COLUMBIA COLLEGE, Elgin Campus

2016 ANNUAL SECURITY REPORT

October 1, 2016

http://web.ccis.edu/offices/campussafety.aspx
IMPORTANT PHONE NUMBERS

The following are numbers you might need for various purposes:

- Emergency ................................................................. 911
- Campus Administration ............................................. (815) 599-6121
- Director of Campus Safety (Columbia, MO Campus) ...... (573) 875-7304
- Division of Student Affairs (Columbia, MO Campus) .... (573) 875-7400
- Title IX Coordinator Hotline ...................................... (573) 875-7877
- Columbia College Counseling Services ....................... (573) 875-7423
- Columbia College Health Services ............................... (573) 875-7432
- Columbia College Information .................................... (573) 875-8700
- City/County Health Department ................................. (630) 208-3801
- Police ................................................................. (847) 214-7777
- Sheriff ................................................................. (573) 634-9160
- Community 24-Hour Crisis Line ................................. (847) 697-2380
- Poison Information Center ......................................... (800) 222-1222
- National Suicide Prevention Lifeline ............................ (800) 273-TALK (8255)
- Boys & Girls Town National Hotline ......................... (800) 448-3000
- Rape, Abuse & Incest National Network (RAINN) Hotline (800) 656-4673 (HOPE)
- National Domestic Violence Hotline .......................... (800) 799-SAFE (7233)
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CAMPUS SAFETY

MISSION: To provide a safe and secure environment conducive to promoting a respectful and educational atmosphere for all members and guests of the campus community.

Campus Safety is managed by the director of each respective campus. The administration of each campus provides assistance during "regular business hours" and relies upon local law enforcement agencies to provide security during non-business hours. No on-site security is present on campus property. Members of the campus community are directed to contact 911 or the respective campus administration office for assistance with security issues.

Information on Campus Safety may be obtained by contacting the respective campus administration office or by calling the director of Campus Safety located on the Columbia, Missouri campus at (573) 875-7304.

CLERY ACT

The Annual Security Report (ASR) is published annually in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly referred to as the "Clery Act" (HEOA Public Law 110-315). Keeping students, parents and employees well informed about campus security and safety in compliance with the Clery Act requires the college to disclose crime and fire statistics for specific crimes. The director of Campus Safety is responsible for preparing and publishing the ASR and crime statistics as well as reporting crime statistics to the U.S. Department of Education in compliance with the Clery Act.

The director of Campus Safety collects crime statistics from several sources, including but not limited to; crimes reported to Campus Safety, Residential life, a campus security authority and those reported by the Columbia Police Department. The director of Campus Safety collects crime statistics for nationwide campus locations from the director of each campus, each of whom is responsible for requesting crimes statistics from respective law enforcement authorities in their respective jurisdictions.

A statement of availability provides directions to view the Annual Security Report and Crime Statistics on the Campus Safety website. The statement of availability is distributed electronically to students, employees, potential students and is available to all visitors as a flyer placed within campus common areas. A copy of the statement is physically provided to incoming students when they register. A hard copy of the Annual Security Report and Crime Statistics may be obtained from the director of Campus Safety. Campus Crime and Fire Statistics for each respective campus may be reviewed by visiting the following website link: http://web.ccis.edu/en/Offices/CampusSafety/Statistics.aspx.
REPORTING CRIMES

Criminal investigations and arrests will be conducted by the local law enforcement agency or presiding authorities. Columbia College administrators will use all reasonable means to gather information about crimes, hazards or related incidents that occur on all property owned or controlled by Columbia College, after which they are to report those incidents to the appropriate agency.

All crime victims are encouraged to report incidents to the College administration regardless of how insignificant the crime. In case of emergency, call 911 to report the emergency and then call the campus administration office. In case of a non-emergency crime, call the campus administration and the staff member will assist in determining if it is necessary to contact other authorities. If the incident occurred during non-regular hours and is not an emergency, it should be reported to the administration office the following day of business. Crimes may be reported to 911, the local law enforcement agency or to the campus administration. Reports are not collected from off-campus student organizations or off-campus housing facilities as none are maintained, controlled or recognized by the institution.

Voluntary, confidential reporting: Columbia College procedures allow victims or witnesses to report crimes on a voluntary, confidential basis. Victims or witnesses who wish to report on a voluntary yet confidential basis may report to the office of Campus Safety with assurance appropriate measures are taken to keep all information confidential. Those reporting must understand the assurance does not extend to an investigation conducted by the local law enforcement agency.

The College encourages victims of discrimination, harassment or sexual misconduct to talk to somebody about what happened so that they are able to get the support they need and so the College can respond in an appropriate manner. It is important that individuals wishing to talk to somebody understand different employees on campus have different abilities to maintain a victim’s confidentiality under Title IX and other related federal and state guidelines. If you wish your identity and the details of an incident of discrimination or harassment be kept confidential, you may find it helpful to speak with off-campus mental health counselors, health service providers, rape crisis resources or clergy members who can maintain confidentiality. Columbia College students may utilize Columbia College Counseling Services and/or Student Health Services on an emergency basis if needed. Such services are available free of charge.

You may wish to consider this option if you:

- Would like to know about support and assistance, but are not sure if you want to pursue formal action against the individual, or
- Have questions or would like to process what happened with someone without involving police or campus disciplinary procedures, or
- Do not want the alleged perpetrator to know that you are seeking help or support.

NOTE: Please be aware that even confidential resources have some obligations to report, such as in situations of imminent danger and/or sexual abuse of a minor.

Never assume someone else has made the call when you encounter an emergency. If you call 911, provide the dispatcher with as much detailed information as possible. Stay on the line until the dispatcher terminates the call or provides you with other instructions. If you are calling 911 about another person’s emergency, ask someone else (if available) to stay with the victim while you make the call.

Campus community members are encouraged to act quickly when reporting crimes that occur within the jurisdiction of the college. Prompt reporting decreases the chance of losing evidence and provides law enforcement officers or administrators with an opportunity to take necessary action that will enhance the safety and security of the campus community.
Campus Security Authority (CSA):
Crimes may be reported to local law enforcement or a Campus Security Authority (CSA). CSAs include all members of the campus administration and are responsible for reporting allegations of Clery Act crimes made in good faith to the official or office designated by the institution to collect crime report information. Crimes may be reported to the following campus security authorities:
- Campus Director and Administration (847) 214-7197
- Regional Director (815) 477-5440
- Director of Campus Safety (573) 875-7304
- Title IX Coordinator (573) 875-7898
- Coordinator of Student Conduct (573) 875-7877
- Associate Dean for Student Affairs (573) 875-7690
- Dean for Student Affairs (573) 875-7400
- Human Resources (573) 875-7495

A high percentage of campus crimes are incidents of opportunity. Often campus community members contribute to situational crimes by needlessly placing themselves or their property at risk. Crime prevention methods can be effective in reducing the number of crimes and all campus community members play an essential role in the practice of incorporating preventative methods. A good practice is to maintain a high level of awareness of surroundings, walk in pairs or groups and protect personal possessions and college property by securing all items prior to leaving any area.

Preserving Evidence: It is vital for any criminal investigation to preserve all evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order or other significant court ordered actions. To ensure the integrity of the evidence is protected, such evidence should be collected by a law enforcement officer and preserved in a manner that complies with the policies of the collecting law enforcement agency. All victims or witnesses of a crime are encouraged to contact local law enforcement immediately and avoid contact with, wash or clean any items, material or bodily fluids that might be considered evidence of the criminal act.

Records:
The offices of Campus Safety and Student Affairs will complete publicly available recordkeeping, including for the purpose of Clery Act reporting and disclosure, without the inclusion of identifying information about the victim; and maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. Crime Statistics may be viewed at http://web.ccis.edu/en/Offices/CampusSafety/Statistics.aspx or by contacting the director of Campus Safety at (573) 875-7304.

Assistance, Services and Accommodations:
Columbia College will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services available for victims within the institution and in the community.

Columbia College will provide written notification to victims about options for, and available assistance in, changing transportation and working situations, in addition to academic and living situations. The institution will make these accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. This information is provided to all students.
CAMPUS EMERGENCY RESPONSE PROCEDURES

To provide a safe and secure campus environment, an emergency response plan has been developed to establish guidelines for an organized emergency response. The director of the campus is responsible for directing response procedures as well as preparation plans and training events.

Timely Warnings
The campus director is responsible for disseminating timely warnings in compliance with the Clery Act. When there has been a report of a serious crime occurring on campus property that represents a serious or continuing threat to students, employees or the campus community, a timely warning will be issued by the campus director or a campus official delegated by that office to provide such a warning. The tools used to communicate the warning may include, but not be limited to: CC Cougar Alert mass notification system, campus e-mail, campus website, postings on bulletin boards and personal contact with campus officials.

Emergency Notifications
To ensure emergency information is provided in the most efficient method, Columbia College has incorporated an emergency alert system known as CC Cougar Alert. The system, specifically used to send emergency notifications of any event or situation that may present a danger to the campus community, is capable of delivering notifications to the student, faculty or staff member’s Columbia College email address and personal mobile phone. The system is tested frequently to ensure operational integrity.

