



American Public  
University System



## 2021 Annual Security Report

American Public University System, Inc.

111 West Congress Street  
Charles Town, WV 25414

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## **Introduction**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (**Clery Act**) requires colleges and universities to (as applicable):

- publish an annual security report (**ASR**) every year by October 1 that contains three years of campus crime statistics and certain campus safety and security policy statements;<sup>1</sup>
- disclose and submit to the U.S. Department of Education crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other University officials who have “significant responsibility for student and campus activities;”
- provide “timely warning” notices of those crimes that have occurred and pose an ongoing “threat to students and employees” and issue emergency notifications of significant emergency or dangerous situations involving an immediate threat to the health or safety of students or employees;
- disclose in a public crime log “any crime that occurred on campus . . . or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department;”
- publish an Annual Fire Safety Report;
- disclose and submit to the U.S. Department of Education fire statistics for residential housing facilities; and
- report hate crimes.

In accordance with federal law, American Public University System, Inc. (**APUS**) prepares an ASR each year, provides the report to all current students and employees, and makes the ASR available to all current and prospective students and employees upon request. An electronic copy of the 2020 ASR can be obtained at <http://www.apu.apus.edu/aboutus/consumer-information.html>.

## **Physical Security**

### *On-campus and Non-campus Properties*

APUS is committed to a safe and secure environment for all students, employees, faculty, and visitors within both our online education system and our physical spaces. We have multiple corporate office buildings comprising our on-campus property located throughout downtown Charles Town, West Virginia. We had one office located in Manassas, Virginia

used primarily for administrative purposes, that also hosted student events on occasion. As such, we treated the Manassas, VA location as non-campus property. We closed this administrative location effective May 31, 2021. APUS also has non-campus offices located near military installations in Texas (Fort Bliss and Fort Hood) and North Carolina (Fort Bragg). Other non-campus properties include student event spaces controlled by APUS during certain times of the year, including commencement and doctoral residencies. All of our classrooms are located online and we have no campus residences or other student housing facilities.

As part of the new hire orientation, all employees go through a security briefing where they are provided with the Security Emergency Action Plan (**EAP**) and are instructed on parking in a safe location after dark, secure building access, emergency evacuation, the emergency notification system, badge tailgating practices, and alarm system operation. The Security Department also sends out yearly security and safety reminders to all employees.

#### *Employee Access*

As a vital part of the APUS physical security system, each employee working out of our Charles Town and Manassas offices is issued on the first day of employment an identification badge that includes the employee's name and photo. The identification badge also functions as the electronic access key for entry into APUS buildings and other secured areas during regular business hours, 8:00 am – 4:30 pm. APUS alarm systems are disarmed by a card read, armed by code entry, and auto armed during overnight hours. Access codes are distributed to employees by the approval of their manager or higher-level employee. Each department has its own code and all codes are maintained by the Security Manager. The Security Manager must approve all codes that are to be distributed to others.

Employees are encouraged to wear their identification badge in plain view while on APUS property. Employees must be able to produce their identification badge if asked. Facilities/Security Operations (**Security Operations**) issues badge rights, grants access to campus facilities based on the requirements of an employee's job, and maintains the card access badge database to ensure only those individuals authorized to access APUS buildings are able to do so.

If an employee's identification badge is lost or stolen, they must obtain a replacement. Employees are required to report lost or stolen cards to their manager and the Facilities Department immediately. Upon suspension or termination, an employee must return the identification badge to Human Resources.

Each employee working out of our Charles Town offices is also issued a parking pass on the first day of employment. The employee's personal vehicle must be registered with the Security Office and the parking pass must be plainly visible while on APUS property.

#### *Visitors*

Visitors are required to sign-in at the front desk of an APUS building and receive a temporary badge with no door access privileges that identifies them as a visitor. In certain cases and at the discretion of Security Operations, a visitor may be provided a badge with

limited access privileges. Visitors must be escorted by an employee or authorized contractor at all times while on site.

#### *Surveillance and Maintenance*

APUS buildings are monitored 24-hours a day, 7-days a week via strategically located video surveillance equipment that records activity 24-hours a day. Security Operations monitors these cameras from 7:30am-4:00pm, Monday-Friday, except holidays, and store camera footage for twenty-nine (29) days. Security Operations maintains the security of the APUS buildings, parking lots, and surrounding areas by taking protective measures, such as checking indoor and outdoor lighting, confirming locks are in good working order, and conducting routine patrols on foot and by car throughout campus during regular business hours, 8:00am-4:30pm, Monday-Friday, except holidays, to watch for unusual or suspicious activity.

#### *Remote Office Physical Security*

APUS has three remote offices that we consider non-campus properties under the Clery Act. The office located near Fort Bragg in Fayetteville, North Carolina, has an alarm system in place and anyone entering the building must have a code to unarm the system. APUS also operates an office located near Fort Bliss in El Paso, Texas, that has a staffed front desk and visitor sign-in process. Visitors are met by our representative at the front desk who uses a security badge to provide access to the back office area. When unoccupied, the office is secured by lock and key with security cameras located outside of the building. Only the employee operating the office and facilities staff have keys to the building. The office located near Fort Hood in Killeen, Texas, is maintained by lock and key. In addition to APUS staff onsite, the landlord possesses a copy of the main door key and the individual office key.

