

# HUNTINGTON JUNIOR COLLEGE CAMPUS SECURITY POLICY

## SECURITY AWARENESS

Huntington Junior College strives to maintain a safe educational environment. Community members, students, faculty, staff and guests are encouraged to report all crimes and public –safety- related incidents to the Campus Security Authorities in a timely manner. To encourage personal safety and security, all students and employees need to be aware of their responsibility for their own security and the security of others.

Annually the College completes a consumer report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Information about the availability of this data, including the Campus Security Policy and the Campus Security Report, is sent to new students via email at the time of their enrollment. In addition, the reporting information is sent to all students and employees by October 1 each year. In addition to this report, individuals may research registered sex offenders at the following site:

<https://apps.wv.gov/StatePolice/SexOffender/Disclaimer?continueToUrl=http%3A%2F%2Fapps.wv.gov%2FStatePolice%2FSexOffender%2F>

The full text of this report can be located on our website at [www.huntingtonjuniorcollege.edu](http://www.huntingtonjuniorcollege.edu) or in the College administrative offices.

In addition to the disclosure above, Huntington Junior College maintains a daily crime log. This log is available for review by speaking to any of the designated college security authorities.

## DESIGNATED COLLEGE SECURITY AUTHORITIES

Carolyn Smith - President  
Lake Tackett - Associate Director  
Linda West – Academic Affairs Director

## CONFIDENTIAL REPORTING

The College encourages victims of any criminal activity to report it to the College. Different employees on campus have different abilities to maintain a victim’s confidentiality. Most employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the administration. A report to these employees (called “responsible employees”) constitutes a report to the College – and generally obligates the College to investigate the incident and take appropriate steps to address the situation. If you’d like to report a crime anonymously, you may call the college’s main number.

## BUILDING SECURITY PROCEDURES

The building is monitored with security cameras 24 hours per day. There is only one entrance to the College building. It is observed by office personnel. The college does not have a police department; however, it does partner with the Huntington Police Department to have off-duty officers on campus at random times during the week. The officers do have the authority provided by the City of Huntington to arrest any individual found to be in commission of a crime or with an outstanding warrant while on Huntington Junior College property.

The College does not have any off-campus student organizations.

The College does maintain a zero tolerance policy for any type of verbal or physical abuse or harassment. In addition, the college maintains a zero tolerance policy for any type of weapon on campus. Failure to meet either of these policies can result in immediate dismissal from the college and reporting to local authorities. It is the policy of Huntington Junior College to promote a productive educational and work environment.

If assistance is required from the Huntington Police Department or the Huntington Fire Department, the College will contact the appropriate unit.

## ACCESS POLICY

During business hours, the College will be open to students, parents, employees, contractors, guests and invitees. During nonbusiness hours, access to the College is by key.

## FACILITY MANAGEMENT POLICY

As the college maintains and develops its facilities, security features and impact to student/staff, safety is always considered. Local representatives (contractors, police, fire department, etc.) are used to provide the College with the best plans for facility management and upgrades.

## TIMELY WARNINGS

In the event that a situation arises, either on or off campus, that, in the judgment of the Campus Security Authorities, constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through the college text system, posted on the front door of the College, and announced over the PA system, as well as aired on the phone message for students, staff, or faculty calls.

If time permits, the local television and radio stations are also notified. Weather closings are always reported through local media outlets.

Anyone with information warranting a timely warning should report the circumstances to the Campus Security Authorities.

## EMERGENCY RESPONSE AND EVACUATION POLICY

If an emergency situation occurs on campus, Huntington Junior College will work with the local authorities to determine the best steps to effectively deal with the situation.

If an emergency situation occurs on campus that would require the evacuation of the building, students will be notified through an announcement over the PA system. All rooms have an emergency evacuation procedures map posted in the room. Students should follow the described evacuation route to quickly and efficiently evacuate the building.

Upon evacuation, students should move across the 9<sup>th</sup> Street Plaza to the front of the Cabell County Public Library. From there, school administrators will provide students with additional instructions.