In response to a dangerous situation that may present an immediate threat to the health and safety of the campus community, campus authorities will, without delay, perform the following procedures:

- **Confirm there is a significant emergency** – The campus director or another campus official will make the appropriate calls to verify the information is valid. Verification of the information will be completed by contacting the local authorities or the initial reporting person. If verification has not been successful, the information will be considered valid. The appropriate authorities will be requested to respond to all valid emergencies.

- **Determine the appropriate segment of the campus community to receive the notification** – The campus director will determine the segment or segments of the campus to be notified. Notifications will be sent to the entire campus in the event of an emergency unless it is determined only a segment of the campus community should receive the notification.

- **Determine the content of the notification** – The campus director will determine the content of the notification. Initial notifications are pre-set or pre-recorded in the CC Cougar Alert system. Subsequent messages will be sent upon determination of necessity by the campus director or regional director.

- **Initiate the notification system** – The campus director will activate the CC Cougar Alert System. An administrative staff member, under authority of the campus director, may activate the system in the absence of the director. The College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

- **Initiate procedures to secure the campus** – College officials will take appropriate actions to secure the campus. Procedures include, but are not limited to, securing buildings, directing students, faculty and staff to safe locations, establishing and maintaining open lines of communication and providing direct assistance to all community members.

- **Establish a command and communications network** – Authorities will establish a designated command center to coordinate with local authorities, communicate with the campus community members and distribute information to the larger community through media and other means.

Evacuation Procedures
Evacuation maps for fires and severe weather are posted on walls throughout campus buildings. Evacuations for other emergency situations will be based on the situation and instructions will be provided by the alert system or other means of communication. There is no mandate for primary lock down or evacuation. Each situation will be evaluated and appropriate instructions will be
provided to the campus community.

**Emergency Response and Evacuation Assessment:**
Evaluating response and evacuation procedures is a vital element in ensuring a safe and secure environment on campus. The campus director facilitates an annual assessment of those procedures by conducting an annual scheduled test during each school year. The test includes a coordinated exercise of activities designed to increase awareness of emergency procedures and allow evaluation of performance capabilities. The primary goal is to prepare the campus community for proper reaction to an emergency and provide the campus director information necessary to improve any deficiencies.

Emergency response and evacuation procedures are described in the Columbia College Crisis Response Plan. The procedures will be provided to all campus community members in conjunction with the annual test. A description of the exercise along with the date, time, announcement and results will be documented and maintained by the campus director.

Monthly "small group" tests of the CC Cougar Alert emergency notification system will be conducted by the campus director or designated campus official. A record of the monthly tests will be documented and maintained by the campus director.

**CRIME PREVENTION**
The following list includes various methods of crime prevention:

- *Be aware of your surroundings and what is going on around you.*
- *Keep a list of campus phone numbers with you or in your phone.*
- *Do not prop open doors.*
- *Do not leave personal property unattended.*
- *Report suspicious individuals to college officials.*
- *Walk with a friend or in a group.*
- *Stay on main walkways.*
- *Become familiar with the campus.*
- *Remove valuables from your vehicle and secure the doors.*
- *Engrave your valuables with personalized identification information.*
- *Always carry your identification.*

If you assume responsibility for your own safety and encourage others to do the same, the opportunities for crime are drastically reduced. Nationwide campuses do not provide active crime prevention programs, but any questions or concerns can be directed to the director's office or the local law enforcement agency.

**CAMPUSS FACILITY ACCESS AND MAINTENANCE**
On the Columbia College campus, most buildings are open only when classes are in session or during regular business hours. Employees who have a key to a campus building and plan to work after normal working hours are encouraged to contact the appropriate administrator and notify them of their presence on campus. Persons who do not have a key and need access must follow the appropriate procedures as established by the director.

An authorized individual entering or leaving a locked building must not allow any unauthorized individual to enter that building. Authorized personnel may have guests with them as long as the guest stays near faculty and staff members who have an assigned key. The authorized individual assumes full responsibility for their presence. Any staff member entering or leaving a secured building shall be responsible for checking the door to ensure that it is secured.
The theft or loss of assigned keys should be reported immediately to the person who issued the keys. Campus keys must not be “loaned” to anyone unless properly authorized. The person to whom the keys have been assigned is solely responsible for those keys.

Maintenance of all facilities is the responsibility of the campus administration, facility owner or a contracted service provider. Fire safety systems (fire sprinkler systems, fire doors, fire extinguishers, etc.) are inspected regularly by the campus administration, facility owner or a contracted fire protection service provider. Inspections and maintenance of backflow valves on fire sprinkler systems are completed by the facility owner or a contracted service provider. The campus administration is responsible ensuring all egress lighting, pathways and mechanical rooms are inspected on a regular basis. The campus administration will address reports of any malfunctions or mechanical problems observed that would create an unsafe situation. Campus community members are encouraged to report maintenance or safety problems to the campus administration.

POLICIES AND PROGRAMS CONCERNING ALCOHOL AND OTHER DRUGS

The college provides education, intervention and referral services for the prevention of alcohol and other drug abuse through the office of Adult Higher Education.

The administration office of each respective nationwide campus can provide contact information for local resources regarding awareness, prevention, safety and security. Many of these programs are offered in coordination with local law enforcement and other public agencies.

The following policies apply to all members of the Columbia College campus community:

Columbia College policy prohibits the possession, use, distribution and sale of alcohol and illicit drugs by Columbia College students and employees on college-owned property and at college sponsored or supervised events.

The president retains the authority to make exceptions to this policy as it pertains to the serving of wine and/or beer at college functions where meals are served. Requests for exceptions to this policy must be submitted to the president in writing prior to the event and will be considered on an individual basis. Notification of the president’s decision will be made in writing to the person(s) making the request.

The college regards possession, distribution or use of illegal drugs as a direct violation of college rules and the law. Representatives of the college will work with outside authorities to enforce existing federal, state and local laws regarding illegal drugs. (Additional information may be found in the Alcohol and Other Drugs policy.)

The possession, use or sale of firearms, ammunition, fireworks, major and minor explosives or any other lethal weapons not described herein is forbidden from college property and subject to disciplinary action.

PROGRAMS ON AWARENESS AND PREVENTION

Columbia College prohibits the crimes of dating violence, domestic violence, sexual assault and stalking. (See definitions at the end of this document.) The College offers various programs designed to increase awareness about these crimes and other potentially dangerous issues. The following programs have been implemented in an effort to prevent further crimes or dangerous situations on or off campus.

Primary Programs:
Campus Clarity Think About It Program (for Adult Learners): An online training program focused on the specific needs of adult learners is offered to all student enrolled in evening, graduate, and adult higher education venues. The program provides an overview of what constitutes sexual violence as well as an understanding of how to respond in potentially problematic situations. It examines the issues from both an intimate and institutional level, as well as through both a personal and professional lens.
Preventing Discrimination and Sexual Violence: Title IX, VAWA and Clery Act for Faculty and Staff: Online training program through Workplace Answers provided annually to all faculty and staff.

Unlawful Harassment Prevention for Higher Education: Online training program through Workplace Answers provided annually to all faculty, staff, and student employees. Different modules are provided based on supervisory roles.

New Director Training: The Title IX Coordinator partners with the Division of Adult Higher Education to provide training to all new campus directors regarding Title IX, VAWA, duties as a responsible employee, and bystander intervention strategies.

Awareness Programs:
Women’s History Month: Programming (specifically via social media for nationwide campus locations) during the month of March 2015 aimed at ‘Challenging Rape Culture One Person at a Time.’

Relationship Violence Awareness Month: During the month of October 2015, focus was placed on raising awareness around relationship violence. Programs included involvement with the #PutTheNailInIt project as well as additional social media and localized efforts.

Ongoing Prevention & Awareness Programs:
“Consent Is…” Poster Campaign: Poster campaign used to reinforce the concept of what consent is for students, faculty, and staff.

“No More” Poster Campaign: Campaign using posters featuring various celebrities speaking out against excuses people use for sexual assault. Posters are distributed to all campus locations.

CRIME STATISTICS
Columbia College Campus Safety believes the community has the right to know about criminal incidents on campus. We believe that by reviewing the statistics, you can make an educated decision about choices to stay safe. To maintain a proactive practice in campus crime prevention, we encourage all members of the campus community to immediately report any crimes or suspicious activity.

Federal law requires colleges and universities disclose statistics on specific crimes that may occur on campus. The specific crimes are classified by the FBI Uniform Crime Report and definitions for those crimes are listed below:

PRIMARY CRIMES

Murder:
- **Murder and non-negligent manslaughter:** The willful (non-negligent) killing of one human being by another.
- **Negligent manslaughter:** The killing of another person through gross negligence.

Sex Offenses:
Definition: Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Sex Offenses - Rape:** 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 – 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 or her age or because of his or her temporary or permanent mental incapacity.
- **Sex Offenses – Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Sex Offenses – Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
**Definition of Consent:** The affirmative, unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Under this definition, an individual who was asleep, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or who was under duress, threat, coercion, or force, would not have been able to give consent. Further, one would not be able to infer consent under circumstances in which consent was not clear, including, but not limited to the absence of "no" or "stop," or the existence of a prior or current relationship or sexual activity.

**Other Crimes:**

- **Robbery:** The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft.
- **Motor vehicle theft:** The theft or attempted theft of a motor vehicle.
- **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**HATE CRIMES:**

Definition: A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias.