Until June 30, 2021, APUS had one non-campus, largely administrative office located in Manassas, Virginia. The office was accessible 24 hours a day by company-issued identification badges. Each visitor was required to sign-in at the front desk and obtain a temporary badge with no door access privileges that identifies them as a visitor. The Manassas office had no security personnel on-site on a regular basis. There were five security cameras inside the building.

#### *Personal Responsibility*

Employees are encouraged to take personal responsibility for their safety and security as well as the safety and security of others and to immediately report all suspected criminal activity and emergencies to police by dialing 9-1-1. Employees are encouraged to contact Security Operations if they become aware of unusual or suspicious activity in or around campus. We instruct employees to never prop open building doors or open building doors for others who do not have identification badges. These “best practices” are communicated to employees via the company intranet and via e-mail on an annual basis.

Because students rarely (if ever) are present on campus and do not regularly interact with Security Operations, similar informational efforts are not directed toward our student population. However, as outlined in the student handbook, students are encouraged to

report known or suspected incidents of harassment, discrimination and other bad acts, and are protected from retaliation by the University for making any such reports.

#### *Campus Security Informational Programs/Training*

We maintain an informational training program for employees on our security procedures and practices. This training is conducted at every new hire orientation, which typically occurs bi-monthly. We also offer American Heart Association CPR, First Aid, and AED training classes, which are made available to employees and taught by certified instructors. Additional resources also are available on the university intranet. Information on our efforts to encourage the campus community to look out for themselves and one another is discussed above under “Personal Responsibility”.

#### *Response to COVID-19*

In response to the COVID-19 pandemic, APUS closed its physical office locations and its employees moved to a remote work environment beginning in March 2020. Since that time, certain employees have been deemed “essential” or otherwise given access to the offices, but the majority of employees continue to work remotely. Employees who return to the offices agree to a Return to Work policy that sets forth expectations for in-person activities, such as social distancing, masks, and similar precautions. Each employee self-certifies that they are exhibiting no signs of illness prior to arrival and remote work continues to be available as needed. We notified students and employees of the pandemic and provide additional information on the APUS website at: <https://www.apus.edu/coronavirus/index>.

#### *Campus Law Enforcement*

APUS does not employ any sworn or commissioned law enforcement personnel. Security Operations team members are not authorized to make arrests and are not campus police. Security team members will assess a situation and APUS will cooperate with state and local law enforcement agencies in the event of investigation into alleged criminal offenses in or near campus. No written memoranda of understanding (MOU) or other written agreement has been entered between APUS and a law enforcement agency.

APUS encourages employees and students to accurately and timely report crimes to Security Operations and/or local law enforcement, including in circumstances when the victim of a crime elects to, or is unable to, make such a report. APUS employs a Chaplain who also is encouraged, in their discretion, to inform employees and students with whom the Chaplain communicates about procedures for reporting crimes voluntarily and confidentially to others within the institution or to local law enforcement. APUS does not currently maintain written procedures on reporting such crimes for inclusion in the ASR and reports to the Department.

#### *APUS Campus Security Authorities (CSAs)*

APUS identifies the following departments and individuals as CSAs\*:

- Facilities/Security Operations, including:
  - Vice President of Facilities
  - Associate Vice President of Facilities

- Director of Security and Safety
- Senior Security Specialist
- Security Specialist
- Student Title IX Coordinator
- Faculty Title IX Coordinator
- Staff Title IX Coordinator
- University Registrar
- Vice President, Financial Aid & Compliance
- Vice President, Academic Advising
- Associate Vice President, Student & Alumni Affairs
- Director, University Events
- Director, Student Conduct & Complaints
- APUS representatives in remote offices

\*This list is subject to change from time to time as APUS may determine in its sole discretion.

Each CSA will:

- Serve as a point of contact for students and employees regarding emergencies, crimes, and safety and security issues;
- Notify the proper university officials whenever the CSA is aware of a known or suspected crime on campus, public property or on noncampus property as each is defined by the Clery Act; and
- Report or assist Security Operations in the reporting of a crime or suspected crime to the local police department and cooperate with any resulting investigations.

Security Operations is responsible for responding to complaints made by employees and students regarding security and safety concerns. All complaints regarding security-related activity constitutes an incident report which is kept on file (soft copies only). Evidence such as cctv pictures, emails, etc. will be maintained. CSAs should never place themselves or anyone else in immediate danger. Police or other local law enforcement should be utilized for potentially dangerous situations. A non-exhaustive list follows of the types of complaints Security Operations may receive and the actions it may take to resolve them:

- Missing Item(s) – Security Operations will obtain pertinent information from the complainant. If the complainant believes the personal item was stolen, it will notify the complainant that he or she also may wish to report it to police. Security Operations will conduct an investigation and make the complainant aware of the results.
- Reckless Driving – Security Operations will obtain pertinent information and investigate using available security resources. If the reckless driver is an employee, the Security Manager will be contacted about next steps and possible notification to management. If the incident of reckless driving endangers pedestrians, Security Operations will contact the local police department with a description and location of the vehicle.
- Reports of Assault – Security Operations will respond and if the scene is secure, will confirm whether the victim needs medical assistance and will assist

accordingly. If the scene is unsecure, Security Operations will contact the local police department for further assistance. Security Operations will notify relevant third-parties, such as Human Resources and the Title IX Coordinators, as applicable. Security Operations will obtain necessary information for an incident report. Security Operations will maintain the confidentiality of information regarding sexual assault complaints to the extent permitted by law and in accordance with APUS policy.