Once the building is evacuated, administration will use the college text system, announcements posted on the front door of the College, social media tools such as Facebook and Instagram, as well as phone messages for staff to notify individuals not currently on campus of the situation. As time permits, the local television and radio stations are also notified.

The college will practice emergency evacuation drills annually. Students and staff will be notified of the drills prior to the event. Results of the drills will be presented to the Faculty Advisory Committee to review and make recommendations on changes.

## DRUG AND ALCOHOL ABUSE POLICY

Huntington Junior College is designated as “Drug and Alcohol Free.” It is a violation of the HJC Alcohol Policy for anyone to possess or consume alcohol in any public or private area of the campus. It is the policy of the College to establish and maintain a drug-free workplace. Therefore, as a condition of enrollment or employment in accordance with the Drug-Free Workplace Act, it shall be prohibited for students or employees to engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance while at Huntington Junior College. It is also against the policy for students or employees to be under the influence of drugs or alcohol while on school property. This policy also extends to any function or location, even outside the immediate college campus, where students or employees conduct official business on behalf of the College or are attending as a student of the College.

West Virginia sanctions depend on the classification of controlled substance, the particular activity involved (possession or trafficking) and whether multiple convictions are involved. Under West Virginia law, the most severe penalties for drug violations are for possession with intent to sell. On a first offense conviction, one may receive a fine of up to \$25,000 and/or imprisonment for 15 years. Sanctions for violations of State alcohol laws vary according to the severity of the offense, with the minimum vehicular violation calling for imprisonment in the county jail for 24 hours and a \$500 fine.

## HEALTH RISK WITH ASSOCIATED WITH DRUG AND ALCOHOL ABUSE

According to National Institute on Drug Abuse, “Drug use can have a wide range of short- and long-term, direct and indirect effects. These effects often depend on the specific drug or drugs used, how they are taken, how much is taken, the person's health, and other factors. Short-term effects can range from changes in appetite, wakefulness, heart rate, blood pressure, and/or mood to heart attack, stroke, psychosis, overdose, and even death. These health effects may occur after just one use.” To see more details on the health risks associated with drug and alcohol abuse, please visit <https://www.drugabuse.gov/related-topics/health-consequences-drug-misuse>

## LOSS OF AID ELIGIBILITY ASSOCIATED WITH DRUG-RELATED OFFENSES AND HOW TO REGAIN ELIGIBILITY

(as taken directly from Chapter 1 of the Student Financial Aid Handbook)

The chart below illustrates the period of ineligibility for FSA funds, depending on whether the conviction was for sale or possession and whether the student had previous offenses. (A conviction for sale of drugs includes convictions for conspiring to sell drugs.)

	<b>Possession of Illegal Drugs</b>	<b>Sale of Illegal Drugs</b>
<b>1st Offense</b>	1 year from date of conviction	2 years from date of conviction
<b>2nd Offense</b>	2 years from date of conviction	Indefinite period
<b>3+ Offenses</b>	Indefinite period	Indefinite period

If the student was convicted of both possessing and selling illegal drugs, and the periods of ineligibility are different, the student will be ineligible for the longer period.

Schools must provide each student who becomes ineligible for Title IV aid due to a drug conviction a clear and conspicuous written notice of his loss of eligibility and the methods whereby he can become eligible again.

A student regains eligibility the day after the period of ineligibility ends or when he successfully completes a qualified drug rehabilitation program or, effective beginning with the 2010–2011 award year, passes two unannounced drug tests given by such a program. Further drug convictions will make him ineligible again.

Students denied eligibility for an indefinite period can regain it after successfully completing a rehabilitation program (as described below), passing two unannounced drug tests from such a program, or if a conviction is reversed, set aside, or removed from the student's record so that fewer than two convictions for sale or three convictions for possession remain on the record. In such cases, the nature and dates of the remaining convictions will determine when the student

regains eligibility. It is the student's responsibility to certify to you that she has successfully completed the rehabilitation program; as with the conviction question on the FAFSA, you are not required to confirm the reported information unless you have conflicting information.

