBA**

Vice President for Diversity &  
Inclusion

diversity@atsu.edu

Arizona: 623.251.4705

Missouri: 660.626.2210

### Connect with Diversity & Inclusion

Website: [atsu.edu/diversity](https://atsu.edu/diversity)

Facebook: [facebook.com/atsudiversity](https://facebook.com/atsudiversity)

Twitter: [twitter.com/atsudiversity](https://twitter.com/atsudiversity)

Instagram: [instagram.com/atsudiversity](https://instagram.com/atsudiversity)

SnapChat: ATSUDiversity

YouTube: [www.atsu.edu/diversity-youtube](https://www.atsu.edu/diversity-youtube)

## Enrollment Services

Enrollment Services supports the institutional mission by providing quality services to students, faculty, academic and administrative departments, and alumni. Enrollment Services also protects the University's integrity through fair and consistent application of academic rules and regulations established by faculty, administration, and state and federal governments.

Enrollment Services houses student academic records, manages course registration, grades, transcripts, diplomas, as well as editing and publishing the University Catalog. Additionally, Enrollment Services assists students with securing aid to finance their education at ATSU through Title IV Federal Financial Aid programs including Unsubsidized Direct Loans, GradPLUS Loans, and Federal Work-Study. Enrollment Services is responsible for publishing Cost of Attendance information for each school, program, and year students are enrolled. Students using Veteran's Benefits to help finance their education can connect with their School Certifying Official within Enrollment Services. Both internal and external scholarship opportunities are advertised by Enrollment Services.

Another service provided by Enrollment Services is one-on-one Financial Aid advising appointments, where students can ask questions and learn more about financing their education, understanding the Cost of Attendance, debt management, and financial planning.

### Registration and records holds

As permitted by state laws, A.T. Still University reserves the right to place a hold on registration or release of records for current or former students who have an outstanding financial obligation to the University or have not met a particular enrollment requirement, such as providing official transcripts or maintaining health insurance coverage. A registration hold will prevent you from registering for classes in current and/or future terms. A records hold will prevent release of records such as the unofficial/official transcript, enrollment or graduation verification, etc.

Current students may determine if they have a hold on their record or registration by visiting the "My Profile >My Message Center" section of the Anthology Student Portal at my.atsu.edu. A hold is not removed until a student resolves the problem which caused the issuing department to place the hold on the student's record. Holds may be initiated by a variety of University departments, including but not limited to, Finance Office, Enrollment Services, Student Affairs, etc.

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

In compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA), ATSU may release personally-identifiable information from a student's academic record if the information is deemed directory information.

Directory information may be released without the prior written consent of the student.

However, it is our policy not to do so, unless deemed to be in the best interest of the student.

Students reserve the right to request in writing that directory designated items be restricted from public disclosure. If they wish to do so, students may fill out a Nondisclosure of Directory Information Form which can be found on the Enrollment Services website. The nondisclosure restriction will remain in effect until Enrollment Services is notified in writing by the student to remove the FERPA restriction.

A.T. Still University assumes no liability if honoring the nondisclosure request has a negative effect for the student. To learn more about student rights under FERPA and what information is and is not protected, navigate online to: <https://www.atsu.edu/department-of-student-affairs/enrollment-services/my-academics#ferpa-student-privacy> or stop by Enrollment Services.

### Personal identifier

Protecting student privacy is of the utmost importance to ATSU. In an effort to protect student information and comply with FERPA, ATSU will confirm a student's identity over the phone before providing non-directory information and improve service to students.

In order for a student to utilize this service, a personal identifier must be created on the student portal: <http://www.atsu.edu/department-of-student-affairs/enrollment-services/my-profile#verifying-student-identity>.

This identifier will be stored in the Anthology system so faculty and staff will have access to it and may request it prior to providing confidential information. If an identifier is not established, confidential information will not be released over the phone.

Contact Enrollment Services  
[enrollmentservices@atsu.edu](mailto:enrollmentservices@atsu.edu)  
[atsu.edu/enrollment-services](http://www.atsu.edu/enrollment-services)

Telephone: 660.626.2019

Arizona: 5850 E. Still Circle; 1st Floor Student Affairs Suite

Missouri: Tinning Education Center, 2nd Floor Enrollment Services Suite

## Information Technology Services

Information Technology Services (ITS) provides technology resources, services and support to ATSU students. The main point of contact for student issues is Support Services, who may be reached at 660.626.2200. Students may also enter requests for IT service by accessing the service desk via the my.atsu.edu portal or the ITS website at [its.atsu.edu](https://its.atsu.edu).

### Computer and network guidelines

ATSU's computer-related resources (i.e., hardware, software, and various network connections) exist to support activities consistent with the University's mission in education, instruction, research, administration, and community service. ATSU provides students access to information technology to support the pursuit of excellence in these areas.

Use of these resources must comply with the University's Appropriate Use of Technology Policy (55-103). Among other things, this policy prohibits:

- violation of copyright and licensing laws, including illegal file sharing and installation of unlicensed software;
- removal of ATSU owned equipment from campus;
- installation of equipment intended to extend accessibility to the ATSU network, such as unauthorized wireless access points, hubs, or switches;
- sharing of ATSU account information;
- unauthorized access to private information, whether obtained through "hacking" or by "social engineering" methods;
- attempts to alter system configurations, degrade or disrupt system performance; and
- storing, printing or displaying any files, materials, or messages of an inappropriate nature.

To read the entire Appropriate Use of Technology Policy (General Order 55-103), please see Appendix E.

### Email guidelines

To facilitate communication throughout the University, ATSU provides email accounts to all students. The primary use of ATSU electronic communication is to support the educational mission of the University and to conduct daily business.

Certain practices related to email are prohibited. ATSU email accounts should not be considered private as they are University property and as such, these email accounts may be reviewed by appropriate personnel as required.

To read the entire Email Utilization Policy, please see Appendix F.

### Service Desk

The service desk, is a central point of contact for problems and questions concerning ATSU technology. Service desk support staff will make every effort to resolve a student's technology issues and answer questions.

Service is available 24 hours a day, 7 days a week, 365 days a year. During normal business hours the service desk is staffed with internal technicians. After-hours, weekends, and holidays are staffed with a call center partner.

### Printing

Students are provided dedicated printers for their printing needs. Students are expected to be cognizant and respectful of both the environment and institutional costs associated with printing and paper waste. There is currently no additional fee for printing. For assistance with this service, please contact the ITS Service Desk. Find more printing information at <https://its.atsu.edu/category/student-printing>

### Contact ITS

Phone: 660.626.2200

Submit a Service Desk ticket via [its.atsu.edu](https://its.atsu.edu)

Arizona: Building 5850, 1st Floor (across from Student Lounge)

Missouri: George Still Building, Ground Floor

California: 1075 E. Betteravia Rd., Suite 201

### Connect with ITS

[its.atsu.edu](https://its.atsu.edu)

[facebook.com/its.atsu.edu](https://facebook.com/its.atsu.edu)

## Learning Resources & Accommodation Services

Learning Resources & Accommodation Services (LRAS) provides advising and a variety of other services to ATSU students who want to improve their learning and academic performance. In addition, LRAS provides necessary and reasonable accommodations for ATSU students with disabilities.

### Learning advisement

LRAS Learning Specialists provide free, one-on-one learning advisement consultations, tailored to each student's learning preferences and challenges. Topics addressed include:

- Evidence-based learning techniques
- Efficient time management
- Improving long term recall
- Various note-taking styles
- Test-taking strategies
- Developing a board exam study plan

We encourage every student to visit our office at least once to receive a personalized learning advisement session, and students are welcome to return as often as desired for additional support and guidance.

### Tutoring

LRAS provides peer tutoring and academic mentoring free of charge to ATSU residential program students through the Peer-Assisted Learning (PAL) Program.

PALs:

- Are second-year students who have demonstrated academic success
- Can provide program-specific advice
- Offer individual, group, walk-in, and virtual sessions

For more information, please email [PALProgram@atsu.edu](mailto:PALProgram@atsu.edu).

### Disability-related accommodations

ATSU is committed to complying with Section 504 of the Rehabilitation Act and Title III of the Americans with Disabilities Act -- federal laws that prohibit discrimination on the basis of disability, and relevant state law. LRAS supports qualified students with disabilities by determining eligibility and providing necessary and reasonable accommodations. Any student seeking accommodations due to disability is required to register with LRAS. Requests for accommodations should be submitted to [accommodations@atsu.edu](mailto:accommodations@atsu.edu). Students seeking accommodations for pregnancy-related conditions should contact the Title IX Coordinator, Dr. John Gardner, at [johngardner@atsu.edu](mailto:johngardner@atsu.edu), [titleIX@atsu.edu](mailto:titleIX@atsu.edu), or 660.626.2113.

To read the entire Policy and Procedures for Students with Disabilities, please see Appendix G.

## Disability-related assistance animals

Students are generally prohibited from bringing animals into any ATSU buildings. However, exceptions may be made for assistance animals required due to disability, as defined below.

### Definitions

**Service Animal** – A dog (or a miniature horse, in limited circumstances) that has been individually trained to do work or perform tasks for an individual with a disability. The work or task(s) performed by the dog must be directly related to the person’s disability.

**Emotional Support Animal (ESA)** – An animal that provides therapeutic emotional support or alleviates one or more of the identified symptoms or effects of a person’s psychological disability. ESAs do not qualify as service animals.

### Service animals

The Americans with Disabilities Act (ADA) governs the use of service animals by individuals with disabilities. A service animal is generally permitted to be on ATSU property in any place where the animal’s handler is permitted to be. There may be individual exceptions in places where the presence of the service animal may compromise safety or a sterile environment, and/or alter the fundamental nature of the activity being conducted. There are some University facilities that may not be safe for use or presence of service animals (e.g., cadaver lab or research lab). Potential exceptions will be reviewed on a case-by-case basis by the appropriate department representative(s) in collaboration with Learning Resources & Accommodation Services

Service animals must be harnessed, leashed (traditional, not electronic), or tethered, unless these devices interfere with the service animal’s work or the individual’s disability prevents using these devices. In such a case, the individual must maintain control of the animal through voice, signal, or other effective controls. An individual with a service animal may be asked to remove the animal from the premises if: the animal is out of control, aggressive to others, or significantly disruptive and the handler does not take effective action to control it; or, the animal is not housebroken.

ATSU is not responsible for the care or supervision of a service animal. Individuals with service animals are responsible for the direct control and care of their animals at all time, including feeding, grooming, veterinary care, and toileting, ensuring immediate clean-up and proper disposal of all animal waste. Service animal handlers are solely responsible for any damage to persons or property caused by their animals, and must comply with state and local laws concerning animals, including registration, vaccinations, and tags.

Students are not required to notify ATSU prior to bringing a service animal onto University property, except in residence in ATSU Housing. However, students are welcome to voluntarily register their service animal with the University. Voluntary registration ensures that emergency staff (campus security) know to look for service animals during an emergency evacuation process. Learning Resources & Accommodation Services will also support students with disabilities who use service animals by informing appropriate staff and/or faculty of a service

animal's legitimacy, thereby eliminating or reducing situations in which a service animal's presence is challenged. For service animals that are voluntarily registered with the University, the owners agree to keep information in the registry updated (animal licensure, emergency contact information, etc.). To voluntarily register a service animal, students should contact Learning Resources & Accommodation Services ([accommodations@atsu.edu](mailto:accommodations@atsu.edu)).

#### Service animals in residence in ATSU Housing

If a student with a service animal plans to reside in ATSU Housing, the student must provide sufficient notice to the University in advance of beginning residence with the animal, so that appropriate arrangements can be made. Such students should contact Learning Resources & Accommodation Services ([accommodations@atsu.edu](mailto:accommodations@atsu.edu)). Individuals with service animals residing in ATSU Housing are subject to the ATSU Approved Animal Handler Agreement (Appendix I).

#### Service animals in training

Because applicable state laws do not provide specificity, it is the policy of ATSU (in agreement with Assistance Dogs International, Inc.) that state laws which give access rights to service animal trainers do not apply to an individual who is rearing/socializing a puppy (less than 12 months old) that may someday grow up to enter formal training to become a service animal. A service animal in training is an adult dog, accompanied by its trainer, which is undergoing individual training to provide specific disability-related work or service for an individual with a disability. Such task-specific training is undertaken with an adult dog, following a period of socialization and obedience training.

In accordance with applicable state laws in Arizona, California, and Missouri, a trainer or individual with a disability may take a dog being trained as a service animal to public events on ATSU campuses, for purposes of training. However, service animals in training are not allowed in spaces designated only for students and registered guests, such as classrooms, labs, study areas, libraries, cafeterias, clinical training sites, or ATSU Housing. Service animals in training must be registered with Learning Resources & Accommodation Services, and trainers must provide reliable information about the training agency.

#### Emotional support animals

The Fair Housing Act (FHA) governs the use of ESAs by individuals with psychological disabilities in ATSU Housing. Animals that are approved as ESAs within ATSU Housing under this policy are not permitted inside other ATSU buildings and facilities, except where the animal has been approved as an accommodation for a psychological disability in accordance with ATSU's Policy and Procedures for Students with Disabilities (Appendix G).

Learning Resources & Accommodation Services, in consultation with Student Life as necessary, will determine on a case-by-case basis whether an ESA is a reasonable accommodation in ATSU Housing. A student with a psychological disability who wishes to request an ESA accommodation in ATSU Housing must submit a request to Learning Resources & Accommodation Services ([accommodations@atsu.edu](mailto:accommodations@atsu.edu)).

**No ESA may be kept in ATSU Housing at any time prior to a student receiving official approval of accommodation, pursuant to this policy. Failure to abide by this will result in a Code of Behavioral Standards charge against the student.**

ATSU will accept and consider requests for accommodation in ATSU Housing at any time. A request should be submitted as soon as practically possible before moving into ATSU Housing. If the need for the accommodation arises when a student already resides in ATSU Housing, the request should be submitted as soon as practically possible. The process of evaluating an accommodation request may take up to three (3) weeks.

ATSU may ask students to submit sufficient documentation of their psychological disability and their disability-related need for the animal, provided by a reliable third party. Sufficient documentation establishes that a student has a psychological disability under the law, the animal in question provides therapeutic emotional support that alleviates one or more of the identified symptoms or effects of the psychological disability, and the animal is necessary to afford the disabled student an equal opportunity to use and enjoy ATSU Housing. A reliable third party would be a licensed/certified professional trained specifically in the diagnosis and treatment of psychological disorders. ATSU does not consider the following to be reliable sources of information, and they will not be accepted: documentation obtained from an online service, documentation from an individual who does not have personal therapeutic/treatment knowledge of the requestor, or documentation from an individual related to the requestor.

Generally, the presence of only one ESA per student will be approved, to fulfill the intent of the FHA requirements to provide support to an individual with a psychological disability. Additionally, the University has determined that the ATSU Housing setting, in most cases, is not an appropriate environment in which to raise a puppy. Generally, dogs must be at least 12 months of age before they can reside in ATSU Housing.

Students seeking an ESA accommodation in ATSU Housing must submit a request for review for each lease period of residence, typically annually. The approval of an ESA accommodation request is animal-specific and is not transferable to another animal.

### Procedure for requesting an ESA in ATSU Housing

1. Requestor contacts Learning Resources & Accommodation Services ([accommodations@atsu.edu](mailto:accommodations@atsu.edu)), self-identifying as an individual with a psychological disability requesting an ESA accommodation in ATSU Housing.
2. Learning Resources & Accommodation Services conducts an interview with requestor, provides required forms, and requests documentation of disability and disability-related need for animal, if needed.
3. Requestor submits completed forms, proof of animal's up-to-date rabies vaccination, current photo of animal, and any additional documentation requested by Learning Resources & Accommodation Services.
4. Learning Resources & Accommodation Services, in consultation with Student Life as necessary, conducts an individualized review to determine if the requested accommodation is necessary and reasonable, considering any or all of the following:
  - a. Does the requestor meet the definition of psychologically disabled, per the ADA (having a mental impairment that substantially limits one or more major life activities)?
  - b. Does the requestor have a disability-related need for the animal in ATSU Housing?
  - c. Is there an evident link between the disability and the emotional support the animal provides?
  - d. Is the space needed for the animal too large for available housing space?
  - e. Would the animal's presence force another individual from housing (e.g., serious allergies)?
  - f. Would the animal's presence otherwise violate individuals' right to peace and quiet enjoyment?
  - g. Is the animal housebroken and able to live with others in a reasonable manner?
  - h. Are the animal's vaccinations up-to-date?
  - i. Does the animal pose, or has it posed in the past, a direct threat to the health or safety of persons or other animals? This includes concerns such as aggressive behavior, injury, or potential transmission of zoonotic diseases.
  - j. Will the animal cause, or has it caused in the past, excessive damage to housing beyond reasonable wear and tear?
5. Learning Resources & Accommodation Services will provide written notice to requestor and ATSU Student Life regarding the outcome of the above determination within three (3) weeks of submission of all required forms and requested documentation.

Individuals with approved ESAs residing in ATSU Housing are subject to the ATSU Approved Animal Handler Agreement (Appendix I).

ATSU reserves the right to modify the above policies, as needed, at any time. For additional information concerning the use of an assistance animal, or other disability-related accommodations and services, please contact Learning Resources & Accommodation Services ([accommodations@atsu.edu](mailto:accommodations@atsu.edu)).

### Contact Learning Resources & Accommodation Services

**Jennifer McNeely, MA**

Director - Learning Resources &

Accommodation Services

E-mail: [jmcneely@atsu.edu](mailto:jmcneely@atsu.edu)

Telephone: 660.626.2774

Schedule an appointment online at:

[atsu.edu/lras](https://atsu.edu/lras)

Connect with Learning Resources & Accommodation Services

[www.atstu.edu/lras](https://www.atstu.edu/lras)

## Behavioral Health & Wellness

ATSU Behavioral Health & Wellness (BH&W) is for more than just a student's behavioral or emotional health. BH&W plays a critical role in maximizing a students' educational potential by helping them deal with barriers to learning stemming from emotional or personal concerns. BH&W allows students to get the most of their professional education.