- Suspicious Person – Security Operations will obtain a description and location of the suspicious person from the complainant and check the surrounding area. If the suspicious person is located, Security Operations will monitor the person’s activity and notify police if necessary. Security Operations will notify the complainant that the issue was checked out.
- Threat – Security Operations will evaluate the threat according to its nature and determine if anyone or any APUS property is in any kind of danger. If so, Security Operations will call the local police department and provide them all necessary information.
- Unlawful Entry – If the unlawful entry involves a passerby who unknowingly gained entry into a building, Security Operations will go to that location to learn what the person wants and make them aware that the buildings are secure and located on private property. If the person forcefully makes entry, Security Operations will call the police.
- Vandalism – Security Operations will prepare an incident report; severe incidents of vandalism will be reported to the local police department.

## **Crime Prevention**

Security Operations supports APUS in its mission to serve its students by providing a safe and secure environment for employees and visitors on campus through the creation of procedures as well as training and preventive measures to combat crime. For more information on APUS’s security efforts, please see “Physical Security” above.

APUS implements several initiatives to inform our campus community about crime prevention, including:

- An electronic card access system and policy that requires all authorized employees and contractors to display and use their electronic card identification badge to access APUS buildings. More information about accessing APUS buildings is provided under “Physical Security” above.
- Front desk attendants are instructed on how to greet and gather intake of visitors. Visitors must be escorted by an employee or authorized contractor at all times while on site. Panic alarms are hidden under the front desks in the event of an unwanted or suspicious visitor, which alert Johnson Controls when sounded.
- APUS timely alerts the campus community via e-mail and through Alertus about certain crimes to aid in the prevention of similar crimes. These warnings reflect possible or actual criminal incidents that have occurred on or around the APUS campus as soon as the information becomes available to Security Operations.

Employees are encouraged to report any suspicious behavior immediately to security personnel.

#### *Student Criminal Activity at Noncampus Locations*

APUS is not aware of any officially recognized student organizations with noncampus locations. If APUS becomes aware of criminal activity in which noncampus locations of student organizations officially recognized by APUS are engaged, APUS will follow all applicable laws pertaining to the investigation and cooperate with law enforcement, as appropriate.

### **Alcohol and Drugs**

APUS is committed to achieving an alcohol and drug-free workplace. Alcohol and other drug abuse is a significant public health problem and has a detrimental effect on the business community in terms of increased medical and workers compensation claims, medical disability costs, decreased productivity, injuries, theft and absenteeism. Accordingly, APUS has the right and obligation to maintain a safe, healthy, and productive working and learning environment and to protect APUS property, operations, and reputation.

#### *Alcohol and Drug Policy*

APUS maintains an alcohol and drug policy prohibiting the unauthorized possession, use and sale of alcohol and illegal drugs by employees while on work status. Violations of the policy may result in disciplinary action, up to and including termination of employment. Certain APUS events may include the approved consumption of alcohol by individuals over the age of 21. Illegal drug usage is never permitted.

The sale, trade, delivery, transfer, or manufacture of illegal drugs while on work status or on APUS's premises may result in disciplinary action up to and including termination of employment, and referral to federal and state law enforcement authorities. To the extent an employee partakes in any illegal drug activity at any time that may impact APUS's business interests, including use of illegal drugs by the employee on his/her own time, may result in disciplinary action up to and including termination.

Although APUS students generally are not present on campus, APUS prohibits the unlawful possession, use, or distribution of drugs and alcohol by students on the school's property.

APUS expects all students and employees to comply with the federal, state and local laws applicable to them concerning alcohol and drug usage, whether on University property or otherwise. Violations of applicable laws are reported to appropriate law enforcement officials. Individuals involved in illegal activity will be subject to University disciplinary action, up to and including expulsion or termination, pursuant to University policies and procedures. APUS reserves the right to impose one or more disciplinary actions, including successful completion of a substance abuse program as a condition to continue enrollment or employment, at cost to the individual.

### *Underage Drinking*

The vast majority of the APUS student population is over the age of 21, and all are remote. Therefore, APUS does not maintain a policy on underage drinking, but will cooperate with local law enforcement investigations of incidents of underage drinking and other efforts to enforce West Virginia's laws relating to underage drinking.

### *Alcohol and Drug Resources*

APUS encourages any student or employee who needs information related to alcohol or drug abuse to use directory information, online searches, the telephone book, or referrals from friends and/or professionals. Those who need assistance with avoiding or recovering from alcohol or drug abuse also may contact the University Chaplain at [chaplain@apus.edu](mailto:chaplain@apus.edu). The Chaplain is a mental health professional available to students and employees who can assist in locating additional resources.