When a student regains eligibility during the award year, you may award Pell, ACG, National SMART, TEACH, and Campus-based aid for the current payment period and Direct and FFEL loans for the period of enrollment.

## **STANDARDS FOR A QUALIFIED DRUG REHABILITATION PROGRAM**

A qualified drug rehabilitation program must include at least two unannounced drug tests and must satisfy at least one of the following requirements:

- Be qualified to receive funds directly or indirectly from a federal, state, or local government program.
- Be qualified to receive payment directly or indirectly from a federally or state-licensed insurance company.
- Be administered or recognized by a federal, state, or local government agency or court.
- Be administered or recognized by a federally or state-licensed hospital, health clinic, or medical doctor.

If you are counseling a student who will need to enter such a program, be sure to advise the student of these requirements. If a student certifies that he has successfully completed a drug rehabilitation program, but you have reason to believe that the program does not meet the requirements, you must find out if it does before paying the student any FSA funds.

### **Drug Convictions**

HEA Section 484(r)  
34 CFR 668.40

### **Drug Abuse Hold**

The Anti-Drug Abuse Act of 1988 includes provisions that authorize federal and state judges to deny certain federal benefits, including student aid, to persons convicted of drug trafficking or possession. The CPS maintains a hold file of those who have received such a judgment, and it checks applicants against that file to determine if they should be denied aid. This is separate from the check for a drug conviction via question 23; confirmation of a student in the drug abuse hold file will produce a rejected application and a separate comment from those associated with responses to question 23. See the ISIR Guide for more information.

**1–16 Vol. 1—Student Eligibility 2010–11 FSA HB JUL 2010**

## COUNSELING AND TREATMENT OPTIONS

There are a variety of treatment options available in our community. Below are a few options, but this list is not all inclusive.

- SAMHSA's National Helpline, 1-800-662-HELP (4357), (also known as the Treatment Referral Routing Service) is a confidential, free, 24-hour-a-day, 365-day-a-year, information service, in English and Spanish, for individuals and family members facing mental and/or substance use disorders. This service provides referrals to local treatment facilities, support groups, and community-based organizations. Callers can also order free publications and other information.
- Pretera Center, 877-399-7766, offers behavioral health care services, including addiction treatment, to those in need, regardless of ability to pay. Services include medically monitored detoxification, outpatient care, short- and long-term residential treatment, transitional housing programs, DUI treatment programs, public shelters for safe sobering up, and mental health care for co-occurring issues.
- Word House, (304) 523-9673, The Word House offers a diverse and eclectic recovery and health services for some disorders found in individuals. They offer a professional treatment after a properly prepared assessment and diagnostic system of admission.
- Lifehouse, 304-429-5433, is a long term recovery program, therapeutic community organization located in Huntington, WV. The Lifehouse is a non-profit organization created to help men and women recover from alcoholism and substance abuse. The homes associated with The Lifehouse solely exist to help men and women in West Virginia continue their journeys of sobriety with the adequate support and services to implement the life stability that is required for continual substance abuse recovery.

# SEXUAL MISCONDUCT POLICY

## INTRODUCTION AND SCOPE OF POLICY

It is the policy of Huntington Junior College to promote a productive work environment and not to tolerate verbal or physical conduct by any employee or student that interferes with this environment. This includes sexual harassment, domestic violence, dating violence, sexual assault and stalking. Based on this policy and the Campus Awareness Security Act of 1990, Huntington Junior College will report all criminal sexual offenses occurring on campus to the Huntington Police Department.

Huntington Junior College will not tolerate assault and/or intimidating behavior of any kind against any person or group of individuals based on race, gender, sexual orientation, age, national origin, religion, marital status, or disability. Any staff member, faculty, or student who is found to have committed a sexual offense is subject to immediate disciplinary action including suspension or dismissal. This policy applies to all students, employees, and third party vendors of Huntington Junior College regardless of sexual orientation or gender identity.

