

Independence Community College – Main Campus
1057 West College Avenue
Independence, KS 67301

and

Independence Community College – West Campus
2615 West Main Street
Independence, KS 67301

Revised Annual Security and Fire Safety Report

October 15, 2018

STATEMENT OF INTENT

Independence Community College (ICC) recognizes the importance of a person's right to know about matters that could impact their safety while at the college. The college further recognizes the necessity of providing information about campus crime and security to current and prospective students as well as to current and prospective employees of the college. Therefore, in accordance with the *Campus Security Act of 1990* and the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act of 1998* (referred to as the "Clery Act"), and the *Higher Education Opportunity Act of 2008*, ICC publishes one combined *Annual Security Fire Safety Report* for both its Main Campus and West Campus in October of each year. Notification of the report is distributed to all current and prospective students, as well as to all current and prospective employees through the *College Catalog*, *Student Handbook*, *Student Schedule*, hiring process, and website at

ICC is committed to the personal safety of students, faculty, staff and visitors as well as the protection of our property. ICC safety personnel are authorized to intervene in situations where they can reasonably do so, and they work in close cooperation with the Montgomery County Sheriff's Department (Main Campus) and Independence KS Police Department (West Campus) in the event of a reportable crime. However, ICC safety personnel are not certified law enforcement officers and/or security officers and as such do not carry weapons, have arrest powers or investigate crimes. They monitor the campus for unusual occurrences and serve as visible deterrents. You may contact ICC Safety Personnel 24 hours a day, year-round at (620) 331-8558.

ICC is committed to maintaining a safe, healthy, and positive work and learning environment. The following policies, procedures, and statements have been adopted by the college in compliance with federal and state mandates and in a good faith effort to ensure the health and safety of all members of the campus community. Unless otherwise specified, these policies, procedures and statements are applicable to both ICC's Main and West campuses.

Since ICC is a public institution, all behavior which is prohibited by federal, state, and local laws is prohibited on the campus or off the campus during an institutional activity, function, or event and will be referred to the proper authorities for action. Students and employees may be suspended for disposition of court action for any violation of a criminal law committed on campus or off campus at an institutionally sponsored function. Additionally, students may be removed from classes and employees removed from duty pending action on charges during an investigation or appeal for reasons relating to his/her physical or emotional safety and well-being of other students, faculty, employees, or college property.

The reputation of the College rests upon the shoulders of students, as well as on the administration, staff, and faculty, and it is hoped that each member of the college community will maintain high standards of citizenship. The campus and college will not be a place of refuge or sanctuary for illegal or irresponsible behavior. Students and employees, as all citizens, are subject to civil authority on and off the campus.

Topics in Order of Presentation

- Access to Campus Facilities
- College Policy on Campus Crime
- Reporting Criminal Activities or Emergencies
- Campus Law Enforcement Authority
- Emergency Response and Evacuation
- Timely Warning Policy
- Missing Student Notification
- Incident/Crime Log
- Maintenance of Campus Facilities
- Safety and Prevention/Awareness Activities
- Crime Statistics 2015-2017 (Main and West Campus)
- Weapons and Dangerous Instruments Policy
- Drug & Alcohol Policy/Health Risks
- Sexual Misconduct Definitions & Risk Reductions
- Disciplinary Action for Sexual Offenses
- Sex Offender Registry Information
- Resources

ACCESS TO CAMPUS FACILITIES

The Director of Maintenance controls keys to all buildings. All campus buildings, with the exception of the residence halls, are secured after normal working hours, and access to them is controlled by maintenance personnel. Access to the residence halls on campus is limited to residents, their guests during visiting hours, authorized employees, and others with a specific need to enter the residence buildings or rooms. However, responsibility for access to the residence halls and the security within rests with each resident.

COLLEGE POLICY ON CAMPUS CRIME

In accordance with the *Student Right-to-Know Act*, the *Campus Security Act of 1990*, the *Clery Act of 1998*, and the *Higher Education Act of 2008*, ICC has a zero tolerance policy toward violence on campus, including rape, sexual assault, dating violence, domestic violence, stalking, aggravated assault, physical confrontations of any kind, verbal threats of intent to cause harm, harassment designed to intimidate another, hate crimes, robbery, burglary, and property crimes such as destruction, theft, and sabotage. No distinction shall be made between violence caused by students, employees, and that precipitated by visitors to campus.

An Campus Crime Statistics Report shall be generated from data provided by members of the college community for the most recent calendar year, as well as the two preceding calendar years, and prepared by the college's compliance department. The following criminal offenses are to be included in this annual report: murder, negligent and non-negligent manslaughter, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft and arson; arrests or persons referred for campus disciplinary actions for liquor law violations, drug abuse violations, and weapons violations; and hate crimes, which include the commission of all crimes previously listed as well as larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property that manifests evidence that the victim was intentionally selected because of the perpetrator's bias of race, religion, sexual orientation, gender, gender identity, disability, ethnicity and/or national origin. This report is updated annually and reported to the U.S. Department of Education, in accordance with the law, in October of each year. Pastoral and professional counselors are encouraged, when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes that occur on campus or during a campus event to college authorities on a voluntary, confidential basis for inclusion in the College's annual disclosure of its Clery crime statistics. To voluntarily and confidentially report a crime for inclusion in the statistics that was not reported to law enforcement or to a college official, please contact ICC's Compliance Officer at (620) 332-5672.

REPORTING CRIMINAL ACTIVITY OR EMERGENCIES

People who see or know of criminal activity or emergencies on campus may report these events in several ways. Serious injury accidents and other emergencies should be reported by dialing 911. The dispatcher may not be able to identify the location of the source of the call correctly so the caller should stay on the line and provide information about the location of the incident. Several agencies from the city and county, including the ambulance

service and fire department, will respond to the campus. The Montgomery County Sheriff's Office (Main Campus) and Independence KS Police Department (West Campus) will also respond to calls for assistance 24 hours a day. When possible, after calling 911, Campus Safety Personnel should also be called at (620) 331-8558. Students and employees may also report criminal activity to the college's Compliance Officer at (620) 332-5672.

CAMPUS LAW ENFORCEMENT AUTHORITY

The college strives to provide an educational and working environment that is safe for all through its reliance on existing policies, emergency procedures, internal vigilance, and local and county law enforcement agencies.

ICC employees assist the college on a part-time basis to patrol campus and assist the college in enforcing federal, state, and municipal laws, and college rules and regulations. In situations both on campus or involving non-campus locations hosting official college events, in which law enforcement authority is required, the Montgomery County Sheriff's Department (Main Campus), Independence KS Police Department (West Campus) or local law enforcement should be contacted and has complete authority to enforce federal, state, and municipal laws. Anyone with knowledge of a crime or emergency is encouraged to promptly contact campus safety personnel and/or the compliance department and to report criminal activity to law enforcement by calling 911.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Independence Community College maintains the *ICC Emergency Preparedness Procedures* for significant emergencies or dangerous situations including instances of an outbreak of serious illness, fire, weather disturbances including an approaching tornado, gas leaks, terrorist incidents, armed intruders, bomb threats, civil unrest, violence or rioting, explosions and nearby chemical or hazardous waste spill. The plan is evaluated and updated annually and provides guidance for campus wide response to emergencies caused by natural disasters, man-made catastrophe or other violent or threatening behavior by an individual or group in a manner that protects the lives, health and personal well-being of all members of the college community, public and private property and the ability of the college to reasonably carry on normal operations.