- **Larceny-theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. *(Hate crime reporting only.)*
- **Simple assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness. *(Hate crime reporting only.)*
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack. *(Hate crime reporting only.)*
- **Vandalism (destruction or damage) of property (except arson):** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it. *(Hate crime reporting only.)*

**Hate Crimes:** Any of the aforementioned offenses and any other crime involving bodily injury reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias. The categories of bias are the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin and disability.

**ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION**

- **Weapons Possession:** Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.
- **Drug/Narcotic Law Violations:** Violations of state and local laws, specifically those for the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.
- **Alcohol Law Violations:** Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages (does not include arrests for driving while impaired or under the influence of alcohol).
VIOLENCE AGAINST WOMEN ACT (VAWA) PER UCR

- **Dating Violence:** 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 would 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 purpose 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:** A felony or misdemeanor crime of violence committed
  - By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabitating with, or has cohabited with, the victim as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
  - By any 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:** 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.

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

IMPORTANT TERMS AND DEFINITIONS

- **Clery:** Short for “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.” In memory of a student who was slain in her dorm room in 1986, this Act, along with subsequent amendments to the Higher Education Act of 1965 (HEA), requires all postsecondary institutions participating in HEA’s Title IV student financial assistance programs to disclose campus crime statistics and security information.

- **Clery Geography:** Referring collectively to the physical locations for which an institution is responsible for collecting reports of crimes for inclusion in its annual crime statistics and, if applicable, its daily crime log. For the purposes of the annual crime statistics and daily crime log, it includes areas that meet the definitions of “campus,” “non-campus building or property,” or “public property.”
  - Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and
  - Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
  - Non-campus buildings or property: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any building or property owned or controlled by an institution that is
used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and
is not within the same reasonably contiguous geographic area of the institution.
  ○ **Public property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within
the campus, or immediately adjacent to and accessible from the campus.

- **Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) program (FBI’s UCR program):** A nationwide,
  cooperative statistical effort in which city, university and college, county, State, Tribal and Federal law enforcement agencies
voluntarily report data on crimes brought to their attention.

- **Title IX:** The Education Amendments of 1972 (“Title IX”), 20 U.S.C. Sections 1881 *et seq*, and its soon to be implemented
  regulations, 34 C.F.R. Part 106. Address the issues of sexual harassment, sexual discrimination, sexual misconduct and sexual
  violence in a collegiate environment. To view the complete Columbia College Title IX: Sexual Misconduct Policy, please visit
  [http://web.ccis.edu/Offices/HumanResources/TitleIX.aspx](http://web.ccis.edu/Offices/HumanResources/TitleIX.aspx).

- **Consent:** The affirmative, unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual
  encounter. Under this definition, an individual who was asleep, or mentally or physically incapacitated, either through the
  effect of drugs or alcohol or for any other reason, or who was under duress, threat, coercion, or force, would not have been
  able to give consent. Further, one would not be able to infer consent under circumstances in which consent was not clear,
  including, but not limited to the absence of “no” or “stop,” or the existence of a prior or current relationship or sexual activity.

- **Hate Crime:** A crime reported to local police agencies or to a campus security authority that manifests evidence that the
  victim was intentionally selected because of the perpetrator’s bias. The categories of bias are the victim’s actual or perceived
  race, religion, gender, gender identity, sexual orientation, ethnicity, national origin and disability.

- **Hierarchy Rule:** The requirement in the FBI’s UCR program that, for purposes of reporting crimes in that system, when more
  than one criminal offense is committed during a single incident, only the most serious offense is to be included in the
  institution’s Clery Act statistics.

- **Programs To Prevent Dating Violence, Domestic Violence, Sexual Assault and Stalking:** Comprehensive, intentional and
  integrated programming, initiatives, strategies and campaigns intended to end dating violence, domestic violence, sexual
  assault and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to
  community needs and informed by research or assessed for value, effectiveness or outcome. These programs must also
  consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community
  and societal levels.

  - **Dating Violence:** See definition in section on Violence Against Women Act (VAWA).
  - **Domestic Violence:** See definition in section on Violence Against Women Act (VAWA).
  - **Stalking:** See definition in section on Violence Against Women Act (VAWA).
  - **Awareness Programs:** Programs developed and implemented by the institution to increase individual and group awareness
    of specific or general concerns. (Example: Sexual Assault awareness programs to increase awareness of indicators, threats
    and avoidance techniques.)
  - **Bystander Intervention:** Programs designed to provide students and staff with tools needed to recognize and effectively
    intervene in any situation where someone may be in danger.
  - **Ongoing Prevention and Awareness Campaigns:** Programs designed to focus on acts of criminal nature, run continually,
    provide information and resources regarding prevention methods and increase awareness of potential victims.
  - **Primary Prevention Programs:** Programs implemented as the institution’s primary attempt to prevent dating violence,
    domestic violence, sexual assault, stalking or any other criminal activity. ([See Programs to Prevent Dating Violence, Domestic
    Violence, Sexual Assault and Stalking.](#))
  - **Risk Reduction:** A strategy implemented by the institution to decrease the potential for students and staff of becoming victims
    of criminal activity.
VIOLENCE AGAINST WOMEN ACT (VAWA) DEFINITIONS FOR THE STATE:

Sexual Violence: The following are sexual offenses according to the Illinois Compiled Statutes:

- Criminal sexual assault (Ch. 720 Ill. Comp. Stat. 5/11-1.20) – an act of sexual penetration (defined as ‘any contact, however slight, between the sex organ or anus of one person and an object or the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration’) and defendant:
  a. Uses force or threat of force;
  b. Knows that the victim is unable to understand that nature of the act or is unable to give knowing consent;
  c. Is a family member of the victim, and the victim is under 18 years of age; or
  d. Is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age.

- Aggravated criminal sexual assault (Ch. 720 Ill. Comp. Stat. 5/11-1.30)
  a. Committing criminal sexual assault and any of the following aggravating circumstances exist during the commission of the offense or the same course of conduct as the commission of the offense:
    ▪ Defendant displays, threatens to use, or uses a dangerous weapon, other than a firearm, or any object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;
    ▪ Defendant causes bodily harm to the victim;
    ▪ Defendant acts in a manner that threatens or endangers the life of the victim or any other person;
    ▪ Defendant commits the criminal sexual assault during the course of committing or attempting to commit any other felony;
    ▪ The victim is 60 years of age or older;
    ▪ The victim is a physically handicapped person;
    ▪ Defendant delivers (by injection, ingestion, or any other means) any controlled substance to the victim without the victim’s consent or by threat/deception for other than medical purposes;
    ▪ Defendant is armed with a firearm;
    ▪ Defendant personally discharges a firearm during the commission of the offense; or
    ▪ Defendant personally charges a firearm during the commission of the offense, and that discharge proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.
  b. If defendant is under the age of 17 years and:
    ▪ Commits an act of sexual penetration with a victim who is under 9 years of age; or
    ▪ Commits an act of sexual penetration with a victim who is at least 9 years of age but under 13 years of age and defendant uses force or threat of force to commit the act.
  c. An act of sexual penetration with a victim who is a severely or profoundly intellectually disabled person.

Domestic Violence: The following are definitions related to domestic violence offenses according to the Illinois Compiled Statutes:

- Ch. 40 Ill. Comp. Stat. 60/101-103 – the following terms shall have the following meanings:
  a. “Abuse” means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.
  b. “Domestic violence” means abuse as defined above.
  c. “Family or household members” include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, person who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in Section 12-4.4a of the Criminal Code of
2012. For purposes of this paragraph, neither a casual acquaintance nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high-risk adult with disabilities, “family or household members” includes any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities voluntarily, or by express or implied contract, or by court order.

d. “Harassment” means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:
   i. Creating a disturbance at petitioner’s place of employment or school;
   ii. Repeatedly telephoning petitioner’s place of employment, home or residence;
   iii. Repeatedly following petitioner about in a public place or places;
   iv. Repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner’s windows;
   v. Improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner’s from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or make a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing an incident or pattern of domestic violence; or
   vi. Threatening physical force, confinement or restraint on one or more occasions.

e. “Interference with personal liberty” means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.

f. “Physical abuse” includes sexual abuse and means any of the following:
   i. Knowing or reckless use of physical force, confinement or restraint;
   ii. Knowing, repeated and unnecessary sleep deprivation; or
   iii. Knowing or reckless conduct which creates an immediate risk of physical harm.

**Dating Violence:** Although the state of Illinois has a definition for “teen dating violence” according to the Illinois Compiled Statutes, this definition only applies to individuals between the ages of 13-19. Generally, dating violence is included within the broader definition of domestic violence (Ch. 40 Ill. Comp. Stat. 60/101-103).