The policy contains very specific guidance regarding confidentiality and the ability of the College to maintain confidentiality when an instance of sexual misconduct is reported. Please refer to the confidentiality section for more detail.

Information regarding sexual offenders living in West Virginia can be found at:  
<http://www.wvstatepolice.com/sexoff/>

## ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL MISCONDUCT – IMMEDIATE AND ONGOING SUPPORT

If you are a victim of any form of sexual misconduct, the community has numerous resources available to assist you. If you are in immediate danger, please contact 911!

### *Procedures to Follow if Sexual Assault Occurs:*

- The victim should get to safety and contact the Huntington Police Department. Huntington Junior College staff/faculty will also assist in notifying the proper authorities.
- Evidence should not be destroyed. The victim should refrain from taking a shower, washing hands, or changing clothing. The location where the assault occurred should not be disturbed.
- The victim should get immediate medical assistance.

### *Medical Support*

Cabell Huntington Health Department - 703 7th Ave  
Cabell Huntington Hospital - 1340 Hal Greer Boulevard

St. Mary's Hospital - 2900 1st Ave

*Campus Support*  
Associate Director  
President

#### *Off Campus Support*

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless the victim requests the disclosure and signs a consent or waiver form.

Following is contact information for these off-campus resources:

- The National Sexual Assault Hotline - Call 800.656.HOPE (4673)
- Contact Huntington – Call 866.399.7273
- Goodwill – Call 304-523-9454 or e-mailing [familyservice@goodwillhunting.org](mailto:familyservice@goodwillhunting.org).

## **ACADEMIC ACCOMMODATIONS AND INTERIM MEASURES**

If a student reports a sexual misconduct incident to the College, arrangements can be made to accommodate the student in a safe academic environment during an investigation of the incident. Class schedule changes can be made or the student may withdraw and return without penalty. Academic support such as tutoring is also available. If schedule accommodations cannot be made, the alleged perpetrator's enrollment may be temporarily placed on hold while the investigation occurs.

## **TITLE IX COORDINATOR**

The Associate Director of the College serves as the Title IX Coordinator. The Title IX Coordinator is charged with monitoring the College's compliance with federal, state and institutional policies that promote a non-discriminatory and harassment-free environment. This includes helping to maintain a safe and caring campus environment through prevention education and the investigation of complaints of sexual discrimination, sexual harassment and sexual assault/violence.

## **DEFINITIONS**

*Sexual Harassment* is the unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment,
- Submission to or rejection of such conduct by an individual is used as the basis for education or employment decisions affecting such individuals, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's school or work performance or creating an intimidating, hostile, or offensive educational or working environment.



*Hostile Environment Harassment* refers to a situation where students and/or employees are

- subject to a pattern of exposure to unwanted sexual behavior that is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a school program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive.
- An isolated incident, unless sufficiently severe, does not amount to a hostile environment caused by sexual harassment.

*Quid Pro Quo Harassment* refers to a situation where students and/or employees are subject to unwanted sexual behavior where submission or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a school program or activity.

*Sexual Assault* is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Unified Crime Reporting ("UCR") program.

- *Rape* - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, ***without the consent of the victim.***
- *Sex Offenses* - Any sexual act directed against another person, ***without the consent of the victim,*** including instances where the victim is incapable of giving consent.
  - *Fondling*—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - *Incest*—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - *Statutory Rape*—Sexual intercourse with a person who is under the statutory age of consent.

*Consent* is a voluntary agreement to engage in sexual activity;

- someone who is incapacitated cannot consent;
  - Incapacitation such as due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the student from having the capacity to give consent
- past consent does not imply future consent;
- silence or an absence of resistance does not imply consent;
- consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- consent can be withdrawn at any time; and
- coercion, force, or threat of either invalidates consent.

