

# 2023 Annual Security and Fire Safety Report



## Clery Act

The **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act** (20 USC § 1092(f)) is the landmark federal law, originally known as the Clery Act, that requires colleges and universities across the United States to disclose information about crime on and around their campuses.

### Annual Disclosure of Crime Statistics

The Vice President for Student Affairs is responsible for the annual disclosure of crime statistics. Students and employees may voluntarily and confidentially report Clery Act crimes to the Vice President for Student Affairs or the Director of Student Life for the purpose of making timely warning reports and the annual statistical disclosure. Individuals should always be encouraged to report crimes to campus personnel or law enforcement. Local law enforcement are also contacted to contribute information for the annual report. The college does not have any recognized student organizations living in non-campus housing facilities and therefore does not monitor criminal activity of these groups.

Iola Campus	On Campus			Student Housing*			Noncampus			Public Property		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	1	0	0	1	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	3	0	0	3	0	0	0	0	0	0	0	0
Liquor Law Disciplinary Action	23	23	37	23	23	37	0	0	11	0	0	0
Drug Law Arrests	3	1	0	3	1	0	0	0	0	0	0	0
Drug Law Disciplinary Action	0	3	15	0	3	15	0	0	0	0	0	0
Illegal Weapons Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0

\* Crimes reported in student housing are included in the on campus category

Fire Safety Summary	Fires			Injuries			Deaths		
	2020	2021	2022	2020	2021	2022	2020	2021	2022
Horton Hall	0	0	0	0	0	0	0	0	0
Winter Hall	0	0	0	0	0	0	0	0	0
Masterson Hall	0	0	0	0	0	0	0	0	0
Red Devil Duplex	0	0	0	0	0	0	0	0	0
Herynk Hall	0	0	0	0	0	0	0	0	0
Parkford Apartment	0	0	0	0	0	0	0	0	0
Ballard House	0	0	0	0	0	0	0	0	0

Burlingame Campus	On Campus			Public Property		
	2020	2021	2022	2020	2021	2022
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0
Liquor Law Disciplinary Action	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0
Drug Law Disciplinary Action	0	0	0	0	0	0
Illegal Weapons Arrests	0	0	0	0	0	0
Illegal Weapons Disciplinary Action	0	0	0	0	0	0

The Burlingame campus was permanently closed on June 30, 2023. Security and fire safety data will continue to be reported through 2023. Information and policies in this report no longer include the Burlingame campus.

### Security of Campus Facilities

Campus facilities are accessible while classes are in session or facilities such as the library, academic success center, gym, activities building, theatre, and student center are open. Security cameras are used internally and externally in student residences and campus buildings. Residence halls are locked and may only be accessed by keys issued to residents. The maintenance department conducts monthly checks to insure the safety of facilities.

## **Security Personnel**

Allen Community College does not have security staff, but works closely with local law enforcement to provide necessary security personnel. The Director of Student Life and the Vice President for Student Affairs will assist law enforcement personnel in the event of an emergency or crime.

## **Safety and Security Training**

The majority of Allen students attend online so safety and security training is provided via the website and social media. Training topics include bullying, dating/domestic violence, sexual assault, stalking, substance abuse, online violence, and active bystander. Additional in-person training is provided on the residential campus in Iola.

Training is provided to faculty and staff during employee convocations before the beginning of the fall and spring semesters. Training topics include active bystander, A.L.I.C.E. training for active killer, crime prevention, and security procedures.

## **Alcohol Policy**

The possession, distribution, or consumption of alcoholic beverages is not permitted on college property or at college-sponsored events. Persons, regardless of age, are not permitted to be intoxicated on college property or at college-sponsored events.

The Board of Trustees may allow exceptions to this policy for specific non-student events on or off campus. Alcoholic beverages are not allowed at any college sponsored student events.

Alcohol found on campus or at college events will be confiscated. Display of alcoholic beverage containers (empty or full) is prohibited on campus, including student housing.

Violations of the alcohol policy will result in disciplinary action. Individuals under 21 years of age who possess or consume alcoholic beverages also violate Kansas Law. College officials may report violations to local authorities. The sale or giving of alcoholic beverages to underage students by employees may result in termination. Any employee, student, or visitor possessing or consuming alcoholic beverages, while on campus or at college events, shall be subject to termination, dismissal, and/or prosecution by local authorities.

## **Controlled Substance/Drugs Policy**

It is the intent of the Board of Trustees and Allen Community College that all students at the college are in a drug free environment; (i.e.: classes, all campus facilities, residence halls, and all college sponsored functions, both on and off campus.) The unlawful manufacture, distribution, dispersing, possession, or use of a controlled substance is prohibited. Engaging in the illegal activity violates the policy of the Board and specific sections of the Federal Drug-Free Schools and Communities Act of 1989, Public Law 101-226, CFR Part 86 subparts A and B.

