



# Consumer Info at a Glance

2024-2026

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## CONSUMER INFORMATION

**FEDERAL REGULATIONS:** The Higher Education Opportunity Act of 2008 requires that consumer information be developed, disseminated to students and Staff, and maintained on at least an annual basis. Important information concerning each institution's academic programs, retention rates, graduation rates, crime reports, and financial aid procedures are made available on the Web and by request. Notification or disclosure of required consumer information will be sent to enrolled students and Staff on an annual basis and will include required disclosures, descriptions and how to obtain the information. Upon request, DSDT will provide hard copies.

### **CLERY ACT ANNUAL SECURITY REPORT**

Each year, the Detroit School for Digital Technology (DSDT) publishes an Annual Security Report of crime statistics for each of the three most recent years. DSDT's branch location opened in late 2023 and the address is at 4301 E Stan Schlueter Loop Bldg #1 Killeen, TX 76542. The crime statistics are reported for the Killeen, Texas location.

The report includes statistics for the facility or public property within or immediately adjacent to and accessible from the facility. This report is compiled from all of the incidents reported to the school by any one of the following sources:

- Victim
- Witness
- Third Party
- Perpetrator
- Local law enforcement agencies

This report includes policies, procedures, programs, and statistics on Criminal Murder; Non-Negligent and Negligent Manslaughter; Sex Offenses; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; Arson; Hate Crimes; Domestic Violence; Dating Violence; Stalking; in addition to arrests and/or disciplinary referrals for Illegal Weapons Possession and Drug or Liquor Law violations. This annual statement is collected, reported and disseminated to the school community, as well as to the U.S. Department of Education.

The Annual Security Report will be retained by Campus Security and/or the respective School Director for a period of seven (7) years. The Annual Security Report is published online each year by January 31 at [www.dsdtd.edu](http://www.dsdtd.edu). Enrolled students and employees of DSDT may find the published report on the school website. Hard copies are provided by request to prospective students and employees.

This Annual Security Report is published in compliance with the Jeanne Clery Act and is prepared using publicly available crime statistics from the Killeen Police Department. Additional statistics are compiled by crimes reported by students, employees, witnesses and other third party agencies and organizations.

## **General Information about DSDT**

Below is some of the general information about the school. Details on these items are in the school catalog or a paper copy can be obtained from the School Director.

## **HIGHER EDUCATION EQUAL OPPORTUNITY ACT**

Equal Opportunity Employer

DSDT is an equal opportunity employer and has in its core mission education and employment for anyone no matter their ethnicity or gender. The Higher Education Equal Opportunity Act is available for review and download at the House website, <https://www2.ed.gov/policy/highered/leg/hea08/index.html>.

## **VOTER REGISTRATION**

DSDT does not directly register students and faculty for voting. We endeavor to make a good faith effort and upon request, to encourage everyone to register as election near. DSDT links from this document and the website to Texas's Voter Registration site, <https://www.votetexas.gov/register-to-vote/update-voter-registration.html>.

## **VACCINATIONS**

Students are required to sign a Health History form when applying to DSDT. The law does not require that students receive vaccination for enrollment. DSDT is not required by law to provide vaccination and/or reimbursement for any vaccines. The following information is referenced in the Health History form new applicants receive: DSDT provides information concerning Hepatitis B infection to all students matriculating for the first time. Each student must complete and sign a waiver form provided by the institution that includes detailed information about the disease. The required information below includes the risk factors and dangers of the disease as well as information on the availability and effectiveness of the vaccine for persons who are at-risk for the disease. The information concerning this disease is from the Centers for Disease Control and the American College Health Association.

Hepatitis B (HBV) is a serious viral infection of the liver that can lead to chronic liver disease, cirrhosis, liver cancer, liver failure, and even death. The disease is transmitted by blood and or body fluids and many people will have no symptoms when they develop the disease. The primary risk factors for Hepatitis B are sexual activity and injecting drug use.

This disease is completely preventable. Hepatitis B vaccine is available to all age groups to prevent Hepatitis B viral infections. A series of three (3) doses of vaccine are required for optimal protection. Missed doses may still be sought to complete the series if only one or two have been acquired. The HBV vaccine has a record of safety and is believed to confer lifelong immunity in most cases. New applicants must certify they have read the information above. If they have completed the dose series of the Hepatitis B vaccine, they can denote the date on the Health History form. If they are in the process of completing the dose series, they can also indicate this on form. Finally, if they elect not to receive the Hepatitis B vaccine, they must mark the selection on the form.

## **CONSTITUTION DAY**

September 17th Institutions must comply with the "Consolidated Appropriations Act, 2005." The laws states that "each educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year for the students served by the educational institution."

The law requires that Constitution Day be held on September 17 of each year, commemorating the September 17, 1787 signing of the Constitution. However, when September 17 falls on a Saturday, Sunday, or holiday, Constitution Day shall be held during the preceding or following week. DSDT complies with a related activity for students each year. The National Archives has a Web site with a scan of the U.S. Constitution available online at: [http://www.archives.gov/national\\_archives\\_experience/charters/constitution.html](http://www.archives.gov/national_archives_experience/charters/constitution.html)

### **NONDISCRIMINATION POLICY STATEMENT**

DSDT has adopted an internal grievance procedure for prompt and equitable resolution of complaints that students have against other students, faculty, employees, or any other third party, and which allege any actions prohibited under Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA), which prohibit discrimination on the basis of a disability; Title IV of the Civil Rights Act of 1964 (Civil Rights Act), which prohibits discrimination on the basis of race, color religion or national origin; and the Age Discrimination Act of 1975 (Age Discrimination Act), which prohibits discrimination on the basis of age, in any program or activity receiving federal financial assistance. This policy should also be used for resolution of complaints that allege actions prohibited by Title II of the Civil Rights Act, which prohibits discrimination in places of public accommodation based on race, color, religion, or national origin.

DSDT prohibits discrimination based on race, color, national origin, sex, pregnancy, disability, familial status, or religion and diagnosed mental illness. This Discrimination Grievance/Complaint Procedure also applies to claims of harassment.

For claims of sexual harassment, sex, or gender-based discrimination and sexual violence, complaints should be made in writing or verbally to DSDT Administration Department. Unlawful sexual harassment is unwelcome conduct of a sexual nature and can include sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, which has the effect of denying, interfering with or limiting, based on sex, the student's ability to participate in or receive benefits, services, or opportunities in DSDT programs. Pursuant to the procedures outlined in this policy, DSDT will take prompt steps to address and remedy the effects of a violation, including discrimination and harassment, and to prevent its recurrence.

### **DISABILITY SERVICES**

DSDT is committed to providing equal access to all students, including those who qualify as persons with disabilities. While upholding this commitment, DSDT also expects all students to maintain the high standards of academic achievement and excellence that are essential to the integrity of the school's mission. By advancing these aims, DSDT ensures that its policies, practices, and procedures conform to federal, state, and local statutes and regulations. Provide written documentation to the Administration Staff regarding the nature of your disability and any considerations/accommodations that may be necessary. Such documentation must: (1) be from an appropriate professional, (2) not be more than three years old and, (3) provide a clear understanding of how the student is presently functioning. DSDT's confidentiality policy provides that only the appropriate DSDT personnel access

this information, and it is stored in confidential files. Except in instances of health or safety, information concerning the disability, accommodations, or documentation will not be released without written consent. Provide ample time when requesting a special accommodation(s). Requests must be evaluated, and arrangements made prior to the anticipated need for service/support. DSDT cannot guarantee that appropriate accommodations/services can be put in place without sufficient lead-time to make arrangements. Whenever possible, please provide at least 30 days' advance notice. The Director of Administration and/or the respective School Director makes determinations of reasonable accommodations for students with disabilities.

### **FERPA**

The FERPA, and regulations following the Act, set requirements designed to protect the privacy of students' college or university records. DSDT has incorporated FERPA into our student records administration policies. Visit the Federal Department of Education for the complete FERPA policy. For more information, or to obtain a copy of the Student Records Confidentiality and Release policy, please contact the School Director at (254) 213-3838.

### **CONFIDENTIALITY STATEMENT**

DSDT recognizes the importance of exercising responsibility in the maintenance and security of all student records. To protect student privacy rights and conform to the Family Educational Rights and Privacy Act of 1974 (FERPA), DSDT has established the Student Records Policy. Notice of this policy and of students' rights under FERPA is provided annually.

### **ANNUAL FERPA NOTIFICATION**

The Family Educational Rights and Privacy Act (FERPA) affords students in attendance at DSDT certain rights with respect to the student's education records. These rights are: The right to inspect and review the student's education records. A student submits a written request that identifies the record(s) the student wishes to inspect. The Director of Administration and/or the respective School Director will make arrangements for access and notify the student of the time and place where the records may be inspected. Director of Administration and/or the respective School Director will work with DSDT Staff to produce the requested records. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. A student who wishes to ask DSDT to amend a record should write a request to the Director of Administration and/or the respective School Director and clearly identify the part of the record they want changed and specify why it should be changed. If DSDT decides not to amend the record as requested by the student, the school will notify the student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

## **STUDENT RIGHTS ACCORDING TO FERPA**

- Right of inspection of records.
- Right to challenge records believed to be inaccurate.
- Right to consent for disclosure of personally identifiable records (with exceptions).
- Right to file complaints of alleged violations of the aforementioned rights.

## **Directory Information**

DSDT releases the following directory information: name, program, dates of attendance, and any given awards. DSDT does not publish or distribute lists of applicants, currently enrolled students, or graduates for any reason. If any student does not wish to have any or all directory information made public, please provide the Director of Administration and/or the respective School Director and DSDT Staff with a signed and dated written prior to the second week of each program specifying the information you wish not to be released.

## **Student Right-To-Know Act**

Federal regulations and the Student Right-to-Know Act require institutions participating in Federal Student Aid to provide additional disclosures to students.

The disclosures include:

- Completion/Graduation Rates Licensure Rates
- Placement Rates
- Student Body Diversity Data

Information related to these required disclosures will be available to all current and prospective students by July 1 each year via the DSDT respective student handbook. Paper copies of this information are available upon request from the respective School Director. This information is located on the College Navigation website at: <https://nces.ed.gov/collegenavigator/?q=dsdt&s=all&id=492139>.

## **Consumer Information from the U.S. Department of Education (ED)**

The U.S. Department of Education has various websites available to students and financial aid staff which provide information regarding the regulations, requirements, and application for Federal Student Aid. here is no user fee for using ED Financial Aid sites.

U.S. Department of Education: <https://www.ed.gov/>

Applying for Federal Student Aid: <https://studentaid.gov/h/apply-for-aid/fafsa>

Information for students and parents: <https://studentaid.gov/>



### **Institutional Accreditation and State Licenses**

This school is accredited by the council on Occupational Education and recognized by the U.S. Department of Education. Details on state approval information are available in the respective school catalog. The respective catalog lists the name and contact information for the accrediting bodies and State agencies, along with instructions and information on where and how to communicate student complaints and grievances.

### **Services for Students with Disabilities**

DSDT (the DSDT) is committed to providing equal access to educational and employment opportunities regardless of race, color, religion, national origin, physical and mental disability, pregnancy, age, sex, sexual orientation, gender identity or expression, ancestry, familial status, spousal affiliation, medical condition, military veteran status, or any other characteristic protected by local, state, or federal law.

The DADT policy, in accord with federal and state law, is to afford students with disabilities, who require the assistance of a service animal, with equal opportunity to access all DSDT property, courses, programs, and activities.

Service Animals are defined to include dogs and miniature horses (ranging from 24 inches to 34 inches measured from the shoulder and generally weighing between 70 and 100 pounds), that are trained to do work or perform tasks for people who have disabilities.

The following procedures and practices must be followed with respect to student use of service animals on campus:

**Inquiries.** The DSDT shall not ask about the nature or extent of a person's disability but may make two inquiries to determine whether an animal qualifies as a service animal. The DSDT may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The DSDT shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, the DSDT may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

**Access to Areas of a Public Entity.** Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the DSDT facilities where students, faculty, members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

**Surcharges.** The DSDT shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the DSDT normally charges individuals for the damage they cause, an individual with a

disability may be charged for damage caused by his or her service animal. The DSDT may ask the individual with a disability to remove a service animal from the premises if: The animal is out of control and the animal's handler does not take effective action to control it; or The animal is not housebroken.

**If an Animal Is Properly Excluded.** If the DSDT properly excludes a service animal, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

**Animal Under Handler's Control.** A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

**Care or Supervision.** The DSDT is not responsible for the care or supervision of a service animal.

### **Programs Information**

A listing of the education programs and details of these programs for each campus location is available in the respective school catalog. The school is required to make changes in programs or policies when ongoing federal, state, or accrediting changes affect students currently in attendance. Also included is instructional program information with details on the instructional equipment for programs offered at the school. Academic Improvement Plans Students should refer to the respective school catalog and/or enrollment agreement for institution specific information regarding academic improvement plans.

### **Admissions Policy**

Information detailing the admission requirements is contained in the respective school catalog; Students should contact an Admissions Representative and/or refer to the respective Student Handbook for more information.

### **SAP Policy**

Federal regulations require that institutions monitor the academic progress of students who receive Federal Student Aid. Satisfactory Academic Progress applies to all students enrolled DSDT's programs. The SAP policy also explains how a student who has failed to maintain satisfactory academic progress may re-establish eligibility for Federal Student Aid. Information on the requirements to maintain Satisfactory Academic Progress (SAP) by the qualitative and quantitative measures are contained in the respective school catalog; Students should contact an Admissions Representative and/or refer to the respective Student Handbook for more information.

## **Faculty Information**

A complete list of staff and organizational chart is located in the respective school catalog.

## **Transfer Policy**

Information on the school's transfer policy and how transfer credits are recognized is included in the respective school catalog.

Note: that each institution makes its own determination regarding which coursework may transfer into that school.

## **Copyright Infringement Policies and Sanctions**

DSDT takes Copyrighting Infringement very seriously. Whether it be distribution of Copyrighted material or unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities.

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than **\$750** and not more than **\$30,000** per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to **\$250,000** per offense. For more information, please see the website of the U.S. Copyright Office at ([www.copyright.gov](http://www.copyright.gov)).

Works protected by copyright may be copied only with the copyright holder's permission, unless the copying is considered a "fair use". The Copyright Act provides for but does not clearly demarcate the boundaries of fair use. Thus, a determination using the available standards and guidelines should be undertaken before making copies of a copyrighted work without permission of the copyright holder.