The campus community is to be immediately notified upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and visitors on or off campus, unless issuing a notification will compromise efforts to contain the emergency. The President of the College, Compliance Officer or a designee confirms the existence of a significant emergency through communication with campus safety personnel, the college's compliance department and/or the supervisors of departments and/or buildings directly involved in a College emergency situation. When a determination has been made by the President, Compliance Officer or a designee confirming a significant emergency or dangerous situation, the President, Compliance Officer or a designee will inform the campus community by immediately posting the announcement using the TextCaster Emergency Notification System (to registered recipients), with a campus-wide e-mail, and having the announcement posted on the campus website (www.indycc.edu). The announcement may include, but is not limited to, the following information: type of situation, location of occurrence, and any other available information.

The decision to issue an emergency response or dangerous situation announcement, and amount of information provided to the public shall be made by the President, Compliance Officer or a designee on a case-by-case basis considering all available facts surrounding the campus community, whether the situation is considered a serious or continuing threat to students or employees and the possible risk of compromising local emergency management efforts. The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation, or when a situation threatens the operation of the campus as a whole. In the event that an emergency affects only a segment of the College community, the President, Compliance Officer or a designee may choose to only notify those individuals directly affected by the emergency situation.

The TextCaster Emergency Notification System is tested at least once each semester and was last tested through an announced test on April 19, 2018 at 10:15 am.

TIMELY WARNING PROCEDURES

The Independence Community College President, Compliance Officer or a designee is responsible for issuing timely warnings in compliance with the Jeanne Clery Act, 20 U.S.C. § 1092(f) et seq.

Anyone with information warranting a timely warning should report the circumstances to the Compliance Officer in the Academic Building. In the event that a situation arises that requires issuance of a warning, the proper timely warning procedure should be followed. These warnings are provided in order to keep the campus community informed about safety and security matters on an ongoing basis and in an effort to prevent similar crimes from occurring.

The decision to issue a timely warning shall be decided on a case-by-case basis in compliance with the *Jeanne Clery Act* and considering all available facts surrounding the campus community, whether the crime is considered a serious or continuing threat to students or employees and the possible risk of compromising law enforcement efforts.

The campus community is to be immediately notified upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and visitors on or off campus, unless issuing a notification will compromise efforts to contain the emergency.

Timely warnings are usually issued for the following classifications:

- arson
- burglary
- robbery
- aggravated assault
- criminal homicide
- motor vehicle theft
- sex offenses
- any other crimes as deemed necessary

When a determination has been made that a timely warning should be issued, the college President or his/her designee will inform the campus community by immediately posting the announcement using the TextCaster Emergency Notification System (to registered recipients), campus-wide e-mail, and/or have the announcement posted on the campus website (www.indycc.edu). The warning may include, but is not limited to, the following information: type of crime, location of occurrence, and available suspect information.

MISSING STUDENT NOTIFICATION

In compliance with the Higher Education Opportunity Act of 2008, this policy sets forth procedures for reporting, investigating and making emergency notifications regarding any currently enrolled student who is believed to be missing. A student will be presumed to be missing when his/her absence, of 24 hours or more, is inconsistent with his/her established patterns of behavior and the deviation cannot be readily explained.

Reporting a Possible Missing Student:

Any member of the college community, including both employees and students, who is concerned that a currently enrolled student may be missing should immediately contact the Vice President for Student Affairs at (620) 332-5480 or the Compliance Officer at (620) 332-5672. Any college employee who receives a report of a possible missing student must immediately refer such report to the Vice President for Student Affairs and/or the Compliance Officer, either of which shall investigate all reports and determine whether a student is missing. If it is determined that a student is missing, the Vice President of Student Affairs and/or the Compliance Officer will notify the President, the Montgomery County Sheriff's Department (Main Campus), Independence KS Police Department (West Campus) and/or other appropriate law enforcement agencies, as necessary.

Missing Person Emergency Contact:

Students are able to designate a "Missing Person Emergency Contact" on the application for student housing. If a student is determined to be missing, the Vice President for Student Affairs and/or Compliance Officer shall notify the designated Missing Person Emergency Contact no later than 24 hours after the student is determined to be missing. This contact information is considered confidential and will only be accessible to authorized college or law enforcement personnel.

Parent/Guardian Notification for Students under 18 years of age:

If a student is under 18 years of age (and not emancipated) and is determined to be missing, the Vice President for Student Affairs and/or Compliance Officer shall notify a custodial parent or guardian not later than 24 hours after the student is determined to be missing.

Law Enforcement Notification:

If a student is determined to be missing, the Vice President for Student Affairs and/or Compliance Officer shall notify the Montgomery County Sheriff's Department (Main Campus), Independence KS Police Department (West Campus) or other appropriate law enforcement agency, not later than 24 hours after the student is determined to be missing.

INCIDENT/CRIME LOG

ICC maintains a Daily Crime Log that records all crimes and other serious incidents. The Daily Crime Log is available for public inspection through the Compliance Officer, located in the Academic Building on Main Campus. The Daily Crime Log includes the nature, date, time, and general location of each crime reported, as well as the disposition of the complaint, if this information is known at the time the log is created. The Compliance Officer posts specific incidents in the Daily Crime Log immediately after receiving the incident report and reserves the right to exclude reports from the log in certain circumstances.

ICC will, upon written request, disclose to the alleged victim of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of the crime or offense. If the victim is deceased as a result of the crime or offense, the next of kin of the victim will be treated as the alleged victim for purposes of this paragraph.

MAINTENANCE OF CAMPUS FACILITIES

Independence Community College maintains a strong commitment to campus safety and security. Exterior lighting and landscape control is a critical part of that commitment. ICC's Maintenance Department conducts routine checks of lighting on campus. If lights are discovered to be out or dim, a work order is initiated, which is acted upon by a representative of the Maintenance Department. Community members are encouraged to report any deficiency in lighting to the Director of Maintenance or to any college official.

ICC's Maintenance Department works to identify inoperative locking mechanisms. Employees are encouraged to promptly report any locking mechanism deficiency to any college official, or to a representative of the Maintenance Department.

Maintenance staff is available to respond to calls for service regarding unsafe facility conditions or those raising concerns for personal safety and property protection. These conditions also may include unsafe steps or handrails, unsafe roadways on campus, and unsecured equipment.

SAFETY AND PREVENTION/AWARENESS ACTIVITIES

- Employee in-service workshops and presentations with a focus on campus security practices, campus security authority training, active shooter training, Title IX training on consent and bystander intervention and other safety and security information are provided on an annual basis to encourage employees to be actively responsible for the safety of themselves and others on campus;
- Annual written notification of the college's policy on alcohol and drug abuse, sexual offenses, and campus safety and security procedures are provided to students and employees and are also provided to, and reviewed with, all new employees;
- Annual faculty and staff webinar training on harassment, discrimination, crime and sexual assault reporting requirements and campus safety and security procedures;
- College Success, a course offered each semester to new students, includes activities that encourage prevention and awareness of sexual assault, dating and domestic violence, stalking, consent, bystander intervention and risk reduction information, drug and alcohol abuse prevention, safety and security procedure, building positive relationships, respect and other important health, safety and wellness issues facing students on a college campus;
- Live student training on prevention/awareness topics such as safety, security, sexual assault, dating and domestic violence, stalking, consent, respect and bystander intervention and risk reduction information is provided by the Student Activities Director on a semi-annual basis;
- Counseling for students is provided through student services and participation in an assistance program with the local mental health center and referral agreements with local agencies such as hospitals, social services, self-help groups, etc.; and
- Literature is available at kiosks around campus on various health and safety issues including alcohol prevention, drug abuse, recognizing sexual offenses and more year-round.