Students are warned that the illicit use of drugs:

1. May do severe and irreparable harm to their health;
2. Violates college, local, state, and federal policies;
3. Will cause the college to respond to an incident by:
  - a. Counseling, treatment, or rehabilitation program referral, or
  - b. Suspension, expulsion, and/or dismissal, or

- c. Referral to appropriate authorities for prosecution, or
- d. Any combination of the above.

## **Reporting to Victims of a Crime of Violence**

The college will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution 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 the purpose of this reporting.

## **Missing Person Policy**

Allen Community College is committed to maintaining a positive and safe learning and working environment. The purpose of this policy is to establish procedures for the college's response to reports of missing students, as required by the Higher Education Opportunity Act of 2008. This policy applies to students who reside in campus housing, including off-campus apartment units owned or leased by the college for student residents.

For purposes of this policy, a student may be considered to be a *"missing person"* if the person's absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life-threatening situation or has been with persons who may endanger the student's welfare.

## **Designation of Emergency Contact information**

- Students age 18 and above and emancipated minors will be given the opportunity each semester to designate an individual or individuals to be contacted by the college no more than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. A designation will remain in effect until changed or revoked by the student.
- If a student under the age of 18 is determined to be missing pursuant to the procedures set forth below, the college is required to notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing in accordance with the procedures set forth below.

## **Official Notification for Missing Persons**

Any individual on campus who has information that a residential student may be a missing person must notify the Vice President for Student Affairs and/or the Director of Student Life as soon as possible.

**Note:** In order to avoid jurisdictional conflicts when an off-campus and/or commuter student is believed to be missing, the reporting person should immediately notify local law enforcement authorities. The Vice President for Student Affairs and/or the Director of Student Life will assist external authorities with these investigations as requested.

The Vice President for Student Affairs and/or the Director of Student Life will gather all essential information about the residential student from the reporting person and from the student's acquaintances (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental well-being of the student, an up-to-date photograph, class schedule, etc.). Appropriate campus staff will be notified to aid in the search for the student.

## **Initial Search**

- Verify student is not in the assigned residence hall room, in an academic class, and/or with an athletic or activity group
- If the student has a registered vehicle on campus, check all parking lots to determine if the vehicle is on campus
- Attempt to contact the student by both phone call and text
- If the student is an athletic or activity student, contact the coach or activity sponsor to identify last contact with the student
- Contact roommates to determine last contact with the student
- Contact instructors to determine last contact with the student
- Check any known social media accounts to look for the last update or use
- Conduct a quick but thorough campus search
- If the above actions are unsuccessful in locating the student or it is apparent immediately that the student is a missing person (e.g., witnessed abduction), the Vice President for Student Affairs and/or the Director of Student Life will contact the appropriate local law enforcement agency to report the student as a missing person, and the local law enforcement agency will take charge of the investigation
- No later than 24 hours after determining that a residential student is missing, the Vice President for Student Affairs and/or the Director of Student Life will notify the emergency contact (for students 18 and over) or the parent/guardian (for students under the age of 18) that the student is believed to be missing.

## **Communications**

In cases involving missing persons, law enforcement personnel are best situated to provide information to the media that is designed to elicit public assistance in the search for a missing person. Therefore, all communications regarding missing students will be handled by outside law enforcement authorities, who may consult with the college's Administration. All inquiries to the college regarding missing students, or information provided to any individual at the college about a missing student, shall be referred to the Vice President for Student Affairs and/or the Director of Student Life, who shall refer such inquiries and information to law enforcement authorities. Prior to providing the Allen community with any information about a missing student, the Vice President for Student Affairs and/or the Director of Student Life shall consult with the local law enforcement authorities to ensure that communications do not hinder the investigation.

## **Reporting Emergencies on Campus**

The Allen Community College campus is within the jurisdictions of the Iola Police Departments. This police departments patrol the college premises, enforce city and state ordinances, and respond to calls for assistance.

**In the event of an emergency, students, faculty and staff should always call 911.** College personnel should be notified of emergencies or crimes by calling

Student Affairs Office – 620-901-6213

Student Life Office – 620-901-6270

After Hours Emergency – 620-228-8258

Maintenance – 620-901-6248

Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on college property or during college-sponsored activities. They may also be summoned for the purpose of maintaining or restoring order when necessary to prevent injury to persons or property.

## **Emergency Notification Policy**

Allen Community College will make every effort to implement emergency notifications as soon as reasonably possible from the time appropriate personnel are aware of a campus emergency situation or incident. As soon as the college has confirmed that a significant emergency or dangerous situation exists, the college will

- Take into account the safety of the campus community;
- Determine what information to release about the situation; and
- Begin the notification process

The only reason the college would not immediately issue a notification for a confirmed emergency or dangerous situation would be if doing so would compromise efforts to assist a victim; contain the emergency; respond to the emergency; and otherwise mitigate the emergency.