## **Copyright Infringement Procedure**

Responsibilities of the following parties:

Instructors and Administrative Staff

- Instructors must use the textbooks and workbooks provided to each student
- There shall not be copying from workbooks, exercises, standardized test booklets answer sheets, or a similar material intended to be consumed in the course of study or teaching.
- In the event of obtaining permission to copy, the following steps must be taken:
  1. Obtain Name and Address of Owner/Controller Determine who holds the copyright to the material. The page containing a notice of copyright can help you determine who holds the copyright, the year of publication and the publisher's address. The acknowledgement page may also contain information regarding copyright ownership or control.
  2. Request Permission to Duplicate. A request containing the information listed below should be

sent to the permission department of the publisher in question. Provide complete and accurate information regarding the work to be duplicated such as:

- Title, author and/or editor; copyright or publication date and edition of the book in which the materials to be duplicated appear;
  - Exact material to be used, giving amount, page numbers, chapters and, if possible, a photocopy of the material and title and copyright page;
  - Number of copies to be made;
  - Use to be made of duplicated materials and form of distribution (e.g., as course material and whether collected with other excerpts or materials, whether bound or unbound);
  - Whether the material is to be sold,
  - Type of reprint (ditto, photocopy, offset, typeset).
- Prior to making the copies, the information above must be submitted to the Director. After verification, only then can copies be made.
  - In order to monitor this policy and procedures, all printing and copying are limited to under 500 copies for each instructor per month. Additionally, all copies are reviewed by the administrative staff member as copies are obtained from the copy machine located in the FA Department.
  - Material may be posted to a password protected learning management system (LMS) such as Canvas **WITHOUT PERMISSION** only if the following conditions are met:
    - The instructor owns the copyright. NOTE: Authors of academic papers are often required to transfer copyright to publishers, and therefore retain no rights in the work. In this case, permission to post a digital copy must be obtained from the publisher
    - The College has a license in place that permits posting to an LMS (examples include library databases and NBC Learn)
    - A publisher has provided digital supplements (ePacks, course packs, course cartridges) with a textbook and the license explicitly permits posting to an LMS, or WRITTEN permission has been obtained from the publisher
    - The material has been obtained under a Creative Commons license or from Open Access sources: Creative Commons: <http://creativecommons.org/> or Open Access Journals: <http://www.doaj.org/>
    - The material is in the public domain. Material enters the Public Domain 50 years from the death of the author(s) (or translator)
    - Federal documents and publications are NOT eligible to be copyrighted so they may be used without written permission
  - Access to audio/video recordings that are on the public Internet, such as those found on YouTube should be provided using a link rather than by uploading a file directly to the LMS. Additionally, the Perusal application within canvas will enable access of materials such as textbooks, videos, websites, and audio files and prevent downloading and copyright infringement.
  - Access to online resources is provided via links rather than uploading the items directly into the LMS

- Published material that is not covered by a suitable license, not in the public domain, and not available through a Creative Commons or Open-Source provider, should not be uploaded to the course
- Copies of published worksheets or other materials intended as “consumables” by students (i.e., study guides, workbooks, etc.), or any copyrighted book or video in its entirety, should not be included in the LMS without obtaining appropriate written permission
- After ensuring that copyrighted material can be legally used in a course, the instructor should include a citation of the original source and a copyright notice

Copyright compliance in a course is ultimately the responsibility of the instructor delivering that course. The following information is intended to aide with compliance. A simple breakdown of copyright law can be found here and should be placed in each course to aid students and faculty: <https://www.copyright.gov/title17/title17.pdf>.

## **Student Financial Aid Information**

### **TITLE IV, HEA ADMISSION REQUIREMENTS**

Student FAFSA Application & Eligibility for aid and award amounts is determined by the results of the FAFSA. To apply for Federal Student Aid, students and parents (if applicable) are required to complete the Free Application for Federal Student Aid (FAFSA) or provide a copy of the Student Aid Report (SAR) if the student previously completed a FAFSA for the specified award year. Paper copies are available upon request from the Financial Aid Department.

FAFSA on the Web is available online at <https://studentaid.gov/h/apply-for-aid/fafsa>. Students can also use the MyStudentAid mobile app available on the App Store for IOS or Android phones.

FAFSA on the Web Worksheet, <https://studentaid.gov/sites/default/files/2023-24-fafsa-worksheet.pdf>, provides a preview of the questions students and parents may be asked while completing the FAFSA form.

Students and parents may obtain a Federal Student Aid ID at <https://studentaid.gov/fsa-id/create-account/launch>.

The Pell Grant is usually awarded to undergraduate students who have not earned a bachelor’s or a professional degree. The amount considers your financial need, cost of attendance, full or part-time student status, and intent to enroll for the full academic year or less.

Qualifying students receive the full, eligible amount. FSEOG, Perkins and FWS awards are also based on financial need. The specific dollar amount of the award can vary each year and is determined by the available funding. Once these funds are exhausted, additional awards cannot be made.

## **The Federal Direct Loan Program**

is the largest federal student loan program. Under this program, the U.S. Department of Education is your lender. Award amounts for Direct Loans are based on a combination of factors, including the student's grade level, financial need and dependency status (with an additional check against the National Student Loan Database System [NSLDS]). You have the right to decline any loan offer made to you. You have the right to decline any financial aid assistance offered to you.

## **Professional Judgment**

The Higher Education Act of 1992 allows financial aid administrators to make professional judgment decisions for special or unusual family or student circumstances. These circumstances must be documented and must be analyzed on a case- by-case basis. Financial aid administrators may treat a student with special circumstances differently than the strict application of the methodology would otherwise permit. Adjustments can either increase or decrease a student's EFC or cost of attendance. The reason for the adjustment must relate to that student's special circumstances and must be documented in the student's file.

## **Dependency Override**

The financial aid department can use professional judgment in granting a dependency override. If a student does not meet the federal guidelines to be considered independent for financial aid purposes, the aid administrator can decide to override the federal regulation and make the student independent for financial aid purposes. The special circumstances must be documented, and a copy of the documentation must be maintained in the student's file. Instances where a student's parents are unwilling to provide their information, or a student is self-supporting are not justification for granting a dependency override. Because professional judgment decisions are unique, specific required documentation cannot be listed. It is left to the discretion of the financial aid administrator to request appropriate documentation. The documentation should substantiate the student's situation and be from a professional outside the family, not a family member. In cases of a dependency override, documentation from more than one organization should be collected. The decision for using professional judgment will be made by the Office of Student Financial Aid.

## **RETURN OF TITLE IV FEDERAL STUDENT AID**

*\*This refund policy is in addition to the Institutional Refund Policy\**

### **Federal Financial Aid Refunds - Return of Title IV Calculation**

A student recipient of Federal Title IV funds who withdraws from DSDT may be subject to a Return of Title IV Calculation to determine the percentage of funds required to be returned to the federal government. The Title IV programs that are covered by this law are Federal Pell Grants, Iraq, and Afghanistan Service Grants, TEACH Grants, Federal Supplemental Educational Opportunity Grants (FSEOGs), Direct Loans and Direct Plus Loans. The Return of Title IV calculation is a federally mandated formula to determine how much federal funding was "earned" up to the time of withdrawal.

The amount of assistance that you have earned is determined on a pro rata basis. For example, if you complete 30% of your payment period, you earn 30% of the assistance you were originally scheduled to receive. Once you have completed more than 60% of the payment period of enrollment, you earn all the assistance that you were scheduled to receive for that period.

Though your aid is posted to your account at the start of each period, you earn the funds as you complete the period. For the determination of and calculation of aid earned, and unearned, only scheduled hours are used to determine the percentage of the period completed by a student withdrawing from their clock hour program. The scheduled clock hours used for a student are those established by the school prior to the student's beginning class date for the payment period or period of enrollment. The hours are established in accordance with any requirements of the state or the institution's accrediting agency. These hours are consistent with the published materials describing the institution's programs. If you received (or your school received on your behalf) less assistance than the amount that you earned, you may be eligible to receive those additional funds in the form of a post-withdraw disbursement. If you receive more assistance than you earned, the excess funds must be returned by the school and/or you.

The federal formula is applicable to an eligible student receiving federal aid when that student withdraws at any point during the payment period. If a student did not start or begin attendance at the school, the R2T4 formula does not apply.

The amount to be returned to the federal government will be calculated based on if you officially withdraw or unofficially withdraw as follows.

### **Official Withdrawal**

Occurs when a student contacts the Director of Administration and/or respective School Director (verbally or in writing) to withdraw. The date the notification is received, is the date of determination. The Director of Administration and/or respective School Director must then begin the withdrawal process.

### **Unofficial Withdrawal**

Occurs when a student leaves the school without notice and/or when he/she is not meeting satisfactory academic progress. A student's withdrawal date is their last date of physical attendance. Their date of determination is 14 days after they cease attendance. Aid received prior to the determination date is aid that could have been disbursed.

If a student withdraws during a leave of absence, the date of determination is the date they officially withdraw. If the student does not return from a leave of absence, their date of determination is the date they were scheduled to return.

### **Earned Title IV Funds**

Earned Title IV funds are funds used to cover educational costs according to the scheduled clock hours the student was at before withdrawing. The amount of funds earned is directly proportional to the number of clock hours scheduled to have been completed during the payment period as of the student's withdrawal date. DSDT is a clock-hour program, and the percentage of the period completed is determined by dividing the number of hours the student was scheduled to complete by the number of hours in the payment period.

\*If the resulting percentage is greater than 60% a student is considered to have earned all aid. \*

### **Unearned Title IV Funds**

Unearned Title IV funds are the amount of grant and loan assistance awarded under Title IV that have not been earned by the student and must be returned to their respective programs. The percentage used to determine the return of federal student aid funds is equal to the number of scheduled hours at the date DSDT determines the withdraw divided by the number of scheduled hours in the payment period. The resulting percentage is then used along with your school costs and total federal funds that you received (funds that were disbursed directly to your student account at DSDT and possibly refunded to you) or that you were eligible to receive, to determine the amount of aid that you can keep. There are some Title IV funds that you were scheduled to receive that cannot be disbursed to you once you withdraw because of other eligibility requirements. For example, if you are a first-time, first-year undergraduate student and you have not yet completed the first 30 days of your program before you withdraw, you will not receive any Direct Loan funds that you would have received had you remained enrolled past the 30th day.

### **Post-Withdrawal Disbursement**

If a student receives less Title IV funds than the amount earned, the school will offer the student a disbursement of the earned aid that was not received at the time of their withdrawal which is called a post- withdrawal disbursement. DSDT will automatically use all or a portion of your post-withdraw disbursement of grant funds for tuition and fees. However, DSDT will ask for permission to use your post-withdraw disbursement of grant funds for all other institutional charges. If the post-withdrawal disbursement includes any federal loan funds, DSDT must get the student's permission before it can disburse the loan. Students may choose to decline some or all the loan funds so that she/he does not incur additional debt. A notice will be sent out to the student and the signed original document must be returned to DSDT within 14 days.

\*It is also important to understand that accepting a post-withdrawal disbursement of student loan funds will increase a student's overall student loan debt that must be repaid under the terms of the Master Promissory Note. Additionally, accepting the disbursement of grant funds will reduce the remaining amount of grant funds available to the student should the student continue his/her education at a later time. \*



## **Overpayment**

If a credit balance still exists on the student's account after the R2T4 and institutional refund calculations are done, that credit balance must be used to pay any grant overpayment that exists within 14 days from the date the R2T4 is performed. The overpayment must be eliminated prior to offering a credit balance to a student. The funds must be released as soon as possible but no more than 45 days after the date of determination. For any loan funds that you must return, you or your parent who received a Direct PLUS Loan, will repay the loan funds in accordance with the terms of the Master Promissory Note. You will not be required to repay any loan funds immediately, but instead, you will make scheduled payments to the holder of the loan over a period of time. Any funds returned after the R2T4 calculation is completed and processed are then used to repay DSDT's funds, state funds, other private sources, and the student, in proportion to the amount received from each non-federal source, as long as there was no unpaid balance at the time of withdrawal. All aid sources are repaid before any funds are returned to the student. The maximum amount of a grant overpayment that you must repay is half of the grant funds you received or were scheduled to receive. You do not have to repay grant overpayment if the original amount of the overpayment is \$50 or less. You must decide with your school or the Department of Education to return the unearned grant funds. If you, your parent, or DSDT receives on your behalf excess Title IV program funds that must be returned, DSDT must return a portion of the excess funds equal to the lesser of: Your institutional charges multiplied by the unearned percentage of your funds, or The entire amount of excess funds. DSDT must return this amount of your Title IV program funds. If DSDT is not required to return all of the excess funds, you may be required to return the remaining amount. Funds that are returned to the federal government are used to reduce your outstanding balances of your Title IV program funds.

Financial aid returned by you, your parent, or DSDT must be allocated in the following order:

- Federal Unsubsidized Direct Loan
- Federal Subsidized Direct Loan
- Federal Direct Parent Loan (PLUS)
- Federal PELL Grant
- Iraq and Afghanistan Service Grant

The requirements for Title IV program funds when you withdraw are separate from DSDT's institutional refund policy. Therefore, you may still owe funds to the school to cover unpaid institutional charges. DSDT may still charge you for any Title IV program funds that the school was required to return.

## **INSTITUTIONAL REFUND POLICY**

### **Tuition Costs**

Vary based on the type of program selected. No deposit per program start date is due upon receiving your acceptance from DSDT. Tuition must be paid in full two weeks prior to the start of the program. If your program begins in less than two weeks, 100% of your course cost must accompany your signed enrollment agreement.

There will be a \$25.00 charge for returned checks and for credit card dispute.

### **Cancellation Policy**

We reserve the right to cancel any class, with or without reason, any time prior to the first day of class. All tuition monies paid by students will be refunded if a class is cancelled. Cancellation notices will only be given to students who have already registered and paid for the class. Class dates, times, and prices are subject to change at any time. Any changes that affect a student contract will be revised, and both the student and the school will have to sign the new contract.

### **Refunds for Classes Canceled by the Institution**

If tuition and fees are collected in advance of the start date of a program and the institution cancels the class, 100% of the tuition and fees collected must be refunded. The refund shall be made within 45 days of the planned start date.

### **Refunds for Students Who Withdraw on or Before the First Day of Class**

If tuition and fees are collected in advance of the start date of classes and the student does not begin the program or withdraws on the first day of class, no more than \$100 of the tuition and fees may be retained by the institution. Appropriate refunds for a student who does not begin classes shall be made within 45 days of the class start date.

### **Refunds for Students Enrolled Prior to Visiting the Institution**

Students who have not visited the school facility prior to enrollment will have the opportunity to withdraw without penalty within three days following either attendance at a regularly scheduled orientation or following a tour of the facilities and inspection of the equipment.

### **Refunds for Students Enrolled in Professional Development, Continuing Education, or Limited Contract Instruction**

Institutions engaging in programs, which are short-term, must have a written policy or contract statement regarding whether fees and instructional charges are refundable.

### **Refunds for Withdrawal after Class Commences**

The refund policy for a student attending a non-public institution who incurs a financial obligation for a period of 12 months or less shall be as follows:

Financial Obligation (based on payment period)	Institutional Refund
<b>00.00%-10%</b>	90%
<b>10.01%-25%</b>	50%
<b>25.01%-50%</b>	25%
<b>50.01%-100%</b>	0%

**REFUND POLICY – NOTICE OF CANCELLATION**

For applicants who cancel enrollment or students who withdraw from enrollment, a fair and equitable settlement will apply. The following policy will apply to all terminations for any reason, by either party, including student decision, program cancellation, or school closure.

Any monies due to the applicant or students shall be refunded within 45 days of official cancellation or withdrawal. Official cancellation or withdrawal shall occur on the earlier of the dates that:

- Applicant is not accepted by the school: The applicant shall be entitled to a refund of all monies paid.
- A student (or legal guardian) cancels his/her enrollment in writing within three business days of signing the enrollment agreement. In this case all monies collected by the school shall be refunded, regardless of whether or not the student has actually started classes.
- A student cancels his/her enrollment after three business days of signing the contract but prior to starting classes. In these cases, he/she shall be entitled to a refund of all monies paid to the school.
- A student notifies the institution of his/her withdrawal in writing. In this case, a student will be refunded based on the percent of scheduled time.
- A student withdraws during a leave of absence. The date of determination is the date they officially withdraw. If the student does not return from a leave of absence, their date of determination is the date they were scheduled to return.
- A student is expelled by the school: (Unofficial withdrawals will be determined by the institution by monitoring attendance at least every 30 days.)
- In type 2, 3, 4 or 5, official cancellations or withdrawals, the cancellation date will be determined by the postmark date on the written notification, or the date the notification is delivered to the Director of Administration and/or respective School Director.