CRIME STATISTICS**

In accordance with the *Student Right-to-Know Act*, the *Campus Security Act of 1990*, the *Clery Act of 1998*, and the *Higher Education Opportunity Act of 2008*, the College is required to provide information about *serious* crimes on campus, as defined by the acts, which have occurred during the last three (3) years. Additionally, a log of *minor* infractions or incidents is maintained on file by the Compliance Officer.

This Crime Statistics Report is updated annually and reported to the U.S. Department of Education, in accordance with the law, in October of each year. Information can also be found on the college's website at <http://www.indycc.edu/student-life/right-to-know>.

MAIN CAMPUS CRIME STATISTICS

Criminal Offenses – On-Campus

Criminal offense	Total Criminal Offenses On-Campus		
	2015	2016	2017
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	1	1	3
d. Fondling	0	0	1
e. Incest	0	0	0
f. Statutory Rape	0	0	0
g. Robbery	0	1	0
h. Aggravated assault	1	0	0
i. Burglary	8	11	3
j. Motor vehicle theft	1	1	0
k. Arson	0	0	0

Criminal Offenses – On-Campus Student Housing Facilities

Criminal offense	Total Criminal Offenses On-Campus Student Housing		
	2015	2016	2017
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	1	1	3
d. Fondling	0	0	1
e. Incest	0	0	0
f. Statutory Rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	1	0	0
i. Burglary	6	10	3
j. Motor vehicle theft	0	0	0
k. Arson	0	0	0

Criminal Offenses – Non-Campus

Criminal offense	Total Criminal Offenses on Non-Campus		
	2015	2016	2017
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory Rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	0	0	0
j. Motor vehicle theft	0	0	0
k. Arson	0	0	0

Criminal Offenses - Public Property

Criminal offense	Total Criminal Offenses on Public Property		
	2015	2016	2017
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory Rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	0	0	0
j. Motor vehicle theft	0	0	0
k. Arson	0	0	0

Hate Crimes – On-Campus

Criminal offense	Total Hate Crimes On-Campus		
	2015	2016	2017
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory Rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	0	0	0
j. Motor Vehicle Theft	0	0	0
k. Arson	0	0	0
l. Simple Assault	0	0	0
m. Larceny-Theft	0	0	0
n. Intimidation	0	0	0
o. Destruction/damage/vandalism of property	0	0	0

Hate Crimes – On-Campus Student Housing Facilities

Criminal offense	Total Hate Crimes On-Campus Housing		
	2015	2016	2017
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory Rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	0	0	0
j. Motor Vehicle Theft	0	0	0
k. Arson	0	0	0
l. Simple Assault	0	0	0
m. Larceny-Theft	0	0	0
n. Intimidation	0	0	0
o. Destruction/damage/vandalism of property	0	0	0

Hate Crimes – Non-Campus

Criminal offense	Total Hate Crimes Non-Campus		
	2015	2016	2017
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0

e. Incest	0	0	0
f. Statutory Rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	0	0	0
j. Motor Vehicle Theft	0	0	0
k. Arson	0	0	0
l. Simple Assault	0	0	0
m. Larceny-Theft	0	0	0
n. Intimidation	0	0	0
o. Destruction/damage/vandalism of property	0	0	0

Hate Crimes – Public Property

Total Hate Crimes on Public Property

Criminal offense	2015	2016	2017
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory Rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	0	0	0
j. Motor vehicle theft	0	0	0
k. Arson	0	0	0
l. Simple assault	0	0	0
m. Larceny- theft	0	0	0
n. Intimidation	0	0	0
o. Destruction/damage/vandalism of property	0	0	0

VAWA Offenses – On Campus

Total VAWA Offenses On Campus

	2015	2016	2017
a. Domestic Violence	0	0	0
b. Dating Violence	0	1	0
c. Stalking	0	1	0

VAWA Offenses- On-Campus Student Housing Facilities

Total VAWA Offenses On-Campus Student Housing

	2015	2016	2017
a. Domestic Violence	0	0	0
b. Dating Violence	0	1	0
c. Stalking	0	0	0

VAWA Offenses- Non-Campus

Total VAWA Offenses Non-Campus

	2015	2016	2017
a. Domestic Violence	0	0	0
b. Dating Violence	0	0	0
c. Stalking	0	0	0

VAWA Offenses – Public Property

	VAWA Offenses on Public Property		
	2015	2016	2017
a. Domestic Violence	0	0	0
b. Dating Violence	0	0	0
c. Stalking	0	0	0

Arrests – On-Campus

	Total Arrests on Campus		
	2015	2016	2017
Law Violation	0	0	0
a. Illegal weapons possession	0	0	0
b. Drug law violations	1	0	0
c. Liquor law violations	1	0	0

Arrests – On-Campus Student Housing Facilities

	Total Arrests On-Campus Student Housing		
	2015	2016	2017
Law Violation	0	0	0
a. Illegal weapons possession	0	0	0
b. Drug law violations	1	0	0
c. Liquor law violations	1	0	0

Arrests – Non-campus

	Total Arrests Non-Campus		
	2015	2016	2017
Law Violation	0	0	0
a. Illegal weapons possession	0	0	0
b. Drug law violations	0	0	0
c. Liquor law violations	0	0	0

Arrests – Public Property

	Total Arrests on Public Property		
	2015	2016	2017
Law Violation	0	0	0
a. Illegal weapons possession	0	0	0
b. Drug law violations	0	0	0
c. Liquor law violations	0	0	0

Disciplinary Actions – On-Campus

	Number of Persons Referred for Disciplinary Action On-Campus		
	2015	2016	2017
Law Violation	1	0	0
a. Illegal weapons possession	1	0	0
b. Drug law violations	3	0	7
c. Liquor law violations	13	32	18

Disciplinary Actions – On-Campus Student Housing Facilities

	Number of Persons Referred for Disciplinary Action On-Campus Student Housing		
	2015	2016	2017
Law Violation	1	0	0
a. Illegal weapons possession	1	0	0
b. Drug law violations	3	0	7
c. Liquor law violations	13	32	18

Disciplinary Actions – Non-campus

	Number of Persons Referred for Disciplinary Action Non-Campus		
	2015	2016	2017
Law Violation			
a. Illegal weapons possession	0	0	0
b. Drug law violations	0	0	0
c. Liquor law violations	0	0	0

Disciplinary Actions – Public Property

	Number of Persons Referred for Disciplinary Action on Public Property		
	2015	2016	2017
Law Violation			
a. Illegal weapons possession	0	0	0
b. Drug law violations	0	0	0
c. Liquor law violations	0	0	0

WEST CAMPUS CRIME STATISTICS

No Clery Act Crimes, Hate Crimes, VAWA Offences or Arrests/Disciplinary Actions for Weapons, Drugs or Alcohol Violations were reported at the West Campus in 2017

WEAPONS AND DANGEROUS INSTRUMENTS POLICY

In accordance with the prescribed exceptions in Board of Trustees Policy PSL-714, ICC does not permit possession, use or distribution of weapons, alcohol or illegal drugs anywhere on property owned or leased by the College. The Board of Trustees reserves the right to exempt certain provisions of this policy and grants the President of the College the authority to make exemptions for specific functions held in the campus facilities.

DRUG & ALCOHOL POLICY - Drug Free Schools and Community Act

In compliance with the Drug-Free Schools and Communities Act Amendments of 1989, ICC prohibits the possession, use, or distribution of illegal drugs and alcohol on the campus or on institutionally owned, leased, or otherwise controlled property and enforces all Federal and State underage drinking and illegal drug laws. ICC reserves the right to conduct alcohol and drug searches for the health and welfare of its residents. The college provides education, training and literature available at kiosks around campus, on alcohol prevention and drug abuse.