At a national level, there also are organizations dedicated to providing information and suggestions on alcohol and drug abuse. A few of these resources are listed below:

- Substance Abuse and Mental Health Services Administration (SAMHSA)  
[www.samhsa.gov](http://www.samhsa.gov)  
1-(800)-729-6686
- The National Clearinghouse for Alcohol and Drug Information  
<http://www.samhsa.gov/>  
1-(800)-729-6686
- National Institute on Drug Abuse  
[www.nida.nih.gov](http://www.nida.nih.gov)  
1-(310)-443-1124

## **Emergency Response and Evacuation Procedures**

### *Emergency Action Plan (EAP)*

APUS maintains an Emergency Action Plan (**EAP**) that outlines the procedures to follow in the event of an emergency or dangerous situation involving an immediate threat to the health or safety of employees on campus (as well as students to the extent they are physically present on campus), and how students and employees will be notified. In conjunction with the EAP, APUS conducts emergency system testing to include fire alarm systems, sprinkler systems, smoke evacuation systems, fire pump systems, AEDs, fire extinguishers, panic alarms and our emergency notification system – Alertus Technologies Mass Notification System (**Alertus**). Instructions on the installation and operation of the Alertus app for smartphones are included in the Appendix of the Emergency Action Plan.

Security Operations personnel are required to read the EAP on a monthly basis to be able to assist in the event of an emergency. Security Operations is responsible for providing copies of the EAP to all reception areas and making the EAP available online and accessible to all employees. The EAP is housed on the APUS intranet, under the Facilities tab. Security Operations disseminate the EAP annually to all employees via email. Security Operations ensure all new employees receive information regarding the EAP and is responsible for maintaining, operating, and initiating Alertus. Alertus is a system designed to notify all APUS network computers of an emergency or weather-related event or

incident. Alertus also provides smart phone notifications to those users who have the Alertus application installed on their smart phones. The Alertus manual can be found in the Security Operations Center.

### *Triggering Emergency Situations*

APUS will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate Alertus unless issuing a notification will, in the professional judgment of the responsible personnel then on-duty, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Subject to the foregoing, an Alertus notice will be sent out for the following emergency situations, upon confirmation (see below):

- Severe Thunderstorm Warning;
- Tornado Watch or Warning;
- Shelter-in-Place;
- Active Shooter;
- Lockdown;
- Workplace/Active Violence;
- Serious Illness Outbreak;
- Gas Leak;
- Terrorist Emergency; and
- Any other emergency that involves a significant threat or dangerous situation to the people on or around the campus.

Weather emergencies will be confirmed before an Alertus notice is initiated and will consist of receiving 2 out of 3 warnings from the National Oceanic and Atmospheric Administration (NOAA), the Weather Channel, and the local Weather Stem system. Other emergency situations will be confirmed by at least 2 of the following methods before an Alertus notice is sent:

- Personal witness of emergency contacts Security Operations;
- CCTV;
- Law Enforcement Personnel;
- EMS Personnel; and
- Police/EMS Radio Traffic.

A triggered Alertus notice will be directed to all APUS buildings and all smart phones with the Alertus application installed. Emergency templates are preset within the Alertus server and can be chosen from a drop down list. Emergencies that do not have templates will use the following message: “There is an emergency on the Charles Town (or Manassas) campus. Evacuate the buildings now”. Other specific directions also can be programmed into the Alertus system. The Alertus notice will appear as a “ticker” on desktops and applicable smart phones that the user must actively respond in order for the message to disappear.

### *Dangerous Emergency Situations*

Per our internal policies, employees who confront or encounter an armed or dangerous person are instructed not to attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual. If a manager can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, an employee should cooperate and follow the instructions given.

Threats, threatening conduct, or any other acts of aggression or violence are not tolerated. Any employee or student determined to have committed such acts will be subject to disciplinary action, up to and including termination or expulsion. Individuals not affiliated with APUS engaged in violent acts on University premises will be reported to the proper authorities and APUS may pursue prosecution.

### *Reporting*

In the event Alertus is initiated for a situation requiring emergency response, 9-1-1 will be called immediately by the Security Operations specialist on duty at the time the alert is sent to ensure local authorities have been notified. APUS encourages employees to report emergencies by calling 9-1-1 and also informing Security Operations. An annual email distribution to all employees is sent as a reminder to review the current EAP.

### *Trained Personnel*

The following APUS personnel are trained and responsible for initiating an emergency alert via Alertus, including determining when an emergency situation has been confirmed, to what segments of the campus community the alert should be sent, how much information will be disseminated and when:

- Director of Security and Safety
- Security Specialists
- Safety Coordinator

APUS has not disseminated emergency information to the larger community beyond our campus as there has not yet been a need to do so.

### *Testing*

Testing is conducted on a regular basis, which includes, at a minimum, annual testing of the fire alarm systems and monthly testing of AEDs and fire extinguishers. Emergency response and evacuation testing will be initiated by fire alarm annually and Alertus at least once per month, the testing will contain drills, exercises and follow-through activities, and we will assess and in turn help evaluate the EAP and our capabilities. Results of these tests, including a description of the test, the date the test was held, the time the test started and ended, and whether the test was announced or unannounced, are maintained in the Security Operations Center in hard copy and on the APUS network in soft copy. Emergency test documentation is maintained for 7 years.

