

OTERO JUNIOR COLLEGE  
ANNUAL CAMPUS SECURITY AND  
FIRE SAFETY REPORT  
2016



Report covers 2013, 2014, 2015

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## **CAMPUS SECURITY AND SAFETY**

The report was prepared by Otero Junior College Student Services in order to comply with the Clery Act (formerly known as the Federal Student Right-to-Know and Campus Security Act of 1990). This report covers the calendar years 2013, 2014, and 2015. The report describes security practices and procedures at Otero Junior College and lists crime statistics for the most recent calendar year and the two preceding calendar years. Since 1992, institutions have been required to report each year on the status of campus security to all current students and employees. The report will be provided to any applicant for enrollment or employment on request.

This publication is intended to provide a general description of campus security. Security procedures are subject to change without notice.

### **DEFINITION OF CAMPUS**

The term "campus" means:

- 1 Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- 2 Property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).
- 3 Otero Junior College Campus is defined as those properties, streets, retail operations and facilities owned by the State of Colorado and used by students, staff, faculty and visitors which are bounded by Colorado Ave., San Juan Ave., 22<sup>nd</sup> St., and 15<sup>th</sup> St.

### **DEFINITION OF NON-CAMPUS**

The term "non campus building or property" means:

- 1 Any building or property owned or controlled by a student organization recognized by the institution; and
- 2 Any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

## **DEFINITION OF PUBLIC PROPERTY**

The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

## **STATUS OF CAMPUS SAFETY**

Located in a rural environment, Otero Junior College has one of the lowest campus crime rates in the state. This report includes crime rates for the campus proper along with any building or property owned or controlled by an institution within the same contiguous geographic area of the institution. State crime statistics can be found in the Colorado Department of Public Safety's annual report entitled "Crime in Colorado".

## **REPORTING CRIMES AND EMERGENCIES**

Crime reports can be made at any time. Otero Junior College Security is available 7 days a week from the hours of 8 am to 3 am the next day. Otero Junior College's works closely with the local Police Department and will respond to all calls when OJC Security is not on campus. Priority is given to reports of incidents that threaten the life or safety of people, the security of property and the peace of the community.

Colorado Revised Statutes, 18-8-115, "Duty to Report a Crime", requires all persons who believe a crime has been committed to promptly report the suspected crime to law enforcement authorities. **When on campus, these crimes must be reported to OJC Security Department.** To report a crime call 911 from any campus phone or call 719-469-2613 for OJC Security assistance, or La Junta Police Department at 719-384-2525.

Call the La Junta Police Department if:

- ❖ You see someone committing a crime
- ❖ You need to report an old crime
- ❖ Someone is injured or ill
- ❖ You see fire or smell smoke
- ❖ You see anyone or anything suspicious
- ❖ You think you see a drunken driver

❖ You have knowledge of a chemical spill

In addition, victims of stalkers or persons with protection orders against another party are strongly encouraged to notify the La Junta Police Department of the threat and to provide OJC Security a copy of the protection order so that OJC Security may enforce it. If the subject is protected from the OJC Campus, please have the court list OJC Campus separately on the order.

The La Junta Police Department also provides an anonymous reporting option for victims of crimes who do not wish to be identified. Additionally, a “Clery Act Statistic Report Form” is available to any campus official who is designated as a campus security authority (includes the following: Vice Presidents, student housing staff, athletic coaches, student activities coordinators, student judicial officers, and faculty advisors to student organizations) to complete as they become aware of a crime and the victim wishes to remain anonymous.

### **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

Otero Junior College has developed an All Hazards Operations Plan that provides a comprehensive set of guidelines for directing resources before, during and after campus emergencies and disasters. Otero Junior College is very proactive in training all Staff for emergency preparedness, response and recovery. The plan includes a set of guidelines for emergency procedures which are posted with evacuation diagrams in all the campus buildings.

In case of an active, major campus emergency, the Emergency Alert System may be activated. For further information see “**Crisis Communications Plan-Timely Warnings and Immediate Notifications**”.

Otero Junior College tests the emergency response and evacuation procedures on at least an annual basis during drills and other exercises. These tests are initiated by the Emergency Preparedness Coordinator and are normally announced and publicized in advance of the drill or exercise.