### Confidentiality

Counseling is confidential. No member of the ATSU faculty, staff, or student body will be informed that you are receiving services nor have access to your files without your explicit written consent (see exceptions below).

**Mandated Referral:** Confidentiality applies to all students even if the student has been mandated for counseling. If you have been mandated to counseling, you will be asked to sign a release allowing Behavioral Health and Wellness (BH&W) to report treatment compliance to the appropriate referring person.

**Exceptions to confidentiality:** Your right to confidentiality does not apply in the following situations:

- Any report or suspicion of child or elder abuse or neglect;
- Any report of suicidal thoughts with an intent to follow through;
- Any report of homicidal thoughts with an intent to follow through;
- Any state of grave disability;
- If a court subpoenas records.

### Counseling records

An electronic record of your counseling sessions will be kept. This record will remain confidential and will not be released without your written permission (please note limits to confidentiality as outlined above). This record will be destroyed seven years after your final session, but not before you graduate or leave ATSU.

No mention of counseling with BH&W will be included in a student's academic record. BH&W staff adhere to the ethical codes of the American Counseling Association, National Association of Social Workers, and American Association for Marriage and Family Therapy.

### Scheduling an appointment

Students may schedule an appointment either online or by contacting the office directly at 660.626.2424. Schedule online by using the links included in the contact information below.

### Suicide prevention/ Mental Health

#### *Ask/Listen/Refer (ALR)*

ATSU's suicide prevention training program, Ask/Listen/Refer, was designed to help students prevent suicide by teaching students to: identify people at risk for suicide; recognize the risk factors, protective factors, and warning signs of suicide; and respond to and get help for people

at risk. To take the ALR course go to: <http://www.asklistenrefer.org/atsu> and complete the self-spaced online training.

*Question, Persuade, Refer (QPR)*

*QPR is a 1 hour certification training that helps individuals assist someone experiencing or developing thoughts of suicide. Just like CPR, QPR is an emergency response to someone in crisis and can save lives. QPR is the most widely taught Gatekeeper training in the world.*

*To complete QPR, contact Olivia DeLeon, MPH, Assistant Director of Wellness at [oliviadeleon@atsu.edu](mailto:oliviadeleon@atsu.edu)*

## Contact Behavioral Health & Wellness

### **Sarah Thomas, EdD, MSW, LCSW, Director, Behavioral Health & Wellness**

E-mail: [snthomas@atsu.edu](mailto:snthomas@atsu.edu)

Telephone: 660.626.2424

ATSU Gutensohn Clinic, 3rd Floor Room 304

\*Can see students located in Missouri or Arizona

SCHEDULE AN APPOINTMENT: <https://calendar.app.google/qUg23YEwqtzNcCTCA>

Phil Jorn, MA LPC, Behavioral Health & Wellness Counselor

E-mail: [philjorn@atsu.edu](mailto:philjorn@atsu.edu)

Telephone: 660.626.2751

ATSU Gutensohn Clinic, 3rd Floor Room 304

\*Can see students located in Missouri

SCHEDULE AN APPOINTMENT: <https://calendar.app.google/VJ1ie2RE4mnZohAw5>

Desirai Browning, MAS, LAMFT, Behavioral Health & Wellness Counselor

E-mail: [desiraibrowning@atsu.edu](mailto:desiraibrowning@atsu.edu)

Telephone: 480-626-6170

5835 Building, Suite 102

\*Can see students located in Arizona

SCHEDULE AN APPOINTMENT: <https://calendar.app.google/pU8yvvp58KeuMwkC6>

Karen Taylor, MS, LPC, NCC, Behavioral Health & Wellness Counselor

E-mail: [karentaylor@atsu.edu](mailto:karentaylor@atsu.edu)

Telephone: 480-265-8069

5835 Building, Suite 102

\*Can see students located in Arizona or California

SCHEDULE AN APPOINTMENT: <https://calendar.app.google/A3k1h1UQ7snA2YQU9>

### For students living in anywhere in the United States:

TimelyCare at ATSU provides virtual care at no-charge for all ATSU residential students (includes KCOM, MOSDOH, ASHS, ASDOH, SOMA, California-PA):

- 24/7 Mental health support
- 24/7 on-demand & scheduled medical visits
- Schedule virtual health coaching
- Scheduled counseling (up to 12 visits/year)
- Psychiatry (by referral from ATSU Behavioral Health & Wellness)
- Digital self-care content to include yoga, guided meditation, and more.

Go to <http://www.Timelycare.com/atsu> or download the TimelyCare app and sign in with your ATSU email address. Timely Care Customer Service: 833-4-TIMELY

## Connect with Behavioral Health & Wellness

<https://www.atsu.edu/student-affairs/behavioral-health-and-wellness>

## Campus Safety

ATSU employs a Director of Campus Safety at the Kirksville campus, and a Campus Safety Supervisor at both its Arizona and Missouri campuses. Campus Safety department's responsibilities are to enforce rules and regulations established through policies and procedures adopted by ATSU to ensure campus safety and security.

The Campus Safety department is composed of unarmed, uniformed safety officers. Arizona campus officers are equipped with phones capable of contacting the Mesa Police Department, Mesa Fire Department, and other emergency personnel. Missouri campus officers are equipped with radios capable of contacting the Kirksville Police Department, Kirksville Fire Department, and other emergency personnel.

### Annual security & fire safety reports

Annual Security Reports (ASRs) are published each year in compliance with the Higher Education Act and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Violence Against Women Act ("VAWA") amended and expanded the Clery Act in 2014. Since the campus at Kirksville, Missouri has student housing, the Kirksville ASR includes a Fire Safety Report, including fire statistics.

ASRs contain site-specific information and ATSU policies including safety, security, fire safety, sexual offense resources, and alcohol/drug prevention. Clery-reportable crime statistics for three previous years are contained in the ASR and may also be accessed at [ope.ed.gov/campussafety/](https://ope.ed.gov/campussafety/). Daily crime logs for the current year are available at Mesa and Kirksville campus safety offices.

ASRs are emailed to all students once a year and may be found online at [atsu.edu/security](https://atsu.edu/security). Paper copies of the ASR may be obtained from ATSU campus safety or from Student Affairs.

### Emergency procedures

ATSU's security website provides instructions for actions to be taken in emergency situations at [atsu.edu/security](https://atsu.edu/security). Emergency operations plans have been developed for the Kirksville and Mesa campuses, copies of which are available from Student Affairs at [studentaffairs@atsu.edu](mailto:studentaffairs@atsu.edu).

### Emergency notifications and timely warnings

In the event of an emergency or ongoing danger to the campus community, students will receive emergency notifications and/or timely warnings. The alerts will provide important information and actions to be taken.

All students will receive emergency alerts by email. To receive emergency alerts by text messaging, students must register their mobile number and campus location at [getrave.com/login/atsu](https://getrave.com/login/atsu). All students are strongly encouraged to register to receive emergency alerts by text messaging.

## Identification badges

ATSU strives to provide the safest learning and working environment for students and staff. Standardized identification of ATSU community members is an essential step in the process of securing University facilities and campuses. All residential students will be issued photo ID badges when their education program begins. The photo ID badge should be worn and visible at all times while on campus and at clinical sites.

Online (distance) students are not required to have an ID badge but they may request one from the ITS Service Desk (via submitting a support ticket). The ITS Service Desk will verify that the person is an active student and a picture-less badge will be mailed to them. Distance students may send an appropriate business-like picture if a pictured badge is needed. Contact the ITS Service Desk for further information.

The full ATSU policy on Identification (ID) Badges 95-109 can be found in Appendix H.

## Contact Campus Safety

### **Mesa Campus – ATSU Campus Safety**

Dial 480.341.9075

or \*7 (from on-campus landline)

### **Kirksville Campus – ATSU Campus Safety**

Dial 660.349.9513

or 33 (from on-campus landline)

### **Santa Maria Campus - Securitas**

Dial 805-245-6221

or \*32 (from on-campus landline)

### **St. Louis Dental Education and Oral Health Center – Affinia Healthcare Security**

Dial 314.833.2744 (on-site) or 314.814.8568 (off-site)

## Student Life

Student Life fosters academic, professional, and social development of ATSU students through intentional programming, cultivating student leaders and leadership opportunities, and supporting Registered Student Organizations (RSO) at ATSU. Student Life encourages and promotes life outside the classroom by fostering a community of collaboration, responsibility, and respect among all ATSU community members.

## Guest Speakers

ATSU recognizes the value that guest speakers with demonstrated expertise in an area of interest can bring to the institution's community. Accordingly, individual students or student organizations may invite a guest speaker to ATSU who may contribute intellectually, culturally or otherwise to the community. The purpose of this policy is to set forth guidelines for how students and student organizations may request guest speakers.

If an RSO would like to host a guest speaker or presenter, Student Life will be provided the name of the presenter, any appropriate credentials, and the topic on which they are presenting. This information will be submitted when completing the Event Request form on Engage. Approved events do not imply acceptance or endorsement by ATSU of the views expressed.

Guest speakers must disclose to the audience:

1. If there is any financial benefit from speaking at ATSU or from recruiting ATSU students
2. Views of the speaker are not representative of ATSU's views

Guest speaker proposals may not:

- Include unlawful activity
- Threaten to endanger any member(s) of the ATSU community
- Pose a threat to physical facilities of ATSU
- Disrupt or obstruct the normal operations of the university
- Include activity that violates ATSU policy or that is contrary to the best interests of the institution or its students, faculty or staff
- Include any activity likely to lead to any of the above

## Student engagement

Student Life encourages students to participate in co-curricular, social, professional, and governing registered student organizations (RSO). Outside the classroom involvement enriches the overall experience of a professional health sciences student. The ATSU Go mobile app can be found on both Google Play and Apple store and is your one-stop student resource, including your course schedule, grades, tuition, campus maps, upcoming events, and much more. Students are asked to download the mobile app and activate push notifications in order to stay up to date on key university details.

### Student organizations

There are many avenues available to students to engage with Student Life outside the classroom, including through RSOs. A complete list of RSO's may be found online at <http://www.atsu.edu/engageaz> for the Arizona and California campus and <http://www.atsu.edu/engagemo> for the Missouri campus. Annually, these groups are required to register with the university.

### Student governance

ATSU encourages every student to express their views on issues in policy-making operations and administration of policy at the campus and University level. Each student governing body has a nomination/election process as defined in its constitution.

Through these organizations, student representatives serve on ATSU committees and have opportunities to provide input into the formulation and application of policies affecting academic and student affairs. Student governing bodies are authorized under the Vice President for Student Affairs.

### Engagement guidelines

To be eligible to serve as a Class, SGA, or RSO officer, students must be full-time enrolled, in good academic standing and free of any misconduct. Each academic program defines the standards for academic standing, and students who encounter academic difficulties during their term of office are expected to resign so that they can direct their time and attention to their academic obligations. Class officers who, through leave or academic delays, are reclassified to graduate one year later are no longer eligible for office in their original class year.

Students who feel the duties of their office are compromising their academic success are encouraged to speak with the Director or Assistant Director of Student Life on how to effectively communicate this change to the RSO in order to protect the student's confidential academic/behavioral status.

Officers of all RSOs are expected to adhere to the standards defined in this section. Should appropriate oversight and action not be taken, Student Affairs will intervene. Student officers on a leave of absence for an extended period of time are no longer eligible to serve as an officer.

Student Affairs has the right to remove a Class, SGA or RSO officer if the department does not believe the officer is performing duties as required. Reasons for removal may include:

academic deficiencies, leave of absence, conduct violations, or a consistent pattern of missing Student Affairs required deadlines and functions.

## Student Housing

ATSU provides students relocating to Arizona, California and Missouri with nearby housing options through [housing.atsu.edu](https://housing.atsu.edu). This platform helps students make safe, informed renting decisions by providing a central place to view nearby property listings from reputable property owners and managers. The roommate portal provides a safe way to connect with other students looking for a place to live and is secured by your ATSU login credentials.

### *Missouri campus*

Student Life manages on-campus housing comprised of 44 units in Kirksville, MO of convenient, comfortable, and cost-efficient housing. The on-campus housing location is ideal for walking to class, the Thompson Campus Center, and downtown Kirksville.

Housing residents with a service animal, or residents who wish to request an Emotional Support Animal (ESA) accommodation in ATSU Housing, should contact Learning Resources & Accommodation Services ([accommodations@atsu.edu](mailto:accommodations@atsu.edu)). An ESA must be approved as an accommodation before having the animal in residence. To learn more about availability, rates, or other features of on-campus housing, students are encouraged to contact Student Life at [studentlife@atsu.edu](mailto:studentlife@atsu.edu).

Stay connected via the ATSU Go Mobile app, through intentional design, students utilize the ATSU Go mobile app to access resources and opportunities available to all students in order to have a successful experience at ATSU. Students with the ATSU Go mobile app will receive timely notifications related to university affairs, can check their tuition, grades and secure a study room in the Library.

Download the ATSU Go mobile through the [Apple App Store](#), or [Google Play Store](#).

## Contact Student Life

Email: [studentlife@atsu.edu](mailto:studentlife@atsu.edu)

Arizona: 5850 E. Still Circle; 1st Floor Student Affairs Suite

Missouri: Tinning Education Center, 2nd Floor Student Life Suite

California: 1075 E. Betteravia Rd Ste 201, Santa Maria CA 93454

## Connect with Student Life

[www.atsu.edu/department-of-student-affairs/student-life](https://www.atsu.edu/department-of-student-affairs/student-life)  
[atsu.edu/engageaz](https://atsu.edu/engageaz)  
[atsu.edu/engagemo](https://atsu.edu/engagemo)

## Student Wellness

The overall philosophy of Student Wellness is to provide an atmosphere of health and programs, which will enable students to reach their maximum potential in mind, body, and spirit. This "holistic" approach to medicine is distinctive to ATSU's osteopathic heritage.

### Arizona recreational facilities

Ross-Farnsworth East Valley YMCA

ATSU student's qualify for complimentary access to the YMCA; families may have access at a discounted, ATSU-specific rate.

Location: 1807 South Sunview, Mesa, Arizona

For current hours of operation go to: <https://valleymca.org/ross-farnsworth-east-valley/>

### Missouri recreational facilities

Thompson Campus Center

Location: 210 South Osteopathy, Kirksville, Missouri

For current hours of operation go to: <https://atsu.edu/tcc>

### Still-Well Student Wellness Program

The Still-Well Student Wellness Program is designed to encourage students' health and wellness throughout their educational experience enabling them to reach their maximum potential in body, mind, and spirit. Programming focuses on the following realms of wellness: environmental, emotional, intellectual, physical, spiritual, and social. Students are encouraged to take part in Still-Well events and activities on their respective campus.

### Contact Student Wellness Programs

Sarah Thomas, EdD, MSW, LCSW

Director of Behavioral Health & Wellness

E-mail: [snthomas@atsu.edu](mailto:snthomas@atsu.edu)

Telephone: 660-626-2751

304 Gutensohn, 800 West Jefferson Kirksville, MO

Olivia De Leon, MPH, CHES<sup>®</sup>

Assistant Director of Wellness

E-mail: [oliviadeleon@atsu.edu](mailto:oliviadeleon@atsu.edu)

Telephone: 480.219.6176

5850 E. Still Circle, Mesa, AZ 85206

### Connect with Student Wellness Programs

[www.atsu.edu/department-of-student-affairs/still-well-student-wellness-program](http://www.atsu.edu/department-of-student-affairs/still-well-student-wellness-program)

## Appendix

### Appendix A: Code of Conduct Sanctions

As an ATSU student, you are expected to abide by two important codes known as the Code of Academic Conduct and Code of Behavioral Standards. The codes establish minimal expectations of students and serve as guidelines for professional behavior. Inappropriate behavior is subject to sanctions. These sanctions include, but are not limited to, reprimand, probation, suspension, dismissal, and disciplinary consultation, as well as other sanctions deemed appropriate by the University:

#### *Reprimand*

A reprimand is a written letter to a student for misconduct found to be a minor offense. A reprimand may be issued by any faculty member through their department chairperson or administrator of the institution. Reprimands are reported to the dean of the college/school and the Vice President for Student Affairs or her/his designee for informational and record keeping purposes.

#### *Probation*

Disciplinary probation is a written warning a student's behavior has been judged inappropriate, and, if any further problems occur, more serious disciplinary action will be taken. A student may be placed on disciplinary probation for no longer than one calendar year. However, the University reserves the right to extend the probation if warranted. Probation status may be given to a student by the Senior Vice President for Academic Affairs, dean of the college/school, Standards and Ethics Board, or any other official so designated by ATSU's president. Conditions of probation may include a requirement the student obtain medical (including psychiatric) consultation and treatment or other requirements to remedy the misconduct and prevent its recurrence. Students are allowed to continue classes while on probation.

#### *Suspension*

Suspension is defined as a temporary and immediate separation from the institution. Duration of suspension is determined by the Senior Vice President for Academic Affairs, dean of the college/school, or the Standards and Ethics Board.

#### *Dismissal*

Dismissal is a permanent separation from the institution. Dismissal may be initiated by the president, Senior Vice President for Academic Affairs, dean of the college/school, or the Standards and Ethics Board. Dismissal may be imposed on a student with or without the right to apply for re-admission to the institution at a later date.

#### *Consultation*

Qualifying conditions may be placed upon a student's discipline by requiring satisfactory evaluation by a physician or psychiatrist appointed or approved by the University.

## Appendix B: Code of Behavioral Standards

Students enrolled at A.T. Still University of Health Sciences are expected to adhere to a standard of behavior consistent with the standards of the institution. Compliance with institutional rules and regulations and city, state, and federal laws is expected.

Students are subject to the same civil laws as other citizens. University policies and regulations are designed to encourage intellectual and personal development of students. Students who violate the law may incur penalties prescribed by civil authorities. Students who violate University regulations off-campus are subject to penalties just as if the violation occurred on campus.

Violations of the Code of Behavioral Standards shall initially be investigated and handled by either the dean of the College/School, the Vice President for Student Affairs, or designee. The dean and Vice President for Student Affairs are encouraged to consult with one another to help ensure the students' best interests are protected.