*Sexual Exploitation* occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and,
- Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

*Domestic violence* is a felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- Any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

*Dating Violence* is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition—

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

*Stalking* is engaging in a *course of conduct* directed at a specific person that would cause a *reasonable person* to—

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.
- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or

means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

If you have experienced a sexual offense, Huntington Junior College offers you a secure and supportive environment in which to consider all the options that are available to you including (but not limited to), medical attention and evaluation, obtaining information, support and counseling, and/or reporting. It should be noted that some of these options offer confidentiality while other services are required by law to report the sexual offense.

## CONFIDENTIAL REPORTING

The College encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the College can respond appropriately. Different employees on campus have different abilities to maintain a victim's confidentiality. Most employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees (called "responsible employees") constitutes a report to the College – and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

### **Reporting to "Responsible Employees."**

A "responsible employee" is a College employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. A responsible employee must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the victim and that the College will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College's response to the report. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

The following employees (or categories of employees) are the College's responsible employees:

- ✓ Front Desk Staff
- ✓ Full-time Instructors

- ✓ College Administrative Team

The Associate Director is the Title IX Coordinator for the College.

If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the victim should be aware that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim's request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality but will honor and support the victim's wishes, including for the College to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

### **Requesting Confidentiality From the College: How the College Will Weigh the Request and Respond.**

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the victim. If the College honors the request for confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when the College may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students. The College has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

- President
- Associate Director

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the President and/or Associate Director will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
  - whether there have been other sexual violence complaints about the same alleged perpetrator;
  - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;

- whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
- whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
- whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the victim's request for confidentiality.

If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, share information only with people responsible for handling the College's response.

The College will remain ever mindful of the victim's well-being and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated.

The College will also

- assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance;
- provide other security and support, which could include issuing a no-contact order, arrange a change of course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the victim of the right to report a crime to local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The College may not require a victim to participate in any investigation or disciplinary proceeding.

Because the College is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the College determines that it can respect a victim's request for confidentiality, the College will also take immediate action as necessary to protect and assist the victim.

## INVESTIGATION PROCEDURES AND PROTOCOLS

### Investigation

The Title IX Coordinator will lead the investigation. The investigation team will include additional members of the College's administration. The investigation will occur in as timely a manner as possible. The following procedures will be used to complete the investigation:

- Both the complainant and respondent have the right to have an advisor of their choosing present with them for all parts of the process, including any meeting with campus officials, with the hearing panel, and with the investigator. The advisor can speak to the complainant/respondent at any time during the process but cannot speak directly to the investigator or to the hearing panel.
- If a person reports a sexual assault, sexual exploitation, stalking, or relationship abuse by a student but does not wish to participate in the investigation and adjudication process, the situation will be reviewed by the Title IX Coordinator for student concerns. The review will determine whether there is sufficient information to proceed with an investigation and adjudication without the participation of the complainant, and also whether there is evidence of a risk to the larger campus community such that a timely warning to the campus should be issued.
- If the respondent (alleged perpetrator) does not wish to participate in the investigation and adjudication process, the process will proceed without their contribution to the determination of the facts of the case.
- The Title IX Coordinator will take primary statements from the complainant and respondent, ask follow up questions, reach out to and collect statements from others who have evidence/information relevant to the question of violation of the code of conduct, and ask follow-up questions as needed.
- The complainant and respondent may each suggest questions to the investigator to be asked of others, and may also suggest others that the investigator speak with. Final decisions about whom to talk with and what to ask will be made by the investigator.
- All of those contacted by the investigator will be required to maintain the privacy of the investigation.
- The investigator will also pull together any additional evidence available (for example, health care records (with permission of the student) previous disciplinary records, etc.) The statements of the complainant and respondent will be recorded.
- The investigator will produce for the hearing panel a report of his/her findings, which will include a list of those interviewed and copies of any additional material referenced.
- The investigator's report will be shared with the complainant and respondent once it is complete. The complainant and respondent each have 10 days following the receipt of the report to write a response to it if they wish to do so. Responses will be included in the official materials sent forward to the hearing panel for adjudication.