## **Timely Warnings and Criminal Reporting**

### *Timely Warnings*

APUS issues timely alerts, including alerts on crimes covered by the Clery Act, to warn the campus community of significant emergencies or dangerous conditions that involve an immediate threat to the health or safety of students or employees. A warning will not be issued if, in the professional judgment of a responsible authority, such warning may compromise the efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency or dangerous condition.

APUS will timely alert the campus community in the event certain crimes occur to aid in the prevention of similar crimes. This warning will reflect criminal incidents that have occurred on or around campus as soon as the information becomes available to Security Operations.

Security Operations will consider the following information before determining whether to issue a warning:

- The nature of the crime;
- Whether there is a continuing danger; and
- Whether there is a risk that issuing a warning will compromise law enforcement efforts or the safety of an individual(s)

The warning will include all information that would promote safety and aid in the prevention of similar crimes. Timely warnings will be posted as appropriate in conspicuous physical and virtual locations where the campus community can easily see them, including but not limited to break rooms, the intranet, and the Alertus notification system (as communicated via desktops and mobile devices).

### *Crime Statistics*

Crime statistics are being published for 2018, 2019 and 2020, which also will be submitted to the U.S. Department of Education in connection with this ASR. APUS has developed a policy for preparing the annual disclosure of crime statistics, which provides information on crimes occurring in or near campus, including the nature of the crime. Security Operations prepares the crime statistics report, which includes information gathered from Security Operations team members and local law enforcement agencies.

The Director of Security and Safety maintains a log of all investigations conducted by Security Operations. The Director's log includes all crimes reported to campus security authorities. The purpose of the log is to:

- Record all investigations and reported crimes in or around campus buildings, the surrounding public property, and noncampus buildings that are in direct support of or in relation to the school's educational purpose.
- Record by date and time when the incident was reported, the nature, and general location of each incident, and the disposition of the complaint, if known.

- Include a record of reported incidents within two business days of being notified, except where prohibited by law or when disclosure would jeopardize the confidentiality of the victim or investigation of the case.
- Disclose information about reported incidents once any adverse effect is no longer likely to occur, which “adverse effect” may:
  - Jeopardize an ongoing investigation or the safety of an individual;
  - Cause a suspect to flee or evade detection; or
  - Result in the destruction of evidence.
- Be available for public inspection during normal business hours for the most recent 60 days. After 60 days, the hard copy of the log is archived in secure filing cabinets, housed in the security office.

APUS allows for voluntary, confidential crime reporting. Members of the campus community are encouraged to report crimes directly to Security Operations or a local law enforcement agency.

## **Policies, Procedures & Programs: Dating Violence, Domestic Violence, Sexual Assault & Stalking**

### *Terminology*

For educational and awareness purposes, the Clery Act requires that the ASR provide definitions for the terms “consent”, “dating violence”, “domestic violence”, “sexual assault”, and “stalking” as defined by West Virginia, APUS’s local jurisdiction. Definitions for these terms are reproduced below with references to the applicable section(s) of the West Virginia Code.

West Virginia law establishes three degrees of “sexual assault” as follows:

- A person is guilty of sexual assault in the first degree when the person engages in sexual intercourse or sexual intrusion with another person, and in so doing inflicts serious bodily injury upon anyone; employs a deadly weapon in the commission of the act; or the person, being fourteen years old or more, engages in sexual intercourse or sexual intrusion with another person who is younger than twelve years old and is not married to that person;
- A person is guilty of sexual assault in the second degree when the person engages in sexual intercourse or sexual intrusion with another person without the person’s consent, and the lack of consent results from forcible compulsion; or the person engages in sexual intercourse or sexual intrusion with another person who is physically helpless;
- A person is guilty of sexual assault in the third degree when the person engages in sexual intercourse or sexual intrusion with another person who is mentally defective or mentally incapacitated; or the person, being sixteen years old or more, engages in sexual intercourse or sexual intrusion with another person who is less than sixteen years old and who is at least four years younger than the defendant and is not married to the defendant.

(W. Va. Code §§ 61-8B-3 through 61-8B-5)

Under West Virginia law, it is an element of every criminal sexual offense that the sexual act “was committed without the consent of the victim.” West Virginia law states that “[l]ack of consent results from” the following:

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

A person is deemed incapable of consent when a person is:

- Less than sixteen years old;
- Mentally defective;
- Mentally incapacitated;
- Physically helpless; or
- Subject to confinement or supervision by a state or local government entity, when the actor is a person prohibited from having sexual intercourse, or causing sexual intrusion or sexual contact.

(W. Va. Code § 61-8B-2)

West Virginia defines the term “domestic violence” as follows:

The occurrence of one or more of the following acts between “family or household members” (as that term is defined below):

- Attempting to cause or intentionally, knowingly or recklessly causing physical harm to another with or without dangerous or deadly weapons;
- Placing another in reasonable apprehension of physical harm;
- Creating fear of physical harm by harassment, stalking, psychological abuse or threatening acts;
- Committing either sexual assault or sexual abuse as those terms are defined in articles eight-b and eight-d, chapter sixty-one of this code; and
- Holding, confining, detaining or abducting another person against that person's will.