For students who enroll and begin classes but withdraw prior to course completion (after three business days of signing the contract), the following schedule of tuition earned by the school applies:

**Percent of Scheduled Time Total Tuition School Enrolled To Total Course/Program Shall Receive/Retain**

**\*Note: All refunds are based on scheduled hours.**

<b>.01% to 04.9%</b>	<b>20%</b>
<b>.05% to 09.9%</b>	<b>30%</b>
<b>10% to 14.9%</b>	<b>40%</b>
<b>15% to 24.9%</b>	<b>45%</b>
<b>25% to 49.9%</b>	<b>70%</b>
<b>50% to 100%</b>	<b>100%</b>

All refunds will be calculated based on the student’s last date of attendance. Any monies due to a student who withdraws shall be refunded within 45 days of the date of determination that a student has withdrawn, whether officially or unofficially. In the case of disabling illness or injury, death in the student's immediate family or other documented mitigating circumstances, a reasonable and fair refund settlement will be made. If permanently closed or no longer offering instruction after a student has enrolled, the school will provide a pro rata refund of tuition to the student. If the course is cancelled after a student's enrollment, the school will either provide a full refund of all monies paid or completion of the course at a later time.

**Emergency Response and Evacuation Plan**

Schools are required to maintain an Emergency Response and Evacuation Plan (EREP) which includes plans and instructions to be followed by campus administration, faculty, staff, students and guests in the event of emergencies and evacuations. DSDT’s respective School Director is responsible for maintaining procedures and reporting the EREP. Students and staff may request copies of these at any time from the respective School Director.

**REPORTING A CRIME OR EMERGENCY**

DSDT encourages accurate and prompt reporting of all crimes to Security and local law enforcement. If the victim is unable (physically/mentally) to make such a report, DSDT security and Staff will contact the local law enforcement agency on their behalf.

If anyone on campus, in or on a non-campus building or property, or on public property within or immediately adjacent to and accessible from the campus is a victim of a crime, a witness to a crime, has third party information, or observes suspicious activity, they should immediately report it to DSDT Staff. Crimes should be reported to the DSDT Staff to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the school community.

**RESPONSE TO REPORTS**

All reported crimes may be investigated by the school and reported to local authorities. Any crime may become a matter of public record. If assistance is required from a local law enforcement agency or the local Fire Department, DSDT Staff will contact the appropriate agency.

**EMERGENCY RESPONSE**

Crimes are to be reported immediately to Facility Security and by calling local authorities. If the victim requires assistance, DSDT Security and Staff will report the incident on their behalf.

## **EMERGENCY NOTIFICATION**

Upon confirmation of an emergency or ongoing dangerous situation at the facility, in or on a non-campus building or property, or on public property within or immediately adjacent to and accessible from the campus that, in the judgment of school leadership and DSDT Staff, or their designee, that constitutes an immediate threat to the health or safety of some or all of the members of the DSDT community, an emergency notification will be immediately issued to the community or the segment of the community that is affected by the emergency by means of an SMS text message. The decision to issue an emergency notification, determine the appropriate division of the campus community to notify, and the content of the notification will be made on a case-by-case basis by Kathryn Aqwa, the Campus Safety Coordinator/Designee, in consultation with the respective School Director.

The following information will be promptly communicated:

- **Incident facts**
- **The nature of the incident**
- **Any continuing or immediate danger to the campus community**
- **The possible risk to the DSDT community**
- **Law enforcement efforts**

DSDT will notify without delay, keeping the safety of the community in mind.

## **TIMELY WARNING**

All crimes specific to the Clery Act are required to be assessed for a potential Timely Warning Notice if the crime represents a serious or continuing threat to the community.

In the event that a crime constituting a serious or continuing threat to persons, property, and/or serves as an educational effort to prevent similar crimes in the future occurs within the Clery Geography (in or on a non-campus building/property, on campus, or public property within/immediately adjacent and accessible to campus property), a school-wide timely warning will be issued by email from Kathryn Aqwa (the Campus Safety Coordinator), in consultation with the respective School Director, and/or other designees; the message will be a community-wide email blast through DSDT's education management software, Campus Cafe.

The decision to issue a timely warning will be made on a case-by-case basis in light of all the facts surrounding the crime, including factors such as the date and time of the crime or incident versus the date it was reported to DSDT Staff or local authorities. Timely Warnings are typically issued for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications: major incidents of arson, aggravated assault, and Murder/Non-Negligent Manslaughter, robbery, and sex offenses. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by DSDT Security. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by DSDT Staff.

## **EVACUATION PROCEDURES**

Emergency response and evacuation procedures shall be publicized on an annual basis. This shall be done through student and faculty orientations, and the posting of evacuation policies in classrooms and office areas. The Fire Drill policy is available on request. Additionally, anyone with information warranting an emergency response or evacuation may report the circumstances to a DSDT Staff member.

## **VOLUNTARY CONFIDENTIAL REPORTING PROCEDURES**

DSDT encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public record under state law, the police department cannot hold reports of crime in confidence. DSDT does not allow voluntary confidential reporting. DSDT does not have Pastoral or Professional Counselors, therefore they cannot notify people of the reporting procedures for the institution.

## **SCHOOL MANAGERS AUTHORITY AND JURISDICTION**

The jurisdiction of DSDT school leadership includes property owned, leased, controlled, or occupied by DSDT. DSDT Staff are not vested with general police authority and do not possess arrest power. Criminal incidents are referred to the Killeen Police Department. DSDT Staff are not a certified agency and there is no Memorandum of Understanding (MOU) with state and local law enforcement agencies regarding any issues or incidents, including the investigation of alleged criminal incidents and activity. DSDT Instructors have administrative authority to ask persons for identification and to determine whether individuals have lawful business at DSDT. DSDT encourages anyone with information regarding a crime or suspicious persons or activities to report it accurately and promptly to the DSDT leadership staff and the local police agency.

## **NON-CAMPUS STUDENT ORGANIZATIONS/LOCATIONS**

There are no non-campus student organizations that are officially recognized by DSDT. There are no non-campus locations of student organizations that would require the monitoring and recording through local police agencies of criminal activity by students.

## **SECURITY AND FACILITIES ACCESS**

DSDT is protected by DSDT Staff. Additionally, DSDT works in conjunction with its local law enforcement should the need arise. During business hours, the school is open to students, family, employees, contractors, guests, patrons, and invitees. During non-business hours' access to its facility is by key only. In case of periods of extended closing, the school will admit only those with existing approval to the facilities. Emergencies may necessitate changes or alterations to any posted business hours. To remain compliant with OSHA regulations, and for the safety and security of our students and staff, access to some areas will be restricted.

## **CRIME PREVENTION/SECURITY AWARENESS PROGRAMS**

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. DSDT addresses topics such as personal safety, alcohol and drug abuse awareness and sexual assault prevention. DSDT does not currently offer a crime prevention program. However, DSDT encourages all students and staff to take advantage of community anti-crime programs. Numerous crime awareness/prevention publications and information are available at no charge from the Killeen Crime Solutions Committee (254) 501-7600.

## **SEXUAL HARASSMENT / VIOLENCE AGAINST WOMEN ACT POLICY STATEMENT**

DSDT does not discriminate on the basis of sex in its educational programs. Sexual harassment and sexual violence are considered to be types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not. These other acts include dating violence, domestic violence, and stalking. DSDT issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking. This policy applies whether those acts occur on or off campus and when it is reported to a DSDT Staff. In this context, DSDT prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the community.

## **VIOLENCE AGAINST WOMEN ACT / SEXUAL ASSAULT AND OTHER IMPORTANT DEFINITIONS**

DSDT is committed to ensuring the safety of all students, faculty, and staff by crafting and employing a mandatory training program that educates our faculty and staff about violence against women and provides information and online resources for handling such instances of violence. “Rape” is now inclusive of sexual assault with an object, and forcible sodomy and can be perpetrated against both women and men. DSDT is committed to increase awareness of the issues regarding sexual assault, domestic violence, dating violence and stalking.

**BYSTANDER INTERVENTION:** A philosophy and strategy for prevention of various types of violence, including bullying, sexual harassment, sexual assault, and intimate partner violence, for example, topics relevant to sexual assault, domestic violence, dating violence, and stalking prevention.

**PRIMARY PREVENTION PROGRAMS:** Programs, initiatives and strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs by preventing initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs.

**PROCEEDING:** A series of activities or events; happenings.

**RESULT:** Something that happens as a consequence; outcome.

**RISK REDUCTION:** Strategies that seek to mitigate risk factors that may increase the likelihood of perpetration, victimization, or bystander inaction.

**CONSENT:** CONSENT is defined by Merriam Webster as: 1. To give assent or approval, agree. 2. To be in concord in opinion or sentiment. In Texas, Consent is a freely made choice that is communicated clearly. Consent can only be given by an adult who is not under the influence of alcohol or drugs or under any kind of threat or force. Victims cannot give consent if: Victim is under 17; victim incapacity (victim is mentally incapable— a mental disease or defect makes the victim incapable of understanding the nature of his/her conduct); mentally incapacitated—(victim is temporarily incapable of appraising or controlling his/her conduct due to the influence of a narcotic, anesthetic or other substance administered without consent or due to any other act committed upon the victim without consent); and/or physically helpless (victim is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to act); assailant uses force or coercion.

**SEXUAL ASSAULT:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.” In Texas, is any sexual act or sexual contact that occurs without the explicit consent of both parties. In order for the act to be consensual, both parties must be adults not under the influence of alcohol or drugs, or under any kind of duress, force or threat. Rape: a sexual assault or attempted sexual assault usually committed by a new acquaintance involving sexual intercourse without mutual consent. The term "date rape" is widely used but can be misleading and inaccurate because the person who commits the crime might not be dating the victim. Rather, it could be an acquaintance who commits the offense, which would be referred to as acquaintance rape. Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly against that person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. SEXUAL ASSAULT with an Object: The use of an object or instrument to unlawfully 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 where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**FONDLING:** The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**STATUTORY RAPE:** Sexual intercourse with a person who is under the statutory age of consent.

**DOMESTIC VIOLENCE:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. In Texas, domestic violence means the occurrence of any of the following acts by a person that is not an act of self-defense: Causing or attempting to cause physical or mental harm to a family or household member, placing a family or household member in fear of physical or mental harm, causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress, engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Family or household member includes any of the following: spouse or former spouse, an individual with whom the person resides or has resided, an individual with whom the person has or has had a dating relationship, an individual with whom the person is or has engaged in a sexual relationship, an individual to whom the person is related or was formerly related by marriage, an individual with whom the person has a child in common.

**DATING VIOLENCE:** Means violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on the reporting party's statement with a consideration of the following factors: (i) The length of the relationship, (ii) The type of relationship, (iii) The frequency of interaction between the persons involved in the relationship. For the 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. In Texas dating violence is violence when a person is in a dating relationship with someone. Dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a causal relationship or an ordinary fraternization between 2 individuals in a business or social context.

**STALKING:** Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress. i. For the purposes of this definition: A) Course of conduct means two or more acts, including, but not limited to, acts 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. B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. In Texas STALKING means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.



## **VIOLENCE AGAINST WOMEN ACT / VICTIMS RIGHTS**

DSDT is sensitive to those who report sexual assault, domestic violence, dating violence, and stalking. This includes informing individuals about their right to file criminal charges and doing so on their behalf. Reports should be submitted to

Kathryn Aqwa  
Title IX Coordinator  
313-263-4200  
[Katie@dsdt.edu](mailto:Katie@dsdt.edu)

It is the victims' choice to contact local law enforcement in regards to their complaint. DSDT will assist in calling local law enforcement if requested. Additional remedies may be implemented to prevent contact between a complainant (also known as victim) and an accused party. If, for any reason, you cannot reach the Title IX coordinator, the report can be made to any "responsible employee" of DSDT. "Responsible employee" means any employee of DSDT, all of which are designated as Campus Security Authorities as required by the Jeanna Clery Act.

In Texas, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

**CRIME VICTIMS' RIGHTS ACT:** This statute establishes certain protections and rights that allow victims of crimes committed in the state to be active participants in the criminal justice process. It requires that child abuse and sexual assault cases be given priority and brought to trial as quickly as possible. Among the act's many provisions are the victims' right to make an impact statement at sentencing and to participate in parole board proceedings. The law defines a victim as someone who suffers direct or threatened physical, financial, or emotional harm as the result of a crime. Crimes covered by the act include felony violations and serious misdemeanors committed by both adult and juvenile offenders.

**CRIME VICTIMS' RIGHTS CONSTITUTIONAL AMENDMENT MI** (Constitution, Article I Section 24): Many of the protections and rights guaranteed by the Crime Victims' Rights Act became part of the Texas Constitution when voters passed a constitutional amendment in 1988. These protections include the right to restitution, notification of court proceedings, fair treatment, and protection from the accused.

**COMPENSATION FOR INJURED CRIME VICTIMS MCL 18.354:** Certain personal injury crime victims may receive financial compensation for particular losses resulting from the crime. A victim of domestic assault may be eligible for assistance under this statute. Personal injury crimes include those in which the victim suffers actual bodily harm, including pregnancy resulting from a crime such as rape.

**PERSONAL PROTECTION ORDER COMPLIANCE:** DSDT complies with Texas Law in recognizing Personal Protection Orders. Any person who obtains a Personal Protection Order from Texas or any reciprocal state should provide a copy to DSDT Staff. A complainant may then meet with DSDT Staff to develop a safety action plan to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or other academic arrangements. Personal Protection Orders may be available through the local circuit court. To the extent of the victim's cooperation and consent, DSDT will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected. For example, if reasonably available, a complainant may be offered changes to academic, living, transportation, or working situations in addition to counseling, health services, and assistance in notifying local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating / adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information

about the victim, as defined in 42 USC 1395 (a) (20).) Further, the institution will maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

### **VIOLENCE AGAINST WOMEN ACT / SEXUAL ASSAULT ADJUDICATION OF VIOLATIONS**

Whether or not criminal charges are filed, the school or a person may file a complaint under the sexual harassment policy alleging that a student or employee violated the school policy on sexual harassment. Reports of all domestic violence, dating violence, sexual assault, and stalking made to DSDT Staff will automatically be referred for investigation and does not require a chain of command in reporting to the respective School Director for investigation, regardless if the complainant chooses to pursue criminal charges. DSDT uses a “clear and convincing” standard for the ponderance-of-evidence. The disciplinary process will include a prompt, fair, and impartial investigation and resolution process from the initial investigation to the final result.

### **REPORTS OF SEXUAL OR GENDER-BASED HARASSMENT AND OTHER FORMS OF INTERPERSONAL VIOLENCE**

DSDT Staff responds sexual harassment as a form of sex discrimination and will respond to and handle immediately in the form of “Incident Reports” of sexual, gender-based and other forms of personal violence, retaliation, intimidation, domestic violence, dating violence and stalking against anyone, student or faculty. Anonymous reporting is not available at this time. There will be an initial discovery phase that could include local police. Upon the determination and recommendation by the Review Panel, an individual may be expelled if found guilty of the reported action. The policy covers students, employees, contractors, vendors, visitors, guests, or other third-parties within the DSDT control.

The US Department of Education confirms Title IX protects students from discrimination on sexual orientation and gender identity. (1) Discrimination based on sexual orientation; (2) Discrimination based on gender identity. DSDT protects all students and provides an educational environment free from discrimination based on sex, including sexual orientation, or gender identity.