**Stalking:** the following are stalking offenses according to Illinois Compiled Statutes:
- 720 ILCS 5/12-7.3. Stalking (criminal law)
  a. A person commits stalking when he or she knowingly engages in a course of conduct direct at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to:
     1. Fear for his or her safety or the safety of a third person; or
     2. Suffer other emotional distress.
  a-3. A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and:
     1. At any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
     2. Places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person.
  a-5. A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion:
1. Follows that same person or places that same person under surveillance; and
2. Transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to that person or a family member of that person.

c. Definitions. For purposes of this Section:
1. “Course of conduct” means 2 or more acts, including but not limited to acts in which a defendant 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, engages in other non-consensual contact, or interferes with or damages a person’s property or pet. A course of conduct may include contact via electronic communications.
2. “Electronic communication” means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. “Electronic communication” includes transmissions by a computer through the Internet to another computer.
3. “Emotional distress” means significant mental suffering, anxiety or alarm.
4. “Family member” means a parent, grandparent, brother, sister, or child, whether by whole blood, half-blood, or adoption and includes a step-grandparent, step-parent, step-brother, step-sister or step-child. “Family member” also means any other person who regularly resides in the household, or who, within the prior 6 months, regularly resided in the household.
5. “Follows another person” means (i) to move in relative proximity to a person as that person moves from place to place or (ii) to remain in relative proximity to a person who is stationary or whose movements are confined to a small area. “Follows another person” does not include a following within the residence of the defendant.
6. “Non-consensual contact” means any contact with the victim that is initiated or continued without the victim’s consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at a workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.
7. “Places a person under surveillance” means (i) remaining outside the person’s school, place of employment, vehicle, other place occupied by the person, or residence other than the residence of the defendant; or (ii) placing an electronic tracking device on the person or the person’s property.
8. “Reasonable person” means a person in the victim’s situation.
9. “Transmits a threat” means a verbal or written threat or a threat implied by a pattern of conduct or a combination of verbal or written statements of conduct.

- **780 ILCS 5/12-7.4. Aggravated stalking (criminal law)**
  a. A person commits aggravated stalking when he or she, in conjunction with committing the offense of stalking, also does any of the following:
     1. Causes bodily harm to the victim;
     2. Confines or restrains the victim; or
     3. Violates a temporary restraining order, an order of protection, a stalking no contact order, a civil no contact order, or an injunction prohibiting the behavior described in subsection (b)(1) of Section 214 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/214].

- **720 ILCS 5/12-7.5. Cyberstalking (criminal law)**
  a. A person commits cyberstalking when he or she knowingly engages in a course of conduct using electronic communication directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to:
     1. Fear for his or her safety or the safety of a third person; or
     2. Suffer other emotional distress.
     a-3. A person commits cyberstalking when he or she, knowingly and without lawful justification, on at
least 2 separate occasions, harasses another person through the use of electronic communication and:

1. At any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
2. Places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person; or
3. At any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

a-5. A person commits cyberstalking when he or she, knowingly and without lawful justification, creates and maintains an Internet website or webpage which is accessible to one or more third parties for a period of at least 24 hours, and which contains statements harassing another person and:

1. Which communicates a threat of immediate or future bodily harm, sexual assault, confinement or restraint, where the threat is directed towards that person or a family member of that person; or
2. Which places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or
3. Which knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

**Consent:** 720 ILCS 5/11-1.70, Sec. 11-1.70.

Defenses with respect to offenses described in Sections 11-1.20 through 11-1.60.

a. It shall be a defense to any offense under Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code where force or threat of force is an element of the offense that the victim consented. “Consent” means a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offenses shall not constitute consent.

b. It shall be a defense under subsection (b) and subsection (c) of Section 11-1.50 and subsection (d) of Section 11-1.60 of this Code that the accused reasonably believed the person to be 17 years of age or over.

c. A person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct.

**Preserving Evidence:** It is vital for any criminal investigation to preserve all evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order or other significant court ordered actions. To ensure the integrity of the evidence is protected, such evidence should be collected by a law enforcement officer and preserved in a manner that complies with the policies of the collecting law enforcement agency. All victims or witnesses of a crime are encouraged to contact local law enforcement immediately and avoid contact with, wash or clean any items, material or bodily fluids that might be considered evidence of the criminal act.

**SEX OFFENDERS**

A list of Registered Sex Offenders may be obtained from the Illinois State Police (217) 785-0653: [http://www.isp.state.il.us/sor/](http://www.isp.state.il.us/sor/).

Contact your local law enforcement for further information.

**LAW ENFORCEMENT JURISDICTION**

The campus director is the law enforcement liaison for the campus and all criminal offenses are reported to the Elgin Community College Police Department for response and investigation. Columbia College is in the process of submitting a Memorandum of Understanding outlining obligations and responsibilities related to response, reporting and investigations regarding criminal activity on campus.
ANNUAL SECURITY REPORT AVAILABILITY
A copy of Columbia College’s Annual Security Report can be obtained by contacting the College administration office or by accessing the following web site link: http://web.ccis.edu/Offices/CampusSafety/ReportsandStats.aspx.

This report includes statistics for the previous three years concerning reported crimes that occurred on-campus; in certain off-campus buildings or property owned or controlled by Columbia College; and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security, such as policies in regards to sexual assault and other matters.

COLUMBIA COLLEGE SEXUAL MISCONDUCT POLICY AND COMPLAINT RESOLUTION PROCEDURES

Overview of Title IX and the Sexual Misconduct Policy

Columbia College is committed to providing a learning and working environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex or gender.

In particular, Title IX of the Educational Amendments of 1972 prohibits Columbia College from discriminating on the basis of sex and gender in educational programs and activities, including employment and admissions. Specifically, Title IX states that:

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.

Concerns related to discrimination or harassment based on sex, gender identity, sexual orientation, pregnancy or parental status fall under the purview of requirements included in Title IX of the Educational Amendments of 1972 as well as The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (‘Clery Act’) and the Violence Against Women Act (‘VAWA’) amendments to the Clery Act and are therefore subject to the procedures outlined in the Columbia College Sexual Misconduct Policy.

Columbia College is committed to addressing the issues of discrimination, harassment, and sexual misconduct in the educational and workplace landscape and will continue to modify policies, procedures, and prevention efforts as needed.

For the most up-to-date information about the Columbia College Sexual Misconduct Policy or to file a complaint, please visit our website at http://www.ccis.edu/TitleIX or contact our Title IX Coordinator at (573) 875-7898.
Sexual Misconduct Policy

I. POLICY STATEMENT

Columbia College (the “College”) is committed to providing a learning and working environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex or gender. The College considers sex discrimination in all its forms to be a serious offense. Sex discrimination constitutes a violation of this policy, is unacceptable, and will not be tolerated. Sex discrimination includes discrimination on the basis of sex, gender identity, sexual orientation, and pregnancy or parental status.

Sexual harassment, whether verbal, physical, visual, or digital, is a form of prohibited sex discrimination, and sexual violence is a particularly severe form of sexual harassment. These terms are defined further below.

II. SCOPE

This policy applies to all College employees, including staff, faculty, and administrators; students; applicants for employment; customers; third-party contractors; and all other persons that participate in the College’s educational programs and activities, including third-party visitors on campus (the “College Community”). This policy prohibits sex discrimination, sexual harassment, and sexual violence when the complainant and alleged perpetrator are members of the same or opposite sex or gender, and it applies regardless of national origin, immigration status, or citizenship status.

The College's prohibition on sex discrimination, sexual harassment, and sexual violence extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, athletics, housing, and student services.

The College has jurisdiction over conduct covered by this policy that occurs on campus, during or at an official College program or activity (regardless of location and inclusive of field trips, social or educational functions, college related travel, student recruitment activities, internships, and service-learning experiences), and to off campus or online conduct when the conduct could deny or limit a person’s ability to participate in or benefit from the College’s programs and activities or creates the potential for a hostile environment on campus. The College will investigate all complaints made under this policy and, if necessary, take action to prevent the recurrence of sexual misconduct and remedy its effects.

III. TITLE IX STATEMENT

It is the policy of the College to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex or gender in the College’s educational programs and activities. Title IX and its implementing regulations also prohibit retaliation for asserting claims of sexual misconduct. The College has designated the following Title IX Coordinator to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sexual misconduct:

Molly Borgmeyer, Title IX Coordinator
Columbia College Main Campus – St. Clair Hall 14
1001 Rogers Street
Columbia, MO 65216
(573) 875-7898
mrborgmeyer@ccis.edu

The College has also designated the following Deputy Title IX Coordinators to assist the Title IX Coordinator in carrying out the duties under this policy:

Kathryn Simunic, Assistant Director, Human Resources
Columbia College Main Campus – Missouri Hall 123
1001 Rogers Street
Columbia, MO 65216
A person may also file a complaint of sexual misconduct with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or by calling 1-800-421-3481.

IV. RELEVANT DEFINITIONS

A. Sexual Misconduct

“Sexual misconduct” is an umbrella term that collectively refers to sex discrimination, sexual harassment, sexual violence, dating violence, domestic violence, and stalking. This term will be used throughout this policy and the complaint resolution procedures when collectively referring to these types of conduct.

B. Sex Discrimination

Sex discrimination occurs when persons are excluded from participation in, or denied the benefits of, any College program or activity because of their sex, gender identity, or gender expression. Sex discrimination can include adverse treatment based on one’s sex, gender identity, or gender expression, as well as the other prohibited conduct outlined below.

C. Sexual Harassment

1. Definition of Sexual Harassment

   Sexual harassment is unwelcome conduct of a sexual nature and includes sexual advances, requests for sexual favors, and other verbal, physical, visual, or digital conduct of a sexual nature when:
   - Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual’s employment or education;
   - Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual; or
   - Such conduct has the purpose or effect of substantially interfering with an individual’s academic or professional performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment.