It is not possible to enumerate all examples of behavior that would be considered inappropriate, unprofessional, or not consistent with the standards expected of a student. The following points include, but do not limit, examples of behavior that would constitute a violation of the Code of Behavioral Standards:

- Violation of the university's harassment and discrimination policies. *NOTE: Title IX and ATSU 90-210 violations must be reported and investigated in accordance with General Order 90-210 Prohibition of Discrimination, Harassment, and Retaliation.*
- Harm, abuse, damage, or theft to or of any person or property on ATSU property or on property owned by any hospital/clinic, affiliated institution/organization, or individual to which the student may be assigned.
- Conviction of a criminal offense other than a minor traffic offense (i.e. reckless driving, minor speeding or parking ticket).
- Failure to immediately inform the Dean's office of any criminal offense, regardless of whether or not an arrest was made (not including minor non-alcohol related traffic offenses).
- Violating the University's Student Drug and Alcohol Misuse Prevention Policy or the University's Drug-Free and Alcohol-Free Workplace policy.
- Bullying, cyberbullying, and hazing. ATSU definitions are as follows: Bullying - when an individual or a group of people with more power repeatedly and intentionally cause hurt or harm to another person or group of people who feel helpless to respond. Bullying can be verbal, social and/or physical. Cyberbullying is the use of electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature or the posting of mean-spirited messages about a person. Hazing - any action which endangers the mental or physical health of a student, or which encourages the student to engage in illegal or inappropriate conduct for the purpose of initiation, admission

into, affiliation with, or as a condition of continued membership in, a recognized or unrecognized group or organization.

- Possession, use, or storage of weapons, fireworks, or explosives on University property or at a University sponsored activity is prohibited. To avoid creating undue concerns, the use or possession of non-operational or model weapons having the appearance of actual weapons or firearms is also prohibited.
- Violating or disobeying the rules or guidelines of off-campus businesses, institutions, agencies, etc.
- Computer hacking into any website or communications system.
- Inappropriate use of email or social media including but not limited to unprofessional or abusive language.
- Using the University wordmark or a College/School's name without written permission.
- Fundraising on campus without proper approvals.

### **Sanctions**

Inappropriate behavior is subject to sanctioning by the Dean or the Vice President for Student Affairs. These sanctions include, but are not limited to, reprimand, probation, suspension, and dismissal, as well as other sanctions deemed appropriate by the University.

#### **Reprimand**

A disciplinary reprimand is a written letter to a student for misconduct found to be a minor offense. Reprimand letters are placed on file with the respective Dean of the College/School for informational and record keeping purposes. Provided the student has no additional behavioral violations, the letter will be destroyed upon the student's graduation or separation from the University.

#### **Probation**

Disciplinary probation is a written warning a student's behavior has been judged inappropriate and, if any further problems occur, more serious disciplinary action will be taken. A student may be placed on disciplinary probation for no longer than one calendar year. However, the University reserves the right to extend the probation if warranted. Probation is an official status change on the student's record. Students on probation are not considered to be in "good standing" and are not eligible to hold a leadership position in university clubs or organizations. Conditions of probation may include a requirement the student obtain medical (including psychiatric) consultation and treatment or other requirements that will remedy the misconduct and prevent its recurrence. Students are allowed to continue classes while on probation.

#### **Suspension**

Disciplinary suspension is defined as a temporary and immediate separation from the institution. The duration of the suspension is determined by the Dean of the

College/School or the Vice President for Student Affairs. Suspension is an official status change on the student's record. Students on suspension are not considered to be in "good standing" and are not allowed to participate in any academic activities or university sponsored events, clubs, or organizations. Conditions of suspension may include a requirement the student obtain medical (including psychiatric) consultation and treatment or other requirements that will remedy the misconduct and prevent its recurrence.

### **Dismissal**

Disciplinary dismissal is a permanent separation from the institution. Dismissal may be imposed on a student with or without the right to apply for re-admission to the institution at a later date. Transcripts will reflect the dismissal status.

### **Reporting Violations**

Anyone internal or external to ATSU may report a student for violating the Code of Behavioral Standards. A charge must be presented in writing as soon as possible after the event has taken place and directed to either the proper Dean's office or the Vice President for Student Affairs.

### **Status of the Accused**

If the behavioral violation results in suspension or dismissal AND the student appeals the sanction, the student will be allowed to continue all academic activities without prejudice until a final decision has been made and the appeal process completed. The exception to this provision is in cases where the Dean of the College/School or Vice President for Student Affairs believes the student's presence on campus/clinical settings is disruptive or poses a threat to the campus/clinical community.

### **Violation Proceedings** (See Appendix A: Procedure for Alleged Violations of Code of Behavioral Standards)

Alleged violations are handled by the Dean of the College/School or the Vice President for Student Affairs. The Dean of the College/School, the Vice President for Student Affairs (VPSA), or their designee will conduct an investigation to determine if the charges have merit. The investigation must include a written notification of the findings to the student being accused of the violation(s).

1. If the investigator finds the charges do not have merit, the Dean or VPSA will notify the student in writing and the complaint will be closed.
2. If the investigator finds the charges have merit, the Dean or VPSA will notify the student by letter of the findings and proposed sanction(s). The student must return the signed letter within 10 calendar days or they may request a hearing by the Standards and Ethics Board (SEB).
3. If the student accepts the decision, the Dean or VPSA office will forward the signed, returned letter from the student to the Enrollment Services to be placed in the student's permanent file and the sanction(s) will be imposed.

4. If the student requests a hearing by the SEB, the Dean or VPSA will refer the matter to the SEB chairperson and notify the student in writing of the referral. The SEB chairperson will notify the student in writing of the hearing date and guidelines. *NOTE: Status of the Accused: Generally, during the investigation and hearing process, the student will be allowed to actively continue in their program, unless, at the sole discretion of the Dean or Vice President for Student Affairs, it is determined to be the best interests of the institution to temporarily suspend a student and prohibit participation in University activities pending the outcome of the SEB hearing and any subsequent appeal. The Dean's office or VPSA must notify Campus Security and/or the Clinical Coordinator if the student is banned from campus/clinical sites.*

### **Standards and Ethics Board Hearing Process**

The University shall have a standing SEB charged with the responsibility of conducting a formal hearing when requested by a student in order to determine the merits of a Code of Behavioral Standard's charge and/or the appropriateness of a proposed sanction.

*Board Membership.* The President appoints the members of the SEB for each campus. The five (5) SEB members shall consist of:

1. Two (2) campus administrators;
2. One (1) faculty member from the accused's College/School;
3. One (1) staff member from student affairs; and
4. One (1) faculty member from any other School/College (not the accused student's).

*Alternates.* One (1) administrator or staff member and one (1) faculty member serve as alternates for the SEB. The alternate appointees shall serve on the SEB should a member of the SEB be ineligible to serve for a certain matter due to a conflict of interest or any other reason as determined by the President.

The President shall appoint one member of the SEB to serve as chairperson. The chairperson is a voting member of the SEB and is responsible for conducting the hearing. The chairperson has the responsibility and right to make final rulings pertaining to procedures and to keep and maintain order at hearings. All decisions require a simple majority vote of a quorum of the members.

*Notice of Hearing.* The chairperson of the SEB shall give the student written notice of the hearing date no later than five (5) business days before the scheduled hearing date, unless a different hearing date is agreed to in writing by the SEB and student. The notice will include the time, date, and location of the hearing and a statement of the behavior which is alleged to constitute the misconduct. The notice shall state students have the right to present testimony and up to four witnesses on their behalf. The notice shall also state the accused, no later than two days prior to the hearing, shall reply in writing to the charges against them, set forth any defense, and provide a list to the SEB chairperson of any witnesses the student plans to call on their behalf. The hearing may be changed for good cause.

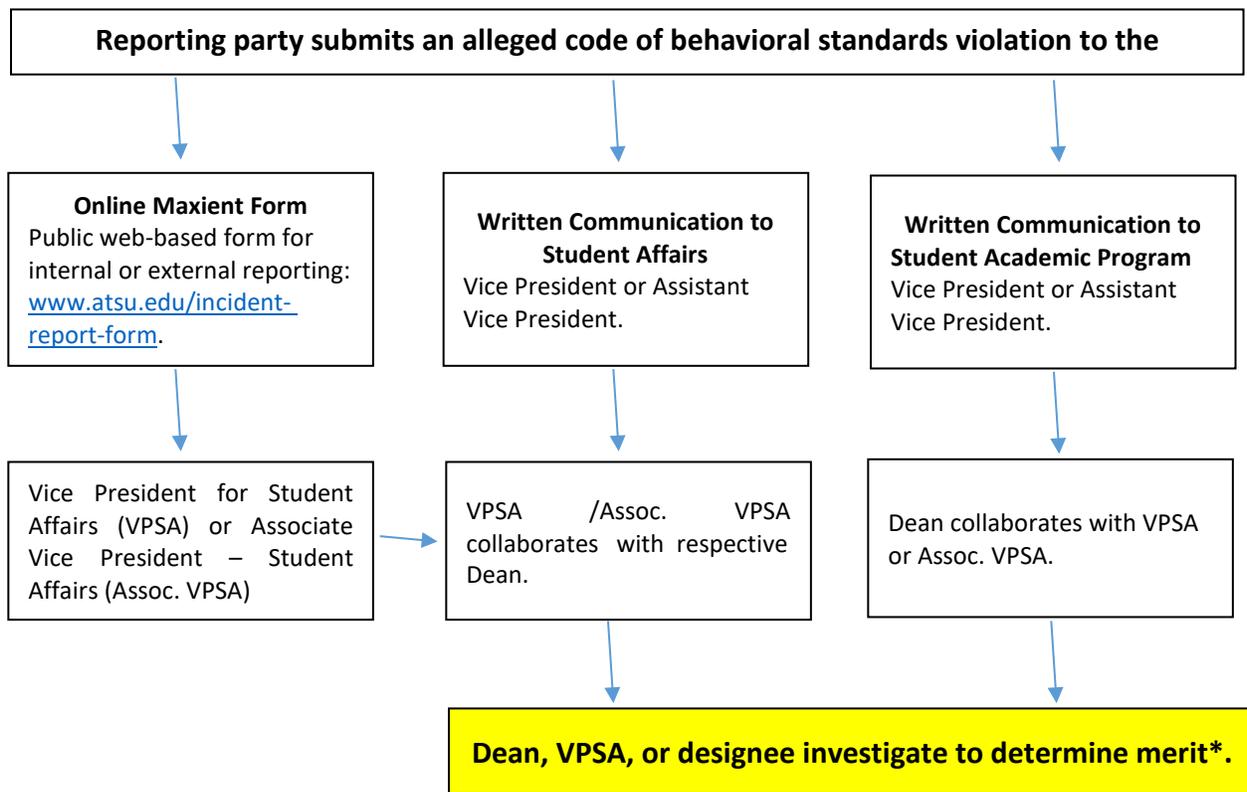
*Hearing Guidelines.* SEB hearings shall be conducted by the chairperson according to the following guidelines:

- Hearings normally shall be conducted in private.
- The accused student shall be allowed to attend the entire portion of the SEB hearing at which information is received (excluding deliberations). Admission of any other person shall be at the discretion of the chairperson.
- The SEB may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the accused student and/or other witnesses during the hearing by providing separate facilities, using a visual screen, and/or permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the chairperson to be appropriate.
- If a violation involves more than one accused student, the chairperson, at their discretion, may permit each hearing conducted either separately or jointly.
- The complainant, accused student, and the SEB may arrange for witnesses to present pertinent information to the SEB. Witnesses must appear separately before the SEB and leave the hearing when their testimony is complete. The University will try to arrange the attendance of possible witnesses who are members of the University community, if reasonably possible, and who are identified by the complainant and/or accused student, at least two (2) days prior to the SEB hearing. Witnesses will provide information to and answer questions from the SEB. Questions may be suggested by the accused student and/or complainant to be answered by each other or by witnesses. This will be conducted by the SEB with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved at the discretion of the chairperson.
- Pertinent records, exhibits, and written statements may be accepted as information for consideration by the SEB at the discretion of the chairperson.
- All procedural questions are subject to the final decision of the chairperson.
- After the portion of the SEB hearing concludes in which all pertinent information has been received, the SEB, in private, shall determine (by majority vote) whether the accused student has violated the Code of Behavioral Standards as charged and/or whether the proposed sanctions are appropriate.
- The SEB's determination shall be made on the basis of whether it is more likely than not the accused student violated the Code of Behavioral Standard as charged and/or whether the proposed sanctions are appropriate.
- Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in SEB hearings.
- Student shall be notified within five (5) academic days, in writing, of the outcome of the hearing.
- Findings of the SEB are submitted to the Enrollment Services, Dean's office, and sanctions, if any, are imposed.

*Recordkeeping.* There shall be a single verbatim record, such as a tape recording, of all SEB hearings before the SEB (not including deliberations). Deliberations shall not be recorded. In addition to the recording of the formal hearing, all records of hearings shall be maintained according to the University’s record retention policy in a secure and confidential manner in the Department of Student Affairs Office. The records of the proceedings shall be the property of the University. The student may request in writing to the chairperson a copy of the recording(s) at their own expense, within ten (10) days of the hearing. The University has up to twenty (20) business days to produce a copy.

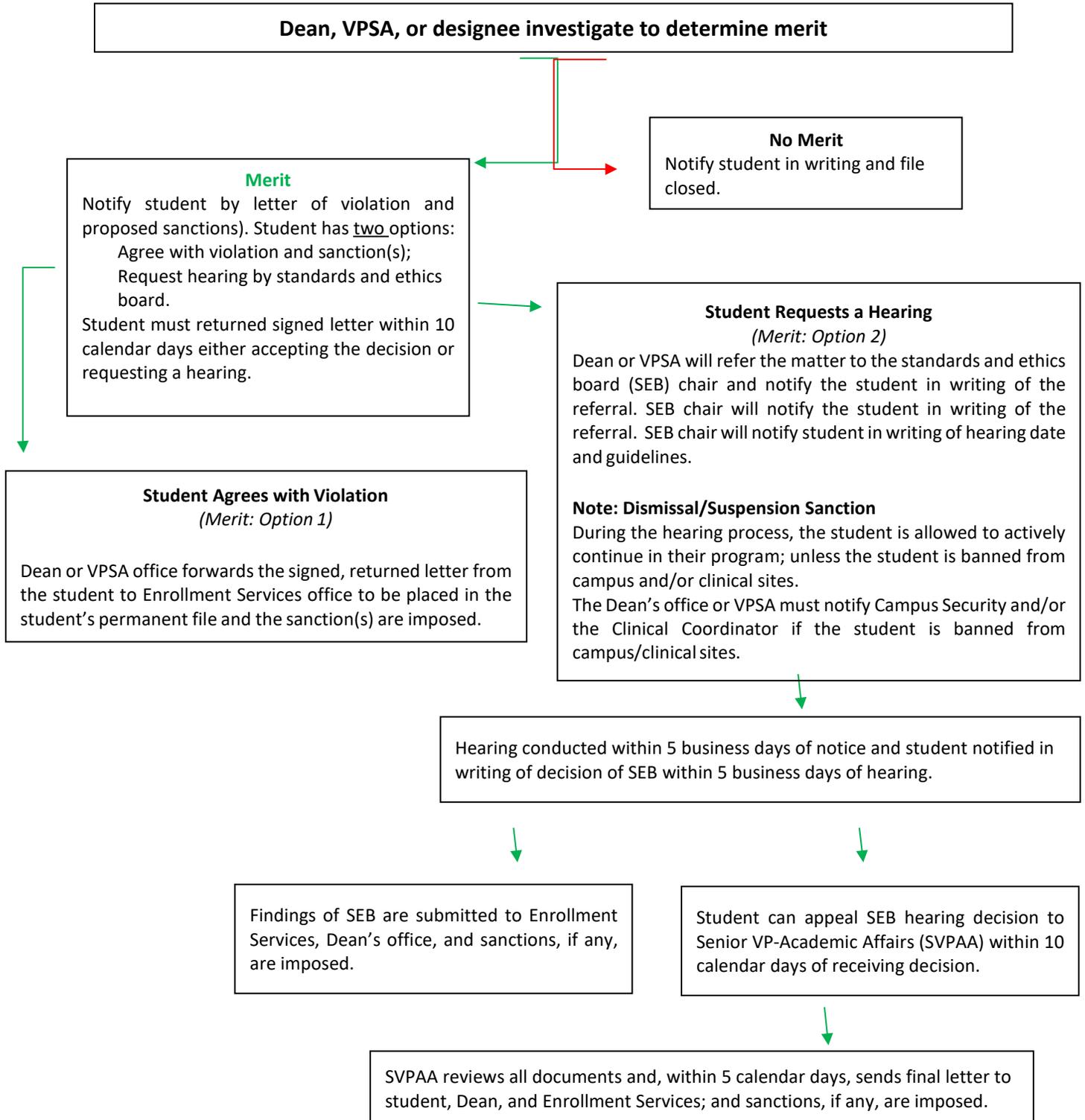
*Appeal.* The student may appeal the SEB’s decision to the Senior Vice President-Academic Affairs (SVPAA) within ten (10) calendar days of receiving written decision. The SVPAA will review all documents and, within five (5) calendar days, render a final decision, which will be communicated by letter to the student, Dean, and Enrollment Services. Sanctions, if any, will then be imposed.

**Procedure for Reporting Alleged Code of Behavioral Standards\* Violation:**



\* If the alleged violation is of a sexual nature or could be discriminatory, please notify the ATSU Title IX Coordinator immediately at 660.626.2113 or [titleix@atsu.edu](mailto:titleix@atsu.edu). Allegations of this nature must be investigated following ATSU Policy 90-210: Prohibition of Discrimination Harassment, and Retaliation.

**Procedure for Reporting Alleged Code of Behavioral Standards\* Violation:**



\*If violation is of a sexual nature or University Policy 90-210, the Title IX Coordinator must be informed immediately. Investigations must be investigated by a Title IX designee.