### **PROCEDURES FOR INVESTIGATING AND RESOLVING REPORTS AGAINST DSDT STUDENT AND FACULTY**

Pursuant to these Procedures, Complainants and Respondents can expect:

- A. Prompt and equitable resolution of allegations of Prohibited Conduct;
- B. Privacy in accordance with the Title IX Policy and any legal requirements;
- C. Reasonably available interim remedial measures, as described in these Procedures and in the applicable Resource Guide;
- D. Freedom from Retaliation for making a good faith report of Prohibited Conduct or participating in any proceeding under the Title IX Policy;
- E. The responsibility to refrain from Retaliation directed against any person for making a good faith report of Prohibited Conduct or participating in any proceeding under the Title IX Policy;
- F. The responsibility to provide truthful information in connection with any report, investigation, or resolution of Prohibited Conduct under the Title IX Policy or these Procedures;
- G. The opportunity to articulate concerns or issues about proceedings under the Title IX Policy and these Procedures;
- H. Timely notice of any meeting or proceeding at which the party’s presence is contemplated by these Procedures;
- I. The opportunity to choose an advisor, including the right to have that advisor attend any meeting or proceeding at which the party’s presence is contemplated by these Procedures; in hearings students will never cross-examine each other personally.
- J. Written notice of an investigation, including notice of potential Title IX Policy violations and the nature of the alleged Prohibited Conduct;
- K. The opportunity to challenge the panel of Investigators or any member of the Review Panel for bias or conflict of interest;

- L. The opportunity to offer information, present evidence, and identify witnesses during an investigation;
- M. The opportunity to be heard, orally, in writing, or by video conference given the institution is operating mostly online due to certain circumstances, as to the determination of a Title IX Policy violation and the imposition of any sanction(s);
- N. Timely and equal access to any information that will be used during Alternative or Formal Resolution proceedings and related meetings;
- O. Reasonable time to prepare any response contemplated by these Procedures;
- P. Written notice of any extension of timeframes for good cause; and
- Q. Written notice of the outcome of any Formal Resolution proceedings, including the determination of a Title IX Policy violation, imposition of any sanction(s), and the rationale for each.

### **INITIAL ASSESSMENT**

Upon receipt of a report of Prohibited Conduct committed by a student or faculty, DSDT Staff will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report. The initial assessment will:

- A. Assess the Complainant’s safety and well-being and offer immediate support and assistance and request support from local law enforcement;
- B. Inform the Complainant of the right to seek medical treatment, and explain the importance of obtaining and preserving forensic and other evidence;
- C. Inform the Complainant of the right to contact law enforcement, decline to contact law enforcement, and/or seek a protective order;
- D. Inform the Complainant about DSDT and community resources, the right to seek appropriate and available remedial and protective measures, and how to request those resources and measures;
- E. Inform the Complainant of the right to seek Alternative Resolution (where available) or Formal Resolution under these Procedures; ascertain the Complainant’s expressed preference (if the Complainant has, at the time of the initial assessment, expressed a preference) for pursuing Alternative Resolution, Formal Resolution, or neither; and discuss with the Complainant any concerns or barriers to participating in any DSDT investigation and resolution under these Procedures;
- F. Explain DSDT prohibition against Retaliation and that DSDT will take prompt action in response to any act of Retaliation;
- G. Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that personally identifies the Complainant, the Respondent, any witness, and/or any other third party with knowledge of the reported incident;
- I. Communicate with appropriate DSDT officials to determine whether the report triggers any Clery Act obligations, including entry of the report in the daily crime log and/or issuance of a timely warning, and take steps to meet those obligations.
- J. The Title IX Evaluation and Review Panel will ensure that the Complainant receives a written explanation of all available resources and options and is offered the opportunity to meet to discuss those resources and options. When a decision is reached to initiate an investigation or to take any other action under these Procedures that impacts a Respondent (including the imposition of interim protective measures), the Title IX Evaluation and Review Panel will ensure that the Respondent is notified, receives a written explanation of all available resources and options, and is offered the opportunity to meet and have a hearing.

### **THREAT ASSESSMENT**

Following the initial assessment, DSDT Staff will have a hearing regarding the information known about the reported incident of Prohibited Conduct. The incident reporting may include local authorities. The following known information will be included in but not limited to, names and/or any other information that personally identifies the Complainant, the Respondent, any witnesses, and/or any other third parties with knowledge of the reported incident.

## **EVALUATION PANEL**

A Title IX Evaluation and Review Panel will evaluate every report of Prohibited Conduct. The Title IX Evaluation and Review Panel will convene in person within 72 hours after receiving information from DSDT Security and Staff and will convene again, as necessary, to review any new information as it becomes available. The Title IX Evaluation and Review Panel may include any and all members of the DSDT Security and Staff and convene as the Title IX Evaluation and Review Panel and Threat Assessment Team.

The Evaluation operates may request local law enforcement support and may request otherwise confidential information, including law enforcement records, criminal history record information, health records, DSDT disciplinary actions, academic and/or personnel records; and any other information or evidence known to the school or to law enforcement. The Title IX Evaluation and Review Panel may seek additional information about the reported incident through any other legally permissible means.

## **HEALTH AND SAFETY THREAT ASSESSMENT**

**RISK FACTORS:** The Title IX Evaluation and Review Panel will determine whether the reported information and any other available information provides a rational basis for concluding that there is a threat to the health or safety of the Complainant or to any other member of the DSDT community. The Title IX Evaluation and Review Panel will make this determination based upon a review of the totality of the known circumstances, and will be guided by a consideration of the following factors (the “RISK FACTORS”):

- Whether the Respondent has prior arrests, is the subject of prior reports and/or complaints related to any form of Prohibited Conduct, or has any history of violent behavior;
- Whether the Respondent has a history of failing to comply with any DSDT No-Contact Directive, other DSDT protective measures, and/or any judicial protective order;
- Whether the Respondent has threatened to commit violence or any form of Prohibited Conduct;
- Whether the Prohibited Conduct involved multiple Respondents;
- Whether the Prohibited Conduct involved physical violence. “Physical violence” means exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking and brandishing or using any weapon;
- Whether the report reveals a pattern of Prohibited Conduct (e.g., by the Respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location);
- Whether the Prohibited Conduct was facilitated through the use of “date-rape” or similar drugs or intoxicants;
- Whether the Prohibited Conduct occurred while the Complainant was unconscious, physically helpless or unaware that the Prohibited Conduct was occurring;
- Whether the Complainant is (or was at the time of the Prohibited Conduct) a minor (under 18); and/or
- Whether any other aggravating circumstances or signs of predatory behavior are present.

## **DISCLOSURES OF INFORMATION TO LAW ENFORCEMENT**

The Title IX Evaluation and Review Panel is required to disclose information about alleged Prohibited Conduct to law enforcement in the following circumstances:

- If the Title IX Evaluation and Review Panel (or, in the absence of consensus within the Title IX Evaluation and Review Panel, an appointed representative) concludes that there is a significant and articulable threat to the health or safety of the Complainant or to any other member of DSDT community and that disclosure of available information (including the names and any other information that personally identifies the Complainant, the Respondent, any witnesses, and/or any other third parties with knowledge of the reported incident) is necessary to protect the health or safety of the Complainant or other individuals, the representatives of the Title IX Evaluation and Review Panel will

immediately disclose the information to the law enforcement agency that would be responsible for investigating the alleged act of Prohibited Conduct.

- The Title IX Evaluation and Review Panel will make this determination based upon a review of the totality of the known circumstances and consideration of the list of RISK FACTORS.
- If the alleged act of Prohibited Conduct constitutes a felony violation of the State of Texas, the Evaluation Representative will so inform the other members of the Title IX Evaluation and Review Panel and will, within 24 hours, (i) consult with the appropriate law enforcement or prosecutor who would be responsible for prosecuting the alleged act of Prohibited Conduct (the “Prosecuting Authority”), and (ii) disclose to the Prosecuting Authority the information then known to the Title IX Evaluation and Review Panel .
- DSDT will consult with the Prosecuting Authority and law enforcement and work to protect identities of victims and witnesses. Any member of the Title IX Evaluation and Review Panel who individually concludes that the alleged act of Prohibited Conduct would constitute a felony violation may consult with the Prosecuting Authority and make the required disclosures) in the manner and within the timeframe set forth.
- The Title IX Evaluation and Review Panel will reconvene as necessary to continue to evaluate whether any new or additional information received triggers any further obligations) under the Clery Act or with respect to any child protective service agency and will direct the Title IX Evaluation and Review Panel to take such further actions, as necessary.

### **UNIVERSITY ACTIONS FOLLOWING HEALTH AND SAFETY THREAT ASSESSMENT**

Upon completion of the health and safety threat assessment, the Title IX Evaluation and Review Panel will determine the course of action under these Procedures, which may include, without limitation, Formal Resolution and/or Alternative Resolution (as required and recommended by the Evaluation Team. A Complainant may request that personally identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no further action be taken. The Title IX Evaluation and Review Panel will seek to honor the preferences of the Complainant wherever possible. In all cases, the initial report, the health and safety threat assessment, and the determinations of the Title IX Evaluation and Review Panel will be documented and retained by DSDT in accordance with applicable law.

In every case in which the Complainant reports, Prohibited Conduct and requests an investigation and disciplinary action, the Evaluation Team will promptly initiate Formal Resolution under these Procedures. Where the Complainant requests anonymity, that an investigation not be pursued, and/or that no disciplinary action be taken. A Complainant may request that personally-identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken.

The Title IX Evaluation and Review Panel will consider the following factors in evaluating such request(s):

- the totality of the known circumstances;
- the presence of any RISK FACTORS
- the potential impact of action(s) on the Complainant;
- any evidence showing that the Respondent made statements of admission or otherwise accepted responsibility for the Prohibited Conduct;
- the existence of any independent information or evidence regarding the Prohibited Conduct;
- and any other available and relevant information.

DSDT will seek to honor the Complainant’s request(s) if it is possible to do so while also protecting the health and safety of the Complainant and DSDT community. Determination that a Complainant’s Request(s) can be honored. Where the Title IX Evaluation and Review Panel determines that a Complainant’s request(s) (that personally-identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken) can be honored, DSDT may nevertheless take other appropriate steps designed to eliminate the reported conduct, prevent its recurrence, and

remedy its effects on the Complainant and DSDT community. Those steps may include offering appropriate remedial measures to the Complainant, providing targeted training or prevention programs, providing or imposing other remedies tailored to the circumstances as a form of Alternative Resolution, or escalation to law enforcement.

At any time, the Complainant may choose to pursue Alternative Resolution (as recommended) or Formal Resolution under these Procedures. The Title IX Evaluation and Review Panel also may request that a report be reopened and pursued under these Procedures if any new or additional information becomes available.

Determination that a Complainant's Request(s) cannot be honored when the Title IX Evaluation and Review Panel has determined that a Complainant's request(s) (that personally-identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken) cannot be honored (i.e., because honoring the Complainant's request(s) would impede DSDT ability to ensure the health and safety of the Complainant and other members of DSDT community), the Title IX Evaluation and Review Panel will direct any appropriate DSDT actions. They may include, without limitation, causing the respective School Director to impose a No-Contact Directive or an Interim Disciplinary Suspension on the Respondent; may place a "hold" on the Respondent's school transcript; may initiate an investigation and Formal Resolution under these Procedures; and/or arrange, impose, or extend any other appropriate remedial and/or protective measures.

In cases where the Title IX Evaluation and Review Panel has determined that DSDT must proceed with an investigation despite a Complainant's request to the contrary, the Title IX Evaluation and Review Panel will make reasonable efforts to protect the privacy of the Complainant. However, actions that may be required as part of DSDT investigation will involve speaking with the Respondent and others who may have relevant information, in which case the Complainant's identity may have to be disclosed. In such cases, the Title IX Evaluation and Review Panel will notify the Complainant that DSDT intends to proceed with an investigation, but that the Complainant is not required to participate in the investigation or in any other actions undertaken by DSDT.

Where a Complainant declines to participate in an investigation, DSDT ability to meaningfully investigate and respond to a report may be limited. In such cases, the Title IX Evaluation and Review Panel may pursue the report if it is possible to do so without the Complainant's participation in the investigation or resolution (e.g., where there is other relevant evidence of the Prohibited Conduct, such as recordings from security cameras, corroborating reports from other witnesses, physical evidence, or any evidence showing that the Respondent made statements of admission or otherwise accepted responsibility for the Prohibited Conduct). In the absence of such other evidence, however, DSDT will only be able to respond to the report in limited and general ways (i.e., through the provision of remedial measures, targeted training or prevention programs, or other remedies tailored to the circumstances).

### **NOTICE TO COMPLAINANT AND RESPONDENT OF UNIVERSITY ACTIONS**

The Title IX Evaluation and Review Panel will promptly inform the Complainant of any action(s) undertaken by DSDT to respond to a health or safety threat to the Complainant or DSDT community, including the decision to proceed with an investigation. The Title IX Evaluation and Review Panel also will promptly inform the Respondent of any action(s) (including any interim protective measures) that will directly impact the Respondent and provide an opportunity for the Respondent to respond to such action(s). The Title IX Evaluation and Review Panel retains the discretion to impose and/or modify any interim protective measures based on all available information. Interim protective measures will remain in effect until the resolution of the report, unless new circumstances arise which warrant reconsideration of the protective measures prior to the hearing and determination by the Review Panel. A Complainant or Respondent may challenge interim protective measures or other actions, or failure to impose interim protective measures or take other actions, by contacting the Title IX Evaluation and Review Panel to address any concerns.

## **NOTICE OF POTENTIAL UNIVERSITY ACTIONS AGAINST STUDENT GROUPS OR ORGANIZATIONS.**

DSDT does not offer or support Student Groups and Student Organizations.

### **DSDT RESOLUTION PROCESS**

These Procedures offer two forms of resolution of reports of Prohibited Conduct: (1) Formal Resolution, which involves an investigation, and review and sanction (if applicable) by DSDT Review Panel, and (2) Alternative Resolution when applicable. DSDT includes a variety of informal options for resolving reports.

### **FORMAL RESOLUTION**

Formal Resolution is commenced when:

- A Complainant reports that a Student has engaged in one or more instances of Prohibited Conduct and requests, at any time, an investigation and disciplinary action; or
- Alternative Resolution does not resolve a reported incident of Prohibited Conduct and, in the Title IX Evaluation and Review Panel's discretion, an investigation of the report of Prohibited Conduct is required; or
- At the conclusion of the threat assessment process and procedures as described above, the Title IX Evaluation and Review Panel will determine, based upon a review of the totality of the circumstances and guided by a consideration of the RISK FACTORS, that investigation of the reported conduct is necessary to ensure the health and safety of the Complainant and/or other members of DSDT community, notwithstanding the Complainant's request that personally-identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken.
- Investigation. Whenever Formal Resolution is commenced, the Title IX Evaluation and Review Panel will designate one or more Investigators from DSDT Office for Equal Opportunity and Civil Rights and/or an experienced external investigator to conduct a prompt, thorough, fair, and impartial investigation. All Investigators will receive annual training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking, and on how to conduct an investigation that is fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of Complainants and DSDT community while promoting accountability.