Otero Junior College’s Emergency Preparedness Coordinator maintains records of all tests, drills and exercises that include a description of the exercise, the date, time, and whether it was announced or unannounced.

### **CRISIS COMMUNICATIONS PLAN – TIMELY WARNINGS AND IMMEDIATE NOTIFICATIONS**

A critical component of any emergency management plan is the dissemination of information to the community. The timely distribution of accurate information and guidelines serves multiple purposes, including helping citizens protect themselves from hazards, keeping people away from emergency scenes, and controlling rumors. OJC has been utilizing a multi-tiered approach to reach the largest possible audience in the shortest period of time. The following are the methods

currently in place at OJC.

**Emergency response personnel:** There will be direct communication from the personnel on scene to those in the immediate area. This may be face-to-face, or via a public address system (which is in all of the police vehicles.) While limited in range and reach, this provides the most immediate communication between responders and those in the area.

**OJC faculty & staff responsible for areas:** Emergency responders may also ask those responsible for a particular area (such as Resident Assistants in Housing) to provide additional information and take particular measures. The actual measures recommended will depend on exactly what is happening (gunman, fire, bomb threat, hazardous material spill, etc.), but may include evacuating an area, moving to an area of refuge, or sheltering in place.

**OJC Alert System:** The OJC Alert System utilizes phone, email, and text messaging to enhance safety and communication. The system has the capacity to contact all students and staff within minutes in the case of a campus emergency, school closure, or when there is a need to communicate other important messages. Students, faculty and staff are responsible for keeping their contact information updated in the Banner system.

**E-Mail system:** In addition to the above, campus-wide e-mails are used to provide information to all students, faculty, and staff.

**OJC website:** In the event of an emergency, a message is decided upon by the CART, written and edited by the Executive Marketing Assistant (P. I.O.) and handed off to OJC's Web Master for deployment onto OJC home Web page. (NOTE: Computer Technology Web Support is the backup for Web Master for these emergency messages.) The message is then posted in the top left portion of the site above the "Prospective Student" link and pushes down the existing content.

**News media:** The news media are used to push out information via radio and television. The OJC Public Information Officer will be the only official source of information.

It is important to understand that no single system can reach the entire populace of the college. Each of the above have individual limitations (such as there are no telephones inside classrooms to receive telephone emergency messages, and some professors do not allow students to bring cell phones into classrooms where they might receive text emergency messages). This is why it is critical that as many systems be used at one time as possible, and that all messages contain instructions that recipients pass along the message to those they come into contact with.

**OJC Security Department**

Some services provided to the OJC campus by the Department include:

- ❖ Respond to police, fire, medical and environmental emergencies
- ❖ Investigate criminal reports, traffic accidents, and suspicious activities
- ❖ Assist victims of crime by taking reports, doing follow up investigations and referring them to appropriate resources
- ❖ Comply with federal, state and local laws regarding release of information
- ❖ Assist with sick/injured and other non-criminal activity
- ❖ Provide security services at special events such as concert and sporting activities
- ❖ Provide security consultations to students and office personnel
- ❖ Assure that OJC is in compliance with city, state and federal environmental regulations
- ❖ Ensure the safety of the campus by monitoring environmental and safety hazards

**SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS**

A community and its police must do more than simply react to crime. It is important to look for opportunities to deter and/or prevent crime. Otero Junior College provides the following services and programs to improve safety on campus and to make the community aware of campus crime and efforts to reduce criminal activity, as well as to minimize their chances of becoming a victim.

Programs provided by Otero Junior College:

<p>EACH SEMESTER  <b>New Student Orientation</b>          This presentation on crime, personal safety, and security is given to new students.</p>	<p>ON GOING  <b>Crime Analysis</b>          OJC Security and OJC staff will review reported crimes and determine if focused patrol activity may be required for repeated offenses in any given area.</p>
<p>ON REQUEST  <b>Drug Information Seminars</b>          These talks cover recognition of controlled substances, their effects on people, and what to do if one suspects that someone is using or selling drugs.</p>	<p>ON REQUEST  <b>Sex Offender Registry</b>          Information on Sex Offender Registry can be found at <a href="http://sor.state.co.us/">http://sor.state.co.us/</a></p>
<p>EACH SEMESTER/ON REQUEST  <b>Personal Safety on Campus</b>          This program, usually given to small groups, covers ways to avoid being the victim of physical or sexual assault</p>	<p><b>Escort</b>          A Escort service is available through OJC Security during evening courses. After hours, OJC Security will provide a limited escort service for people walking on campus. Students, staff and faculty are</p>

