COFFEYVILLE
COMMUNITY COLLEGE

# COFFEYVILLE TECHNICAL CAMPUS

# 2025 ANNUAL SECURITY REPORT



# Coffeyville Technical (Coffeyville)

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## Introduction

This report is provided in compliance with the Jeanne Clery Campus Safety Act. It provides students and employees of Coffeyville Community College ("College") with information on: the College's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the College will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

## Policy for Preparing the Annual Report

This report is prepared by the Vice President for Student Services in cooperation with local law enforcement authorities and includes information provided by them as well as by the College's campus security authorities and various other elements of the College. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Ryan McCune, Student Union Building,400 W 11th, Coffeyville, KS (620) 252-7700. The College is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

## General Safety and Security Policies

### Campus Security Personnel & Relationship with Local Law Enforcement

The Eagle Security Services and Solutions, a private contractor, is responsible for campus safety at the College.

Eagle Security Services and Solutions provides security guard and patrol services, but its officers do not have arrest authority.  Their jurisdiction covers all CCC property in Coffeyville, KS.

While the College does not have any written agreements with local law enforcement agencies, it does maintain a close working relationship with local police.

### Campus Security Authorities

The College has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are

reported for collection as part of the College's annual report of crime statistics. The campus security authorities to whom the College would prefer that crimes be reported are listed below.

- VP for Academic Services at 620-252-7005
- Fine Arts Instructor at 620-252-7020
- Director of Library Services at 620-252-7022
- VP for Student Services at 620-252-7095
- Director of Residential Life at 620-252-7079
- Chief Financial Officer at 620-252-7177
- Athletic Director at 620-252-7082

## Reporting a Crime or Emergency

The College encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the College, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged when the victim of a crime elects to, or is unable to, make such a report.

- To report an incident occurring during regular business hours from one of the Coffeyville, KS campus facilities, call the switchboard (extension 7108). If calling from an outside line, dial 620-251-7700 and push 1 for the main campus and 0 for the switchboard.
- For emergencies after hours contact the Residence Hall Security Services or Student Life Managers by calling 620-252-7395. To call police in case of an emergency, please dial 911. (Coffeyville campus college extensions require dialing 9 then 911).
- Students, employees, and visitors can also make reports to Campus Security or to one of the campus security authorities identified above. The Campus Security Station is located in Powell Hall and is staffed a majority of the year, but not in the last few weeks of May after graduation and not at all in July. During the times of the year when the Campus Security Station is staffed, a security officer can be reached at 620-252-7395.
- Anonymous incident reports can also be made through the “Report a Concern/Incident” link on the left side of the Coffeyville.edu homepage.

## Confidential Reporting

The College will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim's identity.

Pursuant to the College’s Sexual Harassment policy, when an employee who is a Reporting Official who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. College employees who are not Reporting Officials are encouraged, but not required, to forward reports of sexual harassment to the Titie IX Coordinator.

A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the College disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the College without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the College take appropriate steps to ensure the future safety of the victim and others. With such information, the College can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the College.

The College encourages its professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics. The College does not have pastoral counselors.

## Security of and Access to Campus Facilities

The facilities of CCC are generally intended to provide services to students, employees and visitors for the purpose of study, work, teaching and conducting other College business. Only those approved by the Chief Financial Officer and who have demonstrated a need are issued keys to a building, classroom, office or lab.

Due to issues involving safety, insurance, liability, theft and vandalism, Board Policy dictates that students may only use facilities when supervised by a staff member. No activity sponsored by the College or staff member will be allowed to begin without appropriate supervision. Staff members are responsible for the enforcement of applicable rules, restrictions and safety procedures. When using facilities after hours, on weekends or during a holiday break, the security of the building becomes the sole responsibility of the staff member accessing the facility.

The Coffeyville-Main Campus residence halls are secured 24 hours per day when the buildings are occupied by students. Over extended breaks, the buildings are secured and can only be accessed with a key separate from the regular key issued to students.

During evening hours, Security officers check buildings at various times throughout the night and patrol the campus grounds, parking lots and surrounding areas.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others:

- Do not prop doors open or allow strangers into campus buildings that have been secured
- Do not lend keys or access cards to non-students and do not leave them unattended
- Do not give access codes to anyone who does not belong to the campus community

Employee and student identification cards may be used to verify the identity of persons suspected to be in campus facilities without permission.

## Security Considerations in the Maintenance of Facilities

Maintenance personnel regularly check to ensure pathways are well lit and that egress lighting is working in hallways and stairwells and to determine if shrubs or other lanscaping might need trimming. In addition, security staff monitor and report any maintenance issues in their daily security reports so that repairs can be made.

## Educational Programs Related to Security Awareness and Prevention of Criminal Activity

The College seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs are discussed below.

- Workshops and briefings are conducted on a regular basis at faculty in-service meetings to acquaint employees with campus security policies and procedures and to encourage them to be responsible for their own security and the security of others. Safety is discussed in general, however some in-service meetings include more specific training. Examples include a presentations on General Safety and Sexual Harrassment during the January 2023, and August 2023, in-service meetings, Sexual Harassment during the August 2020 in-service meeting, and Safe Driving during the January 2020 in-service meeting. In addition, all employees, including new hires, are required to complete an on-line Title IX and Sexual Harassment course through Vector LMS,Higher Education Edition.
- Presentations are made at the beginning of each semester during student orientation and residence hall orientation to acquaint students with campus security policies and procedures and to encourage them to be responsible for their own security and the security of others. Students are directed to the online version of the Student Handbook and the general safety and security policies are presented. In addition, the Director and Assistant Director of Residentail Life sponsor workshops and/or events each semester to explore and discuss and/or increase awareness on these issues. One example is designating special nights for awareness at various athletic events.
- In addition to the presentations listed above, students and employees are encouraged to attend campus assemblies and other programs which may be presented to inform them about campus crime prevention. Publications and brochures about crime prevention are made available to students and employees. Representatives from various organizations that assist victims of crimes and/or sexual assaults will set up a table on campus at various times throughout the year to distribute their materials to increase awareness. Posters and email blasts may also be used at various times to remind students and employees of the importance of reporting criminal activity, and to whom crimes should be reported.

It is also recommended that members of the campus community familiarize themselves with the following **personal safety reminders**:

- Practice being aware of your surroundings and of the behavior of the people around you. Follow your intuition; trust your feelings about a situation.