In the event of an emergency, the following procedures will be followed to contact students, faculty, and staff:

1. Mass email to all students, faculty, and staff via allenc.edu addresses.
2. Text message to all students, faculty and staff via Emergency Notification System (ENS).

Faculty, staff, and students are responsible for providing all necessary contact information, including updates to that information. Allen Community College cannot provide communication with those who fail to provide current phone numbers and/or contact information.

Allen Community College is not responsible for problems which may arise due to cellular phone providers, internet interruptions, cell phone malfunctions, or inability to access email.

All Allen Community College students, faculty and staff will be automatically enrolled in the College's emergency notification system. Students, faculty, and staff wishing to opt out of emergency notifications can do so by contacting the Vice President for Student Affairs.

High school concurrent students must abide by the emergency notification policy of their high school and will only be notified of Allen Community College emergencies if they are taking courses at the Iola campus or online.

### **Authorizing the Use of the Emergency Notification System**

The following officials will authorize the use of the ENS for Allen Community College:

President	VP for Student Affairs
VP for Academic Affairs	Deans for Academic Affairs
VP for Finance and Operations	Director of Student Life

This policy does not supersede other college policies and procedures currently in place for nonemergency, non-threatening weather or incident institutional closures.

## **Emergency Notification Procedures**

### **Use of the Emergency Notification System (ENS)**

1. The ENS will be used to transmit brief urgent messages to the college community as quickly as possible.
2. The use of this system during a declared campus emergency must be authorized by a college official.
3. These individuals shall use their judgment when declaring a campus emergency.
4. These College employees will have access to the ENS and will send out the emergency notifications:
  - Vice President for Student Affairs
  - Director of Student Life
  - Director of Information Technology

### **Definitions of Campus Emergencies that will activate an Emergency Notification**

Emergency Notifications may be issued for, but are not limited to the following events:

- Bomb threats or other imminent violent threats
- Fires
- Natural gas leaks, hazardous spills and explosions
- Natural disasters
- Power outages and utility failures
- Campus closure
- Violent civil disturbances and demonstrations
- Violent criminal behavior; active shooter
- Terrorism incidents
- Severe Weather incidents
- Disease outbreak or serious illness

### **Notification Methods**

Students, faculty, and staff may be notified at all or some of the following methods:

- Allen Email
- Social Media
- Text
- Allen Website

If needed, local radio and TV stations will be notified that an emergency is occurring on campus.

### **Emergency Notification Messages**

Message texts have been created for ease of dissemination and consistency. Follow-up messages may be sent after the initial message at the discretion of the ENS activating College official. It may be necessary to send the all-clear message via the ENS.

### **Testing Emergency Response and Evacuation Procedures**

The college will annually conduct at least one scheduled drill or exercise of emergency response and evacuation procedures. The Emergency Notification Procedures and Notification system will be tested at least annually.

## **Title IX**

### **What is Title IX?**

*“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...”*

— 20 U.S.C. § 1681

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on gender in educational programs which receive federal financial assistance. While athletics are one component of Title IX, other programs and activities which may be included are: recruitment, admissions, financial aid, and scholarships; course offerings and access; hiring and retention; and benefits and leave. Title IX also protects student and employees, both male and female, from unlawful sexual harassment in school programs and activities. The requirements of Title IX pertaining to sexual harassment also covers sexual violence.

Allen Community College is committed to providing an environment free from discrimination based on sex. Pursuant to Title IX, Allen’s Title IX Coordinator is the designated agent for the college with primary responsibility for coordinating the college’s Title IX compliance efforts.

### **Title IX Coordinator Responsibilities**

The Title IX Coordinator is responsible for overseeing the college’s Title IX compliance efforts. This includes:

- Oversee all Title IX complaints and identify and address any patterns or systemic problems that arise during the review of such complaints
- Ensure that complaints of sexual discrimination, sexual harassment, sexual misconduct, or sexual assault are handled through consistent practices and standards
- Where appropriate and necessary, conduct investigations on complaints of sexual discrimination, sexual harassment, sexual misconduct, or sexual violence
- Prepare and disseminate educational materials, including brochures, posters and web-based materials that inform members of the college community of Title IX rights and responsibilities
- Coordinate training for students about their rights under Title IX and grievance procedures
- Coordinate in-service training for all employees concerning Title IX policy
- Aid the local police officers on appropriate responses to reports of sexual misconduct or sexual violence

### **When should I contact the Title IX Coordinator?**

Any student, faculty or staff member, or applicant for admission or education who has concerns about sex discrimination or sexual misconduct is encouraged to seek the assistance of the Title IX Coordinator.