The use of illegal drugs and alcohol can lead to serious health risks, such as the loss of muscle control, poor coordination, slurred speech, fatigue, nausea, headaches, and increased likelihood of accidents, impaired judgment, possible respiratory paralysis, and death. Heavy drinking can lead to alcoholism and alcohol poisoning; damage to brain cells; increased risk of cirrhosis, ulcers, heart disease, heart attack, and cancers of liver, mouth, throat, and stomach; hallucinations; and personality disorders.

Health risks associated with the use of illegal drugs include increased susceptibility to disease due to a less efficient immune system, poor concentration, personality disorders, addiction, anemia, death by overdose, and an increased likelihood of accidents.

The College does not, itself, provide drug/alcohol counseling, treatment, or rehabilitation programs for students. However, referral to community treatment facilities may be made in appropriate cases. The College contracts with a local agency to provide for evaluations and/or assessments, as deemed necessary, in disciplinary actions involving drugs or alcohol. The College will impose sanctions against individuals who are determined to have violated rules prohibiting the use, possession, or distribution of illegal drugs or alcohol. Possible actions for students using or possessing illegal drugs or alcohol include, but are not limited to, fines, community service, disciplinary probation, residential suspension, and/or full suspension from the college. Referral for criminal prosecution may be made in appropriate cases.

HEALTH RISKS ASSOCIATED WITH ILLICIT DRUG AND ALCOHOL ABUSE – Drug Free Schools and Community Act

All psychoactive drugs (including alcohol) can produce negative health risks associated with long-term chronic use. In addition, all of these drugs can pose serious risks, such as abnormal growth, brain damage, and birth defects for the fetus of a drug-using female. Other possible health risks of using alcohol and other psychoactive drugs are: central nervous system damage, depression, impaired judgment, mental confusion, gastrointestinal irritation, liver damage, malnutrition, high blood pressure, irreversible brain damage, heart disease, pancreatitis, lowered immunities, coma, and death from overdose.

Narcotics (e.g., Codeine, Heroin, Morphine, Pain Killers)
Anxiety, mood swings, nausea, mental confusion, constipation, respiratory depression, coma or death as a result of overdose.

Cannabis (Marijuana, Hashish) Mental confusion and disorientation, anxiety, a motivational syndrome, throat and lung cancer (2.5 times the tar in tobacco), alterations in brain function, reproductive system abnormalities, short-term memory loss.

Depressants (e.g., Barbiturates, Valium, Xanax, Butisol, Quaalude) Central nervous system damage, depression, impaired thinking, staggering gait, visual disturbances, lethargy, allergic reactions, dizziness, nausea, death as a result of overdose.

Hallucinogens (e.g., LSD, PCP) Visual distortions, increased heart rate and blood pressure, a motivational syndrome, psychotic episodes, panic disorders, flashbacks.

Stimulants (Amphetamines, Cocaine, Ritalin, Dexedrine)
Anxiety, agitation, malnutrition, high blood pressure, irregular

Inhalants (Cleaners, Glues, Aerosol Sprays, Anesthetics, Ether) Nausea, headaches, perceptual distortions, impaired

heartbeat, chronic sleeplessness, amphetamine psychosis, paranoia, seizures, cardiac failure.

judgment, irregular heartbeat, Sudden Death Syndrome (SDS), weight loss, damage to bone marrow, lungs, liver and kidneys.

Alcohol (e.g. Beer, Wine, Liquor) Blacking out, vomiting, decreased inhibitions, hangover which may include nausea, fatigue, upset stomach, headache, sore muscles, cotton mouth, lack of motivation.

SEXUAL MISCONDUCT

In accordance with the *Campus Sex Crimes Prevention Act* (CSCPA) of 2000 and the U.S. Department of Education requirements of Section 485 of the Higher Education Act (also known as the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (20 U.S.C. Section 1092), ICC recognizes that sexual offenses, including sexual assault, domestic violence, dating violence and stalking are demeaning crimes that will not be tolerated at the institution or at any site or function controlled by the College. Under Kansas State Law and for the purposes of ICC's policies and procedures regarding sexual misconduct, dating violence, domestic violence, sexual assault and stalking are defined as follows:

- Consent has not been formally defined by the Kansas State Legislature. However, for the purposes of ICC's policies and procedures regarding sexual misconduct, consent is defined as informed, freely and affirmatively communicated willingness to participate in sexual activity that is expressed by clear and unambiguous words or actions. Clear and unambiguous words or actions are those that are freely and actively given by informed individuals that a reasonable person in the circumstances would believe communicate a willingness to participate in a mutually agreed upon sexual activity. It is the responsibility of each person who wishes to engage in sexual activity to obtain consent. A lack of protest, the absence of resistance and silence do not indicate consent. The existence of a present or past dating or romantic relationship does not imply consent to future sexual activity. Consent must be present throughout the sexual activity and may be initially given, but withdrawn at any time. When consent is withdrawn all sexual activity must stop. Likewise, where there is confusion about the state of consent, sexual activity must stop until both parties consent again. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent is not obtained where there is physical force, threats, intimidation or coercion, incapacitation due to the influence of drugs or alcohol, the inability to communicate because of a physical or mental condition, when an individual is asleep, unconscious or involuntarily physically restrained or unable to understand the nature or extent of the sexual situation because of mental or physical incapacitation or impairment and/or one party is not of legal age to give consent pursuant to Kansas state law.
- Dating violence has not been formally defined by the Kansas State Legislature. However, the Kansas State Legislature's definition of domestic violence specifically incorporates dating relationships, which it defines as "a social relationship of a romantic nature" as evidenced by the following factors: "nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and the time since termination of the relationship, if applicable" along with "any other factors the court deems relevant." K.S.A. 21-5501(i).
- Domestic violence is defined by the Kansas State Legislature as "an act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship [*i.e.*, a social relationship of a romantic nature] or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member." For purposes of domestic violence, a family or household member includes "persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or have resided together in the past and persons who have a child in common regardless of whether they have been married or have lived together at any time. Family or household member also includes a man and a woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time." K.S.A. 21-5111(i).
- Sexual assault has not been formally defined by the Kansas State Legislature. The definitions of sex offenses under Kansas law are set forth in K.S.A. 21-5501 *et seq.*
- Stalking is defined by the Kansas State Legislature as "(1) recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear; (2) engaging in a course of conduct targeted at a specific person with knowledge that the course of conduct will place the targeted person in fear for such person's safety or the safety of a member of such person's immediate family; OR (3) after being served with, or otherwise provided notice of [a protective order] that prohibits contact with a targeted person, recklessly engaging [in a course of conduct that] that violates the provisions of the order and would cause a reasonable person to fear for such person's safety or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear, [including] (A) threatening the safety of the targeted person or a member of such person's immediate family; (B) following, approaching or confronting the targeted person or a member of such person's immediate family; (C) appearing in close proximity to, or entering the targeted person's residence, place of employment, school or other place where such person can be found, or the residence, place of employment or school of a member of such person's immediate family; (D) causing damage to the targeted person's residence or property or that of a member of such person's immediate family; (E) placing an object on the targeted person's property or the property of a member of such person's immediate family, either directly or through a third person; (F) causing injury to the targeted person's pet or a pet belonging to a member of such person's immediate family; or (G) any act of communication."