### **NOTICE OF INVESTIGATION**

The Title IX Evaluation and Review Panel will notify the Complainant and the Respondent, in writing, of the commencement of an investigation. Such notice will

- identify the Complainant and the Respondent;
- specify the date, time (if known), location, and nature of the alleged Prohibited Conduct;
- identify potential Title IX Policy violation(s);
- identify the Investigator;
- include information about the parties' respective expectations under the Title IX Policy and these Procedures;
- explain the prohibition against Retaliation;
- instruct the parties to preserve any potentially relevant evidence in any format;
- inform the parties how to challenge participation by the Investigator on the basis of bias or a conflict of interest; and
- provide a copy of the Title IX Policy and these Procedures.

**OTHER FORMS OF DISCRIMINATORY AND/OR HARASSING CONDUCT:** If a report of Prohibited Conduct also implicates other forms of discriminatory and/or harassing conduct prohibited by DSDT Preventing and Addressing Discrimination and Harassment (DSDT) policy and/or any other violation(s) of DSDT's Standards of Conduct, the Title IX

Evaluation and Review Panel will evaluate all reported allegations to determine whether the alleged Prohibited Conduct and the alleged violation(s) and/or alleged Standard of Conduct violation(s) may be appropriately investigated together without unduly delaying the resolution of the report of Prohibited Conduct.

Where the Title IX Evaluation and Review Panel determines that a single investigation is appropriate, the determination of responsibility for the violation of DSDT policy will be evaluated under the applicable policy (i.e., the Title IX Policy, the DSDT policy, and/or the Standards of Conduct), but the investigation and resolution will be conducted in accordance with these Procedures.

**PRESUMPTION OF NON-RESPONSIBILITY AND PARTICIPATION BY THE PARTIES:** The investigation is a neutral fact-gathering process. The Respondent is presumed to be not responsible; this presumption may be overcome only where the Investigator and/or Review Panel conclude that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding that the Respondent violated the Title IX Policy. Neither party is required to participate in the investigation or in any form of resolution under these Procedures and the Investigator will not draw any adverse inference from a decision by either of the parties not to participate.

**TIMEFRAME FOR COMPLETION OF INVESTIGATION; Extension for Good Cause.** Typically, the period from commencement of an investigation through resolution (finding and sanction, if any) will not exceed sixty (60) calendar days. This timeframe may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for DSDT breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons. The Investigator will notify the parties in writing of any extension of this timeframe and the reason for such extension.

**OVERVIEW OF INVESTIGATION:** During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the Investigator to each other or to any witness. The Investigator will notify and seek to meet separately with the Complainant, the Respondent, and third-party witnesses, and will gather other relevant and available evidence and information, including, without limitation, electronic or other records of communications between the parties or witnesses (via voice-mail, text message, email and social media sites), photographs (including those stored on computers and smartphones), and medical records (subject to the consent of the applicable party).

**ADVISORS:** Throughout the investigation and resolution process, each party has the right to choose and consult with an advisor. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. The parties may be accompanied by their respective advisors at any meeting or proceeding related to the investigation and resolution of a report under these Procedures. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.

**PRIOR OR SUBSEQUENT CONDUCT:** Prior or subsequent conduct of the Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Title IX Policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Conduct. Such prior or subsequent conduct may also constitute a violation of DSDT policy and/or DSDT Standards of Conduct, in which case it may subject the Respondent to additional sanctions. The Investigator will determine the relevance of



this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

**PRIOR SEXUAL HISTORY:** The sexual history of a Complainant or Respondent will never be used to prove character or reputation. Moreover, evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of a Title IX Policy violation and will be considered only in limited circumstances. For example, if the existence of Affirmative CONSENT is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether Affirmative CONSENT was sought and given during the incident in question. However, even in the context of a relationship, Affirmative CONSENT to one sexual act does not, by itself, constitute Affirmative CONSENT to another sexual act, and Affirmative CONSENT on one occasion does not, by itself, constitute Affirmative CONSENT on a subsequent occasion. In addition, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another question raised by the report. The Investigator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

**RELEVANCE:** The Investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the Investigator will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait.

**SITE VISIT(S):** The Investigator may visit relevant sites or locations and record observations through written, photographic, or other means.

**EXPERT CONSULTATION(S):** The Investigator may consult medical, forensic, technological or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation.

**COORDINATION WITH LAW ENFORCEMENT:** The Investigator will contact any law enforcement agency that is conducting its own investigation to inform that agency that a DSDT investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to DSDT in its investigation. At the request of law enforcement, the Investigator may delay DSDT investigation temporarily while an external law enforcement agency is gathering evidence. The Investigator will promptly resume DSDT investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation.

**DRAFT INVESTIGATION REPORT:** At the conclusion of the investigation, the Investigator will prepare a Draft Investigation Report summarizing the information gathered and outlining the contested and uncontested information. The Draft Investigation Report will not include any findings. The Complainant and the Respondent will have an opportunity to review the Draft Investigation Report; meet with the Investigator; submit additional comments and information to the Investigator; identify any additional witnesses or evidence for the Investigator to pursue; and submit any further questions that they believe should be directed by the Investigator to the other party or to any witness. The Investigator will designate a reasonable time for this review and response by the parties, not to exceed five (5) calendar days. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the Investigator during the designated review and response period will not be considered in the determination of responsibility for a violation of the Title IX Policy, and will not be considered by the Review Panel.

**FINAL INVESTIGATION REPORT:** Unless there are significant additional investigative steps requested by the parties or identified by the Investigator, within five (5) calendar days after receipt and consideration of any additional comments, questions and/or information submitted by the parties during the designated review and response period, the Investigator will prepare a Final Investigation Report, which will include a recommendation as to whether there is sufficient evidence, by a

Preponderance of the Evidence, to support a finding of responsibility for a violation of the Title IX Policy (and, where applicable, the DSDT policy and/or DSDT Standards of Conduct). In reaching this recommended finding, the Title IX Evaluation and Review Panel may consult with Counsel. The Investigator will deliver the Final Investigation Report to the Title IX Evaluation and Review Panel. The Title IX Evaluation and Review Panel will notify both parties, simultaneously, that the Final Investigation Report is complete and available for review.

**RECOMMENDED FINDING(s) OF RESPONSIBILITY:** When the Investigator determines that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility on one or more of the allegations, the Respondent may accept or contest such recommended finding(s) by so notifying the Title IX Evaluation and Review Panel, in writing. If the Respondent accepts the recommended finding(s) of responsibility, the Title IX Evaluation and Review Panel will refer the case for a Hearing before the Review Panel solely on the issue of sanction. If the Respondent contests one or more of the recommended finding(s), the Respondent may submit to the Title IX Evaluation and Review Panel a written statement explaining why the Respondent contests such finding(s). The Title IX Evaluation and Review Panel will ensure that the Complainant has an opportunity to review and respond in writing to any such statement. The Title IX Evaluation and Review Panel will provide the Final Investigation Report, together with any statements by the parties, to the Review Panel for further proceedings.

**RECOMMENDED FINDING(s) OF NO RESPONSIBILITY:** When the Investigator determines that there is insufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility on one or more of the allegations, the Complainant may accept or contest the recommended finding(s) by so notifying the Title IX Evaluation and Review Panel in writing. If the Complainant accepts the recommended finding(s) of no responsibility, the investigation will be closed and documented in accordance with applicable DSDT policies. If the Complainant contests one or more of the recommended finding(s), the Complainant may submit to the Title IX Evaluation and Review Panel a written statement explaining why the Complainant contests such finding(s). The Title IX Evaluation and Review Panel will ensure that the Respondent has an opportunity to review and respond in writing to any such statement. The Title IX Evaluation and Review Panel will provide the Final Investigation Report, together with any statements by the parties, to the Review Panel for further proceedings.

**IMPACT AND MITIGATION STATEMENTS:** Where there is a finding of responsibility on one or more of the allegations, both parties may submit a statement to the Title IX Evaluation and Review Panel for consideration by the Review Panel in determining an appropriate sanction. The Complainant may submit a written statement describing the impact of the Prohibited Conduct on the Complainant and expressing a preference about the sanction(s) to be imposed. The Respondent may submit a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanctions(s) imposed. The Title IX Evaluation and Review Panel will ensure that each of the parties has an opportunity to review any statement submitted by the other party. The Title IX Evaluation and Review Panel will provide any statement(s) with the Final Investigation Report and the parties' other written submissions to the Review Panel.

**TIMING OF RESPONSIBILITY:** The investigation typically will be completed within 30 calendar days. This period may be extended to account for a previous attempt, if any, at Alternative Resolution, or for other good cause. Any extension, other than for Alternative Resolution, and the reason for the extension, will be shared with the parties in writing.

**ACCEPTANCE OF RESPONSIBILITY:** The Respondent may, at any time, elect to resolve the Formal Resolution process by accepting responsibility for the Prohibited Conduct, in which case the Title IX Evaluation and Review Panel will refer the matter to the Review Panel to determine the appropriate sanction(s).

**REVIEW PANEL HEARING:** The Title IX Evaluation and Review Panel will appoint a standing pool of trained members of the DSDT community and, at the discretion of the Title IX Evaluation and Review Panel, external professionals with experience adjudicating cases of Prohibited Conduct. The Title IX Evaluation and Review Panel will select (a) three members

from this pool to serve on the Review Panel, and (b) an additional member from this pool to serve as the non-voting Hearing Chair. The Review Panel will review the Investigator's recommended finding(s) and, if applicable, determine any appropriate sanction(s) under these Procedures. All persons serving on any Review Panel (or as the Hearing Chair) must be impartial and free from actual bias or conflict of interest.

- **Standard of Review.** If either of the parties contests the Investigator's recommended finding(s) of responsibility (or no responsibility) for an alleged violation of the Title IX Policy, the Review Panel will hold a Hearing to determine (1) whether the concerns stated by the contesting party raise substantial doubt about the thoroughness, fairness and/or impartiality of the investigation; and, if not, (2) whether there is sufficient evidence to support the Investigator's recommended finding(s) by a Preponderance of the Evidence.
- **Notice and Timing of Hearing.** Typically, a Hearing will be held within fifty-five 30 calendar days from the date of the Notice of Investigation, subject to extension for good cause. The Hearing Chair will notify the parties in writing of the date, time, and location of the Hearing; the names of the Review Panel members and the Hearing Chair; and how to challenge participation by any member of the Review Panel or the Hearing Chair for bias or conflict of interest. The Hearing will usually be scheduled within five (5) calendar days from the date of the Notice of Hearing, subject to extension for good cause at the discretion of the Title IX Evaluation and Review Panel. Good cause for extension may include the unavailability of the parties, the timing of semester breaks or DSDT holidays, or other extenuating circumstances. Any extension, including the reason for the extension, will be shared with the parties in writing. The accused may be suspended from the school during this period.

**POSTPONEMENT OF HEARING:** Permission to postpone a Hearing may be granted provided that the request to do so is based on a compelling emergency and communicated to the Hearing Chair prior to the time of the Hearing.

**HEARING FORMAT:** The Hearing is an opportunity for the parties to address the Review Panel, in person about issues relevant to the Standard of Review to be applied by the Review Panel. The parties may address any information in the Final Investigation Report, supplemental statements submitted in response to the Final Investigation Report, and any impact and mitigation statements. Each party has the opportunity to be heard, to identify witnesses for the Review Panel's consideration, and to respond to any questions of the Review Panel. The parties may not directly question each other or any witness, although they may proffer questions for the Review Panel, which may choose, in its discretion, to pose appropriate and relevant questions to the Investigator, the parties and/or any witnesses. A typical hearing may include brief opening remarks by the Complainant and/or Respondent, with follow-up questions posed by the Review Panel; information presented by the Investigator or witnesses deemed relevant by the Review Panel, with follow-up questions by the Review Panel of the Investigator or witnesses; and brief concluding remarks by the Complainant and/or Respondent. The Chair of the Review Panel has the discretion to determine the specific Hearing format.

**PARTICIPATION IN THE HEARING:**

- i. **PARTIES.** Both the Complainant and the Respondent have a right to be present at the Hearing. Either party may request alternative methods for participating in the Hearing that do not require physical proximity to the other party, including participating through electronic means. This request should be submitted to the Hearing Chair at least two (2) calendar days prior to the Hearing.

If, despite being notified of the date, time, and location of the Hearing, either party is not in attendance, the Hearing may proceed and applicable sanctions may be imposed. Neither party is required to participate in the Hearing in order for the Hearing to proceed.

ii. **INVESTIGATOR OR OTHER WITNESSES.** The Review Panel may request the presence of the Investigator or any other witness it deems necessary to its determination. The parties may also request the presence of any witness they deem relevant to the determination by the Review Panel. The Review Panel has absolute discretion to determine which witnesses are relevant to its determination and may decline to hear from witnesses where it concludes that the information is not necessary for its review.

iii. **ADVISORS.** Both the Complainant and the Respondent have the right to be accompanied at the Hearing by an advisor of their choosing. The advisor may be anyone, including an attorney, who is not otherwise a party or witness. While the advisor may provide support and advice to a party at the Hearing, the advisor may not speak on behalf of the party or otherwise participate in, or in any manner disrupt, the Hearing. The DSDT reserves the right to remove any individual whose actions are disruptive to the proceedings.

**DETERMINATION OF THE REVIEW PANEL:** Where either of the parties has contested the recommended finding(s) of responsibility, the members of the Review Panel will, at the conclusion of the Hearing, determine, by 2/3rds majority vote, (1) whether the concern(s) stated by the contesting party raise substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation; and, if not, (2) whether there is sufficient evidence to support the Investigator's recommended finding(s) by a Preponderance of the Evidence.

If the Review Panel finds that concerns stated by the contesting party raise substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation, it will remand the matter to the Title IX Evaluation and Review Panel with instructions for further investigation or other action. The instructions may include guidance regarding the scope of information to be further investigated and any appropriate stipulations, including the appointment of a new Investigator.

If the Review Panel finds no cause for substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation, but determines there is insufficient evidence to support the Investigator's recommended finding, it may remand the matter for further investigation, or reject the Investigator's recommended finding(s) and make alternative finding(s).

If the Review Panel finds no cause for substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation and affirms that there is sufficient evidence to support a recommended finding of responsibility by a Preponderance of the Evidence, it will then determine, by majority vote, the appropriate sanctions) for the Prohibited Conduct.

If the Review Panel finds no cause for substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation and affirms a recommended finding of no responsibility, the matter will be considered resolved and the investigation will be closed. The Title IX Evaluation and Review Panel may nevertheless ensure that remedial measures remain in effect to support a Complainant.

**SANCTIONS:** Where there is a finding of responsibility, the Review Panel may impose one or more sanctions. Sanctions may include any of the sanctions that are available for violations of DSDT Standards of Conduct, including:

- Expulsion: Termination of student status for any indefinite period.
- Suspension: Exclusion from classes and other privileges or activities or from DSDT for a definite period of time.
- Suspension held in abeyance: Exclusion from classes and other privileges or activities or from DSDT for a definite period of time to be enforced should another violation occur.
- Restitution: Reimbursement for damages or misappropriation of property.
- Disciplinary Probation: Exclusion from participation in privileged or extracurricular activities for a definite period of

time.

- Reprimand: A written censure for violation of the Title IX Policy (and, if applicable, the DSDT policy and/or the Standards of Conduct) placed in the Student's record, including the possibility of more severe disciplinary sanctions should another violation occur within a stated period of time.
- Warning Notice: A notice, in writing, that continuation or repetition of conduct found wrongful, within a period of time stated in the warning, may be cause for more severe disciplinary action.
- Admonition: An oral statement that the Student violated the Title IX Policy (and, if applicable, the DSDT policy and/or the Standards of Conduct).