- Be aware of your feelings when you are faced with situations in which you do not feel relaxed or in charge. If you feel uncomfortable, act on it.
- Be aware that alcohol and drugs compromise your awareness and your ability to identify and act on your feelings. They also increase the opportunity for victimization and may violate CCC policies related to drugs and alcohol.
- In general, the more information you have about a person, a situation and your own feelings and reactions, the safer you will feel.
- Practice the buddy system; when working after hours let others know where you are, what time you plan to return, how to reach you and what route you will take.
- When studying or working late, make sure doors are locked. Avoid using stairs in remote sections of a building.
- Never prop doors open, especially fire doors, even for a short period of time.
- Don't leave your purse, backpack, briefcase or laptop computer unattended or unoccupied. If possible, always secure valuables in a locked cabinet or drawer. Avoid leaving valuables on or beneath a desk.
- Report suspicious persons and/or activity to administrators, campus security, Student Life Managers, Director of Student Life, faculty or custodians.
- Never leave your drink unattended because there are colorless and odorless drugs used in drug facilitated sexual assault which can be slipped into any type of beverage. If you leave your drink unattended, do not finish it. Get a new one.
- If you think your drink has been tampered with, seek medical attention immediately and request the hospital to conduct toxicology testing.

### Monitoring Off Campus Locations of Recognized Student Organizations

The College does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

### Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense

Upon written request, the College will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

## Drug and Alcohol Policy

The College is committed to creating and maintaining an environment that is free from alcohol abuse. To that end, CCC enforces the state's underage drinking laws and complies with state law and applicable regulations governing alcoholic beverages for those on the College's premises or participating in its activities.

CCC policies provide, in part, that no student shall unlawfully consume or possess any alcoholic beverages, unlawfully manufacture, distribute, dispense, consume or possess controlled substances, or be under the influence of such substances on any College-owned, College-operated, or College-utilized facility or at any College-sponsored event or activity either on or off campus. Authorized exceptions to this policy must be obtained in writing by a Vice President or the College President regarding Service of Alcoholic Beverages for Special Events and Regular Operations. Any student found to be using, possessing, manufacturing or distributing controlled substances or alcohol will be in violation of the law or College policy.

The College also enforces federal and state drug laws. The possession, use, sale, manufacture or distribution of illegal drugs is prohibited under both state and federal laws. Such laws will be enforced by Campus Security and College administration. Violators of the College's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possible criminal prosecution.

**Federal Drug Laws** (updated 07.18.2025)

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 U.S.C. § 841)** Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally-defined schedules of controlled substances are published at 21 U.S.C. § 812.

In the case of a controlled substance in schedule I or schedule II, GHB (or, "liquid ecstasy"), or flunitrazepam (or, "rohypnol"), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to $10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed $500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than $250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than $250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university **(21 U.S.C. § 860)** face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

**Federal Drug Possession Penalties (21 U.S.C. § 844)** Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than $1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of $2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of $5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at https://www.campusdrugprevention.gov/content/drug-scheduling-and-penalties.

**Drug and Alcohol State Laws**

| Category | Summary (Kansas Statutes) |
|---|---|
| Possession of Marijuana | Possession of marijuana is a Class B nonperson misdemeanor in Kansas with the possibility of up to six months incarceration and a fine of up to $1,000. Kan. Stat. Ann. §§ 21-5706(c)(3)(A), 21-6602, 21-6611. Penalties increase with additional convictions. §§ 21-5706(c)(3)(B)–(C), 21-6602, 21.6611. Distribution or possession with intent to distribute marijuana is a drug severity level 4 felony for quantities of less than 25 grams. § 21-5705. A Level 4 felony can result in up to 51 months imprisonment. § 21-6805. Kansas does not allow the medical use of marijuana. |
| Controlled Substances | It is illegal in Kansas to be in possession of a controlled substance. § 21-5706(a)–(b). Penalties vary widely based on the offense and the defendant's criminal history. §§ 21-5705 – 21-5710.<br><br>Possession of opiates, opium, or certain stimulants (including methamphetamine) is a Level 5 felony for which a defendant faces up to 3.5 years in prison and $100,000 in fines. §§ 21-5706(c)(1), 21-6611(a)(3). For certain other drugs, the first offense is a Class A nonperson misdemeanor, with up to a year in prison and up to $2,500 in fines. Prior offenses result in a Level 5 felony. § 21-5706(c)(2)(B). Possession of drug paraphernalia is a Class B nonperson misdemeanor or a Level 5 felony, depending on how the paraphernalia is used. § 21-5709.<br><br>Distribution of controlled substances is also illegal, with punishments dependent on the substance and the amount. § 21-5705. Possession of larger quantities of controlled substances results in an inference of an intent to distribute. § 21-5705(e). |
| Alcohol and Minors | No person under the age of 21 shall possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic beverages. § 41-727. A violation, for a person aged 18 to 20, constitutes a Class C misdemeanor with a fine of $200 to $500 and imprisonment for up to one month. *Id.* It may also result in 40 hours of community service and/or completion of an |

| Category | Summary (Kansas Statutes) |
|---|---|
| | educational training program regarding the results of alcohol and other chemical substances. *Id.* Second convictions result in a 90-day loss of driving privileges. *Id.* Third convictions result in a one-year loss of driving privileges. *Id.*<br><br>Furnishing alcoholic liquor or cereal malt beverage to a minor is a Class B person misdemeanor, punishable by a fine of $200 to $1000 and imprisonment for up to 6 months. § 21-5607(c)(1). It is also illegal for any person under the age of 21 to display or have in possession any fictitious or fraudulently altered identification card for use in the purchase of any alcoholic liquor or cereal malt beverage. § 8-1327(c)(4). A first violation constitutes a Class B nonperson misdemeanor with a sentence of not less than 100 hours of public service, up to 6 months imprisonment, and a fine of not less than $200 nor more than $500. § 8-1327(d)(1). |
| Driving Under the Influence (DUI) | It is illegal to operate or attempt to operate a car with a blood alcohol content of 0.08 percent or greater or while under the influence of alcohol or any drug to a degree that renders a person incapable of safely driving a vehicle. § 8-1567(a). A first offense is a Class B nonperson misdemeanor with a minimum imprisonment of 48 consecutive hours up to six months (or 100 hours of public service in the court's discretion) and a fine of $750–$1,000. § 8-1567(b)(1)(A). For a second offense, the penalties increase to a Class A nonperson misdemeanor with a term of imprisonment of 90 days to one year and a fine of not less than $1,250 nor more than $1,750. § 8-1567(b)(1)(B). It is also unlawful for any person less than 21 years of age to operate or attempt to operate a vehicle with a breath or blood alcohol content of .02 or greater. § 8-1567a(a). For a first offense, the person's driving privileges will be suspended for 30 days and then restricted for an additional 180 days. § 8-1567a(f). It is generally illegal to operate a motor vehicle with an opened alcoholic beverage in your possession. § 8-1599. A violation is a misdemeanor punishable by a fine of not more than $200 or by imprisonment for not more than six months, or both. *Id.* |

### Drug and Alcohol Abuse Prevention Program

The College has a drug and alcohol abuse prevention program and conducts a biennial review of this program to evaluate its effectiveness. More information about the program, including the College's annual notification of its standards related to alcohol and drugs and the biennial review, can be located at: http://www.coffeyville.edu/student-services/drug-and-alcohol-abuse-prevention.

## Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Consistent with applicable laws, the College prohibits dating violence, domestic violence, sexual assault, and stalking. The College's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- Sexual Harassment Policy: https://www.coffeyville.edu/student-services/sexual-misconduct-policy-and-complaint-procedures
- Employee Handbook:
- Faculty Memorandum of Agreement:

The following sections of this report discuss the College's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

## Primary Prevention and Awareness Program:

The College conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the College prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

### Crime Definitions

| Crime Type (Kansas Statutes Annotated) | Definitions |
|---|---|
| Dating Violence | The institution has determined, based on good-faith research, that Kansas law does not define the term dating violence. |
| Domestic Violence | • Domestic Violence (Kan. Stat. Ann. § 21-5111): "Domestic violence" means an act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, 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 against 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.<br>• Domestic Battery (Kan. Stat. Ann. § 21-5414(a)): Domestic battery is (1) Knowingly or recklessly causing bodily harm to a person with whom the offender is involved or has been involved in a dating relationship or a family or household member; or (2) knowingly causing physical contact with a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner.<br>• Aggravated Domestic Battery (Kan. Stat. Ann. § 21-5414(b)): Aggravated domestic battery is: (1) Knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat, neck or chest of a person with whom the offender is |

| Crime Type (Kansas Statutes Annotated) | Definitions |
|---|---|
| | involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner; or (2) knowingly impeding the normal breathing or circulation of the blood by blocking the nose or mouth of a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner.<br><br>For purpose of the above definitions:<br><br>• "Dating relationship" means a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since termination of the relationship, if applicable.<br>• "Family or household member" means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and person 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 and household member" also includes a man and woman if the woman is pregnant and the man is the alleged father, regardless of whether they have been married or have lived together at any time. |
| Stalking (Kan. Stat. Ann. § 21-5427) | • Stalking is: (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 any protective order…that prohibits contact with a targeted person, recklessly engaging in at least one act listed [below] 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; or intentionally engaging in a course of conduct targeted at a specific child under the age of 14 that would cause a reasonable person in the circumstances of the targeted child, or a reasonable person in the circumstances of an immediate family member of such child, to fear for such child's safety. |

| Crime Type (Kansas Statutes Annotated) | Definitions |
|---|---|
| | • "Course of conduct" means two or more acts over a period of time, however short, which evidence a continuity of purpose. A course of conduct shall not include constitutionally protected activity nor conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. A course of conduct shall include, but not be limited to, any of the following acts or a combination thereof: (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; (G) Utilizing any electronic tracking system or acquiring tracking information to determine the targeted person's location, movement or travel patterns; and (H) Any act of communication.<br>• "Immediate Family" means: (A) father, mother, stepparent, child, stepchild, sibling, spouse or grandparent of the targeted person; (B) any person residing in the household of the targeted person; or (C) any person involved in an intimate relationship with the targeted person. |
| Sexual Assault | The institution has determined, based on good-faith research, that Kansas law does not define the term sexual assault. |
| Rape, Fondling, Incest, Statutory Rape | For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Kansas law are as follows:<br><br>• Rape (Kan. Stat. Ann. § 21-5503): (1) Knowingly engaging in sexual intercourse with a victim who does not consent to the sexual intercourse under any of the following circumstances: (A) When the victim is overcome by force or fear; or (B) when the victim is unconscious or physically powerless; (2) Knowingly engaging in sexual intercourse with a victim when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender; (3) sexual intercourse with a child who is under 14 years of age; (4) sexual intercourse with a victim when the victim's |

| Crime Type (Kansas Statutes Annotated) | Definitions |
|---|---|
| | consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a medically or therapeutically necessary procedure; or (5) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a legally required procedure within the scope of the offender's authority.<br>• Fondling: The institution has determined, based on good-faith research, that Kansas law does not define the term fondling.<br>• Incest (Kan. Stat. Ann. § 21-5604(a)): Incest is marriage to or engaging in otherwise lawful sexual intercourse or sodomy, as defined in K.S.A. 21-5501, and amendments thereto, with a person who is 18 or more years of age and who is known to the offender to be related to the offender as any of the following biological relatives: Parent, child, grandparent of any degree, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece.<br>• Aggravated Incest (Kan. Stat. Ann. § 21-5604(b)): Aggravated incest is (1) Marriage to a person who is under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece; or (2) engaging in the following acts with a person who is 16 or more years of age but under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece: (A) Otherwise lawful sexual intercourse or sodomy as defined by K.S.A. 21-5501, and amendments thereto; or (B) any lewd fondling, as described in subsection (a)(1) of K.S.A. 21-5506, and amendments thereto.<br>• Statutory Rape: The institution has determined, based on good-faith research, that Kansas law does not define the term statutory rape.<br>• Pursuant to K.S.A. 21-5501 (a) “Sexual Intercourse” means any penetration of the female sex organ by a finger, the male sex organ or any object. Any penetration, however slight, is sufficient to constitute sexual intercourse. “Sexual intercourse” does not include penetration of the female sex organ by a finger or object in the course of the performance of: (1) Generally recognized health care practices; or (2) a body cavity search conducted in accordance with K.S.A. 22-2520 through 22-2524, and amendments thereto. “Sodomy” means oral contact or oral penetration of the female genitalia or oral contact of the male genitalia; anal penetration, however slight, of a male or female by any body part or object; or oral or anal copulation or sexual intercourse between a person and an animal. (b) “Sodomy” does not include penetration of the anal |

| Crime Type (Kansas Statutes Annotated) | Definitions |
|---|---|
| | opening by a finger or object in the course of the performance of: (1) Generally recognized health care practices; or (2) a body cavity search conducted in accordance with K.S.A. 22-2520 through 22-2524, and amendments thereto. |
| Other "sexual assault" crimes | Other crimes under Kansas law that may be classified as a "sexual assault" include the following:<br><br>• Criminal Sodomy (Kan. Stat. Ann. § 21-5504(a)): Criminal sodomy is: (1) Sodomy between persons who are 16 or more years of age and members of the same sex* [this provision was found unconstitutional as applied by *State v. Franco*, 319 P.3d 551 (2014) and thus unenforceable with regard to any intercourse between consenting adults of the same sex conducted in private]; (2) sodomy between a person and an animal; (3) sodomy with a child who is 14 or more years of age but less than 16 years of age; or (4) causing a child 14 or more years of age but less than 16 years of age to engage in sodomy with any person or animal.<br>• Aggravated Criminal Sodomy (Kan. Stat. Ann. § 21-5504(b)): Aggravated criminal sodomy is: (1) Sodomy with a child who is under 14 years of age; (2) causing a child under 14 years of age to engage in sodomy with any person or an animal; or (3) sodomy with a victim who does not consent to the sodomy or causing a victim, without the victim's consent, to engage in sodomy with any person or an animal under any of the following circumstances: (A) When the victim is overcome by force or fear; (B) when the victim is unconscious or physically powerless; or (C) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by, or was reasonably apparent to, the offender.<br>• Sexual Battery (Kan. Stat. Ann. § 21-5505(a)): Sexual battery is the touching of a victim who is 16 or more years of age and who does not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender or another.<br>• Aggravated Sexual Battery (Kan. Stat. Ann. § 21-5505(b)): Aggravated sexual battery is sexual battery, as defined in subsection (a), under any of the following circumstances: (1) When the victim is overcome by force or fear; (2) when the victim is unconscious or physically powerless; or (3) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by, or was reasonably apparent to, the offender. |