“Family or household members” means persons who:

- Are or were married to each other;
- Are or were living together as spouses;
- Are or were sexual or intimate partners;
- Are or were dating: Provided, that a casual acquaintance or ordinary fraternization between persons in a business or social context does not establish a dating relationship;
- Are or were residing together in the same household;

- Have a child in common regardless of whether they have ever married or lived together;
- Have the following relationships to another person:
  - Parent;
  - Stepparent;
  - Brother or sister;
  - Half-brother or half-sister;
  - Stepbrother or stepsister;
  - Father-in-law or mother-in-law;
  - Stepfather-in-law or stepmother-in-law;
  - Child or stepchild;
  - Daughter-in-law or son-in-law;
  - Stepdaughter-in-law or stepson-in-law;
  - Grandparent;
  - Step grandparent;
  - Aunt, aunt-in-law or step aunt;
  - Uncle, uncle-in-law or step uncle;
  - Niece or nephew;
  - First or second cousin; or
- Have the relationships set forth immediately above to a “family or household member”.

(W. Va. Code §§ 48-27-202, -204)

West Virginia defines the term “stalking” as repeatedly—that is, on two or more occasions—following another person while knowing or having reason to know that the conduct causes the person followed to reasonably fear for his or her safety or suffer significant emotional distress.

(W. Va. Code § 61-2-9a(a))

West Virginia does not define the term “dating violence”. APUS defines that term and other relevant terms for purposes of its Title IX Compliance Policy and reproduces those definitions below:

- Consent - Verbal statements or non-verbal actions which a reasonable person would understand to mean a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.
- Dating violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. “Dating violence” includes, but is not limited to, sexual or physical abuse or the threat of

such abuse, but does not include acts covered under the definition of domestic violence.

- Sexual assault - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.
- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others, or (b) suffer substantial emotional distress. As used in this definition, "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; "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling; and "reasonable person" means a person under similar circumstances and with similar identities to the victim.

### *Notifications*

In general, APUS provides the complainant and respondent with simultaneous written notification regarding alleged Title IX offenses, the results of related investigations, sanctions, remedies, other mitigation steps, and the like. APUS also will notify the complainant of any individual remedies offered or provided to the complainant, without also notifying the respondent of these individual remedies. If the complainant is deceased as a result of a Title IX offense, the next of kin of the complainant is treated as the complainant for purposes of this paragraph. For more information see "Grievance Procedures" below.

APUS informs students and employees through its website and intranet about how to access information about registered sex offenders in West Virginia, the state in which the APUS campus is located.

### *Education Programs*

APUS prohibits the crime of sexual harassment, which includes among other actions, dating violence, domestic violence, sexual assault and stalking. APUS provides a prevention and awareness educational program to new and existing students, full- and part-time staff, and full-time faculty on sexual harassment. The program is offered in an online interactive format through the APUS student and employee electronic community portals and is available for consumption at any time. The online program includes information on, among other things, Clery Act; drugs, alcohol and sexual assault harm-reduction training, harassment prevention, the Campus SaVE Act, bystander intervention and risk reduction options. The Title IX Coordinators, investigators and adjudicators will receive training on, or have experience handling complaints in accordance with, the operation of the grievance procedures described below and in the APUS Title IX Compliance Policy.

A non-exhaustive list of assistance options, including contact information for trained advocates and counselors and local law enforcement also is provided in the APUS Title IX Compliance Policy.

### *Evidence Preservation; Notification Options; Police Reports*

The APUS Title IX Compliance Policy and related procedures are used to resolve cases of alleged sexual discrimination, which may include but is not limited to sexual harassment, which in turn includes among other actions, dating violence, domestic violence, sexual assault or stalking, that involve an employee and/or student. The Title IX Compliance Policy provides that victims are encouraged to preserve evidence, which may be necessary to prove a crime has occurred, or to obtain a protective order, no contact, restraining, or similar lawful order issued by an appropriate court. APUS does not issue orders of protection, but will comply with and enforce any duly issued orders from an appropriate court. The Title IX Compliance Policy also provides contact information for the APUS Title IX Coordinators, local law enforcement and other support resources. The Title IX Compliance Policy provides employees and students with several notification options, including the option to (i) notify law enforcement authorities about the offense, (ii) obtain assistance from APUS authorities in notifying law enforcement, and (iii) decline to notify such authorities. APUS will comply with an employee's or student's request for assistance in notifying authorities. A police report requires that a victim provide to local law enforcement authorities information and evidence (if any) as requested to investigate the alleged crime. The filing of a police report does not guarantee a finding that the alleged crime occurred, but rather begins the formal police investigative process used to make this determination.

### *Confidentiality*

APUS discloses information on a "need to know" basis to individuals who are responsible for handling APUS's response to a known or alleged Title IX Offense, as that term is defined in the Title IX Compliance Policy. APUS does not include a complainant's personally identifiable information in any publically available recordkeeping, including Clery Act reporting and disclosures like the ASR and investigative logs maintained by the Security Manager. In certain cases, APUS may need to disclose some information about a complainant to a third party to provide necessary accommodations or protective measures. The designated Title IX Coordinator evaluates and determines whether to disclose information about a complainant, to whom such disclosure is made, and the scope of such disclosure. The designated Title IX Coordinator evaluates based on APUS's responsibility to provide a safe and nondiscriminatory environment for all students and employees and limits any disclosure to that necessary to provide accommodations or protective measures in a timely manner.