## Primary adjudication

- The decision about whether there has been a violation of the College's Code of Conduct regarding sexual misconduct (including sexual assault) will be made by a hearing panel of three staff members. If such a violation is found to have taken place, then the same panel also determines a sanction. Two "yes" votes are necessary for a finding that there has been a violation.
- The panel will start its deliberations by reading the statements gathered by the investigator and the investigator's report, along with the responses to the report (if any) from the complainant and respondent. After discussion, the panel will decide whether there are additional questions that need to be asked. If so, the investigator will go back to the parties to ask those questions.
- The panel will decide whether there is a preponderance of evidence showing a violation of the college's code of conduct as regards sexual misconduct.
- If the panel determines that there has been a violation of the code of conduct regarding sexual misconduct, the complainant and respondent will each have the opportunity to briefly address the committee, either in person, by phone, or in writing, before the sanction is determined. (The two parties would do this separately – neither one in the presence of the other. It is optional to make such a statement, not required.) This opportunity is not one in which the facts of the case are discussed or questions are asked by the committee. Rather, it is an opportunity for both parties to present directly to the hearing panel in their own "voice" any additional information, including information about the impact of the incident in question. This opportunity is limited to 15 minutes or the written equivalent thereof.
- The hearing panel then determines a sanction. The decision and the sanction are communicated to both parties, simultaneously and in writing, by the President of the College.

## Appeal

- Both parties have the right to request an appeal of the decision made by the hearing panel. The right to appeal is limited to (a) significant procedural lapses or (b) the appearance of substantive new evidence not available at the time of the original decision. (Note that deliberate omission of information by the appealing party in the original investigation is not grounds for appeal.)
- Each party has 15 days following the receipt of the written decision to request an appeal. Requests for appeal, with reasons, should be sent in writing within the 15 day time limit to the President.
- Appeals will be granted only in cases where the procedural problems or new evidence are considered substantive enough to potentially affect the outcome of the initial hearing. If the appeal is granted, it will be returned to the original hearing panel.

- The review by a panel may result in a change in the decision as to whether or not a violation of the college's code of conduct as regards sexual misconduct occurred, or may result in an increase in sanction, a decrease in sanction, or no change in sanction.
- If the decision of the reviewing panel is to affirm the original decisions as to violation and as to sanction, that decision shall be final. If the decision of the reviewing panel is to change the original decision either as to violation or as to sanction, the reviewing panel's decision shall be subject to appeal in accordance with the foregoing procedures.
- The results of any such second appeal process shall be final, not subject to further appeal.

The results of any appeal will be communicated simultaneously and in writing to the complainant and the respondent by the President.

## CONSEQUENCES OF VIOLATING SEXUAL MISCONDUCT POLICY

Violations of this policy may result in sanctions and corrective actions, which can include, but are not limited to:

- Verbal warning
- Written warning
- Disciplinary hold on academic and/or financial records
- Required counseling
- Required training or education
- Campus access restrictions
- No trespass order
- No contact directive (with respect to an individual)
- Probation
- Revocation of offer (employment or admissions)
- Disciplinary suspension
- Suspension with pay
- Suspension without pay
- Expulsion
- Termination of employment
- Termination of contract (for contractors)

The College may assign other sanctions as appropriate in each particular situation. Sanctions and corrective actions will be imposed in accordance with relevant policies and/or procedures and other requirements set forth in the applicable Staff Faculty Handbook, Student Handbook, other policies or handbooks that may be developed over time, or contracts.

## EDUCATIONAL PROGRAMS

The College provides educational training regarding campus safety, including information about sexual misconduct to all new students. Students receive the policy as part of the orientation process. In addition, they are provided an online class that provides detailed education on the



policy. They are notified of this class during new student orientation and again through email to their student email account.

All faculty members received training on sexual misconduct, and the employees' role in maintaining a safe campus. All new faculty must complete the education as part of the employment process. The training for faculty is conducted online. Faculty must complete and pass the online education before their hiring is finalized.

In addition, ongoing training opportunities are provided by bringing in specialists in the community that can address sexual misconduct issues on an annual basis. All students and faculty are encouraged to participate in these events.