	always encouraged to walk with others when possible and to choose paths that are well illuminated.
<p>ON REQUEST</p> <p><b>Robbery Prevention</b></p> <p>This seminar, given to cashiers, gives tips on how to survive an armed robbery and be a good witness.</p>	<p>ON REQUEST</p> <p><b>Security Surveys</b></p> <p>Upon request, Crime Prevention Officer evaluates a facility's physical security and makes recommendations for improvements.</p>
<p>ON REQUEST</p> <p><b>Theft and Fraud Seminars</b></p> <p>These presentations are usually given to people working in areas where check and credit card fraud occurs (such as the Bookstore, Cashier's Office, etc.). The talk covers commonly used scams, how to recognize them, and what to do when they occur.</p>	<p>ON REQUEST</p> <p><b>Crisis Follow-ups</b></p> <p>Offered through Southeast Health Group, crisis follow-up sessions are provided for mental health concerns and to individuals who have been victims of violence. Information is presented regarding personal safety and coping with traumatic events.</p>
<p>ON GOING</p> <p><b>Architectural Design</b></p> <p>OJC Security has significant input into the design of all new and renovated campus facilities with regard to physical and electronic security systems.</p>	

\* PROGRAMS SPONSORED BY OJC WITH COOPERATION FROM LA JUNTA POLICE DEPARTMENT

## ACCESS TO CAMPUS FACILITIES

OJC Security has the primary responsibility for coordinating the locking and unlocking of most campus buildings. Established facility hours are coordinated and maintained by OJC Security.

## ALCOHOL AND DRUG POLICY

By Gubernatorial decree and in compliance with applicable laws, the illegal use of alcohol, other drugs, or controlled substances when on campus is prohibited.

In addition to the policy described above, education, training, and treatment programs are available through OJC Student Services and Human Resources. The campus may take action when policies on the use, possession, distribution, manufacture, and sale of illegal drugs have been violated. OJC also cooperates with local, state and federal authorities in the detection and possession of drug offenses.



OJC alcohol policies apply to OJC Campus and institution-sponsored activities. Administrators, alumni, faculty, guests, staff and students must adhere to all applicable state and local laws and regulations related to the sale and use of alcoholic beverages. The most common laws related to alcohol use and sales are as follows:

The sale of alcoholic beverages is prohibited except in areas, at times, and on dates licensed by the Colorado State Department of Revenue.

Persons under 21 years of age cannot legally possess or consume alcoholic beverages of any kind. The furnishing of alcoholic beverages to under-aged persons is prohibited.

Alcohol cannot be consumed or carried in open containers on any street, sidewalk, alley, automobile, or public area (except as noted herein).

In addition, persons residing in campus residence halls who are 21 years or older are not permitted to have alcohol in their room or on campus.

### **SERVING ALCOHOL**

Those persons or organizations that control the service of alcoholic beverages are responsible for compliance with applicable laws and campus policies. Those policies are:

Service of alcoholic beverages is planned to stop before the close of the event.

The burden of proof for showing legal age is on the alcohol consumer. No alcohol will be served unless clear evidence of legal age is presented. It is the responsibility of those in charge of an event to ensure that no one who is under age is served or consumes any alcoholic beverages.

Alcohol may not be consumed or carried in open containers in common areas or "public" areas of any building or grounds except as follows: for group activities or events where a liquor license (if required) has been obtained and the scheduling officer has approved the event.

### **ILLEGAL DRUGS**

The policy for OJC prohibits the sale, manufacture, distribution, cultivation, use or possession of illegal drugs on the OJC Campus. This policy applies equally to administrators, faculty, staff, and students.