2. Examples of Sexual Harassment

   Examples of conduct that may constitute sexual harassment include, but are not limited to:
   - Pressure for a dating, romantic, or intimate relationship;
   - Unwelcome touching, kissing, hugging, rubbing, or massaging;
   - Pressure for sexual activity;
   - Unnecessary references to parts of the body;
   - Sexual innuendos, jokes, humor, or gestures;
• Displaying sexual graffiti, pictures, videos or posters;
• Using sexually explicit profanity;
• Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
• Social media use that violates this policy;
• Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin area;
• Sending sexually explicit digital messages;
• Commenting on a person's dress in a sexual manner;
• Giving unwelcome personal gifts such as flowers, chocolates, or lingerie that suggest the desire for a romantic relationship;
• Commenting on a person's body, gender, sexual relationships, or sexual activities; or
• Sexual violence (as defined below)

D. Consent

1. Definition of Consent

Consent is defined as permission to act. Lack of consent is a critical factor in determining whether sexual violence has occurred. This must be an unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Although consent can be given by words or actions, those words or actions must be clear and mutually understood. Consent should meet all of the following standards:

• Active, not passive.

• Given freely.
  ▪ If coercion, intimidation, threats, and/or physical force are used, there is no consent; a person's lack of verbal resistance or submission resulting from the use or threat of force does not constitute consent.
  ▪ Dressing in a certain manner does not constitute consent.
  ▪ Being in a romantic or intimate relationship with someone does not imply consent to any form of sexual activity.
  ▪ Effective consent may not exist when there is a disparity in power between the parties (e.g., faculty/student, supervisor/employee).

• Provided knowingly.
  ▪ If a person who is known to be (or based on circumstances should reasonably be known to be) mentally or physically incapacitated to the point that they are unable to make rational, reasonable decisions due to a lack of capacity to understand the "who, what, when, where, why, or how" of a sexual interaction, there is not consent.
    • Warning signs of when a person may be incapacitated due to drug and/or alcohol use include: slurred speech, falling down, passing out, and vomiting.
  ▪ If a person is asleep or unconscious, there is no consent.
  ▪ A person who is below the minimum age of consent in the applicable jurisdiction (within the state of Missouri, age of consent is 17), cannot provide consent to sexual activity.
2. **Legal Definitions of Consent**

The legal definition of consent may differ depending on the jurisdiction or location where the sexual activity occurs. In Missouri, consent or lack of consent may be express or implied. Furthermore, in Missouri, assent does not constitute consent if:

- It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
- It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reasons is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
- It is induced by force, duress, or deception.

E. **Sexual Violence**

1. **Definition of Sexual Violence**

Sexual violence is a particularly severe form of prohibited sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent because of their temporary or permanent mental or physical incapacity, because they are below the minimum age of consent in the applicable jurisdiction (within the state of Missouri, age of consent is 17), or because of their incapacitation due to the use of drugs and/or alcohol. Other types of conduct may also constitute sexual violence.

2. **Examples of Sexual Violence**

Sexual violence can include the following:

- Rape or sexual assault: sexual intercourse (anal, oral, or vaginal) by an individual upon another individual without consent;

- The use of force or coercion to effect sexual intercourse or some other form of sexual contact with a person who has not given consent;

- Unwilling sexual penetration (anal, oral, or vaginal) or other sexual touching with any object or body part that is committed by force, threat, intimidation, or otherwise without consent, including instances where the victim is incapable of giving consent because of their age or because of temporary or permanent mental or physical incapacity;

- Having sexual intercourse with a person who is unconscious because of drug or alcohol use;

- Hazing that involves penetration of a person’s vagina or anus with an object;
• Statutory rape, which is sexual intercourse with a person who is under the statutory age of consent (within the state of Missouri, age of consent is 17).

• Sexual exploitation, which includes, but is not limited to, the following:
  ▪ Sexual voyeurism;
  ▪ Use of drugs or alcohol to impair an individual in order to effect sexual intercourse or some other form of sexual contact with that individual;
  ▪ Knowingly transmitting a sexually transmitted infection such as HIV to another person through sexual activity;
  ▪ Secretly videotaping or photographing sexual activity where the other party has not consented;
  ▪ Disseminating sexual pictures or videos of another person without consent regardless of if the pictures or videos were obtained with consent; or
  ▪ Prostituting another person.

3. Legal Definitions of Sexual Violence

The legal definition of sexual assault and/or rape may differ depending on the jurisdiction or location where the sexual activity occurs. In Missouri, sexual assault and/or rape are defined as the following according to Missouri Revised Statutes:

• **First degree rape** (Mo. Rev. Stat. § 566.030) – a person commits the crime of rape in the first degree if:
  
  a. Such person has sexual intercourse (defined as ‘any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results’) with another person who is incapacitated (defined as ‘that physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person’s conduct, or unable to communicate unwillingness to act’), incapable of consent or lacks the capacity to consent or by the use of forcible compulsion (defined as ‘physical force that overcomes reasonable resistance; or a threat, express or implied, that places a person in reasonable fear of death, serious injury or kidnapping of such person or another person; includes the use of a substance administered without a victim’s knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse’).

• **Rape in the second degree** (Mo. Rev. Stat. § 566.031) – a person commits the crime of rape in the second degree if:
  
  • Such person has sexual intercourse with another person knowing that he or she does so without that person’s consent.

• **Sexual assault** (Mo. Rev. Stat. § 566.040) – a person commits the crime of sexual assault if he:
  
  • Has sexual intercourse with another person knowing that he does so without the person’s consent.

• **Deviate sexual assault** (Mo. Rev. Stat. § 566.070)
  
  • Deviate sexual intercourse with another person
    
    ▪ Any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person; or
A sexual act involving the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

- Knowing that he does so without that person’s consent.

**Sexual misconduct in the first degree** (Mo. Rev. Stat. § 566.093) – a person commits the crime of sexual misconduct in the first degree if such person:

- Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm, or
- Has sexual contact (defined as ‘any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing; for the purpose of arousing or gratifying sexual desire of any person’) in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm, or
- Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

**Sexual misconduct in the second degree** (Mo. Rev. Stat. § 566.093) – a person commits the crime of sexual misconduct in the second degree if:

- He or she solicits or requests another person to engage in sexual conduct under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm.

**Sexual abuse in the first degree** (Mo. Rev. Stat. § 566.100) – a person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion.

**Sexual abuse in the second degree** (Mo. Rev. Stat. § 566.101) – a person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person’s consent.

The crimes of domestic violence, dating violence, and stalking can also constitute sexual misconduct when motivated by a person’s sex or gender. These types of conduct, no matter the motivation behind them, are a violation of this policy and will be addressed pursuant to the complaint resolution procedures stated within the Sexual Misconduct Policy.

**F. Dating Violence**

1. **Definition of Dating Violence**

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

- The existence of such relationship is determined based upon 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 purpose 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.
b. Legal Definition of Dating Violence

The legal definition of dating violence may differ depending on the jurisdiction or location where the dating violence occurs. In Missouri, dating violence is considered domestic violence under Missouri Revised Statutes due to the definition of “family” or “household member” (Mo. Rev. Stat. § 455.010).

G. Domestic Violence

1. Definition of Domestic Violence

Domestic violence includes felony or misdemeanor crimes of violence committed by any of the following:

- 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 acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

2. Legal Definition of Domestic Violence

The legal definition of domestic violence may differ depending on the jurisdiction or location where the domestic violence occurs. In Missouri, the following are definitions related to domestic violence according to Missouri Revised Statutes:

- **Mo. Rev. Stat. § 455.010** – As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

  1. “Abuse” includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

     a. “Assault,” purposely or knowingly placing or attempting to place another in fear of physical harm;

     b. “Battery,” purposely or knowingly causing physical harm to another with or without a deadly weapon;

     c. “Coercion,” compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

     d. “Harassment,” engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

        a. Following another about in a public place or places;

        b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;
5. “Domestic violence,” abuse or stalking committed by a family or household member, as such terms are defined in this section;

7. “Family” or “household member,” spouses, former spouses, and person related by blood or marriage, persons who are presently residing together or have resided together in the past, an person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time.

14. “Stalking” is when any person purposely engages in an unwanted course of conduct that causes alarm to another person, or a person who resides together in the same household with the person seeking the order of protection when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:
   a. “Alarm” means to cause fear of danger of physical harm; and
   b. “Course of conduct” means a pattern of conduct composed of two or more acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact.

H. Stalking

1. Definition of Stalking

Stalking is engaging in a course of conduct (to include conduct that occurs via social media, i.e., “cyberstalking”) directed at a specific person that would cause a reasonable person to:
   • Fear for their safety or the safety of others; or
   • Suffer substantial emotional distress.

2. Legal Definition of Stalking

The legal definition of stalking may differ depending on the jurisdiction or location where the activity occurs. In Missouri, the crime of stalking is defined as the following according to Missouri Revised Statutes:
   • R.S.Mo. § 565.225, Crime of stalking, (criminal law)

   1. As used in this section, the following terms shall mean:
      1. “Course of conduct,” a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests;
      2. “Credible threat,” a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, or the safety of his or her family, or household members or domestic animals or livestock as defined in section 279.606, RSMo, kept at such person’s residence or on such person’s property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of, the person, the person’s family, or the person’s household members or domestic animals or livestock as defined in section 276.606, RSMo, kept at such person’s residence or on such person’s property;
3. “Harasses,” to engage in a course of conduct directed at a specific person that serves no legitimate purpose that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

2. A person commits the crime of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.

3. A person commits the crime of aggravated stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person, and:
   1. Makes a credible threat; or
   2. At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or
   3. At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or
   4. At any time during the course of conduct, the other person is seventeen (17) years of age or younger and the person harassing the other person is twenty-one (21) years of age or older; or
   5. He or she has previously pleaded guilty to or been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim.