### *On- and Off-Campus Services*

When an employee or student reports that the employee or student has been a victim of a Title IX Offense, APUS will provide written documentation of rights and options available to the employee or student, including resources like mental health service providers and other external organizations, as applicable.

The APUS Title IX Compliance Policy is another resource and provides a non-exhaustive list of APUS resources and outside service providers students and employees may contact for counseling, health, mental health, and victim advocacy services. APUS implements a mental health policy and set of procedures to help employees identify warning signs of mental health issues and offer resources to other employees and students who exude those

signs. A list of cognitive and mental health resources also is maintained on the APUS website.

Students are encouraged to contact the APUS Financial Aid Department for information and resources pertaining to student financial aid. APUS manages matters involving legal, visa and immigration assistance services on a case by case basis and does not maintain a separate department to handle these types of matters.

### *Protective Measures*

APUS notifies a complainant of his/her options to avoid contact with the respondent and change, as appropriate, academic, professional, and extracurricular activities. APUS makes students and employees aware of their Title IX rights, available support services and resources (see above), and the right to report an alleged crime to local law enforcement. APUS accommodates a student's or employee's reasonable request for an academic situation change following an alleged Title IX Offense. Because APUS is an online institution and does not provide living accommodations to students, APUS would not be in a position to accommodate a student's reasonable request for a living situation change.

Other interim measures APUS may provide to ensure the safety and well-being of a student or employee include an altered course schedule, ability to withdraw from or retake a class without penalty, access to additional academic support (such as tutoring), and no contact orders. The above list is non-exhaustive, and APUS, through the designated Title IX Coordinator, will consider the then-known facts and circumstances when determining what protective measures to provide. More information is available and communicated to students and employees in the APUS Title IX Compliance Policy.

### *Grievance Procedures*

#### Fair and impartial

APUS strives to provide for prompt, fair, and impartial investigation and resolution of a complaint. APUS may implement remotely any or all portions of the procedures using telephonic, electronic and other remote means. Where the Title IX Sexual Harassment Grievance Procedures are in use, each party may have an advisor present, whether in-person or virtually, in any meeting or disciplinary proceeding undertaken by APUS. Any restrictions imposed on these advisors' participation will be determined by the designated Title IX Coordinator on a case-by-case basis and applied equally to both parties.

APUS aims to create an investigative report within ninety (90) days of receiving a Title IX complaint and prepare a written determination of responsibility within forty-five (45) days of issuing the investigative report, unless multiple complainants or incidents are involved, or the facts and circumstances of a particular complaint merit additional time. If APUS determines that additional time is needed, it will promptly communicate this fact via email to the parties along with the reasons for the action. Retaliation against the complainant, respondent, witnesses, or any other participant involved in the investigation is prohibited. If APUS is unable to conduct a full investigation, such as when the respondent is a visitor to APUS property or is not otherwise affiliated with APUS, then the institution takes steps to provide remedies for the complainant and the broader student population, as APUS may deem appropriate.

### Institutional complaints

APUS implements a set of grievance procedures to investigate and resolve cases of sexual harassment, which includes among other actions, dating violence, domestic violence, sexual assault, and stalking, as well as other Title IX Offenses, involving one or more students or employees. The grievance procedures instruct complainants to file a written institutional complaint with the designated Title IX Coordinator identified in the APUS Title IX Compliance Policy. Complaints may be submitted electronically. Upon receiving a written institutional complaint, the Title IX Coordinator or designee promptly investigates.

### Informal resolution

Mediation and other forms of informal resolution will not be used in cases of sexual assault. In cases alleging non-sexual assault conduct, the Title IX Coordinator will informally discuss possible remedies and sanctions separately with the complainant and the respondent to ascertain if a satisfactory resolution can be reached. APUS will not ask the complainant to resolve problems directly with the respondent. If resolution can be reached, the remedies and sanctions to which the parties agree are imposed. If resolution cannot be reached, then the Title IX Coordinator proceeds with the investigation. A complainant has the right at any time to end the informal resolution process and begin the formal investigative process.

### Formal investigation

In the case of a non-sexual harassment offense, or where informal resolution cannot be achieved, the Title IX Coordinator investigates and determines whether the preponderance of the evidence demonstrates that the alleged offense occurred. Where the offense constitutes sexual harassment, as that term is defined in the Title IX Compliance Policy, a hearing is conducted and a Decision-maker appointed to determine whether the alleged sexual harassment occurred. Upon making a decision, the complainant and the respondent are notified concurrently in writing of APUS's determination and options for appeal.