Contact the coordinator if you:

- Wish to understand your options if you think you may have encountered sex discrimination or sexual misconduct
- Learn of a situation that you feel may warrant a college investigation
- Need help on how to handle a situation by which you are directly or indirectly affected



- Seek guidance on possible informal remedies or administrative measures to de-escalate or alleviate a demanding situation
- Have questions about Allen Community College’s policies and procedures

The coordinator can also facilitate a formal or informal complaint with the college’s Human Resources or Student Affairs offices or a police investigation with the local Police Department.

### **Confidentiality**

Conversations with the Title IX Coordinator are kept as confidential as possible, but information about incidents of sexual misconduct must be shared with relevant administrators if the college needs to act for reasons of community safety. In all cases, the wishes of the person initiating the conversation are given full consideration.

## **Title IX: Sexual Harassment Policy**

### **Policy Statement**

Allen County Community College is committed to maintaining a positive and safe learning and working environment. Allen Community College students and employees are responsible for assuring that the college maintains an environment for study and work free from Sexual Harassment or related retaliation and all members of the Allen community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Allen Community College prohibits students and employees from engaging in Sexual Harassment.

Sexual Misconduct violates the dignity of individuals, impedes the realization of educational goals, is unlawful and will not be tolerated. Specifically, Sexual Harassment is a form of illegal discrimination in violation of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Kansas Act Against Discrimination and could lead to criminal prosecution.

### **Definitions**

Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- A. An employee conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo); or
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity; or
- C. Sexual Assault (as defined in the Clery Act), Dating Violence, Domestic Violence, or Stalking (as defined in the Violence Against Women Act (VAWA)).
  - “Sexual Assault,” as defined by the Clery Act, is any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent, including rape, fondling, incest and statutory rape.
  - “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.

- “Domestic Violence” means 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; any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- “Stalking,” as defined by VAWA, means 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

Consent is a willingness or agreement to engage in conduct. Consent must be freely given with full information of the facts and circumstances. A person cannot give valid consent in Kansas if he/she is:

- Overcome by force or fear;
- Unconscious or powerless;
- Mentally incapacitated, whether due to a mental disease or alcohol/drug intoxication;
- Under the minimum age required to give consent in Kansas or
- Providing apparent consent due to fraud or misrepresentation.

## **Reporting**

If you have any questions or concerns about Sexual Harassment, or if you wish to make a report of Sexual Harassment, students and employees are strongly encouraged to immediately contact the Vice President for Student Affairs, who serves as the Title IX Coordinator, at 620-901-6213 or [vpsa@allencc.edu](mailto:vpsa@allencc.edu).

To make an anonymous report please visit this [Reporting](#) webpage or call 833-416-6264.

In an emergency, call 911 for immediate assistance.

Sexual Harassment reports should be made verbally or in writing as set forth in the Sexual Harassment Complaint Procedures.

## **Resolution**

Allen promotes prompt reporting of all types of Sexual Harassment and timely and fair resolution of Sexual Harassment complaints. It is a violation of this Policy for anyone acting knowingly and recklessly

either to make a false complaint or to provide false information regarding a complaint of Sexual Harassment.

After an investigation and applicable resolution process, any person who is found to have violated this Policy or retaliated against another will be subject to discipline, up to and including expulsion from Allen Community College and/or termination of employment, to help ensure that such actions are not repeated.

## **Title IX: Sexual Harassment Complaint Procedures**

### **Purpose**

These procedures set forth the process for reporting and addressing Sexual Harassment reports and complaints.

### **Definitions**

Complainant means an individual who is alleged to be the victim of prohibited conduct.

Respondent means an individual who has been reported to be the perpetrator of prohibited conduct.

Preponderance of the Evidence means the evidence shows that it is “more likely than not” that College policy was violated.

### **Grievance Process**

This process sets out the grievance processes for Sexual Harassment, including rape, domestic violence, dating violence, sexual assault, stalking, as those terms are defined in the Sexual Harassment Policy and by state and federal law.

#### **A. Duty to Report**

**Mandatory Report.** All full-time employees shall have a duty to report any Sexual Harassment of which they become aware by or against a student or employee.

**Permissive Report.** All other individuals who have been subjected to Sexual Harassment by a student or employee or have direct knowledge of the occurrence of such conduct are encouraged to first inform the Respondent that the behavior is unwelcome and should cease. If the individual does not feel comfortable directly addressing the Respondent or if the prohibited conduct does not cease, a report may be filed as provided in this procedure.

#### **B. Reporting Process**

1. **Where to Report.** You are strongly urged to seek immediate assistance if you or someone you know may be the victim of any form of Sexual Harassment. Assistance can be obtained 24 hours a day, seven days a week, from local police.