V. ROLES & RESPONSIBILITIES

A. **Title IX Coordinator**

   It is the responsibility of the Title IX Coordinator to:
   1. Ensure the College’s compliance with Title IX;
   2. Identify and address any patterns or systemic problems of sexual misconduct at the College;
   3. Coordinate dissemination of information and education and training programs;
   4. Receive complaints under this policy;
   5. Assist members of the College Community in understanding that sexual misconduct is prohibited by this policy;
   6. Answer questions about this policy;
   7. Ensure that employees and students are aware of the procedures for reporting and addressing complaints of sexual misconduct;
   8. Direct individuals to other available resources on campus, off campus, and through national resources; and
   9. To implement the complaint resolution procedures or to designate appropriate persons for implementing the complaint resolution procedures.

The Deputy Title IX Coordinators will assist the Title IX Coordinator in carrying out these responsibilities.
B. **Administrators, Deans, Department Chairs, Campus Directors, and Other Managers**

It is the responsibility of administrators, deans, department chairs, campus directors, and other managers (i.e., those that formally supervise other employees) to:

1. Inform employees under their direction or supervision of this policy;
2. Work with the Title IX Coordinator and Deputy Title IX Coordinators to implement education and training programs for employees and students; and
3. Assist in implementing any corrective actions that are imposed as a result of findings of a violation of this policy.

**C. Employees**

Throughout this policy, the term “employees” includes all faculty, staff, and administrators. It is the responsibility of employees to review this policy and comply with it.

**D. Students**

It is the responsibility of all students to review this policy and comply with it.

**E. The College**

When the College is aware that a member of the College Community may have been subjected to or affected by conduct that violates this policy, the College will take prompt action, including a review of the matter and, if necessary, an investigation and appropriate steps to stop and remedy the sexual misconduct. The College will act in accordance with its complaint resolution procedures.

**VI. COMPLAINTS & REPORTS**

**A. Making a Complaint or Report of Sexual Misconduct**

1. **Employees**

   All College employees are deemed to be Responsible Employees and therefore have a duty to report sexual misconduct to the Title IX Coordinator or Deputy Title IX Coordinator(s) when they receive a report of such conduct, witness such conduct, or otherwise obtain information about such conduct and should do so within 24 hours of receiving such information.

   This includes employees who may have a professional license requiring confidentiality if they are not employed by the College in that professional role.

   An employee not reporting sexual misconduct as required by this policy may be disciplined accordingly, up to and including termination.

   *This section does not apply to those identified in Section VI.A.4 of this policy.*

2. **Students**

   Students who wish to report sexual misconduct should file a complaint with the Title IX Coordinator or Deputy Title IX Coordinator(s).

   Students should be aware that all employees at the College, other than those identified in Section VI.A.4 as confidential advisors, have an obligation to report information about sexual misconduct to the Title IX Coordinator(s) for review and investigation, and they may not keep this information confidential.

   Students may also file a complaint with the United States Department of Education’s Office for Civil Rights, as set forth in Section III above.
3. Other Persons

Any other persons, including third parties, bystanders, and visitors on campus, who wish to report sexual misconduct should file a complaint with the Title IX Coordinator or Deputy Title IX Coordinator(s). They may also file a complaint with the United States Department of Education's Office for Civil Rights, as set forth in Section III above.

4. Confidential Discussions

If an individual desires to talk confidentially about their situation, there are resources available. The following confidential advisors are available to assist you and will not further disclose the information you provide, unless otherwise required to do so by law (e.g., if the victim is a minor):

- Counseling Services – (573) 875-7423
- Student Health Services – (573) 875-7432
- Employee Assistance Program – (800) 386-7055 | www.ibhworklife.com
- True North of Columbia – (800) 548-2480
- RAINN National Hotline – (800) 656-HOPE | www.rainn.org
- Military Safe Helpline – (877) 995-5247 | www.safehelpline.org

*For those individuals not located near Columbia College in Columbia, MO, please contact the Columbia College Title IX Coordinator for additional information about who to contact in your region.

Within the state of Illinois, under 155 ILCS 110/20(c), all confidential advisors complete 40 hours of training regarding issues of sexual misconduct prior to appointment and complete 6 hours of additional training on an annual basis. They also are required to have an understanding of the College’s specific policy and processes for addressing sexual misconduct and resources available on campus and in the community.

5. Electronic Reporting Option

Reports may be made through our online reporting system at https://cc-advocate.symplicity.com/public_report/. You will be asked to identify your relationship to Columbia College and will then be directed to fill out a form with additional information.

Within twelve (12) hours of receiving an electronic report, the College will respond to the reporter through verbal, written, or electronic communication.

6. Anonymous Reporting Option

Anonymous complaints will be accepted by the College, although it is often difficult to gather facts and conduct a thorough investigation via anonymous complaints.

To make an anonymous complaint, access the Electronic Reporting Option at https://cc-advocate.symplicity.com/public_report/, identify your relationship to Columbia College and then write in 'Anonymous' under the 'Your Name' and 'Your Email' fields.

Employees cannot fulfill their obligations as responsible employees under this policy using this anonymous reporting option.

7. Content of the Complaint

So that the College has sufficient information, a complaint being made for purposes of an investigation should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; (4) contact information for the complainant so that the College may follow up appropriately.

8. Information Provided to Complainant and Respondent
A complainant who makes a claim of sexual misconduct to the College will be given a copy of a
document explaining their rights and options under the Columbia College Sexual Misconduct Policy.
This document provides information about this policy and the complaint resolution procedures used
to investigate and resolve complaints of sexual misconduct, possible interim protective measures and
accommodations that may be available, options for filing complaints with the local police, and
resources that are available on campus and in the community, as well as other pertinent information.

A person against whom a complaint has been filed will also be given similar information about the
process and resources available.

9. Conduct that Constitutes a Crime

Any person who wishes to make a complaint of sexual misconduct that also constitutes a crime –
including sexual violence, domestic violence, dating violence, or stalking – is encouraged to make a
complaint to local law enforcement. If requested, the College will assist the complainant in notifying
the appropriate law enforcement authorities. A victim may decline to notify such authorities.

In the event of an emergency, please contact 911.

10. Special Guidance Concerning Complaints of Sexual Violence, Domestic Violence, Dating
Violence, or Stalking

If you are the victim of sexual violence, domestic violence, dating violence, or stalking, do not blame
yourself. These crimes are never the victim’s fault. When a physical crime of violence has been
perpetrated against you, the College recommends that you immediately go to the emergency room of a
local hospital and contact local law enforcement, in addition to making a prompt complaint under this
policy.

If you are the victim of sexual violence, domestic violence, or dating violence, do everything possible
to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence
may be necessary for proof of the crime or in obtaining a protection order. As necessary to preserve
evidence, victims of sexual violence, domestic violence, or dating violence should not bathe, urinate,
douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination
is completed. Clothes should not be changed. When necessary, seek immediate medical attention at a
local hospital and take a full change of clothing, including shoes, for use after a medical examination.

At the Columbia, MO location of Columbia College, a Sexual Assault Nurse Examiner Clinic is available
at University Hospital 24 hours a day, 7 days a week and they can be contacted at (573) 882-8091.

*For those individuals not located near Columbia College in Columbia, MO, please contact the Columbia
College Title IX Coordinator for additional information about where you can receive SANE services in your
region.

It is also important to take steps to preserve other types of evidence, such as letters, emails, text
messages, social media posts, pictures, etc. This type of information is relevant in all situations
involving sexual misconduct, and it is likely to be the only type of evidence available in cases of sexual
harassment and stalking (other than witnesses).

Once a complaint of sexual violence, domestic violence, dating violence, or stalking is made to the
College, the complainant has several options such as, but not limited to:

- Contacting parents or a relative
- Seeking legal advice
- Seeking personal counseling (always recommended)
- Pursuing legal action against the perpetrator
- Pursuing disciplinary action through the College
- Requesting that no further action be taken
- Requesting further information about the College's policy and procedures for addressing sexual misconduct
- Requesting further information about available resources

11. **Vendors, Contractors, and Third-Parties**

This policy applies to the conduct of vendors, contractors, and third-parties. Members of the College Community who believe they have been subject to sexual misconduct in violation of this policy by a vendor, contractor, or other third party can make a complaint in the manner set forth in this section.

12. **Retaliation**

It is a violation of this policy to retaliate against any member of the College Community who reports or assists in making a complaint of sexual misconduct or who participates in the investigation of a complaint in any way. Persons who believe they have been retaliated against in violation of this policy should make a complaint in the manner set forth in this section. All institutional sanctions are available for those found to have engaged in retaliatory conduct, up to and including termination or expulsion.

13. **Protecting the Complainant**

Pending final outcome of an investigation in accordance with the Complaint Resolution Procedures, the College will take steps to protect the complainant from further discrimination or harassment. This may include assisting and allowing the complainant to change their academic, living, dining, transportation, or work situation, to the extent that the College has control over these environments, if options to do so are reasonably available and upon request of the complainant. Such changes may be available regardless of whether the victim chooses to report the crime to Columbia College Campus Safety or local law enforcement.