The Title IX Policy prohibits a broad range of conduct, all of which is serious in nature. The propriety of any particular sanction is reviewed on an individual basis based on the unique facts and circumstances as found by the Review Panel. In keeping with DSDT commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the Title IX Policy provides the Review Panel with wide latitude in the imposition of sanctions tailored to the facts and circumstances of the Prohibited Conduct, the impact of the conduct on the Complainant and the DSDT community, and accountability by the Respondent. The imposition of sanctions is designed to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects, while supporting DSDT educational mission and legal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, harmful to the individuals involved or so deleterious to the educational process that it requires severe sanctions, including suspension or expulsion from DSDT.

Once the Review Panel has determined that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility under the Title IX Policy, any one or more sanctions may be imposed. In determining the appropriate sanction(s), the Review Panel will be guided by a number of considerations, including:

- The severity, persistence or pervasiveness of the Prohibited Conduct;
- The nature or violence (if applicable) of the Prohibited Conduct;
- The impact of the Prohibited Conduct on the Complainant;
- The impact or implications of the Prohibited Conduct within DSDT community;
- Prior misconduct by the Respondent, including the Respondent's relevant prior disciplinary history, at DSDT or elsewhere, and any criminal convictions;
- Whether the Respondent has accepted responsibility for the Prohibited Conduct;
- The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and
- Any other mitigating, aggravating, or compelling factors.
- Sanctions are effective immediately, unless otherwise specified by the Review Panel.

In addition to other sanctions, the Review Panel may direct the Title IX Evaluation and Review Panel to impose or extend a No-Contact Directive and impose or extend academic, DSDT housing and/or DSDT employment modifications, as may be appropriate; impose or extend increased monitoring, supervision, and/or security at locations or in connection with activities where the Prohibited Conduct occurred or is likely to reoccur; arrange for conducting targeted or broad-based educational programming or training for relevant persons or groups; impose one or more restorative remedies to encourage a Respondent to develop insight about the Prohibited Conduct, learn about the impact of that Prohibited Conduct on the Complainant and DSDT community, and identify how to prevent that Prohibited Conduct in the future (including community service and mandatory participation in training, education and/or prevention programs related to the Prohibited Conduct); and/or impose any other remedial or protective measures that are tailored to achieve the goals of the Title IX Policy.

**TRANSCRIPT NOTATIONS:** If the Review Panel imposes a sanction of expulsion or suspension, the Title IX Evaluation and Review Panel will notify DSDT Registrar to place a prominent notation on the Respondent's transcript.

**DECISION OF THE REVIEW PANEL:** The decision of the Review Panel is final, without further recourse or appeal by either party.

**FINAL OUTCOME LETTER:** The Review Panel will issue a written decision (the “Final Outcome Letter”) to both the Complainant and the Respondent, with a copy to the Title IX Evaluation and Review Panel within five (5) calendar days following the Review Panel Hearing (or such longer time as the Panel determines as good cause would determine). The Final Outcome Letter will set forth the violation(s) of the Title IX Policy and, if applicable, the DSDT policy and/or the Standards of Conduct for which the Respondent was found responsible or not responsible, as supported by the rationale set forth in the Final Investigation Report and/or modified by the Review Panel; the sanction(s) (if applicable) imposed against the Respondent; and the rationale for any sanctions) imposed. The Final Outcome Letter may also identify protective measures implemented with respect to the Respondent or the broader DSDT community. The Final Outcome Letter will not disclose any remedial measures provided to the Complainant.

**RELEASE OF DOCUMENTS:** Under federal privacy laws, the Final Investigation Report, statements of one party that are shared with the other party in the resolution process, and any documents prepared by DSDT, including documents by or for the Review Panel in advance of the Hearing, constitute education records which may not be disclosed outside of the proceedings, except as may be required or authorized by law. The DSDT does not, however, impose any restrictions on the parties regarding re-disclosure of the incident, their participation in proceedings under these Procedures, or the Final Outcome Letter.

### **ALTERNATIVE RESOLUTION**

The Complainant may seek Alternative Resolution in place of an investigation and Formal Resolution. The DSDT, however, has the discretion to determine whether the nature of the reported conduct is appropriate for Alternative Resolution, to determine the type of Alternative Resolution that may be appropriate in a specific case to refer a report for Formal Resolution at any time. In addition, Alternative Resolution may not be available where the Title IX Evaluation and Review Panel has determined that one or more of the RISK FACTORS of these Procedures is present. Forms of Alternative Resolution that involve face-to-face meetings between the Complainant and the Respondent, such as mediation, are not available in cases involving SEXUAL ASSAULT.

Participation in Alternative Resolution (including any specific form of Alternative Resolution) is voluntary. The DSDT will not compel a Complainant or Respondent to engage in Alternative Resolution, will not compel a Complainant to directly confront the Respondent, and will allow a Complainant or Respondent to withdraw from Alternative Resolution at any time. The DSDT may decline the request for Alternative Resolution in any particular case and may terminate an ongoing Alternative Resolution process at any time. Pursuing Alternative Resolution does not preclude later use of Formal Resolution if the Alternative Resolution fails to achieve a resolution acceptable to the parties and DSDT. Where the Complainant or the Respondent withdraws from Alternative Resolution or Alternative Resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the Alternative Resolution may be considered in a subsequent investigation and Formal Resolution.

With any form of Alternative Resolution, each party has the right to choose and consult with an advisor. The advisor may be any person, including an attorney, who is not otherwise a party or witness to the reported incident(s). The parties may be accompanied by their respective advisors at any meeting or proceeding held as part of Alternative Resolution. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.

Alternative Resolution may include:

***RESOLUTION WITH THE ASSISTANCE OF A THIRD PARTY:*** A Complainant may seek assistance in informally resolving a report of Prohibited Conduct from the Title IX Evaluation and Review Panel, who can arrange to have a trained representative facilitate a meeting or meetings between the parties. The availability of this form of Alternative Resolution, and any resolution reached through such form of Alternative Resolution, is subject to the agreement of the Title IX Evaluation and Review Panel, the Complainant and the Respondent. This form of Alternative Resolution may not be used where the allegation involves SEXUAL ASSAULT.

***INTERVENTIONS AND REMEDIES:*** Alternative Resolution agreements may involve a host of interventions and remedies, such as actions designed to maximize the Complainant’s access to educational, extracurricular, and/or DSDT employment activities; increased monitoring, supervision, and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur; targeted or broad-based educational programming or training for relevant individuals or groups; academic modifications for Student Complainants; workplace modifications for Employee Complainants; one or more of the restorative remedies or other sanctions described in these Procedures; and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the Title IX Policy.

Any form of Alternative Resolution and any combination of interventions and remedies may be utilized. If an agreement acceptable to DSDT, the Complainant, and the Respondent is reached through Alternative Resolution, the terms of the agreement are implemented and the matter is resolved and closed. If an agreement is not reached, and the Title IX Evaluation and Review Panel determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution, the matter may be referred for an investigation and Formal Resolution under these Procedures.

The Title IX Evaluation and Review Panel will maintain records of all reports and conduct referred for Alternative Resolution, which typically will be completed within thirty (30) calendar days.

### **ACADEMIC TRANSCRIPT NOTATIONS**

The Title IX Evaluation and Review Panel will direct DSDT Registrar to include a prominent notation on the academic transcript of any Student who has been (1) suspended, (2) expelled (i.e., permanently dismissed), or (3) who has withdrawn from DSDT while under investigation, for Prohibited Conduct pursuant to the Title IX Policy. Such notation will reflect, as appropriate, the following language: “[Suspended, Expelled, or Withdrew While Under Investigation] for a Violation of DSDT’s Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence.” The Title IX Evaluation and Review Panel will remove any such transcript notation where (a) a Student is subsequently found not to have committed an act of Prohibited Conduct pursuant to the Title IX Policy, and/or (b) a Student who has been suspended for Prohibited Conduct pursuant to the Title IX Policy, has (i) completed the term of such suspension and any conditions thereof, and (ii) has been determined by DSDT to be in good standing pursuant to all applicable DSDT academic and non-academic standards.

### **RECORDS RETENTION**

The DSDT shall retain all records relating to a report of Prohibited Conduct for a period of ten years after the date the report was received, and DSDT shall retain all of such records for a period of twenty years in cases in which the Respondent was found responsible for Prohibited Conduct.

- [1] These Procedures should be read in conjunction with the Title IX Policy. Capitalized terms used and not otherwise

defined in these Procedures are defined in the Title IX Policy. For purposes of these Procedures, the “Title IX Evaluation and Review Panel” means the Title IX Evaluation and Review Panel, any Deputy Title IX Evaluation and Review Panel, and/or any of their respective trained designees.

- [2] Pursuant to DSDT policy, certain DSDT employees, called “Responsible Employees,” are required to report to the Title IX Evaluation and Review Panel all information disclosed to them about an incident of Prohibited Conduct. See “Reporting by DSDT Employees of Disclosures Relating to Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence.”
- [3] Where the law enforcement agency that would be responsible for investigating the alleged act of Prohibited Conduct is located outside of the United States, this disclosure is not required by the Virginia Reporting Statute.
- [4] Although a report may be reopened at any time, DSDT will only be able to pursue disciplinary resolution and sanctions where the Respondent continues to be a DSDT “Student” (i.e., continues to be registered or enrolled for credit- or non-credit-bearing coursework at DSDT).

### **CRIME STATISTICS REPORT**

The Campus Safety and Security Survey contains the following criminal offenses reported to the campus or local law enforcement as occurring on campus or on public property within close proximity of the campus. The survey includes a category specific to hate crimes. An Annual Security report includes incidents for the last three completed calendar years, however, DSDT has accepted Federal Student Aid since September 25<sup>th</sup>, 2018.

	On-Campus			Off-Campus		
	2020	2021	2022	2020	2021	2022
<b>Criminal Offenses</b>						
Murder/Non-negligent manslaughter	0	0	0	0	0	3
Negligent manslaughter	0	0	0	0	0	0
Sex Offenses - Forcible	0	0	0	0	11	13
Rape	0	0	0	0	5	8
Fondling	0	0	0	0	5	5
Sex Offenses - Non-forcible	0	0	0	0	0	1
Incest	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0
Robbery	0	0	0	0	8	9
Aggravated assault	0	0	0	0	62	54
Burglary	0	0	0	0	28	42
Motor vehicle theft	0	0	0	0	47	33
Arson	0	0	0	0	0	2
<b>Hate Crimes</b>						
Hate Crimes	0	0	0	0	3	0
<b>Arrests for Liquor, Drug and Weapons Law Violation</b>						
Weapons (carrying, possessing, etc.)	0	0	0	0	141	142
Liquor law violations	0	0	0	0	0	0
Drug Law violations	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0



Intimidation	0	0	0	0	77	69
Destruction, Damage, or Vandalism of Property	0	0	0	0	1	0
<b>VAWA Offenses</b>						
Domestic violence	0	0	0	0	0	0
Dating violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
<b>Disciplinary Referrals for Liquor, Drug and Weapons Law Violation</b>						
Weapons (carrying, possessing, etc.)	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0
Drug Law violations	0	0	0	0	0	0
<b>Unfounded Crimes</b>						
Unfounded Crimes	0	0	0	0	0	0

### Annual Security and Fire Safety Report

Each year (DSDT) publishes an Annual Security Report of crime statistics for each of the three most recent years. DSDT has compiled the crime statistics at its', Branch Campus facility, 4301 E Stan Schlueter Loop Bldg#1 Killeen, TX 76542, and surrounding vicinity of the Killeen location.

	On-Campus		
	2020	2021	2022
<b>Total Number of Fires</b>			
Branch Campus (4301 E Stan Schlueter Loop Bldg#1 Killeen, TX 76542)	0	0	0

### TEXAS AND FEDERAL LAWS: SUMMARY OF THE LAW GOVERNING DRUG AND ALCOHOL ABUSE, POSSESSION AND SALE LEGAL SANCTIONS APPLICABLE TO DRUG AND ALCOHOL USE

Federal Penalties and Sanctions 21 United States Code 844(a):

1st drug conviction: Up to one year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.  
 After 1 prior drug conviction: At least 15 days in prison, not to exceed 2years, and fined at least \$2,500 but not more than \$250,000, or both. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years, and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years, and fined up to \$250,000, or both, if:

- (a) 1st conviction and the amount of crack possessed exceeds 5 grams.
- (b) 2nd crack conviction and the amount of crack possessed exceed 3 grams.
- (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

Special sentencing provisions for possession of flunitrazepam: Imprisoned for not more than 3 years and/or fined.

21 United States Code 853(a)(2) and 881(a)(7):

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment. (See special sentencing provisions re: crack.)

21 United States Code 881(a)(4):

Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

18 United States Code 922(g):

Ineligible to receive or purchase a firearm.

Miscellaneous:

Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

State Penalties and Sanctions Texas Penal Code Sec. 49.02:

Being intoxicated in public such that one is a danger to oneself or others is a Class C misdemeanor, punishable by a fine of up to \$500.

Texas Alcoholic Beverage Code Sec. 1.05, 101.31:

It is illegal to possess or distribute alcoholic beverages in a dry area. Violation of this law is a Class B misdemeanor and carries a penalty of up to \$2,000 and/or up to 180 days confinement.

Texas Alcoholic Beverage Code Sec. 106.02, 106.04-106.05, 106.071:

The purchase, possession, or consumption of alcoholic beverages by a person under 21 years of age subjects that person to a fine of up to \$500 for the first offense and at least \$250 up to \$2,000 for the second offense and/or 180 days confinement.

Texas Alcoholic Beverage Code Sec. 106.06:

Furnishing alcoholic beverages to a minor is a Class A misdemeanor and punishable by a fine of up to \$4,000 and/or up to one year in jail.

Texas Education Code Sec. 37:122:

The possession of an intoxicating beverage on the grounds of any public school is a Class C misdemeanor and carries a penalty of up to \$500.

Texas Penal Code Sec. 49.04:

Driving under the influence of alcohol is a Class C misdemeanor and punishable by a fine of up to \$500 and a \_\_\_\_\_

minimum confinement of 72 hours and/or up to 180 days in jail for the first offense and up to a \$2,000 fine and a minimum of 30 days confinement and and/or up to 180 days in jail for subsequent offenses.

If found with an open container in the person's immediate possession, the minimum confinement period extends to six days.

Texas Alcoholic Beverage Code Sec. 106.07:

A person under 21 years of age who misrepresents his or her age for the purpose of purchasing alcohol beverages commits a Class C misdemeanor and may be punished by a fine of up to \$500.

Texas Health and Safety Code Sec. 481.102-106, 481.115-118:

The illegal distribution, possession, or use of controlled substances may be punished by 5 years to life in prison and up to a \$250,000 fine.

Texas Health and Safety Code Sec. 481.112-120:

The delivery or possession of controlled substances with the intent to manufacture controlled substances is punishable by a jail term of 10 years to life and up to a \$250,000 fine.

Texas Health and Safety Code Sec. 481.122:

The distribution of marijuana to a minor is punishable by 2 to 20 years in prison and/or up to a \$10,000 fine.

#### Local Penalties and Sanctions

Texas Penal Code Section 49.031

Open container means an alcoholic beverage container that is no longer sealed.

It shall be unlawful for any person to be in possession of an open container in the central business district.

It shall be unlawful for any person to engage in the public consumption of any alcoholic beverage in the central business district.

It is a defense to prosecution under this section that the alleged offense took place in a motor vehicle, in a building not owned or controlled by the city, in a residential structure or on a licensed premises that is situated in the central business district.

Texas Penal Code Section 481.001

Solicitation to purchase or acquire a controlled substance, controlled substance analogue, dangerous drug or volatile chemical.