*NOTE: The OJC Student Code of Conduct states: Although possession and use of marijuana consistent*

*with the requirements of the Colorado Constitution is no longer a crime in the State of Colorado, the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, the use and/or possession of marijuana continues to be prohibited while a student is on college owned or college controlled property, and/or any function authorized or supervised by the college and/or in state owned or leased vehicles.*

## **VIOLATION OF DRUG POLICY**

Sale, distribution or manufacturing of illegal drugs by a member of the OJC Campus community will normally result in the administration taking action to curtail the activity. This policy applies within or upon the grounds, buildings, or any other facilities of the campus. Sanctions may be imposed upon individuals found in violation of these policies, as well as violation of laws controlling drugs and alcohol.

More specific and detailed information about OJC and institutional policies addressing drugs and alcohol concerns can be found in the college catalogue, housing handbooks, personnel offices or administrative policy information. Faculty, staff and students are encouraged to obtain this information through Student Services.

## **HEALTH RISKS OF ALCOHOL AND DRUG USE**

### **Alcohol Affects the Body**

Alcohol is a drug. It is important for students and staff to understand that alcohol abuse impairs judgment and the peripheral and central nervous system. Alcohol affects different people in different ways. Some of the characteristics that determine the way alcohol affects people include:

- Gender
- Mood
- Body Weight
- Type of Alcohol
- Full/Empty Stomach
- Speed of Consumption
- Use of Medication or Other Drugs

For most people, the effects of alcohol are determined by simple volume.

### **Alcohol Impairment**

When a person drinks alcohol, it can enter the bloodstream as soon as they begin to drink. The molecular structure of alcohol (or ethanol) is small, so the alcohol can be absorbed or transferred

into the blood through the mouth, the walls of the stomach, and the small intestine.

The stomach has a relatively slow absorption rate; it is the small intestine that absorbs most of the alcohol. It is important to keep the alcohol in the stomach as long as possible by eating food, which dilutes the alcohol and keeps it from entering the small intestine so quickly. Once alcohol gets into the bloodstream it moves through the body and comes into contact with virtually every organ. However, some of the highest concentrations, and the highest impact, are caused by the alcohol that reaches the brain.

The body is quite efficient when it comes to dealing with alcohol. The liver is designed to metabolize the alcohol as it is consumed. Enzymes break down the alcohol into harmless products and then it is excreted. However, the liver can only handle so much alcohol at a time. For a person of average weight and body type, the liver and small intestine can handle alcohol at a rate of about one drink per hour.

If a person drinks at a faster rate than one drink per hour, the alcohol stays in the body, waiting to be metabolized. If there is more alcohol in the body than can be metabolized, the result is increasing levels of intoxication.

Information source: <http://www.bacchusnetwork.org>

For information regarding the effects of illicit drugs on the body, we recommend:  
<http://www.justice.gov/dea/druginfo/factsheets.shtml>

## **POTENTIAL SANCTIONS FOR VIOLATIONS OF THE ALCOHOL AND DRUG POLICY**

At Otero Junior College, any student who is found to be in violation of the alcohol and/or drug policy will be adjudicated under the Student Code of Conduct. If found responsible for a violation, the student may face sanctions which range from warning to expulsion.

Disciplinary sanctions for employees who violate the foregoing standards of conduct shall be subject to disciplinary sanctions which may include, without limitation, completion of an appropriate rehabilitation program, reprimand, probation, corrective action, demotion, reassignment with or without salary adjustment, suspension with or without pay, and termination. Disciplinary sanctions shall be consistent with local, state and federal law and shall be administered in accordance with state personnel system rules, procedures and policies or State Board or Otero Junior College policies and procedures. In addition to the foregoing disciplinary sanction, violations may be reported to law enforcement authorities for criminal prosecution.

### **DEFINITIONS:**

a. "Illicit drugs" shall mean controlled substances listed in Schedules I-V of the Controlled Substances Act, 21 U.S.C. 812, and related federal regulations, 21 C.F.R. 1308.11 – 1308.15 as they

may be amended from time to time and Schedules I-V of title 12, article 22, part 3 of the Colorado Revised Statutes as it may be amended from time to time. “Illicit drugs” shall include controlled substance analogs as defined by federal and state law.