You are also strongly urged to report any Sexual Harassment you believe may have occurred to the following individuals:

- Vice President for Student Affairs (Title IX Coordinator): Iola Campus Room A7, 620-901-6213, [vpsa@allenc.edu](mailto:vpsa@allenc.edu)
- Human Resources Specialist (Title IX Investigator, Employees): Iola Campus Room A29, 620-901-6299, [hr@allenc.edu](mailto:hr@allenc.edu)
- Director of Student Life (Title IX Investigator, Students): Iola Campus Room D4, 620-901-6270, [studentlife@allenc.edu](mailto:studentlife@allenc.edu)

Reports against a third party who is not a student or employee of the College concerning Sexual Harassment should be made to local law enforcement or by contacting the College's Title IX Coordinator.

Report events presenting an immediate threat to life or property to:

- A. Dial 911 or
  - B. Law Enforcement in the municipality where conduct occurred or where you reside.
2. Form of the Report. The initial report can be either written or verbal. Anyone with a mandatory duty to report shall promptly report directly to a Title IX Coordinator. To the extent possible, a reporter should include any information available regarding the specific description of the conduct, the party or parties involved, the location of the alleged incident, and the date(s) and circumstances under which the alleged conduct occurred.
  3. False or Malicious Reports. It shall be considered a violation of [College policy](#) for any individual to knowingly file a false or malicious complaint of Sexual Harassment.

## **Jurisdiction; Timing; Retaliation and Related Misconduct; Criminal Proceedings**

### **A. Jurisdiction**

The College will promptly respond under these procedure when it has actual knowledge of alleged Sexual Harassment allegedly caused by a student or employee. The College may choose to follow these procedures for incidents of sexual misconduct that do not meet the criteria for Title IX Sexual Harassment.

### **B. Timing and Availability of Procedures**

Individuals are encouraged to report alleged Sexual Harassment immediately in order to maximize the College's ability to obtain evidence and conduct a thorough, impartial and reliable investigation. Failure to promptly report alleged Sexual Harassment may result in the loss of relevant evidence and witness testimony and may impair the College's ability to enforce these procedures.

Students and employees who make reports or complaints of Sexual Harassment, or participate in the investigation process, whether as parties to the proceedings or as witnesses, are expected to provide truthful testimony in accordance with the [College's policies](#) and operating procedures.

The intent of these procedures is to provide for prompt reporting and investigation of claims of Sexual Harassment. Due dates under these procedures shall be calculated based upon calendar days. If the due date specified falls on a weekend or holiday, the next business day will be the due date for the action. While the College will make every attempt to comply with these deadlines, reasonable extensions based

on the circumstances may be necessary and will be communicated to the parties in writing. Failure by the College to comply with the deadlines set forth herein will not invalidate a complaint, investigation or disciplinary action.

### **C. Retaliation**

It is a violation of this policy to retaliate against any person making a report of Sexual Harassment or against any person cooperating in the investigation of any allegation of Sexual Harassment (including testimony as a witness). For these purposes, "retaliation" includes intimidation, threats, harassment and other adverse action threatened or taken against any such Complainant, Respondent, or third party. Retaliation should be reported promptly to a Title IX Coordinator and may result in disciplinary action independent of the sanction imposed in response to the Sexual Harassment allegations.

### **D. Effect of Criminal Proceedings**

Because Sexual Harassment may constitute both a violation of College policy and criminal activity, the College encourages individuals to report alleged Sexual Harassment promptly to local law enforcement agencies. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this College policy, criminal investigations or reports are not determinative of whether Sexual Harassment, for purposes of these procedures, has occurred. Conduct may constitute Sexual Harassment under the College's Policy and these procedures even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute.

The filing of a report or complaint of Sexual Harassment under these procedures is independent of any criminal investigation or proceeding, and (except that the College's Investigation may be delayed temporarily while the criminal investigators are gathering evidence) the College will not wait for the conclusion of any criminal investigation or proceedings to process a complaint under these procedures. Nothing in these procedures is intended to limit the authority of Allen Community College to take appropriate disciplinary action against any individual who violates College rules or policies.

## **Initial Process**

### **A. Intake Meeting with Complainant**

Upon receipt of a report of any allegation of Sexual Harassment, a Title IX Coordinator will first schedule an individual intake meeting with the Complainant in order to provide to the Complainant a general understanding of the Sexual Harassment Policy and Complaint Procedures as well as the option and process to file a formal complaint; to identify supportive measures available to the Complainant including, but not limited to, counseling, written rights and options document, altering schedules, extensions of deadlines, working with supervisor to adjust work load/objectives or any other action deemed as appropriate by the Title IX Coordinator (regardless of any decision to file a formal complaint); and to discuss at a high level how the allegation of Sexual Harassment could potentially be addressed at both the College level and as a criminal matter with local law enforcement.