For the purposes of reporting crimes in ICC's Annual Security Report under the *Jeanne Clery Act*, dating violence, domestic violence, sexual assault and stalking are defined as follows:

- Dating violence is violence, including sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a dating relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the people involved in the relationship. Dating violence does not include acts covered under the definition of domestic violence.
- Domestic violence is a felony or misdemeanor crime of violence committed (1) by a current or former spouse or intimate partner of the victim; (2) by a person with whom the victim shares a child in common; (3) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (4) 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 (5) by any other person against an adult or youth victim who is protected from that person's act under the domestic and family violence laws of the jurisdiction in which the crime of violence occurred. The relationship between perpetrator and victim must be more than just two people living together as roommates – the people cohabitating must be current or former spouses or have an intimate relationship.

- Sexual assault is any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. For Clery purposes this includes rape, fondling, incest and statutory rape.
- Stalking is engaging in a course of conduct (*i.e.*, two or more acts, including but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person or interferes with a person's property) directed at a specific person that would cause a reasonable person under similar circumstances and with similar identities as the victim to fear for their own safety or the safety of another OR suffer substantial emotional distress (*i.e.*, significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling).

Bystander Interventions

ICC encourages the campus community to engage in safe and positive options for bystander intervention as a means of encouraging the development of a culture in which all students and employees are safe. Bystander Intervention is a philosophy and strategy for prevention of various types of sexual violence, including sexual assault, dating violence, domestic violence and stalking. An active bystander knows how to recognize potentially dangerous situations, understands cultural conditions that facilitate sexual violence, identifies safe and effective methods for intervening to prevent sexual violence and takes action to intervene to prevent sexual violence. Members of the campus community can reduce the risk of sexual violence by being an active bystander, empowering victims to promote safety and helping individuals and communities address conditions that facilitate violence. Bystander intervention strategies include directly addressing inappropriate behavior in a safe and respectful manner, distracting the individuals involved in the situation and assisting in removing the potential victim from the situation and/or delegating by seeking help from a friend or authority figure.

Risk Reduction Information

Resources for Victims of Sexual Offenses

If you are a victim of sexual assault, domestic violence, dating violence or stalking:

- Get to a safe place for your protection.
- Get medical attention immediately. The primary purpose of medical examination is to check for physical injury, the presence of sexually transmitted diseases or pregnancy resulting from the assault. The secondary purpose of the medical examination is to aid in the police investigation and legal proceedings.
- Don't bathe or douche. Bathing or douching might be the first thing you want to do. This would literally be washing away valuable evidence. Wait until you have a medical examination.
- Save your clothing. It is all right to change clothes, but save what you were wearing. Place each item of clothing in a separate paper bag and save for the police. Your clothing could be used as evidence for prosecution.
- Report the incident to the police. It is up to you, but reporting is not the same thing as prosecution. Prosecution can be determined later. Again, the ICC victim advocate and college personnel are willing and able to assist you in reporting assaults to the proper authorities.
- Contact your victim support resources. If you are a victim of a sexual assault, please secure medical attention and supporting agencies even if you decided not to contact the police.

Talk to a professional counselor to get the emotional help that you need due to the trauma. Many sexual assault cases go unreported because the victim fears retaliation or possible humiliation if word gets around she/he has been the victim of a sex offense. Victims tend to feel guilty as though they did something to bring it on themselves and often keep the incident to themselves or share some of the incident with a close friend. While this might be helpful in the immediate sense, we encourage you to talk to a knowledgeable counselor about your reactions to being victimized. The services that are provided both on and off campus are available to all victims of violent acts and are designed to assist in overcoming the trauma of an attack. Upon receipt of a report that a sexual offense has been committed, the college will provide written notification to affected students and employees of their rights and options and about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid assistance and other services available for victims both within the institution and in the community.

Please note that you are not required to file criminal or college complaints against your attacker, however, you should consider doing so to help prevent future attacks on other people. Also remember, just because your attacker could be a friend or acquaintance doesn't mean you did not experience a sexual assault. If you were on a date and were drugged or otherwise incapacitated and had sexual intercourse without your consent, it is still sexual assault.

You are strongly urged to seek immediate assistance if you are the victim of any form of sexual offense. Assistance can be obtained 24 hours a day, seven days a week, from:

Montgomery County Sheriff's Department
300 East Main
Independence, KS 67301
(620)330-1000

Independence KS Police Department
120 North 6th Street, #2
Independence, KS 67301
Phone: (620) 332-1700

Labette Health-Independence Healthcare Center
510 N. Peter Pan Road
Independence, KS 67301
(620)332-2000

ICC CARE Team

Requests for assistance from the ICC Care Team can be submitted through ICC's electronic complaints and concerns system, which can be accessed by at <http://www.indycc.edu/student-life/student-complaints>.

Victims of sexual offenses are strongly encouraged to contact ICC's Title IX Coordinator at (620) 332-5672 to file a formal complaint with the college. Upon receipt of a report of dating violence, domestic violence, sexual assault or stalking to college authorities, the College will protect the confidentiality of the victim and other parties by ensuring that any public available reporting information, such as those required by the *Clery Act*, do not include personally identifiable information about the victim and by maintaining as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality does not impair the ability of the college to investigate the complaint or provide accommodations and/or protective measures.

ICC is also obligated to comply with a student's reasonable request for a living and/or academic change following an alleged sexual offense and recognizes its duty to ensure that protective measures minimize the burden on the victim, regardless of whether the victim chooses to report the crime to law enforcement. Possible protective measures that the college may consider include transportation assistance or safety personnel escorts, enforcement of "no contact" or restraining orders issued through the criminal justice system, modifications to academic requirements or class schedules and/or changes in living or working situations. Students making requests for these living and/or academic accommodations should be made by contacting the Title IX Coordinator who shall have the authority to make all final decisions relating to request for a living and/or academic change following an alleged sexual offense on a case-by-case basis.

DISCIPLINARY ACTION FOR SEXUAL MISCONDUCT

All *persons* found in violation of this policy shall be subject to disciplinary action up to and including suspension or expulsion from the College. Any college employee found in violation of this policy shall be subject to disciplinary action up to and including termination. Disciplinary procedures against the alleged assailant will begin in accordance with the College's disciplinary procedures as outlined for students in the *Student Handbook* and for employees in the *Board of Trustees Policy and Procedure Manual*.

Upon receipt of a report of sexual assault, domestic violence, dating violence or stalking involving a student, the college will initiate an investigation, which will be conducted in a timely manner. All proceedings will be prompt, fair and impartial and conducted by college officials that receive annual training on issues relating to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability. The college currently uses the preponderance of the evidence standard when conducting disciplinary proceedings arising out of an allegation of sexual assault, domestic violence, dating violence and/or stalking. All parties will be treated with confidentiality and respect; will be given equal opportunity to present their views of the incident; and will be allowed to have an advisor or attorney of their choice present during campus disciplinary proceedings (legal counsel acts only as an advisor and is not permitted to speak on behalf of a client). All parties involved in a disciplinary proceeding involving a sexual assault, domestic violence, dating violence or stalking will be simultaneously informed in writing of the determination or outcome of any institutional disciplinary proceeding, the procedures for appealing the results of any disciplinary proceeding, any change in the result of a disciplinary proceeding and/or the final results of a disciplinary proceeding.

The College will assist either party in making changes to their academic and/or employment situation if deemed necessary and if the request is a reasonable option. The College will retain as confidential all documentation of allegations, investigations, and determinations.

Employee Sexual Offense Disciplinary Process

If an employee has reason to believe that he/she has been the victim of sexual offense/harassment by another employee of the College, the employee should express their grievance in writing to their immediate supervisor with a copy to the Human Resources Director and/or Title IX Coordinator. Should the complaint involve the immediate supervisor in such a way that the employee feels he/she cannot take the complaint to the supervisor, then the written complaint may be made directly to the Human Resources Director and/or Title IX Coordinator.