| Crime Type (Kansas Statutes Annotated) | Definitions |
|---|---|
| | • Indecent Liberties with a Child (Kan. Stat. Ann. § 21-5506(a)): Indecent liberties with a child is engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age: (1) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or (2) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.<br>• Aggravated Indecent Liberties with a Child (Kan. Stat. Ann. § 21-5506(b)): Aggravated indecent liberties with a child is: (1) Sexual intercourse with a child who is 14 or more years of age but less than 16 years of age; (2) engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age and who does not consent thereto: (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or (B) causing the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another; or (3) engaging in any of the following acts with a child who is under 14 years of age: (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or (B) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.<br>• Unlawful voluntary sexual relations (Kan. Stat. Ann. § 21-5507): Unlawful voluntary sexual relations is:<br>1. Engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age:<br>A. Voluntary sexual intercourse;<br>B. voluntary sodomy; or<br>C. voluntary lewd fondling or touching;<br>2. when the offender is less than 19 years of age;<br>3. when the offender is less than four years of age older than the child;<br>4. when the child and the offender are the only parties involved; and<br>5. when the child and the offender are members of the opposite sex. |
| Consent (as it relates to sexual activity) | The institution has determined, based on good-faith research, that Kansas law does not define the term consent (as it relates to sexual activity). |

*College Definition of Consent*

Though Kansas law does not specifically define consent (as it relates to sexual activity), the College uses the following definition of consent in its sexual misconduct policy for the purpose of determining whether sexual violence (including sexual assault) has occurred:

**Coffeyville's Definition of Consent**

- "Consent" refers to words or actions that a reasonable person in the perspective of the Respondent would understand as unambiguous permission to engage in the sexual conduct at issue. A person who is Incapacitated is not capable of giving Consent. A person who is below the statutory age of consent is not capable of giving Consent. Consent must be given voluntarily. It cannot be procured through physical violence, threats, blackmail, or other unreasonable pressure for sexual activity. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous relationships or prior consent do not imply consent to future sexual acts. In order to give effective consent, a person must be of legal age.

*Risk Reduction*

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Make your limits known before going too far.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor "NO" clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- Be aware of someone trying to slip you an incapacitating "rape drug" like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.
- Don't make assumptions about the other person's consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.

- Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don’t take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don’t be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; "playful" use of force during sex; Jekyll-and-Hyde personality.

*Bystander Intervention*

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don’t hesitate to contact the police.

*Other Information Covered by the PPAP*

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

## Ongoing Prevention and Awareness Campaign:

The College also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

## PPAP and OPAC Programming Methods:

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the University. Methods include, but are not limited to: online presentations, distribution of written materials, periodic email blasts, and guest speakers. Past programming and currently planned programming includes the following:

- Workshops and briefings at faculty in-service meetings including:
    - Overview of the College's General Safety Policy and Sexual Harassment Policy and Complaint Resolution Procedures during the January 2022, and August 2022 in-service meetings.
    - Sexual Harassment training during the August 2022 in-service meeting.
- All employees are required to complete an on-line Title IX and Sexual Harassment course by Vector Solutions.
- In the academic year 2022-23,the college changed LMS systems and our online prevention classes did not populate.Academic year 2023-24,the online prevention classes are available.
- All incoming Freshman will take the onlineAlcohol.Edu for College course by Vector Solutions.
- All incoming Freshman will take the online Sexual Assault Prevention for Undergraduates trainingby Vector Solutions.
- The Student Handbook, which contains information regarding sexual assaults is made available to all students online.
- Special awareness nights at athletic events are periodically scheduled to increase awareness of various issues, including domestic violence and sexual crimes.

## Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911 or Deputy Title IX Coordinator Ryan McCune Vice President for Student Services, 620-252-7095, hull.yvonne@coffeyville.edu. You may also contact the College's Title IX Coordinator Kelli Bauer, Director of HR, 620-252-7180, bauer.kelli@coffeyville.edu.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

*Preservation of Evidence & Forensic Examinations*

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at Coffeyville Regional Medical Center (1400 W. 4th St., Coffeyville, KS 67337).

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

*Security/Law Enforcement & How to Make a Police Report*

- Campus Security for Coffeyville Campuses -620-252-7395

- Coffeyville Police Department 1400 W. 4th St., Coffeyville, KS 67337, 620-252-6160 (for emergency dial 911)

- To make a police report, a victim should contact one of the local police agencies listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

*Information about Legal Protection Orders*

- In Kansas, victims may obtain a Protection from Abuse Order, which provides protective relief for victims of dating violence, domestic violence, or sexual assault. A victim of stalking may also obtain a Protection from Stalking Order. Information about these protection orders and required forms can be found at: https://www.kspop.org/index.php/en/.
- There are three main types of protection orders in Kansas:

1. Emergency (only applies to Protection from Abuse Orders) – expires at 5:00 p.m. on the first day when the court resumes business.
2. Temporary – remains in effect until a final order is served or until it is terminated by order of the court.
3. Final – will expire after one year or on the date stated in the order unless an extension or modification is requested and granted from the court before the order expires.

- Petitions for protection orders may be filed in any district court in Kansas.

- Montgomery County District Court

  Montgomery County Judicial Center

102 W. 7th, Suite A

Coffeyville, KS 67337

620-251-1060

- If you need assistance in filing a petition, the Kansas court website noted above suggests seeking help from an attorney or victim services advocate, and contacting the Kansas Crisis Hotline (1-888-363-2287) or Kansas Legal Services (1-800-723-6953) for help in finding such resources.

- When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.
- The College will also enforce any protection order against an alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order should notify the Title IX Coordinator or Deputy Title IX Coordinator and provide a copy of the protection order so that it may be kept on file with the College and can be enforced on campus, if necessary. Upon learning of any orders, the College will take all reasonable and legal action to implement the order.

- The College does not issue legal protection orders. However, as a matter of institutional policy, the College may impose a no-contact order between individuals in appropriate circumstances. The College may also issue a "no trespass warning" if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

## Available Victim Services:

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the College and in the surrounding community. Those services include:

- Coffeyville's Title IX Coordinator

  Kelli Bauer

  Human Resources Office, Pat Walker Alumni Center

  620-252-7180

  bauer.kelli@coffeyville.edu

- Coffeyville's Deputy Title IX Coordinator

  Ryan McCune

  VP for Student Services, Student Union Building

620-252-7095

mccune.ryan@coffeyville.edu

- Student Health Nurse

  Bottom level of Student Union on Coffeyville campus

  620-252-7024

- Campus Security Station (Coffeyville campuses – Student Housing)

  902 S. Beech – Powell Hall

  620-252-7395

- Student Financial Aid: Some victims of sexual misconduct may consider taking a leave of absence from the College. If you are considering such action, please keep in mind that there may be financial aid implications. The Title IX Coordinator or Deputy Title IX Coordinator can assist you in contacting the appropriate personnel in the financial aid office in order to ensure you have an understanding of the financial aid issues that may arise from a leave of absence. Here is a link to the College's financial aid website: http://www.coffeyville.edu/student-services/financial-aid/index.