## Appendix C: Prohibition of Discrimination, Harassment, and Retaliation

The purpose of this general order is to provide an employment and a learning environment at A.T. Still University of Health Sciences (“ATSU” or “University”) free from discrimination, harassment, and retaliation and ensure compliance with Title IX of the Education Amendments Act of 1972, the Violence Against Women Act Reauthorization of 2013, Title VII of the Civil Rights Act of 1964, and all other applicable national, state, and local laws. Discrimination, harassment, or retaliation by anyone—managers, administrators, supervisors, co-workers, students, or non-University personnel, including clients, vendors, and suppliers—on the basis of race, color, religion, ethnicity, national origin, sex (including pregnancy), gender, sexual orientation, gender identity, age, disability, veteran status, or any other status protected by applicable law, is a violation of University policy and prohibited by ATSU. This policy ensures compliance with law, emphasis on a fair and equitable learning and work environment, and fair process for all concerned.

This policy, and excerpts from it, appears within many ATSU publications, both online and in print. For the most up-to-date version of this policy, refer to [atsu.edu/prohibition-of-discrimination-harassment-and-retaliation](https://atsu.edu/prohibition-of-discrimination-harassment-and-retaliation).

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### **Internal complaints regarding potential violations of the Clery Act, Title IX, or Title VII**

To report violations of ATSU’s nondiscrimination policies, request information, or for assistance filing a police report, all ATSU community members may contact:

Dr. John Gardner, Title IX Coordinator

800 W. Jefferson St., Kirksville, MO, 63501 660.626.2113 or [johngardner@atsu.edu](mailto:johngardner@atsu.edu)

Alternately, the following deputy Title IX Coordinators are available at ATSU campuses.

ATSU Population:	Mesa, Arizona, campus	Kirksville, Missouri, campus	Santa Maria, California, campus
Students	Michael Zajac Associate VP, Student Affairs Deputy Title IX Coordinator 5835 E. Still Circle, STE 102 Mesa, AZ 85206 480.219.6026 michaelzajac@atsu.edu	Lori Haxton Vice President, Student Affairs Deputy Title IX Coordinator 800 W. Jefferson St. Kirksville, MO 63501 660.626.2236 lhaxton@atsu.edu	Dr. John Gardner Title IX Coordinator 800 W. Jefferson St. Kirksville, MO, 63501 660.626.2113 johngardner@atsu.edu
Employees, members of the public, or beneficiaries should contact:	Tonya Fitch Director, Human Resources Deputy Title IX Coordinator 5845 E. Still Circle Mesa, AZ 85206 480.219.6007 tfitch@atsu.edu	Donna Brown Assistant VP, Human Resources Deputy Title IX Coordinator 800 W. Jefferson St. Kirksville, MO 63501 660.626.2792 dbrown@atsu.edu	Tonya Fitch Director, Human Resources Deputy Title IX Coordinator 5845 E. Still Circle Mesa, AZ 85206 480.219.6007 tfitch@atsu.edu

To anonymously and confidentially report situations or behavior prohibited by this policy, call the 24-hour service at 1.855.FRAUD-HL or use the secure online reporting form at <https://www.fraudhl.com/>. Reference company ID (“ATSU”) when making a report.

**Crime reporting options:**

<u>Facility</u>	<u>Emergency</u>	<u>Emergency</u>	<u>Security</u>	<u>Police</u>
<u>Mesa, Arizona, campus</u>	<u>Off-campus</u>	<u>911</u>	<u>480.341.9075</u>	<u>480.341.9075, opt. 2</u>
	<u>On-campus</u>	<u>911</u>	<u>*7</u>	
<u>Kirksville, Missouri, campus</u>	<u>Off-campus</u>	<u>911</u>	<u>660.349.9513</u>	<u>660.785.6945</u>
	<u>On-campus</u>	<u>9-911</u>	<u>33</u>	
<u>Santa Maria, California, campus</u>	<u>Off-campus</u>	<u>911</u>	<u>805.245.6221</u>	<u>805.928.3781</u>
	<u>On-campus</u>	<u>911</u>	<u>805.245.6221</u>	
<u>St. Louis Dental Center</u>	<u>Off-campus</u>	<u>911</u>	<u>314.814.8568</u>	<u>314.231.1212</u>
	<u>On-campus</u>	<u>4444</u>	<u>314.814.8568</u>	

If you are in an area without an identified ATSU facility, please contact 911 to report a crime or seek police assistance.

On-campus, confidential resources available for students through the ATSU Behavioral Health & Wellness Counseling Services ([atsu.edu/counseling\\_services](https://atsu.edu/counseling_services))

Mesa, Arizona	Kirksville, Missouri	Santa Maria, California	St. Louis Dental Center
<p><b>Desirai Browning MAS, LAMFT</b> Behavioral Health &amp; Wellness Counselor 480.219.6170 <a href="mailto:desiraibrowning@atsu.edu">desiraibrowning@atsu.edu</a></p> <p><b>Karen Taylor, MS, LPC, NCC,</b> Behavioral Health &amp; Wellness Counselor 480-265-8069 <a href="mailto:karentaylor@atsu.edu">karentaylor@atsu.edu</a> <b>Timely Care: 833-4-TIMELY</b></p>	<p><b>Sarah Thomas, EdD, MSW, LCSW</b> Director, Behavioral Health &amp; Wellness 660.626.2751 <a href="mailto:sarahthomas@atsu.edu">sarahthomas@atsu.edu</a></p> <p><b>Phil Jorn MA LPC</b> Behavioral Health &amp; Wellness Counselor 660.626.2138 <a href="mailto:philjorn@atsu.edu">philjorn@atsu.edu</a> <b>Timely Care: 833-4-TIMELY</b></p>	<p><b>Timely Care:</b> 833-4-TIMELY</p>	<p><b>Sarah Thomas, EdD, MSW, LCSW</b> Director, Behavioral Health &amp; Wellness 660.626.2751 <a href="mailto:sarahthomas@atsu.edu">sarahthomas@atsu.edu</a></p> <p><b>Phil Jorn MA LPC</b> Behavioral Health &amp; Wellness Counselor 660.626.2138 <a href="mailto:philjorn@atsu.edu">philjorn@atsu.edu</a></p> <p><b>Timely Care: 833-4-TIMELY</b></p>

Regulatory complaints regarding potential violations of the Clery Act, Title IX, or Title VII may be directed to:

Location	Title IX and Clery Act	Title VII
Missouri	U.S. Department of Education One Petticoat Lane 1010 Walnut Street, Suite 320 Kansas City, MO 64106 816.268.0550 816.268.0559 fax <a href="mailto:OCR.kansascity@ed.gov">OCR.kansascity@ed.gov</a>	U.S. Equal Employment Opportunity Commission Robert A. Young Federal Building 1222 Spruce Street, Room 8100 St. Louis, MO 63103 800.669.4000 314.539.7894 fax 800.669.6820 TTY
Arizona	U.S. Department of Education Cesar E. Chavez Memorial Building 1244 Speer Boulevard, Suite 310 Denver, CO 80204 303.844.5695 303.844.4304 fax <a href="mailto:OCR.Denver@ed.gov">OCR.Denver@ed.gov</a>	U.S. Equal Employment Opportunity Commission 3300 North Central Avenue Suite 690 Phoenix, AZ 85012 800.669.4000 602.640.5071 fax
California	U.S. Department of Education 915 Second Avenue, Room 3310 Seattle, WA, 98174 206.607.1600 206.607.1601 fax <a href="mailto:OCR.SanFrancisco@ed.gov">OCR.SanFrancisco@ed.gov</a>	U.S. Equal Employment Opportunity Commission 450 Golden Gate Avenue 5 West P.O. Box 36025 San Francisco, CA 94102 800.669.4000 415.522.3415 fax

**Resources:**

Off-campus counseling and victim support are available through:

National Sexual Assault Hotline - 800.656.4673

Mesa Victim Services Unit (Arizona) - 480.644.4075

Santa Maria Rape Crisis Center Hotline (California) - 805.928.3554

St. Louis Regional Sexual Assault Hotline (Missouri) - 314.531.7273

Employees may access the Employee Assistance Program (EAP) by calling 877.622.4327 or by visiting

[mycigna.com](https://mycigna.com)

### **Policy definitions**

**Advisor** – A person selected by the complainant or respondent to be present at interviews or the hearing process. Advisors may not answer questions on behalf of their party. Advisors pose questions on behalf of their party in the hearing setting. Advisors may not contact the other party except in the hearing setting. The Title IX coordinator can provide an advisor for a party if the party so desires. A party may request from the Title IX coordinator for more than one advisor if there is a support need, including a disability accommodation. Evidence from a healthcare professional, or similarly situated expert, of a support need will be required. Advisors will present themselves in a professional manner. Investigators, hearing board chairs, and other institutional officials may remove an advisor from the process if the advisor's behavior is abusive, belligerent, or otherwise inconsistent with a professional nature. A party will be able to replace their advisor if removed.

**Appellate panel** – A group of trained ATSU employees from the Grievance and Equity Response Team (GERT) who reviews appeals of findings from the Title IX Grievance Process or General Discrimination Grievance Process.

**ATSU community member** – A person participating in or attempting to participate in an ATSU education program as an employee, student, prospective student, alumni, or similarly positioned individual.

**Coercion** – Coercion is *unreasonable* pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors including the type and/or extent of the pressure used to obtain consent. When someone makes clear they do not want to engage in certain sexual activity, wants to stop, or does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Complainant** – An ATSU community member who alleges their educational or employment rights were infringed upon based on class-based (race, sex, gender, etc.) discrimination or harassment.

**Investigation** – A process conducted by unbiased investigators to gather and synthesize evidence while providing analysis of the credibility of evidence. In the General Discrimination Grievance Process, investigator(s) will make a determination of *in violation* or *not in violation of policy*. In the Title IX Grievance Process, the investigator(s) will not make a determination of *in violation* or *not in violation*, but instead, determine the facts to be considered by the hearing panel.

**Consent** – Consent is knowing, voluntary, and clear permission by word or action to engage in sexual activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss him/her back (if you want to) without the need to explicitly obtain *his/her* consent to being kissed back. Consent can also be

withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time. Consent to some sexual contact (including kissing or fondling) cannot be presumed to be consent for other sexual activity (including intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

**Finding** – The determination of the hearing panel (Title IX Grievance Process) or investigators (General Discrimination Grievance Process) regarding a violation of policy based on the preponderance of the evidence standard.

**Force** – Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion intended to overcome resistance or produce consent (e.g., “Have sex with me, or I’ll hit you.” “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**General discrimination** – Discrimination or harassment not defined or covered under Title IX regulations and the Title IX Grievance Process.

**Grievance and Equity Response Team (GERT)** – A team of trained ATSU employees who serve as advocates, investigators, hearing panel members, and appellate panel members within the grievance process. GERT membership is maintained and trained by the Title IX coordinator.

**Hearing panel** – A group of trained ATSU employees (usually three) from the GERT who hear and conduct a proceeding to determine a finding regarding a formal complaint of discrimination in the Title IX Grievance Process.

**Incapacitation** – A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including by alcohol or other drugs. Incapacitation occurs when someone cannot make rational, reasonable decisions, because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of the sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs. Incapacitation should be evaluated from the ability of the respondent to know of the incapacitation.

Preponderance of evidence – The standard of evidence used in this policy. This standard indicates it is more likely than not of a finding of either in violation or not in violation of policy.

Recipient – The institution receiving federal funding. In this policy, the recipient is ATSU.

Respondent – Party accused of violating ATSU policy.

### **General overview of grievance processes**

The general overview of grievance processes is a simplified guide. For specific information about each process, please review the actual processes, *Title IX Prohibited Conduct and Grievance Process* and *General Discrimination Prohibited Conduct and Grievance Process* below.

#### **A. Initial review of formal complaints. Formal complaints of discrimination and harassment made under this policy will be reviewed under a multipronged approach.**

1. Formal complaints will be reviewed to consider whether they are sex (including pregnancy), gender, or sexual orientation based in nature. Formal complaints which could be sex (including pregnancy), gender, or sexual orientation based in nature will be considered initially under the Title IX Grievance Process. Formal complaints which are not sex (including pregnancy), gender, or sexual orientation based will be routed to the General Discrimination Grievance Process.
2. Sex (including pregnancy), gender, or sexual orientation formal complaints routed to the Title IX Grievance Process will be reviewed as to whether they fall under Title IX Final Rule published in the Federal Register, May 19, 2020.
3. If a sex (including pregnancy), gender, or sexual orientation formal discrimination complaint at any point is dismissed as a potential violation under the Title IX Grievance Process (See *Title IX Prohibited Conduct and Grievance Process.*), it will be reviewed as a potential violation under the General Discrimination Grievance Process (See *General Discrimination Prohibited Conduct and Grievance Process.*).
4. Components of discrimination or harassment, which indicate a potential violation of both the Title IX and General Discrimination Grievance Process, will be considered under the Title IX Grievance Process. If no Title IX violation is found, the complaint may be considered under the General Discrimination Grievance Processes.
5. Promotion and progress boards are not involved in the hearing, investigation, sanctioning, or appeal process of formal complaints of discrimination, harassment, or retaliation based on class.

#### **B. Title IX Grievance Process summary**

1. Any formal complaint routed to the Title IX grievance process will be reviewed first to determine if there are grounds for immediate dismissal (See *Title IX Prohibited Conduct and Grievance Process B.2.*). If the formal complaint is dismissed under the Title IX Grievance Process, it may be reviewed under the General Discrimination Grievance Process.

2. If there are no grounds for dismissal, there will be notice of investigation provided to both the complainant and respondent.
3. Both parties will have opportunities for supportive measures.
4. A formal resolution process will begin, which includes an investigation by an impartial investigator(s), a hearing before an impartial hearing panel of one to three panel members, the opportunity to present witnesses and evidence, the opportunity to cross-examine the other party's witnesses, and the opportunity to appeal.
5. Parties have the opportunity to move from a formal resolution process to an informal resolution process in some instances based on the nature of the complaint.
6. In the formal resolution process, the hearing panel decides on policy violation(s) and sanctions.
7. Both parties have the opportunity to appeal a dismissal or a finding. If an appeal has standing under the policy, an appellate panel will rule on the appeal. Written notice will be provided to the parties following the appellate panel report.

**C. General Discrimination Grievance Process summary**

1. A discrimination and harassment complaint, which is not sex (including pregnancy), gender, or sexual orientation related or dismissed under the Title IX Grievance Process, will be reviewed under the General Discrimination Grievance Process.
2. Initial steps include a meeting between the investigator and the complainant and implementation of reasonable supportive measures, as requested.
3. If it is determined that if all alleged facts are true there would still be no policy violation, the complaint will be dismissed, and the investigator will produce a report stating such conclusion.
4. If there is a determination of a potential policy violation, notice will be provided to the respondent and appropriate supportive measures provided.
5. An investigation by an unbiased investigator(s) will begin.
6. Written notice to both parties of the investigation findings, including determination of responsibility, sanctions, and available appeal procedures, will be provided to both parties. Both parties have the right to appeal the decision of the investigator to an appellate panel, provided the appeal has standing under this policy. The appellate panel's decision will be communicated to the parties in writing.

**Title IX Prohibited Conduct and Grievance Process**

This process applies to ATSU community members in their dealings with each other within the educational program of ATSU. If through this process, any University employee or student is found in violation of this policy, then they will be subject to corrective action up to and including termination or dismissal. University employees or students may be disciplined, up to and including termination or dismissal, for engaging in behavior disrespectful, disruptive, or otherwise prohibited by this policy, regardless of whether such behavior constitutes harassment prohibited by law. Patient complaints related to discrimination or harassment will be addressed under [ATSU Policy No. 30-103: Patient Complaints](#).

**A. Prohibited conduct under Title IX**

1. Prohibited conduct includes unwelcome conduct, whether verbal, non-verbal, physical, or visual, based on or relates to an individual's sex (including pregnancy), gender, or sexual orientation, which occurs within the U.S. as a part of the recipient's program or activity to a person who participates in a recipient's program or is attempting to participate in a recipient's program and such conduct has the effect of creating a hostile environment, constitutes quid pro quo harassment, or constitutes sexual assault, dating violence, domestic violence, or stalking.
  - a. Hostile environment
    1. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive it effectively denies a person equal access to the recipient's education program or activity or alters the conditions of employment from both a subjective (the alleged victim's) and an objective (a reasonable person standard) viewpoint.
    2. Determination of whether an environment is "hostile" will be based upon circumstances, including:
      - a. Conduct's frequency;
      - b. Conduct's nature and severity;
      - c. Whether the conduct was physically threatening;
      - d. Whether the conduct was humiliating;
      - e. Conduct's effect on the alleged victim's mental or emotional state;
      - f. Whether the conduct was directed at more than one person;
      - g. Whether the conduct arose in the context of other discriminatory conduct;
      - h. Whether the conduct unreasonably interfered with the alleged victim's educational or work performance;
      - i. Whether the statement is an utterance of an epithet, which engenders offense in an employee or student or offends by mere discourtesy or rudeness;
      - j. Whether the speech or conduct deserves the protections of academic freedom or the First Amendment of the U.S. Constitution; and
      - k. Whether the conduct impacts the educational or work environment, regardless of the location of the actual harassment, discrimination, or retaliation.
    3. Examples of prohibited conduct include, but are not limited to, jokes, epithets, slurs, insults, negative stereotyping, written or graphic material (including emails), or any threatening or intimidating acts denigrating or showing hostility toward an individual and relate to sex (including pregnancy), gender, or gender identity.

4. Prohibited behavior also includes any unwelcome behavior of a sexual nature, including sexual advances and propositions; requests for sexual favors; sexual jokes, comments, suggestions, or innuendos; foul or obscene gestures or language; display of foul, obscene, or offensive printed or visual material; unwelcome physical contact of a sexual nature, including bodily contact with the breast, groin, or buttocks; patting, pinching, hugging, or brushing against another individual's body; and any other unwelcome verbal, non-verbal, physical, or visual conduct of a sexual nature where:
  - a. Submission to such conduct is an explicit or implicit condition of employment or education; or
  - b. Submission to or rejection of such conduct is used as a basis for employment-related or academic related decisions, including promotion, discharge, performance evaluation, pay adjustment, discipline, work assignment, or any other condition of employment or career or academic development; or
  - c. Such conduct has the effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, abusive, or offensive working or educational environment.
- b. Quid pro quo harassment
  1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
  2. A person having power or authority over another constitutes sexual harassment when submission to sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development, or performance. This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational or employment program.
- c. Sexual assault, dating violence, domestic violence, and stalking
  1. Sexual assault, defined as:
    - a. Sex offenses, forcible – Any sexual act directed against another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent. This includes attempts to commit any of the following acts.
    - b. Forcible rape – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.