(a) As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection, unless the context of their usage clearly indicates another meaning:

Controlled substance means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Groups 1, 1-A, or 2 through 4. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance.

Controlled substance analogue means: a substance with a chemical structure substantially similar to the chemical structure of a controlled substance in Schedule I or II or Penalty Group 1, 1-A, or 2; or

(A) a substance specifically designed to produce an effect substantially similar to, or greater than, the effect of a

controlled substance in Schedule I or II or Penalty Group 1, 1-A, or 2.

Dangerous drug shall have the meaning ascribed to it by Section 2(a) of Article 4476-14, Texas Revised Civil Statutes or any amendment thereto.

Prohibited substance shall mean a "controlled substance," "controlled substance analogue," "dangerous drug," "volatile chemical," or any combination thereof.

Volatile chemical shall mean any of the chemicals, or an isomer of any of the chemicals, listed in Section 2 of Article 4476-13a, Texas Revised Civil Statutes or any amendment thereto.

- (b) A person commits an offense if, with intent to acquire a prohibited substance, he requests, commands or attempts to induce another to sell, donate or otherwise transfer or deliver a prohibited substance to the person.
- (c) A person may not be convicted under this section on the uncorroborated testimony of the person allegedly solicited and unless the solicitation is made under circumstances strongly corroborative of both the solicitation itself and the actor's intent that the other person act on the solicitation.
- (d) It is no defense to prosecution under this section that:
  - (1) No monetary or other consideration was tendered to the person solicited; or
  - (2) That the person solicited was unable or unwilling to transfer or deliver a prohibited substance.
- (e) It is an affirmative defense to any prosecution under this section that:
  - (1) The solicitation is made in furtherance of a transaction which would not constitute a violation of any applicable law; or
  - (2) The solicitation is made by a peace officer or federal law enforcement officer in the lawful discharge of his duties or by a law enforcement agent acting in the lawful discharge of an official duty.
- (f) Violation of this section shall constitute a misdemeanor punishable, upon conviction, by a fine of not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00). However, any conduct proscribed hereunder which also constitutes an offense under state law shall not be prosecuted under this section, but shall be prosecuted pursuant to and punishable as provided by the applicable state law. An offense under this section is not a lesser included offense under Article 4476-15, Article 4476-14 or Article 4476-13a, Texas Revised Civil Statutes Annotated.

(Code 1968, § 28-45; Ord. No. 78-1330, § 1, 6-28-78; Ord. No. 83-50, § 1, 1-12-83)

On products for sale. It shall be unlawful for a person to knowingly sell or offer for sale any abusable glue, aerosol paint or aerosol shoeshine product or any substance or product containing one or more of the volatile chemicals listed in subsection (B) herein in less than five-gallon quantities, unless the label for such product clearly lists said volatile chemical or chemicals as a component therein.

On manufactured products. It shall be unlawful for a person to knowingly manufacture, mix, or otherwise prepare for sale or distribution for sale any abusable glue, aerosol paint or aerosol shoeshine product or a substance or product which contains one or more of the volatile chemicals listed in subsection (B) herein, unless the label for such substance or product clearly lists said volatile chemical or chemicals as a component therein.

The provisions of this subsection (D) shall not apply to a substance or product manufactured, mixed, or otherwise prepared for sale or distribution for sale in interstate commerce.

Sign at point of sale. It shall be unlawful for a person to knowingly sell, offer for sale, or display for sale, any abusable glue, aerosol paint or aerosol shoeshine product unless such person prominently displays a sign at the point of sale of such product stating that it is unlawful to sell or otherwise transfer possession to anyone under the age of 18 any abusable glue, aerosol paint or aerosol shoeshine product. Such sign shall be a minimum of ten inches wide by 15 inches in length and must contain the statement required by this subsection in letters at least

one-half inch high and an eighth of an inch wide and shall state the following:

"Unlawful to sell or make available to anyone under the age of eighteen (18) any abusable glue, aerosol paint or aerosol shoeshine product containing:

Possession with intent to inhale. It shall be unlawful for a person to have in his possession any abusable glue, aerosol paint or aerosol shoeshine products or any substance containing one or more of the volatile chemicals listed in subsection (B) herein with the intent to inhale such products or chemicals.

## DRUG CATEGORIES

### A. Marijuana

#### 1. Absorption

Marijuana may be inhaled or ingested.

#### 2. Metabolism/Elimination

THC (Delta-9-tetrahydrocannabinol) is highly fat-soluble and may take up to three months to be fully eliminated from the body by the liver and kidneys. One joint affects the body for a period of two to four hours.

#### 3. Brief Overview

Marijuana is the most frequently used illicit drug in America and has been linked to harming a developing fetus. It has the same or similar effects as depressants, stimulants, and hallucinogens. Marijuana cigarettes yield almost four times as much tar as tobacco, creating a higher risk of lung damage.

#### 4. Short-term Effects

- a. Increases in heart rate, body temperature, and appetite.
- b. Drowsiness.
- c. Dryness of the mouth and throat.
- d. Reddening of the eyes and reduction in ocular pressure.

#### 5. Long-term Effects

- a. Can cause the following medical conditions: respiratory problems, lung damage, and cancer.
- b. Memory and concentration impairments.
- c. Possible motivational syndrome.

#### 6. Special Hazards Involving the Driving Task

Marijuana has been linked to the impairment of the ability to drive a vehicle. Concentration is affected and there is difficulty in perceiving time and distance, which can lead to the following: bad judgment, impaired reaction time, poor speed control, an inability to accurately read signs, drowsiness, and distraction.

#### 7. Effects with Other Drugs

When marijuana is combined with alcohol it creates greater impairment in areas such as reaction time and coordination. When combined with sedatives and opiates, it can cause an increase in anxiety and even hallucinations, along with an increase in heart rate and blood pressure when used with amphetamines. On the other hand, effects are somewhat unpredictable when marijuana is combined with stimulants, such as nicotine, caffeine, amphetamines, and cocaine.

### B. Cocaine

#### 1. Absorption

- Cocaine enters the body in one of three ways: injection, smoking, or snorting.
2. **Metabolism/Elimination**

Cocaine is a strong stimulant to the central nervous system. Its effects can last anywhere from 20 minutes to several hours, depending on the content, purity, administration, and dosage of the drug.
  3. **Brief Overview**
    - a. Cocaine users become dependent on the drug.
    - b. Crack is a form of the drug that is highly addictive.
    - c. Exposure to the drug can harm a developing fetus.
    - d. It produces short-lived senses of euphoria; the length depends on how the drug was administered.
  4. **Short-term Effects**
    - a. May cause extreme anxiety and restlessness.
    - b. May experience the following medical conditions: twitches, tremors, spasms, coordination problems, chest pain, nausea, seizures, respiratory arrest, and cardiac arrest.
  5. **Long-term Effects**
    - a. May cause extreme alertness, watchfulness, impaired judgment, impulsiveness, and compulsively repeated acts.
    - b. May cause stuffiness, runny nose, tissue deterioration inside the nose, and perforation of the nasal septum.
  6. **Special Hazards Involving the Driving Task**
    - a. Cocaine may successfully mask fatigue; however, high dosages impair judgment and interfere with the ability of the driver to concentrate.
    - b. Coordination and vision are impaired.
    - c. There is an increase in impulsive behaviors with tendencies to take more risks and create confusion within the user.
  7. **Effects with Other Drugs**
    - a. Additive effects are noted when cocaine is combined with over-the-counter products, such as diet pills or antihistamines.
    - b. Cocaine taken with psychotropic drugs, especially antidepressants, can be extremely detrimental.
    - c. A person who has extremely high blood pressure and uses cocaine may suffer from a stroke or heart attack.
    - d. Some users combine cocaine with alcohol and sedatives to cushion the "crash" or feeling of depression and agitation that sometimes occurs as the effects of cocaine wear off.
    - e. A person using cocaine maintains the illusion of being alert and stimulated, although physical reactions are impaired.
    - f. Further research indicates that additive and antagonistic effects can be produced when cocaine is mixed with alcohol.
    - g. If cocaine is used in high doses, as in the case of overdose, alcohol will probably have an additive effect on the symptoms that eventually contribute to death.
    - h. When cocaine is injected in combination with heroin, sometimes called "speed balling,"

there is an increased risk of toxicity, overdose, and death.

### C. Sedative Hypnotics (Barbiturates, Benzodiazepines)

#### 1. Absorption

Sedative Hypnotics are absorbed through ingestion.

#### 2. Metabolism/Elimination

Sedative Hypnotics are eliminated by the liver and excreted in urine. Their effect can last anywhere from two to ten hours.

#### 3. Brief Overview

a. Anti-anxiety tranquilizers are among the most commonly prescribed drugs in the world.

b. Driving under the influence of tranquilizers is dangerous.

c. A person can become dependent on tranquilizers and depressant drugs, which make them, feel calmer, more relaxed, and drowsy.

#### 4. Short-term Effects

a. Short-term effects can occur with low to moderate use.

b. May experience moderate relief of anxiety and a sense of well-being.

c. There may be temporary memory impairment, confusion, and impaired thinking.

d. A person could be in a stupor, and have altered perception and slurred speech.

#### 5. Long-term Effects

a. May include over-sedation, decreased motivation, apathy, and lack of interest in surroundings.

b. A person may experience headaches, dizziness, sleep disorders, anxiety, depression, and tremors.

c. There may be an increase in appetite and impairment of thinking, memory, and judgment.

#### 6. Special Hazards Involving the Driving Task

a. The use of tranquilizers produces drowsiness, non-coordination, altered perceptions, memory impairment, poor control of speech, and slower reaction time.

b. Effects on driving include: poor tracking, difficulty in maintaining lane position, and neglecting roadside instructions.

c. When combined with alcohol, the effects may be more hazardous.

#### 7. Effects with Other Drugs

a. Some people in methadone treatment programs use benzodiazepines to enhance the effects of methadone.

b. When tranquilizers are combined with alcohol or other central nervous system depressants, synergistic effects may be produced, which may be fatal.

c. Alcohol increases the absorption of benzodiazepines, slows their break down in the liver and can cause cardio vascular and respiratory depression.

d. People who take stimulants sometimes take tranquilizers to off set agitation and sleepiness.

### D. Opiates (Morphine, Heroin, Codeine, Opium)

#### 1. Absorption

Opiates are normally absorbed though injection.

#### 2. Metabolism/Elimination

Opiates are metabolized by the liver and may have a lengthy metabolism due to excessive half- lives of the drugs.

#### 3. Brief Overview

- a. Opiates can cause sedation and euphoria.
- b. They are often used to relieve pain, suppress coughs, and control physical conditions such as diarrhea.
- c. Respiratory depression and death can occur from overdoses of opiates.
- d. Opiates may impair a person's ability to drive.
- e. A person can become physically and psychologically addicted to opiates.
- 4. Short-term Effects
  - a. Include drowsiness, dizziness, mental confusion, constriction of pupils, and euphoria.
  - b. Some opiate drugs, such as Codeine, Demerol, and Darvon, also have stimulating effects.
  - c. Stimulating effects include: central nervous system excitation, increased blood, elevated blood pressure, increased heart rate, tremors, and seizures.
- 5. Long-term Effects
  - a. May include impaired vision, pulmonary complications, and menstrual irregularity.
  - b. A person may experience nightmares, hallucinations, and mood swings.
- 6. Special Hazards Involving the Driving Task
  - a. Opiates can cause drowsiness, mental confusion, and visual impairment even at lower, moderate doses.
  - b. A driver may have difficulty keeping the vehicle in the correct lane and may make errors in judgment.
- 7. Effects with Other Drugs
  - a. Alcohol greatly increases the present effects of opiates and can lead to respiratory arrest.
  - b. A person injecting heroin mixed with cocaine or methamphetamines, known as "speed balling," produces a stimulant effect.
  - c. The listed drug combinations increase the risk of toxicity, overdose, and death.

## E. Amphetamines

### 1. Absorption

Amphetamines are absorbed by the body in one of three ways: snorting, swallowing, or injection.

### 2. Metabolism/Elimination

Amphetamines are eliminated through the liver.

### 3. Brief Overview

- a. Amphetamines have a strong central nervous system stimulant which can increase alertness and induce a sense of well-being.
- b. If used while driving, amphetamines are dangerous.
- c. The use of amphetamines reduces a person's resistance to disease.

### 4. Short-term Effects

- a. A person may experience a loss of appetite, increased alertness, and a feeling of well-being.
- b. A person's physical condition may be altered by an increase in breathing and heart rate, elevation in blood pressure, and dilation of pupils.

### 5. Long-term Effects

- a. Anxiety and agitation.
- b. Sleeplessness.



- c. Higher blood pressure and irregular heart beat.
- d. Increased susceptibility to disease.

#### 6. Special Hazards Involving the Driving Task

The use of amphetamines can interfere with concentration, impair vision, and increase the driver's tendencies to take risks

#### 7. Effects with Other Drugs

- a. Amphetamines should never be taken with a class of antidepressants known as MAO inhibitors, because of potential hypertensive crisis.
- b. Amphetamine users sometimes use marijuana and depressant drugs in order to avoid the adverse side effects of the "crash," therefore creating multiple drug dependencies.

#### F. Poly-drug Use

(Poly-drug use is where the use of more than one substance normally causes one of three reactions: additive, synergistic, or antagonistic.

##### 1. Additive Effects

Additive effects occur when drug combinations produce an effect that is like simple addition, such as the equation:  $1 + 1 = 2$ .

##### 2. Synergistic Effects

Synergistic effects occur when drug combinations produce an effect that is greater than the sum of the effects of the two drugs, such as the equation:  $1 + 1 = 3$ .

##### 3. Antagonistic Effects

Antagonistic effects occur when a drug combination produces an effect that is less than the sum of the effects of the drugs acting alone, such as the equation:  $1 + 1 = 1$  or  $1 + 1 = 0$ .

### HEALTH RISKS ASSOCIATED WITH ALCOHOL ABUSE

#### A. Absorption

Alcohol is primarily absorbed through the stomach and the small intestines. It is considered a food because it has calories, but does not need to be digested and proceeds directly into the body through the digestive system. After ingestion it is carried through the blood stream and crosses the blood–brain barrier, at which time impairment begins. A greater amount of ingestion causes greater impairment to the brain, which, in turn, causes a person to have a greater degree of difficulty in functioning.

#### B. Metabolism/Elimination

The majority of alcohol in the body is eliminated by the liver. Ninety percent is eliminated through the body, while ten percent is eliminated (unchanged) through sweat and urine. Before the liver can process alcohol, a threshold amount is needed and can occur at the rate of one 12 oz. can of beer, one 5 oz. glass of wine, or 1 1/2 oz. shot of whiskey per hour.

#### C. Brief Overview

- 1. Alcohol is a central nervous system depressant.
- 2. Alcohol is among the most abused drugs in our society.
- 3. Alcohol can be as potent as many other illegal drugs.
- 4. Alcohol can cause severe damage to a developing fetus.
- 5. People often do not realize that they are becoming dependent on alcohol.

#### D. Short-term Effects

- 1. Reduces sensitivity to pain.

2. Affects vision in the following ways: narrows the visual field, reduces resistance to glare, interferes with the ability to differentiate intensities of light, and lessens sensitivity to colors.

#### E. Long-term Effects

1. Damage to vital organs; including liver, heart and pancreas.
2. Linked to several medical conditions; including gastro intestinal problems, malnutrition, high blood pressure, and lower resistance to disease. Also linked to several types of cancer; including esophagus, stomach, liver, pancreas and colon.