Requests to change an academic, living, dining, transportation, or work situation, or for any other protective measure (such as a no-contact order), should be made to the Title IX Coordinator or Deputy Title IX Coordinator(s).

If a complainant has obtained an ex parte order of protection, full order of protection, or any other temporary restraining order or no-contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX Coordinator or Deputy Title IX Coordinator(s). The College, in conjunction with Columbia College Campus Safety, will take all reasonable and legal action to implement the order.

14. **Amnesty**

The College recognizes that an individual who has engaged in behavior that may violate the College’s Student Code of Conduct may be hesitant to report sexual misconduct. To encourage reporting, the College will grant immunity to any student who reports, in good faith, an alleged violation of this policy to the Title IX Coordinator or other employee.

The reporting student will not receive a disciplinary sanction by the College for a conduct violation, such as under aged drinking, that is revealed in the course of such a report, unless the College determines that the violation was egregious, including without limitation, an action that places the health and safety of any other person at risk.

Notwithstanding the College’s commitment to amnesty in these situations, the College may require the reporting individual to attend a course or pursue other educational intervention related to alcohol and drug use. Further, this amnesty provision does not prevent action by police or other legal authorities against an individual who has illegally consumed alcohol or drugs or otherwise violated the law.
B. **Timing of Complaints**

The College encourages persons to make complaints of sexual misconduct as soon as possible because late reporting may limit the College's ability to investigate and respond to the conduct included in the complaint.

C. **Investigation and Confidentiality**

All complaints of sexual misconduct will be promptly and thoroughly investigated in accordance with the complaint resolution procedures, and the College will take disciplinary action where appropriate. The College will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the College cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue and investigation. If a complainant insists that their name not be disclosed to the alleged perpetrator, the College’s ability to respond may be limited. The College reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College Community.

The Title IX Coordinator is the person responsible for evaluating requests for confidentiality. The Title IX Coordinator may consult with other appropriate College officials and legal counsel as necessary.

D. **Resolution**

If a complaint of sexual misconduct is found to be substantiated, the College will take appropriate corrective and remedial action to prevent the recurrence of the conduct and correct its discriminatory effects.

Students and employees found to be in violation of this policy will be subject to discipline up to and including written reprimand, probation, suspension, demotion, termination, or expulsion. Affiliates and program participants may be removed from College programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant, academic, transportation, work, or living accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

E. **Bad Faith Complaints**

While the College encourages all good faith complaints of sexual misconduct, the College has the responsibility to balance the rights of all parties. Therefore, if the College’s investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

VII. **ACADEMIC FREEDOM**

While the College is committed to the principles of free inquiry and free expression, sexual misconduct is neither legally protected expression nor the proper exercise of academic freedom.

VIII. **EDUCATION**

Because the College recognizes that the prevention of sexual misconduct is important, it offers educational programming on an annual and ongoing basis to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of athletic teams and other student organizations. Among other elements, such training will cover relevant definitions, procedures, and sanctions; how to make a complaint; the identities and roles of the Title IX Coordinator, Deputy Title IX Coordinator(s), confidential advisors, and other resources; safe and positive options for bystander intervention; and risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks.

To learn more about educational resources, please contact the Title IX Coordinator.
I. GENERAL PRINCIPLES

A. Applicability

These Complaint Resolution Procedures apply to the resolution of all reports under the Sexual Misconduct Policy. They apply to the resolution of complaints against students, faculty, administrators, staff, and third parties, and they are the exclusive means of resolving complaints of sexual misconduct. To the extent there are any inconsistencies between these Complaint Resolution Procedures and other College grievance, complaint, or discipline procedures, these Complaint Resolution Procedures will control the resolution of complaints alleging violations of the Sexual Misconduct Policy.

B. Administration

For purposes of these Complaint Resolution Procedures, “Investigating Officer” means the Title IX Coordinator and/or individual(s) designated by the Title IX Coordinator to investigate a particular complaint.

C. Promptness, Timeliness, Fairness and Impartiality

These procedures provide for prompt, timely, fair, and impartial investigations and resolutions. All College officials involved in the investigation or appeal process shall discharge their obligations under these Complaint Resolution Procedures fairly and impartially. If an involved College official determines that he or she cannot apply these procedures fairly and impartially because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, another appropriate individual will be designated to administer these procedures.

D. Training

These procedures will be implemented by College officials who receive a minimum of 8-10 hours of training on an annual basis on the issues related to sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

E. Cooperation with Law Enforcement

As necessary and when applicable, the College will contact and cooperate with law enforcement in situations involving sexual misconduct.

II. INVESTIGATION AND RESOLUTION OF THE COMPLAINT

A. Preliminary Matters

1. Timing of the Investigation

The College will endeavor to conclude its investigation and resolution of the complaint within sixty (60) calendar days of receiving it. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant or respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Investigating Officer in writing explaining how much additional time is needed and why it is needed. The Investigating Officer shall respond to any such request within three (3) days.

2. Informal Resolution

Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure. The following standards apply to any informal resolution method that is utilized:
   - The informal process can only be used with both parties’ voluntary cooperation and appropriate involvement by the institution (e.g., the Title IX Coordinator).
• The complainant will not be required to “work out” the problem directly with the respondent.

• Either party may terminate the informal process at any time and elevate the complaint to the formal investigation procedures described within this document.

• Informal resolution in the form of mediation, even on a voluntary basis, will not be used to resolve complaints alleging sexual violence.

3. **Interim Protective Measures**

At any time during the investigation, the Investigating Officer may determine that interim protective measures or remedies for the parties involved or witnesses are appropriate. These interim protective measures may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative class-placement or workplace arrangements. Failure to comply with the terms of these interim protective measures or remedies may constitute a separate violation of the Sexual Misconduct Policy.

4. **Preponderance of the Evidence Standard**

In making any determination on the resolution of the complaint, the evidentiary standard is the preponderance of the evidence; that is, whether it is more likely than not that sexual misconduct occurred.

5. **Support Person/Advisor**

During the investigation process, both a complainant and a respondent may ask a support person/advisor to accompany them at all stages of the process, including any meetings with the Investigation Officer. In cases involving multiple complainants or respondents, the support person/advisor cannot be another complainant or respondent. The support person/advisor does not serve as an advocate on behalf of the complainant or respondent, may not be actively involved in any proceedings, and must agree to maintain the confidentiality of the process.

A support person/advisor may be removed if they become disruptive, harasses or intimidates others involved in the process, or does not abide by the limitations previously outlined. Additionally, the College is not required to allow a particular support person/advisor to be involved in the process if it would cause undue delay of any meeting with the Investigating Officer. A support person/advisor will be asked to sign an affirmation that they understand their role in the process.

6. **Pending Criminal Investigation**

Some instances of sexual misconduct may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, the College will assist the complainant in doing so. The pendency of a criminal investigation, however, does not relieved the College of its responsibilities under Title IX. Therefore, to the extent doing so does not interfere with any criminal investigation, the College will proceed with its own investigation and resolution of the complaint.

7. **Rights of the Parties**

During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. They include:

• Equal opportunity to identify and have considered witnesses and other relevant evidence;

• Similar and timely access to all information considered by the Investigating Officer;

• Equal opportunity to review any statements or evidence provided by the other party;

• Equal access to review and comment upon any information independently developed by the Investigation Officer should the Investigating Officer share such information with the other party; and
- Equal opportunity to appeal determination pursuant to Section III, below.

B. **Initial Notification**

Prior to commencement of the investigation, the complainant and the respondent shall (1) receive notice of the individual(s) with authority to make a finding or impose a sanction at the conclusion of the investigation and (2) have the opportunity to request a substitution if the participation of an individual with authority to make a finding or impose a sanction poses a conflict of interest.

C. **Commencement of the Investigation**

After the initial notification has been made, the Investigating Officer will commence an investigation of a complaint as soon as practicable, but generally not later than seven (7) days after the complaint is made. The purpose of the investigation is to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes sexual misconduct. During the course of the investigation, the Investigating Officer may receive counsel from College administrators, the College’s legal counsel, or other parties as needed.

In certain narrow circumstances, the Investigating Officer may commence an investigation even if the complainant requests that the matter not be pursued. In such a circumstance, the Investigating Officer will take all reasonable steps to investigate and respond to the matter in a manner that is informed by the complainant’s articulated concerns.

D. **Content of the Investigation**

During the investigation, the complainant will have the opportunity to describe their allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses or other evidence. The Investigating Officer will review the statements and evidence presented and may, depending on the circumstances, interview others with potentially relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

E. **Investigative Report**

At the conclusion of the investigation, the Investigating Officer will prepare a written report that summarizes all information and facts. The written report will explain (1) the scope of the investigation, (2) identify findings of fact, and information obtained throughout the course of the investigation (e.g., written statements, copies of emails/text messages, etc.), (3) set forth the outcome of the investigating by determining whether or not a violation of College policy occurred applying the preponderance of the evidence standard, and (4) in instances where a violation of College policy is found to have occurred, include steps to stop the conduct, remedy its effects, and prevent its recurrence – including disciplinary actions and sanctions. The report will include also sanctions and steps necessary to maintain an environment free from discrimination and harassment and to protect the safety and well-being of the complainant and other members of the College Community in instances of violations of the College’s policy. Sanctions can include other remedial measures to correct the effects of such conduct on the complainant and others and to prevent the recurrence of discrimination, harassment, and/or retaliation.