The supervisor and the Human Resources Director and/or Title IX Coordinator will review and investigate the complaint. Within ten calendar days after receipt of the written complaint, the supervisor and Human Resources Director and/or Title IX Coordinator must designate in writing to the employee a meeting time with the employee to review the findings. When the final day falls on a weekend or holiday, the official day will be the following Monday or day following the respective holiday(s) if applicable. The meeting is to be held within five calendar days of this written notice. At the meeting, facts concerning the complaint are to be presented and a solution established if possible.

If the findings and recommendations of the supervisor and the Human Resources Director and/or Title IX Coordinator are not satisfactory to the employee, the employee may within ten calendar days appeal the decision in writing to a personnel action committee to be appointed by the Human Resources Director and/or Title IX Coordinator and the President within five calendar days of receipt of complaint. A committee of five employees to review the complaint will be appointed. This committee will consist of at least three peers when possible and include at least one representative from the same category as the person filing the complaint. The employee will be notified in writing of a scheduled meeting of this committee within five calendar days after the committee is appointed. The Human Resources Director will serve as the hearing officer and preside at all meetings. This personnel action committee shall meet with the employee within five calendar days after written notice of the meeting is presented.

Student Sexual Offense Disciplinary Process

Initial Meeting with Complainant

Upon receipt of notice of any allegation of sexual misconduct, the Title IX Coordinator will schedule an individual intake meeting with the complainant in order to: 1) provide the complainant a general understanding of College policy and sexual misconduct complaint procedures; 2) identify forms of support or immediate interventions available to the complainant; and 3) address at a high level how the allegation of sexual misconduct could potentially be addressed at both the College level and as a criminal matter with local law enforcement. The intake meeting may also involve a discussion of any accommodations that may be appropriate concerning the complainant's academic and/or College employment arrangements.

At the initial intake meeting with the complainant, the Title IX Coordinator will: 1) determine whether there is reasonable cause to believe that College policy has been violated and if so, 2) determine how, and whether, the complainant wishes to proceed with a formal investigation into the allegations against the accused.

If the complainant wishes to proceed with a formal investigation, the Title IX Coordinator will promptly prepare and forward a formal complaint setting forth the name of the accused and the date, location and nature of the alleged sexual misconduct to a Title IX Investigator, selected by the Title IX Coordinator, for investigation. The Title IX Coordinator will also select a trained Title IX Hearing Committee to review the investigative report prepared by the Title IX Investigator and hear testimony by the parties and any witnesses.

If the complainant does not wish to proceed with a formal investigation and/or requests that his/her complaint remain confidential, **Title IX nevertheless requires the College to investigate and take reasonable action in response to the complainant's information.** The Title IX Coordinator may conduct a preliminary investigation into the alleged sexual misconduct and may weigh the complainant's request(s) against the following factors: 1) the seriousness of the alleged sexual misconduct; 2) whether there have been other complaints of sexual misconduct against the accused; and 3) the accused's right to receive information about the allegations if the information is maintained by the College as an "education record" under [FERPA](#). The

Title IX Coordinator will inform the complainant if at any time the Title IX Coordinator determines that the College cannot ensure confidentiality. Even if the College does not take disciplinary action against the accused because the complainant insists on confidentiality or that the complaint not be investigated, the Title IX Coordinator reserves the authority to undertake an appropriate inquiry, issue a “no-contact” order and take other reasonably necessary measures.

Initial Meeting with Respondent

Upon the initiation of a formal investigation into an allegation of sexual misconduct, the Title IX Coordinator will provide the respondent with a written notice of claims and schedule an initial meeting with the accused/respondent in order to 1) provide the accused/respondent with a general understanding of College policy and sexual misconduct complaint procedures; 2) identify forms of support or immediate interventions available to the respondent; and 3) address at a high level how the allegation of sexual misconduct could potentially be addressed at both the College level and as a criminal matter with local law enforcement.

Interim Measures/Directive(s)

In *all* complaints of alleged sexual misconduct, *regardless of whether the College initiates a formal investigation*, the College will undertake an appropriate inquiry and take such prompt and effective action as is reasonably practicable under the circumstances to support and protect the rights and well-being of the complainant and the respondent, including taking appropriate interim steps before the final outcome of an investigation. Accordingly, at or after the initial meetings with the parties, the Title IX Coordinator may take protective action that he/she deems appropriate concerning the interaction of the parties pending the outcome of the investigation, including without limitation: 1) imposing a “no contact” order directive requiring the parties refrain from having contact with one another, directly or through proxies, whether in person or via electronic means, pending the investigation; and 2) directing appropriate College officials to alter the students’ academic and/or College employment arrangements. When taking steps to separate the parties, the Title IX Coordinator will seek to minimize unnecessary or unreasonable burdens on either party. Violation(s) of the Title IX Coordinator’s directive and/or protective actions will constitute “related misconduct” and will be subject to additional disciplinary action under this policy.

Resolution Process

ICC’s resolution process involves a fact-finding inquiry by trained individuals designated by the Title IX Coordinator to conduct investigations and hearings of alleged sexual misconduct, which includes summarizing information learned from those involved, collecting related documents and submitting summary findings to the Title IX Hearing Committee that are likely to be helpful in determining whether behavior is in violation of ICC’s sexual misconduct policy.

Formal Resolution Process

Investigation

Under the formal resolution process, the Title IX Coordinator will prepare and assign the complaint to a trained Title IX Investigator to conduct an investigation. The investigator is a neutral fact-finder, who, during the course of the investigation, typically conducts interviews with each complainant, respondent and third-party witness (including expert witnesses, where applicable); visits and takes photographs at relevant sites; and, where applicable, coordinates with law enforcement agencies to collect and preserve relevant documentation and other evidence. The completed investigative report includes, among other things, summaries of interviews with each complainant, respondent and third-party witness; summaries of interviews with expert witnesses, where applicable; photographs of the relevant site(s) and related logs; other photographic, hard-copy, electronic and forensic evidence; and a detailed written analysis of the events in question. A typical Investigation will be completed within sixty (60) days, if not sooner.

Interim Recommendations

During the Investigation process, the Investigator may, where the alleged sexual misconduct is sufficiently serious, in his/her reasonable discretion, cause a disciplinary hold to be placed on the accused student’s academic record pending final resolution of the complaint. An accused student whose transcripts are subject to a hold may appeal that decision to the VP of Student Affairs, whose decision will be final.

Complainant Requests Informal Resolution: Accused Student Elects to Accept Responsibility

After reviewing the Investigative Report, the complainant may decide to elect informal resolution instead of formal resolution, by making such request to the Title IX Coordinator prior to the final determination. At any time prior to the final determination, the respondent may elect to acknowledge his/her actions and take responsibility for the alleged sexual misconduct. In such cases, the VP of Student Affairs will propose a resolution to the complaint and a sanction. If both the complainant and the respondent agree in writing to such proposed sanction, the complaint is resolved without final review and determination by the Title IX Hearing Committee and without any further rights of appeal by either party. If either the complainant or the respondent objects to such proposed sanction, a review by the VP of Student Affairs and a final determination will be issued for the exclusive purpose of determining a sanction.

Investigation Procedures

1. Submissions

The parties will provide the Title IX Investigator with a list of witnesses they propose to be interviewed, list of relevant documents to be obtained and a description of any other information they believe to be relevant to the investigation on or before a date set by the investigator. Evidence of the complainant’s past sexual history will not be considered unless it is relevant to the complaint. The investigator will provide each party with a copy of the list of witnesses to be contacted. Witnesses contacted by the investigator who are unwilling to participate in an interview may instead submit a written statement to the investigator, prior to the date set for submission of the investigative report to the Title IX Coordinator.