- c. Forcible sodomy – Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will, or not forcibly or against the person’s will (non-consensually) in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - d. Sexual assault with an object – To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will, or not forcibly or against the person’s will (non-consensually) in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - e. Forcible fondling – The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person’s will (nonconsensual), or not forcibly or against the person’s will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - f. Sex offenses, nonforcible – Nonforcible sexual intercourse. This includes attempts to commit any of the following acts.
    - i. Incest – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by state law.
    - ii. Statutory rape – Nonforcible sexual intercourse with a person who is under the statutory age of consent where the violation occurs.
2. Dating violence, defined as: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant’s statement and with consideration of the length of the relationship, type of relationship, and frequency of interaction between the persons involved in the relationship. For purposes of this definition,
- a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - b. Dating violence does not include acts covered under the definition of domestic violence.
3. Domestic violence, defined as:
- a. A felony or misdemeanor crime of violence committed against the complainant by a:

- i. Current or former spouse or intimate partner of the complainant;
      - ii. Person with whom the complainant shares a child in common;
      - iii. Person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner; or
      - iv. Person similarly situated to a spouse of the complainant under the state or local domestic or family violence laws.
      - v. Any other person against an adult or youth complainant who is protected from that person's acts under state or local domestic or family violence laws.
    - b. Domestic violence does not apply to those who are roommates, but do not meet other components of the definition.
  - 4. Stalking defined as:
    - a. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
      - i. Fear for the person's safety or the safety of others; or
      - ii. Suffer substantial emotional distress.
    - b. For the purposes of this definition:
      - i. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
      - ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.
      - iii. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
  - 5. Additional sex-based complaints of discrimination or harassment, which are mandated by state law, federal court decisions, or state court decisions to have a hearing as a part of the grievance process, will follow the Title IX Prohibited Conduct and Grievance Process.
- B. Title IX grievance procedures**
- 1. Any individual, who feels s/he has witnessed or experienced behavior prohibited by this policy or who has questions, concerns, or information regarding violations of this policy, should immediately report the circumstance(s) or incident(s) to their supervisor or one

of the contact persons described in this policy. Once a report is shared with the Title IX coordinator or deputy Title IX coordinator, the complainant will be notified in writing of their ability to file a formal complaint. All University employees are required to report any knowledge of violation of this policy, with the limited exception of licensed professional mental health counselors and other persons with a professional license requiring confidentiality who are working within that license.

- a. Those doing confidential research approved by ATSU's Institutional Review Board are not required to report instances of harassment, discrimination, or retaliation reported to them within the specific scope of research. However, researchers must contact the Title IX coordinator to receive guidance on providing the research subject with information on reporting and access to supportive measures and interim remedies.
  - b. If a complainant does not wish for a formal complaint to move forward, the Title IX coordinator (or designee) may move forward and submit a formal complaint if there is a compelling risk to health or safety of individuals or the community based on a risk assessment. The risk may be based on pattern, predatory behavior, abuse of minors, use of weapons, and/or violence.
2. Upon receipt of a formal discrimination or harassment complaint based on sex, the Title IX coordinator (or designee) will conduct an initial assessment of the formal complaint to determine whether it indicates a possible violation of this policy. If a report is made, the Title IX coordinator (or designee) will review the report in an initial meeting with the complainant. Objectives of this initial meeting will be to reduce the report to writing, stop the harassment, prevent its recurrence, and take steps to remedy its effects in the interim.
- a. A report must be made in writing to the Title IX coordinator or a deputy Title IX coordinator to initiate an initial assessment, which may lead to an investigation.
  - b. A complainant may receive supportive measures without submitting a formal complaint in writing. Supportive measures include, but are not limited to, academic, housing, co-curricular activity, and employment adjustments, temporary no-contact orders, and other steps to stop the behavior and prevent its occurrence in the interim.
  - c. The Title IX coordinator (or designee) will review the formal complaint to determine if there is a need to dismiss it as a Title IX violation and refer it to the General Discrimination Grievance Process.
    1. Mandatory dismissal under Title IX will occur because:
      - a. Alleged behavior did not occur within the U.S.
      - b. Alleged behavior did not occur within the education program or activity (including buildings or property controlled by recognized student organizations), and/or the respondent is not within ATSU's jurisdiction.
      - c. Alleged behavior did not meet the definition of sexual harassment, sexual assault, stalking, domestic violence, or dating violence in the policy.

- d. Complainant was not participating or attempting to participate in the educational program or employment of the recipient.
    2. Discretionary dismissal by ATSU may occur when:
      - a. Complainant wishes to withdraw the formal complaint (if the complainant notifies the Title IX coordinator, in writing, of this wish).
      - b. Respondent is no longer enrolled or employed by the recipient.
      - c. There are specific circumstances preventing ATSU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
    3. If a federal or state court requires a hearing for sex- or gender-based offenses, then dismissal under B.2.c.1 and B.2.c.2 do not apply.
3. Reports are reviewed, investigated, and heard by GERT members. In some instances, an outside party may be contracted to complete some or all of the roles in the grievance process.
  - a. GERT is made up of the Title IX coordinator, deputy Title IX coordinators, and other employees trained to serve in a variety of roles within the grievance process.
  - b. GERT members receive annual training. This training may include the following topics, processes, and skills, but is not limited to: 1) Training topics: definition of sexual harassment, scope of the recipient's education program or activity, impartiality, how to avoid prejudging of facts, conflicts of interest, bias, issues of relevance as it relates to questions and evidence (specifically as how it relates to sexual predisposition or prior sexual behavior), 2) Processes: how to conduct an investigation, hearing, appeal, and an informal resolution, and 3) Skills: ability to use technology in a live hearing, writing of investigative reports, and writing of hearing and appeals decisions.
  - c. GERT members are required to attend annual training. Training is posted on [atsu.edu/titleix](https://atsu.edu/titleix).
4. If, following initial review of the complaint, it is determined no potential policy violations exist, the Title IX coordinator (or designee) will produce a report stating such conclusion, including all elements of the initial meeting and supportive measures taken.
5. If, after an initial meeting between the Title IX coordinator (or designee) and a complainant, it is determined any part of this policy may have been violated, the complainant may choose to utilize a formal or informal process to address the complaint:
  - a. Whether a formal or informal complaint, the respondent and complainant will receive notice of the accusations with:
    1. Applicable policies with specific sections of violation identified
    2. Notice of details of allegation(s)
    3. Identities of parties involved

4. Date(s) of incident(s)
  5. Location(s) of incident(s)
  6. A statement that the respondent is presumed not in violation of policy
  7. Access to applicable policies
  8. A reminder of the expectation for truthfulness in the process
- b. Informal resolution - Typically used for less serious offenses and when the respondent is willing to accept responsibility for some or all of the alleged violation(s). The complainant and respondent must agree to informal resolution in writing.
1. An informal resolution is available to the parties at any time up until a determination has been made within a formal process.
  2. Any party involved within an informal resolution may stop it at any time up until an agreement is achieved and request a formal resolution process.
  3. Informal resolution process:
    - a. Parties engage in a dialogue regarding the accusations through a trained facilitator (often the Title IX coordinator). This may be in person, through shuttle diplomacy, or some other manner.
    - b. Respondent may accept responsibility for all or some of the allegations.
    - c. Sanctions and remedies are determined by the parties through dialogue and not by ATSU.
    - d. Parties come to a written resolution which will be maintained on record by the Title IX coordinator.
  4. Both parties may have an advisor of their choice present for the informal resolution.
  5. ATSU will provide both parties in an informal resolution with written notice of the reported misconduct and any sanctions or remedies that may result from the process.
  6. If an informal resolution process is initiated and then stopped, information shared during the informal resolution discussion or process may not be used in the formal resolution process.
  7. Parties who begin an informal resolution and request to return to a formal resolution for any reason will not be able to return to the informal resolution process.
  8. An informal resolution cannot be conducted between an employee and student. Informal resolutions may only be utilized in employee/employee or student/student complaints.
  9. Parties who reach an agreement through an informal resolution waive their appeal rights.

10. A resolution within the informal resolution process is made with the agreement of non-disclosure, and the resolution is binding. Either party who violates the resolution may be in violation of additional policies. Once the agreement is made, there cannot be a formal process resolution.
- c. Formal resolution - Investigation and a hearing before neutral, impartial panel members, subject to appeal and final determination. Remedies to restore those impacted will be implemented upon a finding of a policy violation.
  1. Investigation
    - a. Length of investigations is based on a number of factors and variables, including nature and detail of complaint received, complexity of investigation, and cooperation level of parties and witnesses.
    - b. Investigations will be completed within a prompt and reasonable timeframe dependent on the context and facts related to the complaint.
    - c. Parties will be regularly updated as to projected timeline for completion of the investigation. During the process, parties will be given timely notice of any meetings at which either or both may be present. Parties will have equal opportunity to present witnesses and provide evidence. Both parties have the opportunity to have an advisor of their choice. If either party does not have an advisor during the investigative process, ATSU will provide an advisor for the party, if the party wishes. During the hearing process, an advisor is required and will be provided to the parties if they do not have one. It is advised supervisors of the parties should not be advisors. If a supervisor of the respondent is the advisor of choice for either party, the supervisor will not be involved within the sanctioning process. Parties' advisors may not contact investigators, Title IX coordinator, hearing panel members, or appellate panel members directly. All contact should be initiated and carried out by the parties themselves.
    - d. Investigators will be assigned from the GERT in an effort to provide the most fair and impartial process. In some circumstances, investigators may be third party consultants.
    - e. If a respondent withdraws from the University during the investigation process, the respondent will not be permitted to re-enroll until disposition of the case, and a notation will be placed on their transcript.
    - f. At the conclusion of the investigation process, the investigation report and evidence collected will be submitted to the Title IX coordinator (or designee), in order to share the

report with the parties and provide the report and evidence for the hearing panel.

- i. A draft of the investigative report will be provided to the parties. The parties will have 10 business days to respond in writing to the draft report.
- ii. After receiving responses to the draft report or waiting 10 business days and there is no response, investigators will review additional material provided by the parties and compile the final investigation report.
- iii. The final investigation report will be provided to the parties, who will have 10 business days to respond to the final investigative report in writing prior to the beginning of the hearing process.
- iv. In addition to the final report, parties will receive all evidence collected in the investigative process.

## 2. Hearing

- a. The hearing will be conducted live. Hearings may be conducted virtually or in person depending on case circumstances. Parties will be notified of the hearing time and date no fewer than 10 business days in advance. Notification will include a description of violations of policy; date, time, and location of the hearing; rules of the hearing, and hearing panel members. Rescheduling of the hearing is at the hearing panel chair's sole discretion. In the case of multiple respondents, there may be joint or separate hearings, and the notice will so indicate.
- b. The panel chair will conduct the hearing.
- c. The hearing panel will be selected from GERT, who have not previously been involved in the case and have no known bias. ATSU may utilize third party consultants as hearing panel members and chairs. Any objections to hearing panel members must be raised in writing to the Title IX coordinator no fewer than five days prior to the hearing. Removal or changing of a hearing panel member is at the discretion of the Title IX coordinator (or designee).
- d. Prior to the hearing, a pre-hearing conference will be offered to both parties. The pre-hearing conference will discuss procedural expectations with the parties, answer questions, and resolve any contested areas of process. Issues of relevance regarding lines of questioning and evidence are best decided in the pre-hearing conference rather than during the hearing. The pre-hearing conference will not be recorded.

- e. Hearing panel will review the witness testimony, investigator report, and other submitted evidence in order to make a decision of the respondent being in violation or not in violation.
- f. Hearing will proceed at the scheduled time, unless rescheduled by the panel chair. Absence of parties, witnesses, or advisors will not postpone a hearing.
- g. Both parties may choose to submit an impact statement. The impact statement must be provided to the Title IX coordinator at least one day prior to the hearing. The impact statements will be held by the Title IX coordinator; if the respondent is found responsible at the hearing, impact statements will be provided to the hearing panel for its use during the sanctioning phase.
- h. Hearing panel will begin the hearing with an assumption of not in violation on behalf of the respondent. As evidence is introduced, the hearing panel will evaluate credibility of the evidence until all evidence is presented to develop a finding.
- i. Hearing panel will use “preponderance of evidence” standard of evidence when determining whether there is a violation of policy.
- j. Order of the hearing:
  - i. Welcome and explanation of the process
  - ii. Presentation of investigative report by the investigator
  - iii. Witnesses for complainant and complainant’s testimony
  - iv. Witnesses for respondent and respondent’s testimony
  - v. Witnesses requested by hearing panel
  - vi. Conclusion of hearing and notification of timeline for finding
- k. The hearing panel may create time limits for different aspects of the hearing process including how long an advisor has to question a party or witness, presentation of the investigative report, opening or closing remarks, etc. Time limits should be equal between the parties.
- l. Investigators will present their investigation report during the hearing. The investigative report will not make an indication of findings, but share evidence found during the investigation. Investigators are not to share an opinion regarding whether or not a violation occurred.
- m. Parties are entitled to provide witnesses at the hearing. Parties may submit witness lists. Any witness lists must be submitted to the Title IX coordinator no fewer than five

business days in advance of the hearing. Witnesses, not submitted five business days prior to the hearing, may not be permitted to participate. The hearing panel chair will notify all parties of the shared witness list no fewer than two business days prior to the hearing. The investigator must have previously questioned all witnesses (If an in-person or virtual questioning is not possible, written response to questions may be accepted as an investigator interview.). It is the parties' responsibility to ensure their witnesses are present at the hearing.

- n. Hearing panel will ask its questions of each witness prior to direct questioning and cross-examination by the parties' advisors. If a party's advisor does not arrive for the hearing, ATSU will provide an advisor to conduct direct and cross-examination questions provided by the party.
- o. Parties, by their advisors, may question their own witnesses and cross-exam witnesses submitted by a different party. Advisors for parties will conduct questioning, and not the parties themselves. Advisors are to submit their questions from a seated position and in a professional tone. Parties, witnesses, or advisors who behave in a non-professional manner may be removed by the hearing panel chair. Witnesses may only be present for the part of the hearing in which they are questioned. The decision makers may consider testimony and evidence provided at the hearing or within the investigative process. The panel may consider evidence collected during the investigation including interview summaries, transcripts, document evidence, or other evidence regardless of whether a party or witness submits to direct or cross examination. A party or witness' willingness to submit to cross examination or direct examination may impact the credibility analysis by the hearing panel.
- p. The hearing panel chair will communicate a process to parties, advisors, and witnesses regarding whether a question is relevant and, therefore, whether a party should answer. The hearing panel chair has absolute discretion to determine which questions are relevant and may decline to pose or permit certain questions based on relevance. Rationale for not permitting certain questions must be provided within two business days to the submitting party. Questions are usually not allowed because of lack of relevance, repetition, or because they are abusive in nature.

- q. Parties and witnesses are encouraged to respond to the hearing panel chair's approved questions submitted by the advisors and hearing panel. A party does not need to be present for an advisor to ask direct and cross-examination questions of witnesses or other parties.
- r. Each party also has the opportunity to refer the hearing panel to inculpatory evidence (evidence indicating the respondent violated policy) or exculpatory evidence (evidence indicating the respondent did not violate policy) which has already been submitted during the investigation. Evidence submitted during the investigation will be available to the hearing panel and does not need to be resubmitted during a hearing. Evidence should be submitted during the investigation period and not during the hearing period. The hearing panel chair has the right to deny admittance of evidence not submitted during the investigation or to refer the case back to the investigation stage.
- s. Unless the Title IX coordinator (or designee) determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless such incidents evidence a pattern; (2) sexual history of the parties (Though there may be a limited exception with respect to pattern, sexual history between parties, or where evidence regarding the complainant's sexual history is offered to prove a person or persons, who are not the respondent, engaged in the reported misconduct, if relevant); or (3) character of the parties. While previous conduct violations by the respondent are not generally admissible as information about the present allegation, investigators may supply the hearing panel with information about previous findings to consider as possible evidence of pattern and/or predatory conduct. There will be no observers of the hearing and no more than one advisor per party at the hearing. If a party has need for a supplemental advisor related to a disability or language translation, it may be allowed based on a review of documentation. The need for a support advisor related to a disability or language translation must be arranged prior to the hearing with the Title IX coordinator (or designee).
- t. The hearing will be recorded only by the Title IX coordinator (or designee) and only for potential use in appeals. There are to be no other recordings by the parties or anyone else. If there is an appeal, the recording may be reviewed by the

- parties and their advisors in a controlled setting to be determined by the Title IX coordinator (or designee). No copies of the recording will be provided.
- u. Deliberations will occur with only the hearing panel and the Title IX coordinator (or designee) present. The Title IX coordinator (or designee) is only present to clarify questions. The hearing panel will make the final decision. Deliberations are not recorded.
  - i. Simultaneous written notice to the parties describing hearing findings, including determination of responsibility and sanctions and available appeal procedures, will occur within five business days of the hearing. Any delay within the notification of findings and sanctions will be communicated to the parties simultaneously.
- d. All ATSU employees who are not named as respondents must cooperate fully with any investigations and hearings.
- 1. Exception - Employees acting under a professional license, which provides privilege (i.e., behavioral health & wellness counselors)
  - 2. Employees who have a professional license, which provides privilege, but are not acting under that license, do not have privilege (i.e., a healthcare provider serving in a professor role).
  - 3. Academic information protected under the Family Educational Rights and Privacy Act (FERPA) is available to investigations as legitimate educational interest.
- e. Complainant, respondent, and appropriate officials will be given timely and equal access to information to be used during informal and formal disciplinary meetings and hearings.
- f. Complainants and respondents are able to gather their own evidence and may discuss the allegations in the process of gathering evidence.