*State/Local Resources*

- Local Police

  Coffeyville Police Department

  1400 W. 4th St., Coffeyville, KS 67337

  620-252-6122 (for emergency dial 911)

  http://www.coffeyville.com/index.aspx?nid=142

- Hospitals

  Coffeyville Regional Medical Center

  1400 W. 4th St., Coffeyville, KS 67337

  620-251-1200

  http://crmcinc.org/

- Support Agencies/Hotlines
  - Four County Mental Health Center (Coffeyville, KS Branch Office)

http://www.fourcounty.com/index.htm

1601 W. 4th, Coffeyville, KS 67337

620-251-8180

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  - 
    - Midwest Pregnancy Care Center (Coffeyville, KS Office)

      http://www.midwestpcc.com/

      912 S. Walnut, Coffeyville, KS 67337

      620-251-0900

    - Montgomery County Health Department (Coffeyville, KS Office)

      http://mgcountyks.org/county-depts/health-department

      908 S. Walnut, Coffeyville, KS 67337

      620-251-4210

    - Kansas Coalition Against Domestic and Sexual Violence: http://www.kcsdv.org/find-help/in-kansas/dv-sa-services.html
    - Safe Home: http://www.safehome-ks.org/
    - Kansas Legal Aid: http://www.kansaslegalservices.org/

*National Resources*

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Immigration Advocates Network: https://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=KS
- U.S. Citizenship and Immigration Services: https://www.uscis.gov/about-us/find-uscis-office/field-offices/kansas

## Accommodations and Protective Measures:

The College will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the College is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Request for accommodations or protective measures should be made to the Title IX Coordinator (620-252-7180; bauer.kelli@coffeyville.edu) or the Deputy Title IX Coordinator (620-252-7095; mccune.ryan@coffeyville.edu). Depending on the status of the individual making the request and the

nature of it, the Title IX Coordinator and/or Deputy Title IX Coordinator will be responsible for deciding what, if any, accommodations or protective measures will be implemented.

When determining the reasonableness of such a request, the College may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The College will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the College's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the College in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the College will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

## Procedures for Disciplinary Action:

Allegations of dating violence, domestic violence, sexual assault or stalking will be processed through the College's Sexual Harassment Policy and Complaint Resolution Procedures. The procedures are utilized whenever a complaint is made, regardless of the status of the complainant and the respondent or where the conduct occurred. The procedures commence when a report is made to the Title IX Coordinator or Deputy Title IX Coordinator pursuant to the Sexual Misconduct Policy. There is also an anonymous reporting option available by utilizing the Report and Incident/Concern option located at the bottom of the College's main webpage at www.coffeyville.edu.

The following is an excerpt from the College's Sexual Harassment Policy regarding the procedures and timelines to address sexual misconduct allegations:

### *VI. Preliminary Assessment*

*Upon receipt of a report made pursuant to Section V, the Title IX Coordinator will conduct a preliminary assessment to determine:*

- *Whether the conduct, as reported, falls or could fall within the scope of the policy specified in Section II; and*
- *Whether the conduct, as reported, constitutes or could constitute Sexual Harassment.*

*If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the policy, and/or could not constitute Sexual Harassment, even if investigated, the Title IX Coordinator will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act (''FERPA''). The Title IX Coordinator may refer the report to other College offices, as appropriate, for resolution under other applicable policies and standards.*

*If the Title IX Coordinator determines that the conduct reported could fall within the scope of the policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant as specified in Section VII.*

*As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if such identity is not apparent from the report.*

## *VII. Contacting The Complainant*

*If a report is not closed as a result of the preliminary assessment specified in Section VI and the Complainant's identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures specified in Section VIII; to discuss and consider the Complainant's wishes with respect to such Supportive Measures; to inform the Complainant of the availability of such Supportive Measures with or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint.*

## *VIII. Supportive Measures*

*If a report is not closed as a result of the preliminary assessment specified in Section VI, the College will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.*

*Contemporaneously with the Respondent being notified of a Formal Complaint specified in Section XIII, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and the College will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The College will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.*

*The College will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the College's ability to provide the Supportive Measures in question.*

## *IX. Interim Removal*

*At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from the College's education*

*programs and activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal.*

*In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the College may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process specified in Sections XIV and XVI.*

*For all other Respondents, including independent contractors and guests, the College retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.*

*Where the conduct referenced in a report of Sexual Harassment could constitute a violation of some other applicable policy or standard, irrespective of whether it constitutes Sexual Harassment, this Section IX shall in no way constrain the College's ability to take interim measures under the Standards of Conduct for Students, the Faculty Handbook, Employee Handbook, and other College policies and standards, as applicable.*

## *X. Formal Complaint*

*A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that the College investigate and adjudicate a report of Sexual Harassment in accordance with the provisions of Sections XIV and XVI. Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating in, or attempting to participate in, one or more of the College's education programs or activities.*

*A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified in Section IV above.*

*In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of the College if doing so is not clearly unreasonable.*

*If the Complainant or the Title IX Coordinator files a Formal Complaint, then the College will commence an investigation as specified in Section XIV and proceed to adjudicate the matter as specified in Section XVI.*

*In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes specified in Sections XIV and XVI.*

## *XI. Consolidation of Formal Complaints*

*The College may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment as specified in Section XXX.*

## *XII. Dismissal Prior to Commencement of Investigation*

*In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator determines:*

- *The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or*
- *The conduct alleged in the Formal Complaint falls outside the scope of the policy specified in Section II (i.e.., because the alleged conduct did not occur in the College's Education Programs and Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).*

*In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this Section XII, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in Section XVIII. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other College offices, as appropriate.*

## *XIII. Notice of Formal Complaint*

*Within five (5) days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:*

- *A physical copy of this policy or a hyperlink to this policy;*
- *Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);*
- *A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility*

*will not be made until the conclusion of the adjudication and any appeal;*

- *Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice, as specified in Section XIX.*
- *Notifying the Complainant and Respondent of their right to inspect and review evidence as specified in Section XIV.D.*
- *Notifying the Complainant and Respondent of the College's prohibitions on retaliation and false statements specified in Sections XXIX and XXX.*

*Should the College elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the College will provide a supplemental written notice describing the additional allegations to be investigated.*

## *XIV. Investigation*

### A. *Commencement and Timing*

*After the written notice of Formal Complaint is transmitted to the parties, an investigator selected by the Title IX Coordinator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the College and not with the parties. The investigation will culminate in a written investigation report, specified in Section XIV.E, that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, the College strives to complete each investigation within thirty (30) to forty-five (45) days of the transmittal of the written notice as specified in this Section XIV.A.*