2. Investigation

During the ongoing investigation, and prior to the issuance of the final outcome letter by the Title IX Hearing Committee, each party may submit written statements to the investigator or Title IX Coordinator with any documentation deemed relevant. If prior to the issuance of the final outcome letter, the Title IX Coordinator, Title IX Investigator or Title IX Hearing Committee determine that unresolved issues exist that would be clarified by the submission of additional information, a request for such additional information be submitted to the parties. The respondent has the option not to provide a written statement; however, the exercise of that option will not preclude the investigation from proceeding and a final determination of the complaint being made by the Title IX Hearing Committee and/or the VP of Student Affairs.

3. Third Parties

Third parties may assist each party in the investigation process, including preparing and submitting statements on behalf of a party, but may not participate verbally in any interview or meeting, unless they are witnesses in the investigation.

4. College's Counsel

The investigators and Title IX Coordinator may seek advice from the College's legal counsel throughout the investigation process on questions of law and procedure; however, factual determinations are the domain of the investigator and Title IX Coordinator.

5. Standard of Proof

The Colleges adopts a "preponderance of the evidence" standard for purposes of evaluating evidence gathered in for the purpose of making factual findings and determinations concerning whether a violation of this policy has occurred. A preponderance of the evidence means that the information shows that it is "more likely than not" that the accused violated the College's policy. In the context of a review of the investigators' investigative report and determination by the Title IX Hearing Committee, the respondent will be found to be responsible for the alleged sexual misconduct if the Title IX Hearing Committee concludes that such sexual misconduct more likely than not occurred based upon careful review of all information presented. In making a determination, the Title IX Hearing Committee shall carefully consider all of the evidence presented and follow the procedures stated in these complaint procedures.

6. Investigation Report to Parties Prior to Title IX Hearing Proceedings

Prior to submitting the investigative report to the Title IX Hearing Committee, the Title IX Coordinator will distribute, concurrently to both parties, a proposed draft of the investigative report prepared by the Title IX Investigator and/or the Title IX Coordinator during the Title IX investigation. Both parties will have five (5) business days within which to prepare a written response to the information included in the proposed draft of the investigative report. The Title IX Coordinator, with input from the Title IX Investigator, will determine whether the submissions of either party require revision of the investigative report. In addition, the written response and any supporting documentation provided by either party will be included as an appendix to the final investigative report submitted to the Title IX Hearing Committee prior to the commencement of the hearing proceedings.

7. Sanctions

The Title IX Hearing Committee will consider suspending or expelling any student found responsible for sexual misconduct; however, the Title IX Hearing Committee may impose any sanction that it finds to be fair and proportionate to the violation, including a "no contact" order, alteration of the parties' academic or employment arrangements at ICC, warning, disciplinary hold, community service/work hours, counseling, fines, restriction of access to College property and/or College sponsored activities, loss of scholarship, probation, suspension and/or expulsion. In determining an appropriate sanction, the Title IX Hearing Committee may consider any record of past violations of the Student Code of Conduct, as well as the nature and severity of such past violation(s). The Title IX Hearing Committee will also consider whether the sanction will: a) bring an end to the violation in question, b) reasonably prevent a recurrence of a similar violation and (c) remedy the effects of the violation on the complainant and the College community. The sanction decision will be made by the Hearing Committee and any sanction imposed will be explained or supported in the written final outcome letter submitted to the parties by the Title IX Coordinator.

8. Appeals

Either party may petition to appeal the Title IX Hearing Committee's final determination based on one of the following three grounds:

1. Failure of ICC to follow its own policies as they relate to the investigation and adjudication of the alleged sexual misconduct and/or student code of conduct violations;
2. The discovery of new information which would materially alter the decision of the hearing panel; or
3. Concerns regarding whether the severity of the punishment is proportionate to the alleged sexual misconduct.

In such instances, the appealing party must notify the Title IX Coordinator in writing within five (5) business days of the date on which the Title IX Coordinator delivers the final outcome letter to the parties. The notice of appeal must describe in detail the grounds upon which the appeal is based. The Title IX Coordinator will accept such appeal request, will put the non-appealing party on notice, thereby allowing the non-appealing party to submit a response directly related to the appeal notice within five (5) business days of receipt of the notice of appeal and will review the notice of appeal and any additional documentation with respect to the procedural appeal prior to submitting the appeal to the VP of Student Affairs for approval.

If the VP of Student Affairs determines that the appellant has grounds upon which to appeal the Title IX Hearing Committee's decision, then the VP of Student Affairs will put the parties on notice of such determination. Depending upon the grounds for which the appeal is allowed, the VP of Student Affairs will 1) allow for the questioned procedure to be carried out appropriately (which may include allowing for additional witness statements and/or documentation in certain circumstances), 2) review the new information presented by the appellant (and appellee as appropriate), 3) consider whether the severity of the punishment is proportionate to the alleged sexual misconduct and/or 4) review the entire set of documents created and collected in the investigation and the Title IX Hearing Committee's final outcome letter before making a determination regarding the original complaint of sexual misconduct.

The VP of Student Affairs will make a final ruling/determination with respect to the original complaint of sexual misconduct within thirty calendar (30) days of the date of the appeal. Decisions by the VP of Student Affairs are final and not subject to appeal by either party. In the event a conflict of interest exists that would prevent the VP of Student Affairs from making the final ruling/determination on appeal, the final ruling/determination will be made by the President or his/her designee.

9. Effective Date of Sanction

Sanctions imposed by the Title IX Hearing Committee are not effective until the resolution of any timely appeal of the decision. However, if advisable to protect the welfare of the parties or the College community, the Title IX Hearing Committee may determine that any probation, suspension or expulsion be effective immediately and continue in effect until such time as the Title IX Coordinator may otherwise determine. The Title IX Coordinator may suspend the final determination pending exhaustion of any appeals by the parties or may allow the parties to attend classes or to engage in other activity on a supervised or monitored basis or may make such other modifications to the determination as may be advisable in the sole discretion of the Title IX Coordinator. The Title IX Coordinator's decision may not be appealed.

10. Privacy of the Hearing Process: Final Outcome Letter.

In order to comply with [FERPA](#) and Title IX and to provide an orderly process for the submission and consideration of relevant information without undue intimidation or pressure, documents prepared and/or submitted during investigation testimony or other information, may not be disclosed outside of the investigation process, except as may be required or authorized by law.

In addition to complying with Title IX and [FERPA](#), the College is required to comply with the federal [Clery Act](#). Under the [Clery Act](#), both the complainant and the respondent must be informed of the hearing outcome, and the College may not impose any limitations on the re-disclosure of this information. Accordingly, following the closure of the investigation process, the Title IX Coordinator will issue a "Final Outcome Letter," *concurrently to both* the complainant and respondent. The final outcome letter will set forth, as required by the [Clery Act](#), the name of the respondent; the violation(s) of College policy for which the respondent was found responsible, if any; any essential findings supporting the Title IX Hearing Committee's decision on the issue of responsibility; and the sanction imposed, if any. College policy neither encourages nor discourages the further disclosure of the final outcome letter by any party. The College acknowledges that sharing the final outcome letter with others, including family, friends, legal counsel, mental health professionals and sexual assault advocates or victims, may be a critically important part of an individual's healing process.