### **General Discrimination Prohibited Conduct and Grievance Process**

This process applies to all University employees and students in their dealings with each other and to all University employees and students in their dealings with third parties. Patient complaints related to discrimination or harassment will be addressed under [ATSU Policy No. 30-103: Patient Complaints](#). If through this process, any University employee or student is found in violation of this policy, then they will be subject to corrective action up to and including termination or dismissal. University employees or students may be disciplined, up to and including termination or dismissal, for engaging in behavior disrespectful, disruptive, or otherwise prohibited by this policy, regardless of whether such behavior constitutes harassment prohibited by law.

#### **A. General discrimination prohibited conduct**

- 1. Prohibited conduct includes unwelcome conduct, whether verbal, non-verbal, physical, or visual, that is based on or relates to an individual's race, color, religion, ethnicity,

national origin, age, disability, veteran status, or any other status protected by applicable law, and has the effect of creating a hostile environment which:

- a. Has the effect of unreasonably interfering with an individual's work or student's performance.
  - b. Has the effect of otherwise adversely affecting an individual's employment or educational opportunities.
2. A hostile environment is any situation in which there is harassing conduct sufficiently severe, pervasive, or objectively offensive to alter the conditions of employment or limit, interfere with, or deny educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (a reasonable person's standard) viewpoint.
3. Determination of whether an environment is "hostile" will be based upon circumstances, including:
- a. Conduct frequency;
  - b. Conduct's nature and severity;
  - c. Whether conduct was physically threatening;
  - d. Whether conduct was humiliating;
  - e. Effect of conduct on the alleged victim's mental or emotional state;
  - f. Whether conduct was directed at more than one person;
  - g. Whether conduct arose in the context of other discriminatory conduct;
  - h. Whether conduct unreasonably interfered with the alleged victim's educational or work performance;
  - i. Whether the statement is an utterance of an epithet, which engenders offense in an employee or student, or offends by mere discourtesy or rudeness;
  - j. Whether the speech or conduct deserves the protections of academic freedom or the First Amendment of the U.S. Constitution.
  - k. Examples of prohibited conduct include, but are not limited to, jokes, epithets, slurs, insults, negative stereotyping, written or graphic material (including emails), or any threatening or intimidating acts denigrating or showing hostility toward an individual and relate to race, color, religion, ethnicity, national origin, sexual orientation, age, disability, veteran status, or any other status protected by applicable law.
- B. Discrimination, harassment, and retaliation grievance procedures
1. Any individual who feels they have witnessed or experienced behavior prohibited by this policy or who has questions, concerns, or information regarding violations of this policy must immediately report the circumstance(s) or incident(s) to their supervisor or one of the contact persons described within this policy.
  2. Upon receipt of a discrimination, harassment, or retaliation report, the University will conduct a prompt, thorough, and impartial review, evaluating all relevant information and documentation relating to the report.
    - a. If a report is made, ATSU's Title IX coordinator (or designee) will review the report in an initial meeting with the reporting party. Objectives of this initial

- meeting will be to reduce the report to writing, stop the harassment, prevent its recurrence, and take steps to remedy its effects in the interim.
- b. If, following the initial review of the complaint, it is determined no potential policy violations exist, the Title IX coordinator (or designee) will produce a report stating such conclusion, including all elements of the initial meeting and interim remedial steps taken.
  - c. Interim remedial steps may include academic or work adjustments, no contact orders, temporary suspension of the responding party, or any other reasonable measure to facilitate the end and prevention of harassment or discrimination.
  - d. If, after an initial meeting between ATSU's Title IX coordinator (or designee) and a reporting party, it is determined any part of this policy may have been violated, a full investigation will be conducted. Investigators from GERT will be assigned. Investigators will be appropriately trained and will not have a conflict of interest or bias against the reporting or responding party. In some instances, an outside party may be contracted to complete some or all of the roles in the grievance process.
  - e. Parties will be regularly updated as to projected timeline for completion of investigation. During the process, the reporting party and responding party will have equal opportunity to present witnesses and provide evidence. Reporting party, responding party, and appropriate officials will be given timely and equal access to information to be used during informal and formal disciplinary meetings and hearings.
  - f. All ATSU employees, who are not named as responding parties, must cooperate fully with any investigations.
    1. Exception - Employees acting under a professional license which provides privilege (i.e., behavioral health & wellness counselors).
    2. Employees who have a professional license, which provides privilege, but are not acting under that license, do not have privilege (i.e., a healthcare provider serving in a professor role).
    3. Academic information protected under FERPA is available to investigations as legitimate educational interest.
  - g. Investigators use "preponderance of evidence" standard when determining whether or not there is a violation.

### **Sanctions**

- A. Sanctions are determined by the hearing panel (within the Title IX Grievance Process) or recommended by the investigators (within the General Discrimination Grievance Process).
- B. Sanctions for student violations of ATSU Policy No. 90-210 may include, but are not limited to a reprimand, disciplinary warning to be added to the student's permanent file, educational sanctions, required counseling, limitations in activities, probation, suspension, dismissal, revocation of diploma, student organizational sanctions, and other context appropriate sanctions.

- C. Sanctions for employee violations of ATSU Policy No. 90-210 may include, but are not limited to, disciplinary warning to be added to the employee's permanent file, performance management improvement process, required counseling, probation, additional training, suspension with or without pay, loss of annual pay increase, loss of oversight or supervisory responsibility, demotion, dismissal, and other context appropriate sanctions.
- D. ATSU community members who share employee and student status may be sanctioned under either or both status.
- E. Sanctioning is guided by the ATSU Policy No. 90-210 sanctioning guide.

### **Appeals**

- A. Parties will have the right to appeal within five business days of receiving the findings and sanctions or the report's dismissal. If the appeal is not timely or substantively eligible, the original decision will stand, and the decision will be final. The party requesting the appeal must show error per the grounds below and sanctions are presumed to have been decided reasonably and appropriately. The only grounds for appeal are:
  - 1. A procedural irregularity affecting the outcome of matter.
  - 2. To consider new evidence, unavailable during the original hearing or investigation, which could substantially impact the decision in the matter. A summary of this new evidence and its potential impact must be included.
  - 3. Investigators or hearing panel members had a conflict of interest or bias affecting the outcome of the matter.
- B. Parties will be provided the evidence which is relevant or directly related to the finding in an electronic format. The evidence is not to be printed or transferred to other parties. The parties may request their advisor receive access to the evidence as well.
- C. Appeals must be submitted for review to the Title IX coordinator (or designee) to determine standing. Appeals with standing will be forwarded to a panel of trained GERT member(s) or third party consultant(s).
- D. If an appeal is determined to have standing, the other party will have the opportunity to review the appeal and provide a written response within three business days. If some or all of an appeal is determined to not have standing, the appealing party will receive notice and explanation. A decision to deny an appeal because of a lack of standing is not appealable.
- E. Upon receipt of a written appeal, an appellate panel consisting of up to three GERT members (or outside consultant(s)) will be selected to rule on the appeal.
  - 1. Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so. An appeal is not an opportunity for appeals officers to substitute their judgment for that of the original hearing body merely because they disagree with the finding and/or sanctions.
  - 2. Any sanctions, excluding termination, employment transfer, or expulsion, imposed at the conclusion of an investigation will remain in effect during the appeals process. Termination, employment transfer, expulsion, or dismissal will be treated as a suspension from the conclusion of the application of sanctions to the conclusion of the appeal process. If employment termination, employment transfer, or expulsion are

upheld in the appeal process, such sanction will be instituted immediately at the conclusion of the appeal.

3. The appellate panel will rule on the appeal within 15 business days. Any extension of time beyond 15 business days will be communicated to both parties along with an updated timeframe for the ruling. If an appeal is granted, direction will be provided by the appellate panel regarding next steps. Appellate panel may:
  - a. Remand case to the original hearing panel.
  - b. Remand case to a new hearing panel.
  - c. Remand case back to the original investigators.
  - d. Remand case to a new set of investigators.
  - e. Make no change to the decision or sanction.

### **Amnesty**

- A. Amnesty for drug/alcohol possession and consumption violations
  1. ATSU strongly encourages students and employees to report potential violations of this policy. Therefore, good faith reporters to appropriate authorities regarding potential violations will not face University disciplinary action for their own drug/alcohol possession or consumption in connection with the reported incident.
  2. Amnesty for persons making a report in good faith does not include substance abuse counseling and/or rehabilitation, which may be necessary for employees or students with clinical responsibilities or patient contact.

### **Free speech and academic freedom**

- A. Faculty and other academic appointees, staff, and students of the University enjoy significant free speech protections guaranteed by the First Amendment of the U.S. Constitution.
- B. This policy is intended to protect members of the University community from discrimination, not to regulate protected speech.
- C. This policy will be implemented in a manner recognizing the importance of rights to freedom of speech and expression.
- D. The University also has a compelling interest in free inquiry and collective search for knowledge, and thus, recognizes principles of academic freedom as a special area of protected speech.
- E. Consistent with these principles, no provision of this policy will be interpreted to prohibit conduct legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums.
- F. Freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct violating federal or state antidiscrimination laws.

**Record retention.** ATSU will maintain copies of the following documents/records relating to this policy in accordance with ATSU's record retention schedule.

- A. Each discrimination investigation report and evidence gathered;

- B. Final determination letters and disciplinary sanctions imposed upon respondent;
- C. Audio or audiovisual recordings or transcript of live hearings;
- D. Remedies provided to complainant in order to restore or preserve equal access to education programs or activities;
- E. Any appeal and the result therefrom;
- F. Informal resolution agreements;
- G. Supportive measures offered in response to a report or formal complaint of sexual harassment;
- H. Written basis explaining ATSU was not deliberately indifferent in its response to reports for formal complaints of sexual harassment, which is often a conclusion of the investigation report and hearing panel report;
- I. ATSU will retain all materials used to train Title IX coordinators, investigators, and any person who facilitates an informal resolution process;
- J. Documentation for reasons why supportive measures were not provided and why it was reasonable in light of known circumstances.

### **Responsibility**

- A. All ATSU employees - Employees are required to report instances of discrimination, harassment, or retaliation to the Title IX coordinator or deputy Title IX coordinators and cooperate fully in an investigation when not named as a respondent.
- B. All ATSU employees and students –
  - 1. Employees and students are required to comply with the requests of the Title IX coordinator (or designee) in implementing supportive or interim measures and sanctions.
  - 2. Employees and students who are not named as responding parties must cooperate fully with investigations and hearing panels.
- C. Title IX coordinator – Responding to and monitoring all complaints of discrimination, harassment, or retaliation from students, employees, members of the public, or beneficiaries is the responsibility of the Title IX coordinator or their designee.
- D. This employee is responsible for facilitating appropriate sex- and gender-based harassment and discrimination awareness, prevention, training, monitoring, reporting, investigation, and resolution at ATSU.

## Appendix D: Sexual Assault Victim's Bill of Rights

In compliance with federal law ATSU will adhere to the following Sexual Assault Victim Bill of Rights. Any disciplinary hearings described below refer to ATSU internal conduct proceedings only and do not relate to criminal or civil proceedings in any court of law.

- Victims shall be informed of their options to notify law enforcement. ATSU will assist with notifying law enforcement personnel, if the victim so desires.
- Victims have the right to choose not to notify law enforcement.
- Victims shall be notified of counseling services available.
- Victims shall be notified in writing of options for changes to academic, living, transportation, working situations, or protective measures. The University will support any reasonable accommodations or protective measures requested by the victim, regardless of whether the victim chooses to report the crime to Security or local law enforcement.
- Both the accuser and the accused have the right to have an advisor of their choice present during any disciplinary proceeding conducted by ATSU.
- Both the accuser and the accused shall receive simultaneous notification, in writing, of:  
a) the result of any ATSU disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking; b) the procedures for appeal of the result of the disciplinary procedures, if such procedures are available; c) any change to the result; and d) when such results become final.

## Appendix E: Appropriate Use of Technology

### Purpose

This policy outlines the acceptable use of A.T. Still University of Health Sciences (ATSU) information systems and computer equipment to ensure technology is used for its intended purposes and use is consistent with ATSU policies.

Responsible use of technology maintains its availability for critical business operations, supports security and network integrity, and protects ATSU from potentially damaging situations.

### Policy

- A. ATSU Information technology systems are to be used for business purposes to serve ATSU interests and its customers in the course of normal operations.
- B. Definitions
  1. Confidential information includes, but is not limited to,
    - a. Information about a patient, also known as protected health information (PHI), including incident reports and patient outcome information;
    - b. Information about a student and their education records protected under FERPA, including any non-directory information and personally identifiable information (PII);
    - c. PII – Individual demographic identifiers, including employee, student, or patient social security numbers (SSN) and employee personnel records (W-2 and W-4 IRS forms, insurance information, compensation structure, performance evaluations, etc.);
    - d. Credit cards, cardholder information, and bank account numbers;
    - e. Business and proprietary information including, but not limited to, patient service methods, costs, pricing, research data, and such business matters as contracts, negotiations, strategies, marketing plans, financial statements, alumni and donor giving and prospect records, and legal matters; and
    - f. Passwords, personal identification numbers, or other security codes.
  2. Information systems – An interconnected set of information resources under the same direct management control that share common functionality. A system normally includes hardware, software, applications, and data.
  3. Phishing – An attempt to acquire key information, such as user credentials (user ID and password), SSN, credit card data, etc., by masquerading as a trustworthy entity (a form of “social engineering”).
  4. Post(s) or posting – Something an individual writes, publishes online, or uploads, such as a photo or video, typically on a social media website or blog.
  5. PHI – Includes oral, written, or otherwise recorded information created or received by an entity identifying an individual relating to physical or mental health, payments, or healthcare services provided to that individual.
  6. Ransomware – A type of computer virus or malware preventing users from accessing data (usually by encrypting the data) and written primarily for financial gain by

- holding data hostage until a ransom is paid. The ransom is normally paid in ‘bitcoin,’ the untraceable digital currency of the Internet.
7. User – Workforce members and associates with authorization to use (access) ATSU computer systems and applications.
  8. Workforce – Includes employees, students, contractors, volunteers, and other individuals who have an association with ATSU and whose conduct is under the direct control of ATSU whether or not they are employed by ATSU.
- C. Guiding principles
1. ATSU’s information technology resources are for conducting work-related communications and shall be used in a secure environment to protect confidential and business-related information.
  2. All data created on ATSU’s information systems remains ATSU property.
  3. Incidental personal use may occur only as authorized by the appropriate supervisor, provided personal use does not interfere with work and meets requirements of this policy.
  4. To prevent phishing emails and ransomware, users are discouraged from using ATSU’s workstations or laptops for checking personal email. Users should use personally-owned smartphones or tablets.
  5. Because of the need to protect ATSU’s internal network, the University does not guarantee confidentiality of information stored on any network file server.
  6. ATSU reserves the right to monitor all systems, and users should not have any expectation of privacy regarding data or information stored, transmitted, or accessed on ATSU’s systems.
  7. Laws and ATSU’s policies governing employee behavior pertaining to patient privacy, harassment, discrimination, or defamatory remarks may also apply to user’s personal use of the Internet, email, instant messaging, text messaging, and social networking sites. For related information, see ATSU Policy No. 55-113: Social Media.
- D. General expectations
1. Users are expected to abide by all applicable federal, state, and local laws and regulations, as well as ATSU policies regarding information technology use.
  2. Each user is responsible for content of all text, audio, or images placed, sent, or received using ATSU information systems.
  3. Users should not assume electronic communications are private. All messages created, sent, or retrieved over the Internet should be considered public information and accessible to others unless the communication was encrypted.
  4. ATSU may monitor usage patterns and other aspects of its Internet and email communications. The reasons for this monitoring are many, including maintenance, troubleshooting problems, bandwidth allocation, general management of systems, and assessment or enforcement of security policies and controls.
  5. Users of ATSU-owned technology have no expectation of privacy in that use. ATSU reserves the right to access and monitor files stored on or using ATSU equipment and systems at any time with or without notice.

6. Information considered sensitive or vulnerable, such as PHI, must be encrypted using ATSU's approved process before being released outside of ATSU. Contact ATSU's Information Technology and Services (ITS) Service Desk at ext. 2200 (on campus) or phone number, 660.626.2200, for assistance with encryption.
  7. All communications should reflect positively upon the integrity, professionalism, and competence of ATSU.
- E. Internet
1. ATSU may block connection to certain websites it deems inappropriate. However, the ability to connect with a specific website does not in itself imply it is permitted. Internet users who inadvertently connect to an inappropriate website should immediately disconnect from that site.
  2. Storing, printing, or displaying any files, materials, or messages of an inappropriate nature will be considered a violation of ATSU policy and will be handled under University policies and procedures.
  3. All user activity on the Internet is logged.
- F. Email, instant messaging, chat, and/or text messaging
1. Messages sent using ATSU information systems should be for business purposes and treated as business records. These messages may be used as evidence in litigation and investigations. Provided retention requirements for official records are being met, nonessential messages should be deleted by users when messages are no longer needed for work reasons. For related information, see ATSU Policy No. 10-209: ATSU Record Retention Policy.
  2. Confidential information should only be transmitted outside ATSU when encrypted.
    - a. Emails containing confidential information and sent outside of ATSU must be encrypted. Contact ATSU's Information Technology and Services (ITS) Service Desk at ext. 2200 (on campus) or phone number, 660.626.2200, for assistance with email encryption.
    - b. Texting PHI or confidential information to anyone is prohibited, unless using a secure texting application. Since ATSU has not implemented a secure text application at this time, texting such information is prohibited.
- G. Social media or networking
1. Confidential information about ATSU, its patients, or employees may not be posted on social media sites.
  2. Even when no personal identifiers are specifically used in communication or posting, communicating what transpired at work with a particular patient, co-worker, or other individual on a social network site could potentially lead to an unintentional breach of that person's privacy.
  3. Prohibition of harassment and discrimination in the workplace also applies to activities occurring outside the workplace on social media. Harassment or discrimination on social media will result in the same disciplinary action process and potential for legal action had those behaviors occurred within the workplace. Interactions and communication should be respectful.