### 1. *B.* ***Equal Opportunity***

*During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant, as specified in Section XXI. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.*

*The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and*

*elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.*

1. *C.* ***Documentation of Investigation***

*The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.*

1. *D.* ***Access to the Evidence***

*At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the investigator will transmit to each party and their advisor, in either electronic or hard copy form, evidence obtained up to that point that is directly related to the allegations raised in the Formal Complaint, including evidence the College may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. Thereafter, the parties will have ten (10) days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.*

1. *E.* ***Investigation Report***

*After the period for the parties to provide any written response as specified in Section XIV.D has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form.*

## *XV. Adjudication Process Selection*

*After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each party a notice advising the party of the two different adjudication processes specified in Section XVI. The notice will explain that the hearing process specified in Section XVI.A is the default process for adjudicating all Formal Complaints and will be utilized unless both parties voluntarily consent to administrative adjudication as specified in Section XVI.B as a form of informal resolution. The notice will be accompanied by a written consent to administrative adjudication and will advise each party that, if both parties execute the written consent to administrative adjudication, then the administrative adjudication process will be used in in lieu of the hearing process. Parties are urged to carefully review this policy (including the entirety of Section XVI), consult with their advisor, and consult with other*

*persons as they deem appropriate (including an attorney) prior to consenting to administrative adjudication.*

*Each party will have three (3) days from transmittal of the notice specified in this Section XV to return the signed written consent form to the Title IX Coordinator. If either party does not timely return the signed written consent, that party will be deemed not to have consented to administrative adjudication and the Formal Complaint will be adjudicated pursuant to the hearing process.*

## *XVI. Adjudication*

### A. *Hearing Process*

*The default process for adjudicating Formal Complaints is the hearing process specified in this Section XVI.A. The hearing process will be used to adjudicate all Formal Complaints unless both parties timely consent to administrative adjudication as specified in Section XV above.*

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        1. *Hearing Officer*

*After selection of the hearing process as the form of administrative adjudication, the Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator as specified in Section XIV.D.*

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        2. *Hearing Notice and Response to the Investigation Report*

*After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of the College's Hearing Procedures. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this Section XVI.A.2.*

*A party's written response to the investigation report must include:*

- *To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;*
- *Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the*

*prohibition on the use of sexual history specified in Section XXI, or for any other reason;*

- *A list of any witnesses that the party contends should be called to attend the hearing pursuant to an attendance notice issued by the hearing officer;*
- *A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;*
- *Any objection that the party has to the College's Hearing Procedures;*
- *Any request that the parties be separated physically during the pre-hearing conference and/or hearing;*
- *Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;*
- *The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;*
- *If the party does not have an advisor who will accompany the party at the hearing, a request that the College provide an advisor for purposes of conducting questioning as specified in Section XIX.*

*A party's written response to the investigation report may also include:*

- *Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and*
- *Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.*

1. 3. *Pre-Hearing Conference*

*Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors, provided, however, that a party may request, and the hearing officer may determine in their own discretion, to conduct the pre-hearing conference by way of proximate, separate meetings with each respective party and the party's advisor. By default, the pre-hearing conference will be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.*

*During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the*

*parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.*

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4. *Issuance of Notices of Attendance*

*After the pre-hearing conference, the hearing officer will transmit notices of attendance to any College employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness. The notice will request the subject to appear at the hearing at the specified date and time and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.*

*The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.*

*The College has no authority to compel the attendance of any witness who is not an employee or a student, and a notice of attendance will not be issued to any such individual.*

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5. *Hearing*

*After the pre-hearing conference, the hearing officer will convene and conduct a hearing pursuant to the College's Hearing Procedures. The hearing will be audio or video recorded. The recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.*

*The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing officer, the parties, the advisors, witnesses, and other necessary College personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.*

*In the hearing officer's discretion, the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.*

*While the Hearing Procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:*

- *Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer;*

- *Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;*

- *Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;*

- *Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;*

- *Opportunity for each party to make a brief closing argument.*

*Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the Title IX Coordinator, and other necessary College personnel. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete.*

*During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them pursuant to Section XIV.D.*

*While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.*

*Subject to the minimum requirements specified in this Section XVI.A.5, the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings.*

*The hearing officer will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this Section XVI.A.5 are met.*

*The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. Nonetheless, in conducting the hearing and resolving evidentiary issues, the hearing officer may, in the hearing officer's discretion, utilize principles and procedures similar to those specified in the Federal Rules of Civil Procedure and/or*

*Federal Rules of Evidence to the extent such principles and procedures do not conflict with any explicit provision of this policy.*

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6. *Subjection To Questioning*

*In the event that any party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the parties' advisors, the statements of that party or witness, as the case may be, whether given during the investigation or during the hearing, will not be considered by the hearing officer in reaching a determination of responsibility.*

*In applying this Section XVI.A.6, the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party or a witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors.*

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7. *Deliberation and Determination*

*After the hearing is complete, the hearing officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The hearing officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or by operation of Section XVI.A.6. The hearing officer will resolve disputed facts using a preponderance of the evidence (i.e.., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.*

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8. *Discipline and Remedies*

*In the event the hearing officer determines that the Respondent is responsible for violating this policy, the hearing officer will, prior to issuing a written decision, consult with an appropriate College official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.*

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9. *Written Decision*

*After reaching a determination and consulting with the appropriate College official and Title IX Coordinator as required by Section XVI.A.8, the hearing officer will prepare a written decision that will include:*

- *Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;*
- *A description of the procedural steps taken by the College upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing;*
- *Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;*
- *A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;*
- *The discipline determined by the appropriate College official as referenced in Section XVI.A.8 and any ongoing support measures or other remedies as determined by the Title IX Coordinator; and*
- *A description of the College's process and grounds for appeal, as specified in Section XVIII.*

*The hearing officer's written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in Section XVIII.*

*Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the College strives to issue the hearing officer's written determination within fourteen (14) days of the conclusion of the hearing.*

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B. ***Administrative Adjudication (Optional)***

*In lieu of the hearing process, the parties may consent to have a Formal Complaint resolved by administrative adjudication as a form of informal resolution. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator as specified in Section XV.*

*If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The Title IX Coordinator will see that the administrative officer is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator as specified in Section XIV.D.*

*The administrative officer will promptly send written notice to the parties notifying the parties of the administrative officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. The administrative officer's meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this paragraph.*

*A party's written response to the investigation report must include:*

- *To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;*
- *Any argument that a particular piece or class of evidence should be categorically excluded from consideration based on privilege, relevancy, the prohibition on the use of sexual history specified in Section XXI, or for any other reason;*
- *Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and*
- *Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.*

*After reviewing the parties' written responses, the administrative officer will meet separately with each party to provide the party with an opportunity to make any oral argument or commentary the party wishes to make and for the administrative officer to ask questions concerning the party's written response, the investigative report, and/or the evidence collected during the investigation.*