### **B. Formal Complaint**

1. **Form of Compliant.** The filing of a formal complaint of Sexual Harassment initiates the grievance process outlined in these procedures. A formal complaint may be filed by the Complainant in person, by mail, or by email and must include the Complainant's physical or digital signature. In some cases, a formal complaint may be filed by a Title IX Coordinator and therefore signed by the Title IX Coordinator, but the Title IX Coordinator is not otherwise a party to the grievance process. If the Complainant desires to remain anonymous, the Complainant should not file a formal complaint, because the College must disclose the name of the Complainant to the Respondent. The Complainant may withdraw the formal complaint at any step in this process.
2. **Notice.** Upon the filing of a formal complaint, the Title IX Coordinator will send written notice of the formal complaint to both parties, which will include the names of the Complainant and Respondent, if known; the date, location and nature of the alleged Sexual Harassment; statements that the Respondent is presumed not responsible and that determination of responsibility will be made at the conclusion of a grievance process; the rights of both parties to an advisor and to inspect and review evidence; that knowingly making false statements or submitting false information during the grievance process is a violation of College Policy; and that additional notice will be provided if any additional allegations arise during the process.

### **c. Intake Meeting with Respondent**

The Title IX Coordinator will schedule an individual intake meeting with the Respondent in order to provide the Respondent a general understanding of the Sexual Harassment Policy and Complaint Procedures; to address and provide supportive measures equally available to the Respondent including, but not limited to, counseling, written rights and options document, altering schedules, extensions of deadlines, working with supervisor to adjust work load/objectives or any other action deemed as appropriate by the Title IX Coordinator; and to explain at a high level how the allegation of Sexual Harassment could potentially be addressed at both the College level and as a criminal matter with local law enforcement.

### **Investigation**

Following the filing of a formal complaint, the Title IX Coordinator will appoint a trained individual to investigate the alleged Sexual Harassment, unless the parties elect to pursue Informal Resolution prior to such investigation. This Investigator will interview witnesses, summarize information learned from those involved, collect related documents and other evidence and submit summary findings to the Title IX Coordinator that are likely to be helpful in determining whether dismissal of the complaint is required or appropriate.

#### **A. Investigator**

The Investigator is a neutral fact-finder, who during the course of the Investigation, typically conducts interviews with the Complainant, the Respondent and third party witnesses (including fact and expert witnesses, as provided by the parties); visits and takes photographs at relevant sites; and, where applicable, coordinates with law enforcement agencies to collect and preserve relevant documentation and other evidence.

#### **B. Investigation Procedures**

1. Submissions. The parties may provide the Investigator with a list of witnesses they propose to be interviewed, a list of relevant documents to be obtained, and a description of any other information they believe to be relevant to the Investigation on or before a date set by the Investigator. In the absence of good cause, as determined by the Investigator's sole discretion, the parties may not introduce witnesses, documents or other information after the deadline set by the Investigator.
2. Investigation. During the ongoing Investigation, each party may submit a written statement to the Investigator, with any documentation deemed relevant, or if the Investigator determines that unresolved issues exist that would be clarified by the submission of additional information, the Investigator may request such additional information be submitted. The Respondent and Complainant have the option not to provide a written statement; however, the exercise of this option will not preclude the Investigation from proceeding.
1. Investigative Report. The Investigator shall summarize the factual findings in a report, typically within sixty (60) days from receipt of the complaint, unless additional time is needed in which case the parties will be notified of the extension.

The Investigator will provide evidence directly related to the allegations upon the conclusion of the Investigation and the final investigative report to the Title IX Coordinator, both parties and any advisors. Each party will have ten (10) days to provide a written response, if desired.

### **C. Third Parties**

Third parties may assist each party in the Investigation process, however, third parties may not participate other than to support and confer privately with the individual the third party is intended to support, unless they are witnesses in the Investigation.

### **Dismissal of Complaint**

At any time during the Investigation or Resolution Process, the following Dismissal provisions apply.

#### **A. Grounds for Dismissal**

The Title IX Coordinator may dismiss a formal complaint if

1. The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
2. The Respondent is no longer enrolled or employed by the College; or
3. Specific circumstances prevent the College from gathering sufficient evidence to reach a determination as to the formal complaint or allegations therein.

#### **B. Dismissal Procedures**

Upon dismissal, the Title IX Coordinator shall promptly send written notice of dismissal and the reasons for the dismissal simultaneously to the parties, which shall be appealable as described in Appeals section, herein.

## **Resolution**

The Title IX Coordinator must determine if the Complainant wishes to proceed through an Informal Resolution process, Formal Resolution process, or to withdraw the complaint, which may result in no resolution process of any kind.