Examples of such sanctions include, but are not limited to: no-contact orders, classroom reassignment, the provision of counseling or other support services, and/or training. It also includes discipline for the respondent, including written formal warning, suspension, dismissal, or other appropriate institutional sanction(s), depending on the severity of the incident and taking into account any previous disciplinary infractions. A determination that sexual violence occurred may result in permanent dismissal from the College.

1. **Notification of Determination**

The written investigative report will be provided to the complainant and the respondent within three (3) days of its completion. If necessary, the written report will be redacted to ensure that information concerning any remedial and/or disciplinary measures are disclosed in a manner consistent with Title IX, FERPA, and the Clery Act, as explained by the April 4, 2016 Dear Colleague Letter issued by the U.S.
Department of Education, available at http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf. The written determination, including any sanctions imposed, will be included in the parties’ College files.

2. **Finality of the Decision and Appeal Rights**

   The written determination shall be final, subject only to the right of appeal set forth in Section III of the document.

F. **Special Procedure Concerning Complaints against the President, the Title IX Coordinator or Deputy, or Other Administrators Ranked Higher than the Title IX Coordinator**

   If a complaint involved alleged conduct on the part of the College’s President the College’s Board of Trustees (“Board”) will designate the Investigation Officer. Based on the information gathered by the investigation, the Board will prepare and issue the written investigative report determining the complaint and, as necessary, implementing any sanctions or remedial measures. The determination of the Board is final and not subject to appeal.

   If a complaint involves alleged conduct on the part of the Title IX Coordinator, Deputy, or any administrator ranked higher than the Title IX Coordinator, the President will designate the Investigating Officer. Based on the information gathered by the investigation, the President will prepare and issued the written investigative report determining the complaint and, as necessary, implementing any sanctions or remedial measures. The determination of the President is final and not subject to appeal.

III. **APPEALS**

   - **Grounds for Appeal**

     The complainant or respondent may appeal the final determination of a complaint only on the following grounds:

     - **Question of Fact**: there is a substantial likelihood that newly discovered information, not available at the time evidence was present to the Investigating Officer, would result in a different determination. Evidence known to the appealing party at the time of the investigation, but withheld, shall not constitute a question of fact and will not be considered upon appeal;

     - **Question of Procedure**: there was a procedural error significant enough to have affected the ultimate outcome of the investigation;

     - **Severity of Sanction**: the sanction, punishment, or the corrective action imposed is disproportionate to the violation. Mere dissatisfaction with the sanction is not grounds for appeal.

   - **Method of Appeal**

     Appeals must be filed with the Appeals Officer within seventy-two (72) hours of receipt of the written report determining the outcome of the complaint. The appeal must be in writing and contain all of the following information:

     - Name of the complainant;

     - Name of the respondent;

     - A statement of the determination of the complaint, including corrective action, if any;

     - A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it; and

     - Requested action, if any.
For most cases where the **respondent is a student**, Faye Burchard, Dean for Student Affairs, will act as the Appeals Officer and can be contacted at fcburchard@ccis.edu or by phone at (573) 875-7401.

For most cases where the **respondent is not a student**, Patty Fischer, Executive Director of Human Resources, will act as the Appeals Officer and can be contacted at pafischer@ccis.edu or by phone at (573) 875-7260.

The Title IX Coordinator holds the authority to designate a different individual to act as the Appeals Officer in any case as is necessary and will notify all parties of who their Appeals Officer will be in each situation.

When an appeal has been filed, the non-appealing party will be notified of such in writing. The appealing party may request a meeting with the Appeals Officer, but the decision to grant a meeting is within the Appeals Officer’s discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity.

- **Resolution of the Appeal**

  The Appeals Officer will resolve the appeal generally within ten (10) days of receiving it and may take and all actions that they determine to be in the interest of a fair and just decision. The parties will be notified in writing if the Appeals Officer’s decision will take longer than ten (10) days.

  The decision of the Appeals Officer is final. The Appeals Officer shall issue a short and plain, written statement of the resolution of the appeal, including any changes made to the Investigating Officer’s previous written determination and/or the sanctions and remedial measures imposed. The written statement shall be provided to the complainant, respondent, and the Title IX Coordinator within three (3) days of the resolution.

IV. **DOCUMENTATION**

Throughout all stages of the investigation, resolution, and appeal, the Investigating Officer, the Title IX Coordinator, the Deputy Title IX Coordinator(s), and the Appeals Officer, as the case may be, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these Complaint Resolution Procedures.
Notice of Nondiscrimination and Equal Opportunity

Columbia College (the “College”) welcomes persons from all backgrounds and beliefs to join our staff and College Community. We seek to create and foster a sense of community that facilitates the development, both personal and professional, of all our members, including faculty, staff, and students. The College complies with federal, state, and local equal opportunity laws and strives to keep the College free from all forms of illegal discrimination and retaliation.

The College is committed to providing equal opportunities for all persons and does not discriminate or retaliate on the basis of race, color, national origin, ancestry, creed, religion, citizenship or intended citizenship status, veteran status, sex, gender identity, sexual orientation, pregnancy or parental status, marital status, age, disability, or any other status protected by law (“protected status”). This policy extends to admissions, employment, services, and educational programs and activities that the College operates (collectively “programs and activities”).

Harassment, whether verbal, non-verbal, or physical, that is based on any protected status constitutes a form of discrimination if it denies or limits a person's ability to participate in or benefit from the College’s programs and activities.

This policy covers employees, students, applicants for employment or admission, contractors, vendors, visitors, guests, and participants in College-sponsored programs and activities (collectively, the “College Community”) and may apply to allegations of discrimination or retaliation that occur off campus, online, or during after-hours functions sponsored by the College.

The College has designated the individual(s) identified herein to coordinate compliance with discrimination laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act.

Disability Compliance
As part of its commitments to equal opportunity, the College is committed to providing qualified individuals with disabilities with reasonable accommodations.

Any student or prospective student with a disability, who requires assistance to ensure access to educational opportunities, should contact:

Melissa Hill, Director of Disability Services
Columbia College Main Campus – Atkins-Holman Student Commons, 215
1001 Rogers Street
Columbia, MO 65216
(573) 875-7626
disabilityservices@ccis.edu

Any current employee or individual applying for employment, who requires reasonable accommodations to complete the application process, and/or to perform the essential functions of the job, should contact:

Department of Human Resources
Columbia College Main Campus – Missouri Hall 123
1001 Rogers Street
Columbia, MO 65216
(573) 875-7495
humanresources@ccis.edu

Guests to campus should contact either Disability Services or Human Resources with any inquiries related to disability accommodations.

Title IX Compliance
The Title IX Coordinator will establish a process for recording reports and investigation for sex or gender-based discrimination, harassment, and retaliation. Further information may be found at www.ccis.edu/titleix.

Contact information for the Title IX Coordinator is as follows:

Molly Borgmeyer, Title IX Coordinator
Columbia College Main Campus – St. Clair Hall 14
Other Protected Statuses Compliance
Faculty, staff, and third parties should report a potential violation of the College's policy prohibiting discrimination, harassment, and retaliation (not based on sex or gender) as soon as possible to the Executive Director of Human Resources:

Patty Fischer, Executive Director of Human Resources
Columbia College Main Campus – Missouri Hall 123
1001 Rogers Street
Columbia, MO 65216
(573) 875-7260
pafischer@ccis.edu

Reports may also be made through the online reporting tool, Ethics Point, or by calling (866) 328-2542.

Students and prospective students should report a potential violation of the College’s policy prohibiting discrimination, harassment, and retaliation (not based on sex or gender) to the Dean for Student Affairs or designee:

Faye Burchard, Dean for Student Affairs
Columbia College Main Campus – Atkins-Holman Student Commons 226
1001 Rogers Street
Columbia, MO 65216
(573) 875-7401
fcburchard@ccis.edu

Any person can file a complaint of discrimination with the U.S. Department of Education’s Office for Civil Rights by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or by calling 1-800-421-3481.
<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>ON CAMPUS</th>
<th>ON-CAMPUS STUDENT HOUSING FACILITIES</th>
<th>NON-CAMPUS</th>
<th>REPORTED BY LOCAL POLICE</th>
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<tr>
<td>PRIMARY CRIMES</td>
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<td>OTHER CRIMES</td>
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<td>VIOLENCE AGAINST WOMEN ACT (VAWA)</td>
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<td>Number of incidents may be duplicates of numbers above, depending on the crime.</td>
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DOMESTIC VIOLENCE                             | 0         | 0         | 0    | N/A  | N/A  | N/A  | 0    | 0    | 0    | 0    | 0    | 0    |

DATING VIOLENCE                               | 0         | 0         | 0    | N/A  | N/A  | N/A  | 0    | 0    | 0    | 0    | 0    | 0    |

STALKING                                      | 0         | 0         | 0    | N/A  | N/A  | N/A  | 0    | 0    | 0    | 0    | 0    | 0    |

HATE CRIMES: Crimes motivated by hate/bias only. There were no hate crimes reported for 2013, 2014 or 2015.

Unfounded Reports: No crime reports were determined to be "unfounded" after a full investigation by a commissioned law enforcement officer and subsequently removed from the above crime statistics chart.