*After meeting with each party, the administrative officer will objectively revaluate all relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The administrative officer will take care to exclude from consideration any evidence that the administrative officer determines should be ruled inadmissible based on the objections and arguments raised by the parties in their respective written responses to the investigation report. The administrative officer will resolve disputed facts using a preponderance of the evidence (i.e.., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.*

*Thereafter, the administrative officer will consult with any College official and the Title IX Coordinator, in the manner specified in Section XVI.A.8 and will prepare and transmit a written decision in the manner as specified in Section XVI.A.9 which shall serve as a resolution for purposes of informal resolution.*

*Transmittal of the administrative officer's written determination concludes the administrative adjudication, subject to any right of appeal as specified in Section XVIII.*

*Although the length of each administrative adjudication will vary depending on the totality of the circumstances, the College strives to issue the administrative officer's written determination within twenty-one (21) days of the transmittal of the initiating written notice specified in this Section XVI.B.*

## *XVII. The Dismissal During Investigation or Adjudication*

*The College may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that any one or more of the following is true:*

- *The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);*
- *The Respondent is no longer enrolled or employed by the College, as the case may be; or*
- *Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).*

*In the event the Title IX Coordinator determines that a Formal Complaint should be dismissed pursuant to this Section XVII the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in Section XVIII. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other College offices, as appropriate.*

## *XVIII. Appeal*

*Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:*

- *A procedural irregularity affected the outcome;*
- *There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;*
- *The Title IX Coordinator, investigator, hearing officer, or administrative officer, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.*

*No other grounds for appeal are permitted.*

*A party must file an appeal within seven (7) days of the date they receive notice of dismissal or determination appealed from or, if the other party appeals, within thee (3) days of the other party appealing, whichever is later.*

*The appeal must be submitted in writing to the appeal officer who will be the Vice President for Operations and Finance or his/her designee.*

*The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.*

*Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.*

*If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) days. The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.*

*Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale.*

*The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.*

*No further review beyond the appeal is permitted.*

*Although the length of each appeal will vary depending on the totality of the circumstances, the College strives to issue the appeal officer's written decision within (21) days of an appeal being filed.*

## *XIX. Advisor of Choice*

*From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.*

*Except for the questioning of witnesses during the hearing specified in Section XVI.A.5, the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with the College about the matter without the party being included in the communication. In the event a party's advisor of choice engages in material violation of the parameters specified in this Section XIX and Section XVI.A.5, the College may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.*

*In the event a party is not able to secure an advisor to attend the hearing specified in Section XVI.A.5, and requests the College to provide an advisor, the College will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing. The College will have sole discretion to select the advisor it provides. The advisor the College provides may be, but is not required to be, an attorney.*

*The College is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing specified in Section XVI.A.5 and requests that the College provide an advisor.*

## *XX. Treatment Records and Other Privileged Information*

*During the investigation and adjudication processes, the investigator and adjudicator, as the case may be, are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:*

- *A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or*

- *Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney client privilege;*

*unless the College has obtained the party's voluntary, written consent to do so for the purposes of the investigation and adjudication process.*

*Notwithstanding the foregoing, the investigator and/or adjudicator, as the case may be, may consider any such records or information otherwise covered by this Section XX if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense, as the case may be.*

## *XXI. Sexual History*

*During the investigation and adjudication processes, questioning regarding a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct*

*alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this Section XXI for the purpose of supporting the Complainant's allegations, may be deemed to have waived the protections of this Section XXI.*

### *XXII. Informal Resolution*

*At any time after the parties are provided written notice of the Formal Complaint as specified in Section XIII, and before the completion of any appeal specified in Section XVIII, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. Administrative Adjudication as specified in Section XVI.B is a form of informal resolution.*

*The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:*

- *Describes the parameters and requirements of the informal resolution process to be utilized;*
- *Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another College official, or a suitable third-party);*
- *Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and*
- *Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.*

*After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.*

*During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.*

*If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title*

*IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the College, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or where required to avoid a manifest injustice to either party or to the College. Notwithstanding the forgoing if the form of informal resolution is Administrative Adjudication as specified in Section XVI.B, there shall not be an agreed resolution requiring the parties' signatures; instead, the determination issued by the administrative officer shall serve as the resolution and conclude the informal resolution process, subject only to any right of appeal. With the exception of a resolution resulting from the Administrative Adjudication process specified in Section XVI.B, all other forms of informal resolution pursuant to this Section XXII are not subject to appeal.*

*A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.*

*Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21), and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.*

*Other language in this Section XXII notwithstanding, informal resolution will not be permitted in any form if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.*

## Rights of the Parties in an Institutional Proceeding:

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
    - A prompt, fair and impartial process is one that is:
        - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
        - Conducted in a manner that:
            - Is consistent with the institution's policies and transparent to the accuser and the accused.
            - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
            - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.

- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
    - Such training addresses topics such as relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest.

      In 2018, 2019, 2020 and 2021, the Title IX Coordinator and Deputy Title IX Coordinator attended multiple sexual misconduct training workshops to stay up-to-date on legal obligations and how to conduct appropriate investigations. Title IX investigator training was conducted in January 2021.

3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.

4. Have the outcome determined using the preponderance of the evidence standard .

5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, "result" means "any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

## Possible Sanctions or Protective Measures that the College May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:

Following a final determination in the institution's disciplinary proceeding that domestic violence, dating violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved. The possible sanctions include: warning; reprimand; probation; restitution; fine; loss of privileges; housing probation; suspension or expulsion/termination; restriction on eligibility to represent the College at any official function or in any intercollegiate competition. If a suspension is imposed on a student, it may be for part of a semester, a full semester, or an entire academic year. An employee may be suspended for any length of time determined appropriate by the Director of Human Resources. Following a suspension, the individual will be required to

meet with the VP for Student Services (student) or Director of Human Resources (employee) to discuss re-entry and expectations going forward.

In addition, the College can make available to the victim a range of protective measures. They include: forbidding the accused from entering the victim's residence hall and from communicating with the victim, other institutional no-contact orders, security escorts, modifications to academic requirements or class schedules, changes in working situations, etc.

### Publicly Available Recordkeeping:

The College will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the College to the extent permitted by law.

### Victims to Receive Written Notification of Rights:

When a student or employee reports to the College that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the College will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

### Sex Offender Registration Program:

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the College of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Ryan McCune, VP for Student Services at 620-252-7095. State registry of sex offender information may be accessed at the following link:http://www.kbi.ks.gov/registeredoffender

## Timely Warnings & Emergency Response

*Timely Warnings*

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Crisis Management Team constitutes a serious or continuing threat to members of the campus community, a campus-wide "timely warning" will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- President's Office, 620-252-7115
- VP for Academic Services, 620-252-7005
- VP for Career & Technical Education, 620-252-7503
- VP for Student Services, 620-252-7095
- Chief Financial Officer, 620-252-7177

The College has communicated with local law enforcement asking them to notify the College if it receives reports or information warranting a timely warning.