### **A. Informal Resolution**

Following the filing of a formal complaint, a party may request a less formal proceeding, known as Informal Resolution, except that Informal Resolution is not available to resolve allegations that an employee engaged in Sexual Harassment towards a student. Both parties must agree, voluntarily and in writing, to engage in informal resolution following written notice from the Title IX Coordinator describing the consequences resulting from participating in Informal Resolution, including the records that will be maintained or could be shared.

1. **Purpose.** Informal Resolution provides an opportunity for the Complainant and the Respondent to seek resolution informally and will provide an opportunity for the Complainant and Respondent to communicate their feelings and perceptions regarding the incident, the impact of the incident, and their wishes and expectations for the future.
2. **Informal Resolution Process.** If the parties agree to Informal Resolution, the Title IX Coordinator or designee will neutrally facilitate communication with the parties (either separately or together, as appropriate) to reach a mutually agreeable resolution, which will be memorialized in an Informal Resolution agreement, and the complaint will be resolved. The Informal Resolution agreement will generally be reached within sixty (60) days from initiation of the Informal Resolution process. If a mutually agreeable resolution between the Complainant and the Respondent cannot be reached, the complaint will proceed through Formal Resolution.
3. **Third Parties.** The Complainant and the Respondent each may bring a third party for support as the party participates in the Informal Resolution process; however, third parties may not participate other than to support and confer privately with the individual the third party is intended to support.
4. **Privacy of Informal Resolution.** In order to promote honest, direct communication, information disclosed during Informal Resolution will remain private while the Informal Resolution is pending, except where disclosure may be required by law or authorized in connection with duties on behalf of the College.
5. **Conversion to Formal Resolution.** The Complainant or Respondent may, at any time prior to the conclusion of Informal Resolution, elect to end such proceedings and initiate Formal Resolution instead.

### **B. Formal Resolution**

Following the conclusion of the investigation, if not otherwise resolved or dismissed, the Title IX Coordinator shall appoint a Hearing Officer and schedule a live hearing on the matter, requiring the attendance of the Hearing Officer, Respondent, Complainant, the party's individual advisors, and witnesses. The Hearing Officer shall serve as the decision-maker.



1. Hearing Procedures. The hearing may be held in person or by video conferencing technology that allows the parties to see and hear each other in real time. If the hearing is held in person, either party may request that the parties be in separate rooms with technology enabling the parties to see and hear questioning in real time. An audio recording, audiovisual recording, or transcript will also be taken.

No opening or closing statements will be allowed. Each hearing shall consist of questioning of the witnesses by the hearing officer, followed by direct and cross examination of the witnesses by the parties. The Hearing Officer will set the time for direct and cross examinations of each witness, which shall be applied equally to both parties' witnesses. Advisors' only role during the hearing will be to convey their party's questions to witnesses following a ruling by the Hearing Officer on the relevancy of each proposed question. The Hearing Officer will provide an explanation of the ruling if a proposed question is not relevant. If relevant, the advisor may ask the question of a witness. The Hearing Officer may consider statements made by a party or witness that has not been subject to cross examination but will not draw an inference based on a party or witnesses' refusal to submit to cross examination.

2. Advisors. Each party may select an advisor for support during the Formal Resolution process. If a party does not have an advisor prior to any live hearing, the College will allow the party to select an advisor from a panel of College-provided advisors. If a party does not appear at a hearing, the College will appoint an advisor for such party. The advisor's only purpose is to ask questions in cross examination. As such, the advisor is not intended to have any specific legal knowledge and as such, shall have no expectation to provide substantive advice to the party. The College will maintain a panel of advisors, who will be available to provide support to either party at no cost. Under no circumstances will the College reimburse a party for the cost of an advisor from outside the panel.
3. Standard of Proof. Evidence of alleged Sexual Harassment will be evaluated under the "Preponderance of the Evidence" standard. In the context of a review of the Investigators' investigative report and witness testimony at the live hearing, the Respondent will only be found to be responsible for the alleged Sexual Harassment if the Hearing Officer concludes that such Sexual Harassment more likely than not occurred based upon careful review of all information presented.
4. Conversion to Informal Resolution. At any time during the Formal Resolution process, the Complainant or Respondent may request to convert to Informal Resolution, by making such request to the Title IX Coordinator prior to a Final Outcome. Both parties must agree, voluntarily and in writing.
5. Final Outcome. Following the conclusion of the live hearing and within no more than ten (10) days, the Hearing Officer will make a determination and prepare a Final Outcome Letter. The Final Outcome Letter shall be provided to both parties and must contain (1) findings of fact; (2) conclusion on whether the conduct occurred; (3) rationale for conclusion; (4) any disciplinary sanctions; and (5) any remedies for the Complainant.
6. Sanctions. Any student or employee found responsible for Sexual Harassment through this grievance process is subject to discipline in accordance with the [Student Conduct Code](#) or Employee Suspension or Dismissal Policy (Allen Board of Trustee Policies IV-B-1.2, IV-C-1.3, IV-D-1.4, IV-E-1.3, IV-F-1.2), as applicable. In determining an appropriate disciplinary action, any record of past violations of College policies and procedures, as well as the nature and severity of such past

violation(s) may be taken into consideration. The purpose of the discipline will be to: a) bring an end to the violation in question, b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation on the Complainant and the College community. Any discipline imposed will be explained or supported in the Final Outcome Letter.