Informal Resolution

A complainant who wishes to file a formal complaint with the Title IX Coordinator but who does not wish to pursue formal resolution may request a less formal proceeding. Although less formal than the formal resolution process, informal resolution is an appropriate resolution process; it is not mediation. The respondent is expected to attend the informal resolution proceeding but is not required to participate.

Purpose of Informal Resolution

Informal resolution provides an opportunity for the complainant to confront the respondent, in the presence of, and facilitated by, a presiding officer and to communicate his/her feelings and perceptions regarding the incident, the impact of the incident and his/her wishes and expectations regarding protection in the future. The respondent will have an opportunity to respond.

Third Parties and Presiding Officer

The complainant and respondent each may bring a third party to the informal resolution; however, third parties may not participate verbally in the meeting. The Title IX Coordinator will preside over the informal resolution and may elect to be assisted by another member of the investigation team and/or the VP of Academic Affairs.

Informal Resolution Where Accused Student Acknowledges Responsibility

If, during the course of the informal resolution, a respondent elects to acknowledge his/her actions and take responsibility for the alleged sexual misconduct, the informal resolution will be concluded and the VP of Student Affairs will propose a sanction. If both the parties agree to such proposed sanction, the complaint will be resolved without any further rights of appeal by either party. If either the complainant or the respondent objects to such proposed sanction, the VP of Student Affairs shall make a determination of an appropriate sanction. For purposes of this sanction determination, all of the other provisions of these complaint procedures relating to the imposition of a sanction for sexual misconduct shall apply including, for example, the provisions governing the effective date of the sanction.

Privacy of Informal Resolution

In order to promote honest, direct communication, information disclosed during informal resolution will remain private while the informal resolution is pending, except where disclosure may be required by law or authorized in connection with duties on behalf of the College.

Informal Resolution Where Accused Student Contests Responsibility

If the respondent contests the complaint of alleged sexual misconduct, the VP of Student Affairs may nevertheless impose a protective order agreed upon by the parties, or (with or without such agreement) based on information derived from the informal resolution proceedings, taken together with any other relevant information known to the College at the time of the informal resolution.

Election of Formal Resolution

The College, the complainant or the respondent may, at any time prior to the conclusion of the informal resolution, elect to end such proceedings and initiate formal resolution instead. In such cases, statements or disclosures made by the parties in the course of the informal resolution may be considered in the subsequent formal resolution.

Conflicts of Interest

In the event that a conflict of interest exists with regards to the handling of an allegation of sexual misconduct by the Title IX Department, the Title IX Coordinator reserves the right to exclude the conflicted individual from the resolution of the allegation of sexual misconduct.

SEX OFFENDER REGISTRY INFORMATION

CSCPA and the *Clery Act* also require institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. The acts also require sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. All persons found in violation of this policy shall be subject to disciplinary action up to and including suspension or expulsion from the College. All College employees found in violation of this policy shall be subject to disciplinary action up to and including termination. Note: The Kansas Bureau of Investigation maintains a registry of convicted sex offenders and makes it available to the public via the Kansas Bureau of Investigation Offender Registry website. The website for Kansas and websites for other state registries are listed below:

1. State websites: <http://www.fbi.gov/hq/cid/cac/registry.htm>
2. National Sex Offender Public Registry: <http://www.nsopr.gov>
3. Kansas Offender Registry: http://www.accesskansas.org/kbi/offender_registry/

RESOURCES

ICC has contracts with Four County Mental Health to provide counselors to assist victims with their immediate needs. For counseling services, contact the Student Services Department to schedule an appointment. Additional resources listed below include medical, emotional, or psychological support services.

Montgomery County:

Four County Mental Health
3751 W Main
Independence, KS 67301
Phone: (620) 331-1748

Montgomery Co. Health Department
209 E Laurel
Independence, KS 67301
Phone: (620) 331-4300

Montgomery Co. Sheriff's Office
300 E Main
Independence, KS 67301
Phone: (620) 330-1000

Independence Police Department
120 North 6th Street, #2
Independence, KS 67301
Phone: (620) 332-1700

National Certified Crisis Hotline
(800-SUICIDE)

For Emergencies, Dial 911

** Report revised to reflect changes in the number of crimes reported during 2017, including an increase in the number of burglaries and disciplinary actions for alcohol and a reduction in the number of sexual assault crimes. The report was also revised to make it clear that the College does not have a security department.

Independence Community College
1057 W. College Ave
Independence, KS 67301

Annual Fire Safety Report

October 1, 2018

Overview

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008. It requires all United States academic institutions that maintain on-campus student housing to produce an annual fire safety report outlining fire safety practices, standards and all fire-related on-campus statistics. The following public disclosure report details all information required by this law as it relates to Independence Community College.

Student Housing Fire Evacuation Procedure

All student housing facilities have fire alarm systems to notify occupants of a fire emergency. Evacuation is mandatory for all occupants during all fire alarm activations. Upon activation of the fire alarm system, all occupants of the student housing facility or facilities affected should immediately evacuate the building using the closest available designated emergency exit stairway. NEVER use the elevators when the fire alarm is initiated.

ICC has identified designated assembly locations for each housing facility as follows: Individuals in the Villas and the Bricks should evacuate to the east ICC football field and individuals in the Captains Quarters should evacuate to the west ICC football field. All occupants of a student housing facility affected by a fire emergency should remain in the designated assembly location for their housing facility and await further instruction from college safety personnel.

Fire Safety Systems

The Villas and Captains Quarters have integrated fire warning and sprinkler systems. The Bricks residence halls have smoke detectors and alarms.

Fire Safety Improvements and Upgrades

Independence Community College annually reviews the fire systems in all campus buildings and will make recommendations for upgrades, repairs or revisions when problems are identified.

Fire Drills

Fire drills are held at least once each year. Fire drills are mandatory supervised evacuations of a building for a fire. The Director of Residence Life, Compliance Officer, and the housing staff schedule the fire drill. Supervised fire drills are usually scheduled within the beginning weeks of the semester, or at a time that is conducive to demonstrate the effectiveness of the drill. Each of the student housing facilities had one fire drill in 2017.

Students who fail to leave the building during a drill are counseled and the incident is turned over to the Director of Residence Life or Vice President for Student Affairs for adjudication.

Fire Safety Education

Fire evacuation information is posted in the halls and stairwells of the main residence hall and each student receives a briefing on fire safety at the first residents meeting at the beginning of each fall semester.

Portable electrical appliances

Portable electrical appliance such as cooking stoves, hotplates and heaters are not allowed in the residence halls. Open flames such as candles are also prohibited.

Smoking Policy

Smoking is prohibited in all indoor locations. Exterior smoking areas must be at least 10 feet from entries, outdoor air intakes and windows.

Signs

The College adheres to the laws of the State of Kansas concerning posting of signs designating no smoking areas.

Reporting a Fire

Anyone observing an unintentional fire should sound the alarm and leave the building and then contact 911. Once emergency responders have been notified, contact the Director of Residence Life or the Compliance Officer to report the fire to college personnel.

Fire Log

The fire log is maintained together with the campus crime log.

On-Campus Student Housing Fire Statistics

Summary of Fires

Facility Name	2015			2016			2017		
	Fire	Injury	Death	Fire	Injury	Death	Fire	Injury	Death
Residence Hall (Captains Quarters)	0	0	0	0	0	0	0	0	0
Villas	0	0	0	1	0	0	0	0	0
Dorm A	0	0	0	0	0	0	0	0	0
Dorm B	0	0	0	0	0	0	0	0	0
Dorm C	0	0	0	0	0	0	0	0	0
Dorm D	0	0	0	1	0	0	0	0	0