4. For related information, see ATSU Policy Nos. 55-103: Social Media and 90-210: Prohibition of Discrimination, Harassment, and Retaliation.
- H. Hardware
1. Computer equipment that is ATSU property is to reside on the campus unless the equipment is considered mobile (i.e., portable computers) or has been checked out through ITS for an express purpose.
  2. No computer equipment intended to extend accessibility to the ATSU network may be installed without the knowledge and written approval of ITS. Types of forbidden devices include wireless access points, hubs, and switches.
- I. Software
1. Only software first tested and approved by ITS is authorized to be installed.
  2. Users must respect software copyrights, abide by software license agreements, and terms of use.
- J. Copyrights - Users obtaining access to other companies' or individuals' materials must respect all copyrights and may not copy, retrieve, modify, or forward copyrighted materials without permission.
- K. Downloading and file storage - Non-business-related files, such as music files (MP3s, WAV, etc.), pictures, animated files (GIF files), video clips or movies (Windows Media Player, Quick Time Movie, etc.) consume storage space. These types of files may also be a source of viruses or other malicious code. Therefore, these types of personal files should not be stored on ATSU-owned information technology. ITS reserves the right to remove such files without notice.
- L. Prohibited activities while using ATSU information technology include, but are not limited to,
1. Engaging in any activity illegal under local, state, federal, or international law while utilizing ATSU-owned resources.
  2. Disclosing confidential information gained in any form while working at/for ATSU without specific approval;
  3. Sending confidential information in electronic format outside ATSU without using encryption.
  4. Revealing user account information and passwords to others or allowing use of authentication credentials (user ID and password). This includes family and other household members when work is being done at home.
  5. Providing information about or lists of ATSU employees to parties outside ATSU without prior written approval from management.
  6. Transmitting, retrieving, or storing any communications of a discriminatory or harassing nature that could create a hostile work environment or materials considered obscene or graphic adult-only material.
  7. Using any ATSU information asset to engage in an activity considered harassing, derogatory, inflammatory, or otherwise unacceptable regarding an individual's gender, sexual orientation, race, age, disability, religion, national origin, physical attributes, or any other form of harassment.
  8. Sending messages containing abusive, profane, or offensive language.

9. Distributing petitions or political communications not endorsed by management.
10. Solicitation or petitions of any kind, including commercial, religious, political, or other types.
11. Using ATSU information technology or media for illegal purposes, gambling, personal profit, or in violation of ATSU policy, including ATSU Policy No. 10-220: ATSU Code of Ethical Standards.
12. Conducting solicitations of non-company business or any use of information systems for personal gain.
13. Engaging in any activity violating the intellectual property rights of others, including patents, copyrights, trademarks, and trade secrets. This includes, but is not limited to, installation, use, digitization, copying, or distribution of photographs, images, music, books, or software to which ATSU does not have current rights or licensing.
14. Making fraudulent offers of products, items, or services originating from an ATSU account.
15. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
16. Attempting to circumvent security controls to obtain unauthorized access or disrupting services, including hacking, sniffing, phishing, or distributing any type of malicious code.
17. Sending unsolicited messages containing advertisement (spam) or hoaxes.
18. Unauthorized use, or forging, of email header information or any other form of obscuring, suppressing, or replacing of one's own identity (spoofing).
19. Introducing malicious programs into the network or server (e.g., ransomware, viruses, worms, trojan horses).
20. Intentionally writing, generating, compiling, copying, collecting, executing, or introducing any code designed to self-replicate, damage, or otherwise hinder the performance of or access to any system or information.
21. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data to which the user is not an intended recipient or logging into a server or account the user is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, ping floods, packet spoofing, service denial, and forged routing information for malicious purposes.
22. Port scanning or security scanning is expressly prohibited unless prior approval is obtained by ITS.
23. Executing any form of network monitoring, which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job duties.
24. Circumventing or attempting to circumvent user authentication or security of any device, network, or account.

**Responsibility**

- A. Chief information security officer (CISO) – Responsible for overseeing the establishment of standards for appropriate use of and implementation of this policy.
- B. Directors/managers/supervisors – Responsible for conduct of the workforce under their supervision by training, monitoring, and enforcing compliance with this policy in their departments.
- C. Workforce (“users”) – Accountable for use of ATSU’s information resources. Responsible for complying with this policy and reporting violations of policy to their supervisor/manager/director or to the CISO.

## Appendix F: Email Utilization

This policy ensures compliance with the Electronic Communications and Privacy Act of 1986, which protects both the interception of and unauthorized intrusion into email stored on a system. Consistent with this law and with most generally accepted views of privacy, ATSU affords the same privacy to email as it does to paper mail and telephone conversations (i.e., to the fullest extent of the law). Thus, all email files should be considered to be private and confidential unless the owner has explicitly made the files available.

ATSU appreciates and promotes the concepts of academic freedom and privacy within the context of an educational community. ATSU provides email to its students, faculty, and staff as a means of effective communication (both on- and off-campus), for creative endeavors, and other uses consistent with ATSU's mission. This is an ATSU resource and should be given the same attention as other University resources.

All employees and students should be aware of ATSU standards regarding use of email established in this policy. Disruptions to the email system will be minimized. All employees and students should be aware of privacy and security guidelines as applied by ATSU to email usage.

### Policy

- A. In support of the traditional mission of educational universities (i.e., education, scholarship, and service), ATSU provides and encourages use of electronic communications to the fullest extent possible. This use should be focused on direct business of ATSU allowing for incidental personal use. Those who use ATSU's email system are expected to do so in a responsible and appropriate manner. Usual standards of personal and professional courtesy are expected. Access is a privilege that may be removed upon sufficient justification.
- B. Usage of ATSU's email system is encouraged, subject to the following:
  1. Usage must be in support of the educational, scholarly, service, and administrative roles of ATSU. Accepted standards of business conversation should be used in all work-related emails.
  2. Usage must be only by ATSU employees and students or others granted use for a specific purpose. Unauthorized access to another's email is prohibited.
  3. The system may not be used for any unlawful activities or for personal use inconsistent with ATSU's mission.
  4. Personal use is allowed provided it does not interfere with the email system or with the individual's employment or obligations to ATSU.
- C. The following are among unacceptable uses of email at ATSU:
  1. any illegal activity
  2. use of ATSU email by unauthorized individuals
  3. misrepresentation of user's University identity with intent to deceive. If making public comments, disclaimers will be included to indicate all opinions are of the sender and not ATSU.

4. use of the email system in any way so as to interfere with its usage by others. Specifically chain letters should not be forwarded, nor should one ever be involved in "spamming" (widespread distribution of unsolicited email) or "letter-bombing" (sending messages to recipients with the intent of interfering with their email system).
  5. emailing of copyrighted material in violation of the rights of the author of the work
  6. transmission of viruses, worms, or other such destructive software to any individual, whether internal or external to ATSU community.
- D. Upon occasion, email must be read by one for whom a message was not intended. The following are examples of the most likely circumstances under which this might occur:
1. when any lawful request by a court or other competent jurisdiction to inspect email
  2. when there is reliable evidence (as opposed to rumor, gossip, or other unreliable sources) to indicate a law has been violated
  3. when there are circumstances where failure to act may cause significant bodily harm, property loss/damage, or loss of evidence of violations of the law
  4. when there are circumstances where failure to act would obstruct administrative or educational functions of ATSU
  5. when monitoring the email system for functional problems
  6. when attempting to determine the fate of returned undeliverable email
- E. When one of the above conditions requires reading another's email, the following specific procedures must be followed:
1. If it is the agreed opinion of these two individuals that the email should be read, then the following will be followed. ATSU's President will render a final decision if the two do not agree.
  2. If the request has been generated in response to items D1, D2, or D3, a written notice will be given to the individual in question and no further action will be necessary. In these instances, the concurrence of the two individual officers will be sufficient to request ITS access to the individual's email account. After access is granted, inspection of the email will be limited to the least invasive level necessary to determine if a violation of policy has occurred.
  3. In the cases of D4, D5, and D6, no written notice will be required.
- F. ATSU email users should be aware of the following:
1. Email is a non-secure means of communication. Since a message is routed through multiple machines in order to arrive at its final destination, at any point along the way, theoretically, a message could be intercepted. At the same time, since messages are broken up and transmitted as packets, and any packet may go in any direction with final assembly of the message occurring at the recipient's end, complete messages may be difficult to intercept.

2. Email addressed to any individual may, upon occasion, be routed to an incorrect address.
  3. Email that is not deliverable may be returned to the postmaster who may need to read portions of the message to determine how to route the message to the appropriate recipient.
  4. Deleting an email message may not remove it from the system. Since archival backups of the network storage are made daily, emails that may have been backed up and then deleted by an individual are still available from the backup tapes.
  5. Encryption of email messages may afford a greater degree of privacy. However, one should consider the level of privacy with email to be that generally afforded to a postcard message.
  6. In general, ATSU cannot and does not wish to monitor email communications involving its students, faculty, and staff. ATSU does not routinely monitor email communications.
- G. In accordance with section B2 of ATSU Policy No. 90-333: Employment Separation or Transfer Process, supervisors may allow employees to extend their use of an ATSU email account in order to sort through and forward messages of a personal nature to a personal account for a period of up to six (6) months. In cases where separated employees are being recognized with emeritus status or by special request and President's Cabinet member approval, the email account may be kept indefinitely for the purpose of maintaining goodwill with former employees; however, the account will be removed from all work-related groups.
- H. Violation of this policy may result in restriction of access to the email system. In addition, if required, disciplinary action may be applicable up to and including termination of employment. Employees who spend inordinate amounts of time with email, outside their assigned duties, should be treated by their supervisors as they would for any other work time problem. This is not a problem with how the employee is using the system, but rather how the employee is using work time. In specific the supervisor should:
1. review ATSU's expectations with respect to the individual's position;
  2. directly communicate concerns to the employee; and,
  3. handle the situation as any other personnel-related disciplinary action.

### **Responsibility**

The vice president for research, grants, and information systems is responsible for the development and maintenance of this policy.

## Appendix G: Policy and Procedures for Students with Disabilities

### 1. Policy Statement

A.T. Still University (ATSU) is committed to complying with Section 504 of the Rehabilitation Act and Title III of the Americans with Disabilities Act – Federal laws that prohibit discrimination on the basis of disability, and relevant state law. ATSU does not discriminate against students with disabilities in regard to application, acceptance, grading, advancement, training, discipline, graduation, or any other aspect related to a student’s participation in a program of ATSU. This policy applies to all students and applicants for admission to ATSU. ATSU will provide reasonable accommodations to students with disabilities.

### 2. Definitions

**Accommodation** means a modification or adjustment to the education environment or provision of auxiliary aids that will provide an equal opportunity for a qualified applicant or student with a disability to participate in ATSU’s education program. Accommodation also includes adjustments to assure that a student with a disability has rights and privileges in education equal to those of students without disabilities.

**Learning Resources & Accommodation Services (LRAS)** means the office at ATSU responsible for determining and coordinating reasonable accommodation, modification, and/or auxiliary aids and services for prospective, admitted, or enrolled students.

**Auxiliary Aids and Services** means accommodations that enable effective communication in the educational setting. Auxiliary aids and services may include interpreters, ergonomic aids, or enlarged text and real-time closed captioning.

**Student** means any individual who has accepted an offer of admission, or who is registered or enrolled in coursework, and who maintains an ongoing educational relationship with ATSU.

**Individual with a Disability** means a person with a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment. The determination of whether a student has a physical or mental impairment that substantially limits a major life activity will be made on a case-by-case basis.

**Qualified Student with a Disability** means a student with a disability who meets the academic and technical standards required for admission and participation in educational program(s) and activities with or without accommodations.

### 3. Procedures and Responsibilities

ATSU will provide reasonable accommodations, auxiliary aids and services, and modifications to applicants for admission and qualified students with disabilities to ensure applicants and students are not denied the benefits of, or excluded from participation in, ATSU's educational program. ATSU will make necessary modifications to academic requirements to ensure that academic requirements do not discriminate against qualified students with disabilities, providing the modification does not create a fundamental alteration of the course or program of study or an undue financial or administrative hardship for the institution. ATSU will also ensure that students with disabilities have physical access to ATSU and use of service animals. ATSU's policy and procedures regarding *Disability-Related Assistance Animals* can be found in the **ATSU University Student Handbook**.

When a student informs a faculty member that the student has a disability, or needs accommodations for or assistance with a disability, the faculty member should refer the student to ATSU LRAS. Faculty members should not honor requests for accommodations that have not been approved by LRAS.

ATSU employee responsible for implementing these procedures is:

Jennifer McNeely, MA  
Director - Learning Resources & Accommodation Services (LRAS)  
EMAIL: [jmcneely@atsu.edu](mailto:jmcneely@atsu.edu)  
TELEPHONE: 660.626.2774  
WEBSITE: [www.atsu.edu/lras](http://www.atsu.edu/lras)

Additional contact information:

#### **Learning Resources & Accommodation Services (LRAS)**

[accommodations@atsu.edu](mailto:accommodations@atsu.edu)

Director - Learning Resources & Accommodation Services (Missouri campus): 660.626.2774

Accommodation Specialist (Arizona and California campuses): 480.245.6248

#### ***Student's Eligibility for Accommodation***

Applicants for admission and qualified students with disabilities who wish to request reasonable accommodations (including campus tours, orientation, auxiliary aids and services, or modifications) must contact LRAS to begin an interactive process between ATSU and the student. To qualify, students must inform LRAS of their disability and, if requested, provide documentation of their disability from an appropriate professional, which depends on the nature of the disability. For example, a student with a psychological disability should provide documentation from a professional trained specifically in mental health care, such as a psychologist, psychiatrist, or counselor. Please see the Documentation Guidelines for Verification

of Disability (section 6) for information on disability documentation requirements.

LRAS has the discretion to determine the type of documentation necessary to establish the present level of the student's disability and its impact on the student's needs in the education setting. Any costs related to the documentation will be the responsibility of the student.

All documentation related to a request for accommodation, including medical documentation, is treated as confidential or private per applicable law, and maintained digitally by LRAS for five (5) years post-graduation or from the last date of attendance. All written materials will be used only to verify disability status and plan appropriate and reasonable accommodations. Access to these files will be limited to those individuals who need to be informed regarding necessary accommodations or other services. This determination is made by the Director-LRAS or the Accommodation Specialist.

### *Interactive Process to Request Accommodations*

Requests for accommodations are processed on a case-by-case basis pursuant to an interactive process between ATSU and the student. Students who plan to request accommodations should contact LRAS promptly to ensure adequate time for the review of the student's documentation and engagement in the interactive process. While requests can be made at any time, the review process may take up to three (3) weeks, therefore requesting well in advance of anticipated need is recommended. As every request for accommodations is unique, students are encouraged to contact LRAS with any questions or concerns at any point in the process. Students who need accommodations in a disciplinary process, such as one related to student conduct or Title IX, should be mindful of the need to request accommodations early on in those processes, as last-minute requests often cannot be processed in time.

The general process is as follows.

1. Student contacts LRAS, self-identifying as a student with a disability requesting accommodation. ATSU faculty will not provide disability-related accommodations without referral to, and notice from, LRAS.
2. Required documentation is submitted by the student:
  - a. Accommodation Request Form (information about the disability, history of accommodation, and specific accommodation(s) requested).
  - b. Documentation of the disability. Please see the Documentation Guidelines for Verification of Disability (section 6) for information on disability documentation requirements.
3. An interactive process between LRAS, the student, and the college/program Accommodation Liaison, if needed, begins, and may take up to three (3) weeks to determine:
  - a. Whether the documentation and assessment of impact indicate a disability as protected by federal law; and,
  - b. If necessary and reasonable accommodation can be made without altering the

fundamental nature of the academic program.

4. Based on the outcome of the above determination, the student and appropriate faculty/staff (only those with a need to know) will receive notification that:
  - a. Accommodations have been approved, with instructions for the student on how to follow up to receive accommodations; or,
  - b. Accommodations have been denied, with instructions to the student on follow up or additional action.
5. Student is responsible for notifying the appropriate staff/faculty of the approved accommodations to be implemented by providing a letter from the LRAS office outlining the approved accommodations. LRAS staff will counsel students on their responsibilities.
6. Student may request from LRAS additional accommodations and/or modifications to their already approved accommodations at any time, following this same process.

### ***Approved Accommodation Notices***

Approved Accommodation Notices are prepared by LRAS and issued to a student, in order to be shared with ATSU faculty and/or staff as needed for implementation purposes. Notices do not identify a student's disability, but indicate the student has a disability-related need for the specified accommodation(s). If an ATSU faculty and/or staff member refuses to allow or provide the approved accommodations outlined in the Approved Accommodation Notice, the student should not negotiate with the faculty/staff member. Instead, the student should promptly report to LRAS for support and intervention.

### ***Limitations***

1. ATSU is not required to provide accommodations, aids, or services that would result in an undue burden on ATSU. In this case, LRAS will promptly search for an equally effective alternate accommodation for the student that would not unduly burden the University. LRAS will offer the alternate accommodation, if one can be identified, to the student.
2. ATSU is not required to alter or modify a course or academic program to the extent that it changes the fundamental nature of the course or program. When LRAS determines that a requested accommodation might fundamentally alter or modify a course or academic program, LRAS will promptly search for an equally effective alternate accommodation for the student and offer the alternate accommodation, if one can be identified, to the student.
3. Decisions regarding accommodations or auxiliary aids and services may require consultation with ATSU's faculty and/or staff to consider the fundamental nature of a course or academic program or whether the accommodation would impose an undue burden on ATSU.
4. Accommodations are not retroactive.

#### 4. Grievance Procedures

ATSU is committed to working with students with disabilities to resolve disagreements regarding their ability to access ATSU's academic programs and activities. Students with disabilities who believe they have been denied equal access to the University's academic programs, activities, resources, or other services, or subject to discrimination on the basis of their disability may initiate a dispute or file a complaint in accordance with the procedures detailed below.