## **Appeals**

### **A. Grounds for Appeal**

Either party may petition to appeal the final determination regarding responsibility or dismissal of a formal complaint or any allegations therein only on the following grounds: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and (3) the Title IX Coordinator, Investigator, or Hearing Officer had a conflict of interest or bias for or against the Complainant or Respondent generally or the individual Complainant or Respondent that affected the outcome of the matter.

### **B. Appeals Process**

Where grounds for appeal exist, the appealing party must submit an appeal (if a student) to the Office of the Vice President for Student Affairs, or (if an employee) to the Human Resources Office, in writing within ten (10) business days of the date the Final Outcome Letter or notice of dismissal is delivered to the parties. The notice of appeal must describe in detail the grounds for appeal. Either the Vice President or designee (the "Reviewing Officer") will be responsible for overseeing the review and making the final determination. Upon receipt of a valid appeal request, the Reviewing Officer will accept such appeal request, will put the non-appealing party on notice allowing the non-appealing party to submit a response directly related to the appeal notice and will review the notice of appeal and any additional documentation with respect to the procedural appeal prior to determining whether a procedure was appropriately followed. If the Reviewing Officer determines that the alleged basis for appeal affected the outcome, then the Reviewing Officer will put the parties on notice of such determination, will allow for such basis to be corrected as appropriate (which may include allowing for additional witness statements and/or documentation in certain circumstances). As applicable, the Reviewing Officer will then review the formal complaint, any investigative report, as well as supporting evidence, any hearing transcript or recording, and any notice of dismissal or Final Outcome Letter before making an initial ruling regarding the original complaint, which shall be limited to the Grounds of Appeal described herein and issued within fourteen (14) business days of the date the appeal is submitted. If additional time is needed to complete this review, the Reviewing Officer shall notify the Complainant and the Respondent that the review has been delayed and indicate the reasons for the delay. The Reviewing Officer, if not the Vice President, shall provide the initial ruling to the Vice President with the Reviewing Officer's factual findings, and within thirty (30) days of the date of the appeal, the Vice President will make a final ruling/determination whether the dismissal or Final Outcome is supported by the evidence and if additional action is necessary. Decisions by the Vice President are final and not subject to appeal by either party.

### **C. Effective Date of Sanction**

Sanctions imposed for Sexual Harassment are not effective until the resolution of any timely appeal of the decision.

## **Miscellaneous**

### **A. College's Counsel**

Title IX Coordinators and designees may seek advice from the College's legal counsel throughout the process on questions of law and procedure. The College's legal counsel will not make factual determinations under these procedures.

### **B. Privacy**

Participants in the complaint resolution process should respect the matter as confidential. All information revealed and all discussions held shall be confidential within legal requirements and organizational responsibilities, as provided in accordance with College policies and procedures and applicable law.

### **C. Policy Training**

Allen trains all College personnel selected to assist in the resolution process. Any Investigator or hearing officer selected from outside the College shall have demonstrated expertise in conducting such investigations.

### **D. Additional Information**

Further information about Title IX and sex discrimination in education is available from the Office for Civil Rights, 400 Maryland Avenue, SW, Washington, DC 20202-1100 (by Customer Service Hotline: 800-421-3481; fax: 202-453-6012; TDD: 800-877-8339; email: [OCR@ed.gov](mailto:OCR@ed.gov); or on the web at <http://www.ed.gov/ocr>).

For additional information about Sexual Harassment and resources available, please consult the Sexual Violence Prevention (Know What To Do) web page.

## Education

Allen Community College has programs in place to provide education to the community on sexual misconduct. These program will include:

- Annual training to all employees on sexual misconduct and active bystander during staff convocations.
- *Know What To Do* is an online educational program developed by the college for students and employees on issues of bullying, dating and domestic violence, sexual assault, stalking, substance abuse, online violence and being an active bystander.
- Sexual misconduct education is provided for all new students as part of the required College Career Success Seminar course.
- Regular email information provided to employees on specific sexual misconduct topics and procedures.
- Personal safety programs provided by the Student Life Office on dating violence, bullying, drug and alcohol issues, and stalking.