### Findings and ruling

In the case of a non-sexual harassment offense, if the Title IX Coordinator, as the decision-maker, finds that the preponderance of the evidence demonstrates that the alleged offense occurred, then the parties will be notified concurrently in writing and the Title IX Coordinator will prepare findings of fact. Within ten (10) days of preparing the findings, the Title IX Coordinator will use them to determine what, if any, remedies, accommodations, and sanctions will be imposed. Within ten (10) days of the ruling, APUS will simultaneously send notice via email to the parties of the ruling and of each party's right to appeal. APUS will notify the parties whether APUS found that the alleged offense occurred, the rationale for the result, any sanctions imposed on the respondent that directly relate to the complainant, and other steps APUS will take to eliminate any hostile environment, prevent reoccurrence, and remedy discriminatory effects.

Where the Sexual Harassment Grievance Procedures are used (*i.e.*, for sexual harassment offenses), the Decision-maker will apply the preponderance of the evidence standard to determine whether the alleged sexual harassment occurred, and issue a written

determination regarding responsibility. APUS shall concurrently provide the Decision-maker's written determination to the parties via email.

### Appeals

If a student-related complaint, either party may submit a written statement of appeal to the Office of the Provost. The appeal must be received within seven days following the date on which the parties received notice of the dismissal or ruling. The Office of the Provost has an additional twenty (20) days from receipt of the appeal request to grant or deny the appeal, or request additional information from the appealing party and the Title IX Coordinator that the Office of the Provost deems necessary to decide the appeal request. Regardless of which party files the appeal, the Office of the Provost may reverse the dismissal or ruling determination only if the Office of the Provost finds that the determination was arbitrary or capricious or was not otherwise supported by the preponderance of the evidence. If the appeal is granted, the Office of the Provost shall make such instructions to the Title IX Coordinator, as may be appropriate. The Office of the Provost's decision on the appeal constitutes the final action by APUS, and APUS shall send written notice of the Office of the Provost's decision and its finality via email concurrently to the parties. If neither party appeals the dismissal or ruling within the 7-day appeal window, then APUS shall send notice via email concurrently to the parties that the time for an appeal has expired and that the dismissal or ruling has been deemed final. In the case of an appeal of a sexual harassment complaint involving only employees and/or non-students, the HR Leadership Team will serve as the appellate body in lieu of the Office of the Provost. All non-sexual harassment Title IX Offenses involving only employees and/or non-students will be processed through Human Resources.

### Remedies, accommodations and sanctions

After a ruling has become final, APUS takes steps necessary to implement the ruling's remedies, accommodations, and sanctions. In the event interim measures should be taken to protect the complainant at any point prior to APUS's final determination, the Title IX Coordinator implements such measures. Potential remedies, as set forth in the Title IX Compliance Policy, include among other things, the reprimand, suspension, or expulsion of a student respondent, the reprimand, suspension, or termination of an employee respondent, and complainant's options to avoid contact with the respondent (see Protective Measures above). APUS may limit a respondent's participation in institution-sponsored extracurricular activities, monitor the respondent's activities on an ongoing basis, and take other steps APUS deems necessary to mitigate the risk of reoccurrence and appropriately discipline the respondent. The remedies, accommodations and sanctions imposed in response to any Title IX offense will vary depending on the facts and circumstances of a particular offense. Implementation of these grievance procedures may result in additional remedies for the APUS community, including greater emphasis on student awareness, educational, and professional development courses for students, faculty and staff, and other steps designed to address the issues raised by a specific complaint.

### **Missing Student Policy**

APUS does not maintain on-campus student housing facilities, and therefore does not have a missing student policy or corresponding procedures.

### **Annual Fire Safety Report**

APUS does not maintain on-campus student housing facilities, and therefore does not maintain a log of reported fires, publish an annual fire safety report, or submit fire statistics on an annual basis to the U.S. Department of Education.

## Crime Statistics

This report contains crime statistics that have been compiled for our on-campus property for the 2018, 2019 and 2020 calendar years. APUS also has certain non-campus properties for events and advising purposes controlled over the course of 2018, 2019 and 2020. Crime statistics for these non-campus properties are reported in this section only for the 2018, 2019 and 2020 timeframes during which these properties were controlled by APUS. APUS makes good-faith attempts to obtain all relevant crime statistics from local police authorities at all non-campus and campus locations.

Calendar Year									
	2018			2019			2020		
	On-Campus	Non-Campus	Public Property	On-Campus	Non-Campus	Public Property	On-Campus	Non-Campus	Public Property
<b>Criminal Offenses</b>									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>Hate Crimes</b>									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0						
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0						
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Domestic Violence	0	0	0	0	1	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0

<b>Calendar Year</b>									
	<b>2018</b>			<b>2019</b>			<b>2020</b>		
	On-Campus	Non-Campus	Public Property	On-Campus	Non-Campus	Public Property	On-Campus	Non-Campus	Public Property
Stalking	0	0	0	0	0	0	0	0	0
<b>Liquor Law Violations</b>									
Arrests	0	0	0	0	0	0	0	0	0
Disciplinary Action	0	0	0	0	0	0	0	0	0
<b>Drug Abuse Violations</b>									
Arrests	0	0	0	0	0	0	0	0	0
Disciplinary Actions	0	0	0	0	0	0	0	0	0
<b>Weapons Possessions</b>									
Arrests	0	0	0	0	0	0	0	0	0
Disciplinary Actions	0	0	0	0	0	0	0	0	0
<b>TOTALS</b>	0	0	0	0	1	0	0	0	0