##### ***Reconsideration and Appeal Process***

A student requesting an accommodation and/or use of auxiliary aids and/or services may use the procedures detailed below to:

- Dispute LRAS decision to deny a request for accommodation.
- Dispute LRAS decision to provide an alternate accommodation rather than the specific accommodation requested.
- Dispute LRAS determination that the student has not presented sufficient documentation to support the requested accommodation.

1. **Reconsideration:** Students who are denied eligibility or who are dissatisfied with an accommodation and/or use of auxiliary aids and/or services may request that the Director-LRAS (or designee) reconsider the decision within five (5) business days of notification. The Director-LRAS (or designee) will review the request and any additional documentation provided, meet with the student if needed, and will issue a reconsideration decision in writing, typically within ten (10) business days of receipt of the request.
2. **Appeal:** Students may appeal reconsideration decisions within five (5) business days of notification. If the appeal is not timely or complete, the original decision will stand, and the decision will be final. The appeal must show error, as the original decisions on eligibility and accommodations are presumed to have been decided reasonably and appropriately. Appeals should include the reason for the appeal, requested outcome, and a description of previous attempts to resolve the issue.

Appeals must be submitted in writing to the Director-LRAS (or designee). The Director-LRAS (or designee) will forward the appeal to an external third-party for review and decision. The external third-party will review the appeal request, any additional documentation provided, and meet with the student and appropriate ATSU faculty and staff, as needed. The external third-party will, generally, rule on the appeal within fifteen (15) business days of receipt of the appeal. The decision made by the external third-party will be final.

##### ***Informal Resolution and Formal Complaint***

Students who believe they have been subject to discrimination because of their disability may

use the procedure below to:

- Resolve concerns that LRAS failed to effectively address concerns that ATSU faculty and/or staff member failed to provide an approved accommodation.
  - Address concerns regarding their treatment by members of the ATSU community.
  - Address other concerns related to the student's disability.
- 1. Informal Resolution:** LRAS will assist students with disabilities who have concerns about their treatment by ATSU faculty and/or staff members or other students. At the request of a student, LRAS will informally mediate or attempt to resolve issues related to the student's disability. If this informal process does not resolve the student's concerns, the student may file a formal complaint.
  - 2. Formal Complaint:** If a student is not satisfied with the decision reached through informal resolution, a formal complaint may be filed in accordance with the *General Discrimination Prohibited Conduct and Grievance Process* outlined in [ATSU Policy No. 90-210: Prohibition of Discrimination, Harassment, and Retaliation](#). A student is not required to exhaust informal resolution methods before filing a formal complaint.

## 5. Ineligibility

The ADA applies to qualified students with a disability as defined in section 2. Students who do not meet the qualification criteria are not entitled to reasonable accommodation(s). LRAS will not issue any communications or directives to faculty or staff for students who have not completed the interactive process and been approved for accommodations. Faculty and staff are not to provide accommodations to students without the prior approval of LRAS.

## 6. Documentation Guidelines for Verification of Disability

ATSU generally requires current and comprehensive documentation to verify a student's disability status unless the disability is obvious, and the need for accommodations to equally access educational programs and activities. A clinical diagnosis, in and of itself, does not establish eligibility for disability-related accommodations. To be eligible, a student must have a physical or mental impairment that substantially limits one or more major life activities. Whether a student's impairment is substantially limiting is determined by assessment of the current impact of the identified impairment, as compared to most people in the general population, not compared only to a student's academic peers or personal potential. Objective evidence obtained from up-to-date age-normed measures are most helpful.

**Evidence of prior accommodations received is helpful and encouraged. However, prior receipt of accommodations for a particular activity does not guarantee that identical accommodations**

are indicated or will be available in all future settings and circumstances.

**Because each student's situation is unique, documentation requirements vary. Guidelines pertinent to all disabilities, and additional guidelines for specific disability categories, follow. In all cases, LRAS reserves the right to request additional or updated information.**

**Students are encouraged to share information related to sufficient and comprehensive documentation, including general information below and specific information based on disability type, with their clinician who will be providing documentation to verify disability.**

To be deemed sufficient, documentation verifying disability shall:

- Be on letterhead from a licensed/certified clinical professional, who is not related by blood or marriage to the student, and who is qualified to diagnosis and treat, if applicable, the documented impairment;
- Identify a physical or mental impairment that substantially limits (as compared to most people in the general population) one or more major life activities;
- Describe how the impairment affects the student's current functioning.

**For all disability verifications, the following information should be included:**

- Student's full name, date of birth, and ATSU program of study
- Evaluating clinician's name, title, license/certification # and state, address, and phone number
- Date of document, date of evaluation/assessment, first and latest dates of contact with student
- Diagnosis(es), and date(s) of same
- Description of how each diagnosis was made (list assessments, tests, measures used)
- Expected duration of impairment(s)
- Symptoms or functional limitations associated with the impairment(s), and frequency and severity of each with and without mitigating measures, if applicable (e.g., medication, other treatment)
- Current medications with side effects that compromise academic functioning, if applicable

### **ADHD (Attention-Deficit/Hyperactivity Disorder)**

A neuropsychological or psychoeducational assessment is preferred to determine the current impact of the condition on the student's functioning. Due to the challenge of distinguishing normal behaviors and developmental patterns of adolescents and adults from clinically significant impairment, a multifaceted evaluation should address the severity and frequency of symptoms, and whether these behaviors constitute an impairment that substantially limits a major life activity as compared to most people in the general population. At minimum, results and clinical interpretation of a Continuous Performance Task (CPT) assessment is required.

**A qualified professional must conduct the evaluation**

A licensed professional who has had training in the diagnosis of ADHD, and direct experience with adolescents and/or adults with ADHD (such as a clinical or educational psychologist, a neuropsychologist, or a physician known to specialize in ADHD diagnosis/treatment) should conduct the evaluation and write the report.

**Documentation must be current**

Documentation needs to describe the current impact of the student's impairment(s) in the educational setting. Generally, evaluations conducted within the last five years will be considered timely. Please note that many testing agencies do not accept documentation older than three years.

**Documentation must be comprehensive**

Documentation should include a relevant history of the student (developmental, medical, academic, familial), and indicate any evidence of early impairment, even if not formally diagnosed in childhood or early adolescence. Documentation should indicate evidence of current impairment, including the results of a diagnostic interview and relevant testing (not based solely on self-report measures) designed to identify an attention disorder. The following areas should be addressed using standardized instruments: aptitude, achievement, and cognitive and information processing, especially attention (visual and auditory spans of attention, scanning tasks, vigilance assessment, including continuous performance tasks). Documentation should offer evidence of the student's performance in relation to an average person in the general population. A specific diagnosis must be included, if indicated. All test scores should be included, along with an interpretation of each, and a summary. Documentation should address any coexisting disorders or suspected coexisting disorders. Documentation should indicate whether the student was taking medication at the time of the evaluation and should include a discussion of the student's use of medication and its ameliorative effects.

**Learning Disabilities**

A neuropsychological or psychoeducational assessment is needed to determine the current impact of the condition on the student's functioning.

**A qualified professional must conduct the evaluation**

A licensed professional with expertise in learning disabilities, trained in administering and interpreting the assessments used, and experience working with adults or at least adolescents, such as a clinical psychologist, a neuropsychologist, or an educational/school psychologist should conduct the evaluation and write the report.

**Documentation must be current**

Documentation needs to describe the current impact of the student's impairment(s) in the educational setting. Generally, evaluations conducted within the last five years will be considered timely. Please note that many testing agencies do not accept documentation older than three years.

### **Documentation must be comprehensive**

Documentation should include a relevant history of the student (developmental, medical, academic, familial), and indicate any evidence of early impairment, even if not formally diagnosed in childhood or early adolescence. Documentation should indicate evidence of current impairment, including the results of a diagnostic interview and a battery of psychoeducational tests designed to identify learning disabilities. The following areas should be addressed using standardized instruments: aptitude, achievement, and cognitive and information processing. Documentation should offer evidence of the student's performance in relation to an average person in the general population. A specific diagnosis must be included, if indicated. All test scores should be included, along with an interpretation of each, and a summary. Documentation should address any coexisting disorders or suspected coexisting disorders. For any accommodations recommended, each should be related directly to the student's functional limitations, and rationale explaining why each accommodation is necessary for equal access should be provided.

### **Psychological Disabilities**

ATSU Behavioral Health & Wellness Counselors cannot provide primary documentation for verifying disability but can (with a student's written authorization) provide secondary opinion on a student's functional limitations due to mental impairment.

### **A qualified professional must conduct the evaluation**

A licensed/certified professional trained specifically in mental health care should conduct a comprehensive clinical evaluation and provide a summary report. Professionals conducting evaluations and rendering diagnoses of psychological disorders must have training in, and experience with, the differential diagnosis of psychological disorders in adolescents and/or adults. The following professionals are generally considered qualified: clinical psychologists, psychiatrists, psychiatric nurse practitioners, licensed clinical social workers, and licensed professional counselors.

### **Documentation must be current**

Documentation needs to describe the current impact of the student's impairment(s) in the educational setting. Evaluations should be dated within 6 months of the request for accommodations. Older evaluations will be considered if submitted with more recent supplemental documentation. In addition, documentation will need to be updated yearly in order to assess current impact. LRAS reserves the right to set the documentation recency requirement based on the nature of the student's disorder and requested accommodations.

### **Documentation must be comprehensive**

Documentation should include a specific diagnosis(es), with identification of the diagnostic criteria met. A clinical summary should include a history of presenting symptoms, the current frequency, severity, and expected duration of symptoms, a description of the student's functional limitations in the educational environment and across other domains. Documentation

should indicate any treatments/medications and their side effects that would compromise academic functioning.

### **Sensory/Medical/Physical Disabilities**

#### **A qualified professional must conduct the evaluation**

A licensed/certified professional who has training and experience in diagnosis of like/similar conditions in adults should conduct the evaluation and write the report.

#### **Documentation must be current**

Documentation needs to describe the current impact of the student's impairment(s) in the educational setting. Documentation should be based on an evaluation performed within a reasonable timeframe, depending on the degree of change associated with the diagnosed condition(s). Generally, a reasonable recency timeframe is not more than three years, but it may be much shorter in many instances. LRAS reserves the right to set the documentation recency requirement based on the nature of the student's disorder and requested accommodations.

#### **Documentation must be comprehensive**

Documentation should include both a description of and evidence of a sensory/medical/physical impairment. A specific diagnosis(es) should be identified. A clinical summary should describe the current frequency, severity, and expected duration of the impairment, as well as a description of the student's functional limitations in the educational environment. Documentation should indicate any treatments/medications and their side effects that would compromise academic functioning.

## **7. Licensing, Certification, and Board Exams (e.g., COMLEX, USMLE, INBDE, PANCE, etc.)**

Third-party exam agencies and boards all have their own requirements for requesting testing accommodations. Thus, receipt of accommodations at ATSU does not guarantee approval for test accommodations on any licensing, certification, or board exam. The request process is usually outlined on each exam administrator's website. Documentation requirements and application timelines vary, so it is important to review these requirements well in advance (one year prior to exam) and apply early (in accordance with that agency's deadlines, often three to six months prior to exam). Students may need updated documentation to meet the requirements of the agency/board.

ATSU LRAS assists students in verifying accommodations received while at ATSU and/or completes a form needed by the testing agency. Please contact [accommodations@atsu.edu](mailto:accommodations@atsu.edu) for assistance or with questions.

**Special note to DO students (KCOM and SOMA):** Extended time to take required COMLEX practice assessments for students with disabilities will be provided only if NBOME has approved extended time for a student's COMLEX exam. Proof of NBOME's approval must be submitted to ATSU LRAS ([accommodations@atsu.edu](mailto:accommodations@atsu.edu)) by May 1st of the COMLEX testing year. Otherwise, all

required COMLEX practice assessments will be taken with standard timing.

## **8. Clinical Site Placement Accommodation**

A disability-related request for specific clinical site placement, or any request for accommodation specific to functioning in the clinical education environment, should be submitted well in advance of (i.e., as soon as possible but at least four weeks prior to) a program's assignment of clinical training sites. While disability-related accommodation requests can be made at any time, the means and methods for implementing some accommodations may vary per site. Requests which are submitted after program assignments have been made will be subject to current training site availability or may necessitate a delay to the start of a student's clinical training. **In instances where a request is based on continuity of care, information regarding specific medical credentials (not just history of treatment) that make a provider uniquely qualified to treat the condition compared to colleagues with similar credentials should be included.**

***This Policy and Procedures are effective January 1, 2024.***

## Appendix H: Identification (ID) Badges

### ATSU Policy 95-109

- A. Photo ID badges will be issued to all ATSU faculty and staff.
1. The photo ID badge should be worn and visible at all times while on University premises or as a part of University activities and programs.
  2. Photo ID badges are used for security identification and will conform to the [ATSU ID Badge Guidelines](#)
  3. As needed, ATSU departments will schedule time to have ID photos taken and ATSU photo ID badges distributed.
- B. All ATSU residential students will be issued photo ID badges when their educational program begins.
1. The photo ID badge should be worn and visible at all times while on University premises or as a part of University activities and programs.
  2. Photo ID badges are used for security identification, to check out materials from the library, and to check out equipment and will conform to the ATSU ID Badge Guidelines.
  3. Student Affairs will schedule a time for class cohorts to have ID photos taken and photo ID badges distributed.
- C. Replacement of lost or misplaced photo ID badges will be made by the ATSU Service Desk (Missouri) or the Security Office (Arizona).
1. Photo ID badges will be replaced free of charge for:
    - a. changes in name,
    - b. damage from normal wear and tear, and
    - c. theft, provided the individual files a report with local police or campus security.
  2. The replacement fee for all other purposes is \$10.00.
- D. Visitors to campus are also required to wear a unique ID tag identifying them as a visitor.
1. "Visitors" include prospective students, vendors, consultants, and contractors.
  2. Contact the ATSU Service Desk (Missouri) or Security Office (Arizona) to request a visitor ID tag.
- E. On ATSU campuses, non-photo ID badges may be worn in addition to, but not as a replacement for, ATSU-issued photo ID badges. Individual schools or departments may purchase non-photo ID badges through Communication & Marketing for use approved by the respective dean or President's Cabinet member.

## Appendix I: Approved Animal Handler Agreement

As the handler of an approved service or emotional support animal in ATSU Housing:

- I am solely responsible for maintaining control of the animal at all times, ensuring that the animal does not unduly interfere or adversely affect the routine activities of ATSU Housing or other residents. Disruptive and/or aggressive behavior by the animal will not be permitted.
- I am solely responsible for the care and supervision of the animal at all times.
  - I will provide appropriate care for the animal, ensuring the overall health and wellbeing of the animal, including compliance with current city and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals.
  - I will provide ATSU with documentation of current vaccination and/or licensing, in accordance with city and state ordinances, laws, and/or regulations, as requested.
  - I will clean up the animal's waste, disposing of waste in outdoor trash receptacles.
  - I will keep the animal contained within my assigned housing unit at all times (excludes service animals), except when transported outside in an animal carrier, or controlled by leash or harness.
  - I will not leave the animal overnight in ATSU Housing in my absence, even in the care of another; I will either take the animal with me, or board it off campus.
  - I will ensure that the animal is contained (caged/crated) as appropriate when I am not present during the day while attending classes or other activities, and during times when maintenance is to be performed on my housing unit so that maintenance staff may safely enter. ATSU reserves the right to inspect the enclosure to be used in containing the animal. ATSU is not responsible for any harm to animals caused by the use of maintenance materials (pesticides, pest-control devices, cleaning supplies, etc.) in and around ATSU Housing.
  - I understand that ATSU personnel shall not be required to provide care or food for any approved animal including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.
  - I will provide ATSU with the name and contact information for someone who does not reside in ATSU Housing and who can take responsibility for the animal within 24 hours should I be unable or unavailable to care for it.
- I voluntarily assume full responsibility, including legal and financial, for any loss, property damage or personal injury, including death, that may be sustained as a result of the animal.
  - My housing unit may be inspected for fleas, ticks, or other pests as deemed necessary by ATSU. I will be charged for the expense of any pest treatment above and beyond the standard pest management in ATSU Housing.
  - I will be charged for required cleaning above and beyond a standard cleaning, and/or for needed repairs to ATSU Housing property, due to the animal.

- I will notify ATSU Learning Resources & Accommodation Services if the approved animal is no longer needed or is no longer in residence.
  - If I wish to replace an approved animal, I will submit a new request for accommodation.
- I agree to abide by all other ATSU policies, including ATSU Housing policies.
- I understand that ATSU may require me to remove the animal from ATSU Housing if:
  - the animal poses a direct threat to the health or safety of others, or causes substantial property damage to the property of others;
  - the animal's presence results in a fundamental alteration of an ATSU program;
  - the animal or its presence creates an unmanageable disturbance or interference with the ATSU Housing community; or
  - I fail to uphold any of the above responsibilities.
- I understand that if I fail to comply with an animal removal order within 48 hours, ATSU may have the animal removed to the nearest animal shelter, and I will be subject to charges under ATSU's Code of Behavioral Standards.
  - Should the animal be ordered removed from the premises by ATSU for any reason, I am responsible for any costs associated with the removal, transportation, and/or boarding of the animal. Additionally, I will fulfill my housing obligations for the remainder of the housing contract.
- I authorize ATSU Learning Resources & Accommodation Services and/or ATSU Student Life to disclose to others who may be affected by the presence of an animal (e.g., University staff, neighboring students) that the animal is an accommodation. I understand that this information will be shared only with the intent of resolving any issues associated with the presence of the animal. Furthermore, I understand that all other information regarding my request will be protected and kept private in accordance with University policy, except as otherwise required by law.

The individual identified below (not a tenant of ATSU Housing) can take responsibility for my animal within 24 hours should I be unable or unavailable to care for it:

Contact Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Street Address: \_\_\_\_\_

City and State: \_\_\_\_\_

**By my signature below, I attest that I have read, understand, and will abide by this Agreement.**

\_\_\_\_\_  
Handler Signature

\_\_\_\_\_  
Date



# University Student Handbook