*Emergency Response*

The College has a Crisis Management Team designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The College has communicated with local police requesting their cooperation in informing the College about situations reported to them that may warrant an emergency response.

Core members of the Crisis Management Team include the following: President (leader), Vice President for Academic Services, Vice President for Operations and Finance, Vice President for Career & Technical Education,Vice President for Student Services, Director of Human Resources, plus the College Attorney. Other personnel may be utilized on an as needed basis.

Students, staff and visitors are encouraged to notify the Security Station at 620-252-7395 of any emergency or potentially dangerous situation.

The President, in collaboration members of the Crisis Management Team, will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also, as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

Once the emergency is confirmed and based on its nature, the President will consult with other members of the Crisis Management Team to determine the appropriate segment or segments of the College community to be notified.

The President will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the institution’s response and for marshaling the appropriate local emergency

response authorities for assistance. Depending on the nature of the emergency, other College departments may be involved in the confirmation process.

The President will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

At the direction of the President, the Vice President for Student Services will contact local law enforcement of the emergency if they are not already aware of it and contact local media outlets in order that the larger community outside the campus will be aware of the emergency.

*Methods for Issuing Timely Warnings and Emergency Notifications*

The method(s) listed below may be utilized when the College issues a timely warning or emergency notification to the campus community.

| Method | Sign-Up Instructions |
|---|---|
| Posting Notifications on Bullet Boards and Other Locations | N/A |
| College Email | All students and employees are given College email accounts |
| Alert Now | CCC provides an emergency notification system via phone and text messaging. This is a rapid communication service that will deliver voice messages automatically at no charge to students, faculty and staff. Students' phone numbers are collected each semester from the enrollment forms and loaded into the system. Students who did not provide a phone number on their enrollment form may provide one to the Director of Human Resources to be entered into the system. |

*Testing & Documentation*

The College tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times the Crisis Management Team will meet to train and test and evaluate the College's emergency response plan.

The Vice President for Student Services maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the College will distribute to its students and employees information to remind them of the College's emergency response and evacuation procedures.

# Stop Campus Hazing Policy and Programming

## Hazing Policy

Coffeyville Community College (CCC) strictly prohibits hazing in all forms. Hazing is inconsistent with the College's values of respect, dignity, and safety and will not be tolerated under any circumstances.

**Kansas Law Definition**
Under Kansas Statute § 21-5418, hazing is defined as:
"Recklessly coercing, demanding, or encouraging another person to perform, as a condition of membership in a social or fraternal organization, any act which could reasonably be expected to result in great bodily harm, disfigurement, or death, or which is done in a manner whereby great bodily harm, disfigurement, or death could be inflicted."
Hazing under Kansas law is a **Class B nonperson misdemeanor**.

**CCC Definition**
In addition to the statutory definition, CCC defines hazing to include any intentional, knowing, or reckless act by an individual or group in connection with initiation, membership, affiliation, or continued participation in any CCC-recognized organization, team, or club that:

- Risks or results in physical injury, emotional or psychological distress, humiliation, or endangerment of health or safety.
- Involves forced consumption of food, alcohol, drugs, or other substances.
- Requires physical brutality, exposure to elements, confinement, or other unsafe activity.
- Violates CCC policies, state or federal law, or interferes with academic obligations.

**Consent is not a defense.** A student's willingness to participate in such acts does not excuse a violation of CCC policy or state law.

Any student, employee, or community member who observes or suspects hazing is required to report the incident to the **Office of Student Services** or **Campus Safety**.

Reports may be made confidentially, and Coffeyville Community College will promptly investigate all reports. Investigations will be conducted in accordance with College conduct procedures and applicable law.

When a report of hazing is received, the Vice President for Student Services (for student reports) or the Director of Human Resources (for employee reports) determines whether the allegations meet the definition of hazing under College policy. If so, a formal investigation is initiated by the Office of Student Services, which assigns a trained investigator or conduct officer.

The College strives to complete investigations within 30 calendar days. The investigator gathers information, conducts interviews, and prepares findings with recommendations. The Vice President then determines responsibility and sanctions for Student Services. In severe cases, a disciplinary hearing may be convened to allow the student to present their account and evidence.

Sanctions for hazing may include probation, suspension, expulsion, or loss of recognition for student organizations. Students may appeal decisions within five (5) business days to the

College President (or designated Appeal Officer). Appeals are considered based on procedural error, new evidence, or disproportionate sanction, and a final decision is issued within fourteen (14) days.

## Hazing Prevention and Awareness Program

The institution provides prevention and awareness programming related to hazing (in person programming, brochures, etc.). The community is reminded that hazing is prohibited and is provided information regarding how to file a report, how reports of hazing are investigated, and information regarding local, state, and tribal laws on hazing.

In addition, the institution provides research-informed programming for students and employees that covers a wide range of information designed to stop hazing before it occurs. It includes information regarding bystander intervention, such as how to take steps to watch out for those around you, as well as information regarding ethical leadership. Community members are also provided information regarding how to strengthen group ties without engaging in hazing behavior.

### Hazing State Laws

| Summary (Code of Kansas) |
|---|
| a. Hazing is recklessly coercing, demanding or encouraging another person to perform, as a condition of membership in a social or fraternal organization, any act which could reasonably be expected to result in great bodily harm, disfigurement or death or which is done in a manner whereby great bodily harm, disfigurement or death could be inflicted.<br>b. Hazing is a class B nonperson misdemeanor. K.S.A. § 21-5418 |

## Crime Statistics

The statistical summary of crimes for this College over the past three calendar years follows:

| | On Campus | | | Non Campus | | | Public Property | | |
|---|---|---|---|---|---|---|---|---|---|
| **Crime** | **2024** | **2023** | **2022** | **2024** | **2023** | **2022** | **2024** | **2023** | **2022** |
| Murder/Non-Negligent Manslaughter | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Manslaughter by Negligence | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fondling | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Statutory Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Incest | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burglary | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Robbery | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arson | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hazing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | On Campus | | | Non Campus | | | Public Property | | |
|---|---|---|---|---|---|---|---|---|---|
| **Crime** | **2024** | **2023** | **2022** | **2024** | **2023** | **2022** | **2024** | **2023** | **2022** |
| Arrest - Liquor Law Violation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arrest - Drug Abuse Violation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arrest - Weapon Violation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Disciplinary Referral - Liquor Law Violation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Disciplinary Referral - Drug Abuse Violation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Disciplinary Referral - Weapon Violation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Domestic Violence | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dating Violence | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stalking | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

* The College does not have on-campus student housing facilities.

**Hate crimes:**

2024: No hate crimes reported.
2023: No hate crimes reported.
2022: No hate crimes reported.

**Crimes unfounded by the College:**

2024: 0 unfounded crimes.
2023: 0 unfounded crimes.
2022: 0 unfounded crimes.

**Statistics for unfounded crimes provided by law enforcement agencies:**

2024: 0 unfounded crimes.
2023: 0 unfounded crimes.
2022: 0 unfounded crimes.

**Data from law enforcement agencies:**

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the College’s Clery Geography.