#### F. Special Hazards Involving the Driving Task

Specific elements to the hazards of alcohol use and driving are listed in a separate section of the curriculum. However, alcohol impairs one's ability to drive or operate machinery safely.

#### G. Effects with Other Drugs

1. Alcohol produces a synergistic effect when taken with other central nervous system depressants. These include: sedative hypnotics, barbiturates, minor tranquilizers, narcotics, codeine, methadone, and some analgesics.
2. Alcohol can be additive in nature when taken with antipsychotic medications, antihistamines, solvents or motion sickness preparations. When used on a daily basis, in conjunction with aspirin, it may cause gastro intestinal bleeding. Also, when used with acetaminophen, an increase in liver damage could occur.

Alcohol begins to affect individuals prior to reaching the legally intoxicated Blood Alcohol Concentration level of .08%. If a 150 lb. person consumes one drink equal to twelve ounces of beer (5 percent alcohol), five ounces of wine (12 percent alcohol) or one-and-a-half ounces of hard liquor (40 percent alcohol), all would contain about the same amount of alcohol and would raise the person's Blood Alcohol Concentration about .02%. It takes the liver approximately one hour to oxidize or metabolize one drink.

#### Health Risks Associated with Drug Abuse

Narcotics such as opium, morphine, and heroin can cause euphoria, drowsiness, respiratory depression, constricted pupils, and nausea. The symptoms of an overdose of narcotics are slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Persons experiencing withdrawal from addiction to narcotics can experience watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating.

Depressants such as barbiturates and Quaaludes can cause slurred speech, disorientation, and drunken behavior. An overdose of a depressant results in shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, and possible death. Withdrawal symptoms include anxiety, insomnia, tremors, delirium, convulsions, and possible death.

### DRUG ABSORPTION/METABOLISM/ELIMINATION

#### A. Method of Administration

Drugs are administered to or enter the human body in a number of ways, including injection, inhalation, and ingestion. The method of administration impacts on how the drug affects the person. For example: injection takes the drug directly into the blood stream, providing more immediate effects; while ingestion requires the drug to pass through the digestive system, delaying the effects.

## B. Factors Affecting Absorption/Metabolism

Factors that affect absorption/metabolism include physical, emotional and drug-related factors.

### 1. Physical Factors

Physical factors that affect the absorption or metabolism of a drug include:

- a. Person's weight and age – The amount of physical mass a drug must travel through will have an outcome on the drug's total effect on the body. Also, the aging process affects the manner in which the drug exerts its effects on the body.
- b. Individual biomedical/chemical make-up – Each individual tolerates substances differently. For example: a person's physical condition as well as hypersensitivity (allergies) or hyposensitivity (need for larger doses to gain the desired effect) will influence the total effect of the drug on the individual.
- c. Rate of metabolism – Each drug metabolizes or processes within the body at a different rate. The drug remains active in the body until metabolism occurs. For example: certain medications require dosages to be taken every four, twelve or twenty-four hours, depending on the duration and rate at which the drug is metabolized.
- d. Food – Food in the body slows absorption of the drug into the body by not allowing it to pass directly through the digestive process without first being processed by the digestive system. A slower process occurs, since the body is digesting food in addition to the substance or drug utilized by the person.

### 2. Emotional Factors

The emotional factors that may influence drug absorption and metabolism within the body are:

- a. Emotional state – A person's specific emotional state or degree of psychological comfort or discomfort will influence how a drug may affect the individual. For example: if a person began using alcohol and was extremely angry or upset, the alcohol could intensify this anger or psychological discomfort. On the other hand, if alcohol was being used as part of a celebration, the psychological state of pleasure could be enhanced by the use of the drug.
- b. Anticipation/Expectancy – The degree to which a person believes that a given drug will affect them, may have an effect on their emotional state. If a person truly believes that by using a substance, they will experience a given effect, then their expectations may cause a psychological change in the manner in which the drug affects them.

### 3. Drug-Related Factors

The drug-related factors that influence the way drugs are absorbed and metabolized within the body are:

- a. Tolerance – Tolerance refers to the amount of a given substance necessary to receive its desired effect.
- b. Presence or use of other drugs – The presence or use of other drugs such as prescription, over-the-counter, nicotine, and caffeine also influence the rate of absorption and metabolism of drugs in the

body.

c. Method of administration – A drug injected directly into the blood stream will affect an individual at a greater rate, since it will be directly absorbed through the blood stream and presented to various organs. If a drug is snorted or inhaled, the effects may be enhanced, due to the fact that the sinus cavity is located in close proximity to the brain. On the other hand, if a drug is ingested, the effects may be slower due to the fact that they must pass through the digestive system.

d. Physical dependence (addiction) – If a person is physically addicted to a drug, then more of a given substance may be necessary and the effects on the body will differ from those seen in a non-dependent individual.

### C. Elimination

Drugs are eliminated from the body primarily through the liver. The liver and kidneys act as a body's filter to filter out and excrete drugs from the body. The liver metabolizes ninety percent of alcohol in the body, while ten percent is excreted through the lungs and sweat. Also, the liver metabolizes drugs in a fairly consistent manner. For example: alcohol is removed at the rate of one 12 oz. can of beer, one 5 oz. glass of wine, or 1 1/2 oz. shot of whiskey per hour.

### SPECIFIC EFFECTS OF DRUGS ON THE CENTRAL NERVOUS SYSTEM

Drugs affect the various areas of the brain and change normal brain activity. It is important to know what specific functions are located in each of the major brain areas, to better understand the effects of drugs and alcohol on behavior and functioning.

#### A. Hypothalamus

The hypothalamus regulates homeostasis, the body's system for keeping itself balanced. This includes: sleep and wake cycles, hunger, thirst, sexual behavior, blood pressure, and temperature. Also, the hypothalamus determines what parts of the body are affected by analgesics and regulates hormonal impulses and emotions.

#### B. Medulla

The medulla is responsible for head balance, movement, and assisting the hypothalamus in regulating automatic body functions.

#### C. Cerebral Cortex

The cerebral cortex contains half of the nervous system's cells, which regulates the speed and vomiting reflexes. It is also responsible for language, abstract thinking, personality, and interpretation of emotion and sensory information, including judgment.

#### D. Cerebellum

The cerebellum is responsible for coordination of muscles, maintenance of balance, and specific memory and learning system functions that are not to one part of the brain.

### IMPACT OF DRUG USE ON DRIVING

#### A. Necessary Driving Skills

1. Several skills necessary for driving include: vision, reaction time, judgment, hearing, and simultaneous task processing/accomplishment.
2. Driving skills can be divided into cognitive skills, such as information processing, and psycho motor

skills.

B. Drug Impact on Driving Skills

1. Impairment is related to alcohol, in terms of its concentration in the blood stream.
2. The brain's control of eye movements is highly vulnerable to alcohol. It only takes low to moderate blood alcohol concentrations (.03 to .05%) to interfere with voluntary eye movements and impair the eyes' ability to rapidly track a moving target.
3. Steering an automobile is adversely affected by alcohol, as alcohol affects eye-to-hand reaction times, which are superimposed upon the visual effects. Significant impairment and deterioration of steering ability begin at approximately .03 to .04% Blood Alcohol Concentrations and continue to deteriorate as Blood Alcohol Concentration rises.
4. Almost every aspect of the brain's information-processing ability is impaired by alcohol. Alcohol-impaired drivers require more time to read street signs or respond to traffic signals than unimpaired drivers. Research on the effects of alcohol on the performance of automobile and aircraft operators shows a narrowing of the attention field beginning at .04% blood alcohol concentration.

C. Dividing Attention Among Component Skills

1. Most sensitive aspect of the driving performance.
2. Component skills involve maintaining the vehicle in the proper lane and direction (tracking task), while monitoring the environment for vital safety information, i.e. other vehicles, traffic signs, and pedestrians.
3. Alcohol-impaired drivers who are required to divide their attention between two tasks tend to favor just one task. Often times the favored task is concentrating on steering while becoming less vigilant with respect to other safety information.
4. Numerous studies indicate that divided attention deficits occur as low as .02% Blood Alcohol Concentration.
5. Four conclusions can be drawn from results of epidemiologic and experimental studies.
  - a. The degree of impairment depends on the complexity of the task involved as well as the Blood Alcohol Concentration.
  - b. The magnitude of alcohol-induced impairment rises as the Blood Alcohol level increases and dissipates as the alcohol is eliminated from the body.
  - c. At a given time and Blood Alcohol Concentration, some skills are more impaired than others.
  - d. There is no evidence of an absolute BAC threshold below which there is no impairment of any kind. Therefore, certain skills important to the driving task are impaired at .01 to .02% blood alcohol level the lowest levels that can be reliably measured by the commonly used devices.

### **DSDT DRUG AND ALCOHOL POLICY**

DSDT provides a drug-free environment for its faculty, staff and students. The unlawful possession, use, distribution, dispensation, sale, or manufacture of drugs or alcohol is prohibited on DSDT campuses premises, and at any DSDT school activities. No employee or student is to report or return to work or any company activity while under the influence of drugs or alcohol. For purposes of this policy, a conviction includes a plea of guilty or of nolo contendere.

### **TESTING POLICY & PROCEDURES**

Drug and Alcohol testing may be conducted on a random basis; if DSDT believes that an employee or student has been observed possessing or using a prohibited substance on the job; when DSDT reasonably believes that any employee or student may be affected by the use of drugs or alcohol and that they use may adversely affect performance or the environment, or when DSDT reasonably believes that an employee or student is impaired during working or school hours or while engaged in school business, or a school sponsored activity; and any employee or student who has had a positive drug or alcohol impairment test may be subjected to periodic, random testing, for a period of one year from a positive Drug or Alcohol impairment test.

**The following testing methods and procedures will be followed:**

- Testing will ordinarily be conducted during, immediately before or immediately after regularly scheduled work or school hours. For current employees, time spent in testing and in traveling to and from the regular work site to the place of testing, is work time.
- Whenever a Drug or Alcohol impairment test is done at the request of DSDT pursuant to this policy, the school will pay the actual costs of the testing. In addition, when testing is done at locations over than the school facility, the school will pay reasonable transportation costs for the travel to and from the site to the testing location.

**Testing shall be conducted under the following conditions:**

- Sample collection shall be performed under reasonable and sanitary conditions;
- Sample collections shall be labeled in such a way as to reasonably preclude the possibility of misidentification of test results;
- Prior to testing, the individual shall be provided with an opportunity to notify DSDT of any information relevant to the test;
- Sample collection, storage, and transportation, where necessary shall be performed in a manner reasonably designed to preclude the possibility of sample contamination adulteration, or misidentification.
- Sample testing will be done in such a way as to comply with scientifically accepted analytical methods and procedure, and by a laboratory approved or certified by, at least, one of the following: United states Department of Health and Human Services, College of American Pathologist or a state department of health and human services.
- Upon the written request of the individual, a positive Drug test result shall be confirmed by a subsequent test, using a different chemical process than used in the initial drug screen. A chromatographic technique or another comparably reliable analytic method will be conducted confirming results.

**Employee and Student Testing Rights**

- Employees and students have the right, upon written request, to obtain a copy of the written test results.
- DSDT will not release information relating to testing, including test results, to any third parties except upon written authorization of the employee or student, or when legally compelled to do so.

**Refusal of Testing**

Refusal to participate in Drug or Alcohol impairment testing when requested to do so, or refusal to accept

the terms and conditions of testing as specified in this policy, may result in disciplinary action, up to and including termination from DSDT. If applicable, prospective employees or students who refuse to undergo Drug or Alcohol impairment testing are not eligible for hire or admission (respectively).

*Please direct any questions, concerns, or reports regarding this policy to the School Director.*

### **DSDT's Policy on Consumption of Alcoholic Beverages on Campus**

The use or possession of alcoholic beverages is expressly prohibited in classrooms, lecture halls, laboratories, the libraries, and within buildings or arenas where events, lectures, and meetings are held. The use of alcoholic beverages is expressly prohibited in all public areas of campus buildings. For employees only, social activities held off-premises and paid for on a personal basis are generally not affected by this policy. If management considers it appropriate and approves of such use in writing, alcoholic beverages may be served at company-sponsored events held off-premises and for purely social reasons.

### **FEDERAL PENALTIES FOR SCHEDULE I, II, III, IV, AND V DRUGS**

Production of these drugs is controlled. Examples include GHB, heroin, methaqualone, all hallucinogens (except PCP, marijuana and hashish), and THC, which can also be a Schedule II drug, depending on its form. Schedule II drugs have a high potential for abuse, but have some medical uses. Production of these drugs is controlled. Examples include opium, morphine, codeine, other narcotics, barbiturates, cocaine, amphetamines, PCP, and OxyContin. Federal criminal penalties for selling Schedule I and II drugs vary with the quantity of the drug and whether the individual has the drug for personal use or for sale. Criminal penalties are more severe if sale or use of the drug results in death, if drug use is tied to sexual assault, or for repeat offenses. Federal penalties for Schedule I, II, III, IV and V (except marijuana) are set forth in the attached Schedule A.

Federal penalties for marijuana, hashish, hashish oil, and Schedule I substances are set forth in the attached Schedule B. Schedule III, IV and V drugs include those most citizens would categorize as "prescription drugs." Schedule III drugs have some potential for abuse but less than those on Schedules I and II. The potential for abuse of Schedule IV drugs is less than those on Schedule III, and the potential for abuse of Schedule V drugs is less than those on Schedule IV. All Schedule III to V drugs have medical uses and their production is not controlled. Examples of these drugs include some narcotics, barbiturates, depressants, amphetamines, and other stimulants. Penalties for sale of these drugs depend on whether it is a first offense or repeated offense (see Schedule A).

**SCHEDULE A**



**Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)**

Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture	PCP 100 grams or more pure or 1 kilogram or more mixture		

Substance/Quantity	Penalty
Any Amount Of Other Schedule I & II Substances	<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.
Any Drug Product Containing Gamma Hydroxybutyric Acid	<b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV) 1 Gram	
Any Amount Of Other Schedule III Drugs	<b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Any Amount Of All Schedule V Drugs	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

**SCHEDULE B**

<b>Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances</b>	
<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p><b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p><b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p>
<p>Hashish More than 10 kilograms</p>	<p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Hashish Oil More than 1 kilogram</p>	<p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p>	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
<p>1 to 49 marijuana plants</p>	
<p>Hashish 10 kilograms or less</p>	
<p>Hashish Oil 1 kilogram or less</p>	

# FERPA RELEASE FUND

In general, the Family Education Rights and Privacy Act of 1974 (FERPA) prohibits access and release of a college student's educational records without the student's written consent.

By signing this form, the student allows Detroit School for Digital Technology (DSDT) to release information to parents, grandparents, spouses, guardians, and others as designated.

I, \_\_\_\_\_ the undersigned, hereby authorize College of the Albemarle to release the following educational records upon request to the designated individuals or entity below (check all that apply):

All Financial Records (including Financial Aid) Financial Aid Award Year \_\_\_\_\_

Academic Records/Transcripts

Student Conduct Records

Other Educational Records (please specify): \_\_\_\_\_

Please complete the following information. This form is only good for one academic year.

Student signature (required) \_\_\_\_\_ Date \_\_\_\_\_

Valid State or Federal/Country ID number: \_\_\_\_\_

Last four digits of SSN \_\_\_\_\_

Designated Individual Name: \_\_\_\_\_

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

\_\_\_\_\_

Relationship to student \_\_\_\_\_

Return signed FERPA release to: Director of Administration and DSDT Staff.