- b. “Alcohol” shall mean any beverage containing not less than 0.5% ethyl alcohol by weight.
- c. “Property” shall mean any property owned leased, chartered or occupied by the College including motor vehicles, boats and aircraft.
- d. “Activities” shall mean any act or event sponsored or participated in by the College including their constituent administrative units and approved student organizations. Without limitation, “activities” shall include all athletic events, faculty, staff and students meetings, conferences, field trips, retreats and all other acts or events for which the College pays expenses, or provides facilities, services, supplies or transportation. “Activities” shall not include incidental work-or study-related activities which employees perform in their personal, off-campus residences or purely social events which are held off-campus and are organized or attended by employees solely in their personal capacities.

### **RESOURCES FOR STUDENTS AND EMPLOYEES**

If a student or employee has questions about alcohol or drug use and is in need of counseling, treatment or rehabilitation programs, information is available through Student Services at 719-384-6831.

### **OJC CAMPUS SEXUAL ASSAULT POLICY**

#### **I. Statement of Purpose:**

This Policy was developed for the purpose of implementing provisions of the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, 20 U.C.S. § 1092(f), relating to the response of OJC Security to students who are victims of sexual assault. The OJC Campus is committed to responding appropriately to all reports of sexual assaults and to working collaboratively with other law enforcement and government and community agencies. This Policy provides general guidelines for responding to students of OJC who are victims of sexual assault on the OJC Campus or during other institutionally-sponsored activities. For specific procedures and resources, contact the following representative:

*Vice President of Student Services*  
McBride Hall 132  
1802 Colorado Ave.  
La Junta, CO 81050  
719-384-6833

## **II. Policy Statement:**

Sexual assault is against the law. Furthermore, all forms of sexual misconduct, including sexual assault, violate the OJC Sexual Misconduct Policy and the Student Code of Conduct. OJC prohibits sexual misconduct, including sexual assault, attempted sexual assault and other sexual offenses, on property owned or controlled by the college, at institutionally-sponsored or supervised activities, or at functions of recognized student organizations. The Federal Bureau of Investigation's National Incident Based Reporting System of the Uniform Crime Report defines a sex offense in general as any sexual act directed against another person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. Penalties for policy violations by OJC's employees or students are determined by applicable internal policies and procedures. Students may be sanctioned up to and including expulsion. Employees may be sanctioned up to and including termination.

## **III. Sexual Assault Prevention on the OJC Campus:**

Otero Junior College provides ongoing education about sexual assaults and prevention through new student orientation programs that take place during each fall and spring semester, and through scheduled educational programming through campus activities offices.

## **IV. Sexual Assaults / Offenses:**

Students who believe they have been the victims of a sexual assault or attempted sexual assault on the OJC Campus should first ensure that they are in a place that is safe and that they are receiving any necessary medical treatment.

Students should report any incident of sexual assault or attempted sexual assault immediately to the OJC Security at 719-469-2613, or by dialing '911' from any campus telephone or cell phone. Reports may be made anonymously. Students may also report to their institution's representative listed in Section I, a faculty member or an administrative official. In the interests of campus safety, the representative, faculty or staff member should immediately notify OJC Security of the incident and also will be required to report the incident in accordance with OJC's internal policies—see paragraph V.5 below. The identity of the student involved in or reporting the incident is not essential for reporting—see paragraph V.6 below.

If they wish, students may have the assistance of campus administrative staff in reporting incidents of sexual assault. Care should be taken in such instances to file the report as soon as possible after the incident and to preserve all physical evidence of the crime to aid in the police investigation. These procedures are particularly important in the case where the assailant is unknown to the victim and may be a threat to the campus community.

## **V. Options for Student Victim of Sexual Assaults / Other Sexual Offenses:**

The victim of an alleged sexual assault, a threatened sexual assault, or other sexual offenses on the OJC Campus has several options that may be pursued individually or in combination with other options:

1. To get immediate crisis counseling (24 hours a day) contact Southeast Health Group at 719-384-5446.

2. To file criminal charges with the police department. (In this case, the victim will likely be interviewed by police investigators and possibly by government attorneys, and if the case goes to trial, will likely be called to testify in court.)
3. To file a civil lawsuit or restraining order request against the accused. (In this case, the victim may need a private attorney to assist with these options, and the victim will likely be required to give testimony in court.)
4. To file charges against an accused assailant through the institution's appropriate process. If the victim chooses this option, he or she can expect:
  - a. To be interviewed by an official designated by the college, who will develop a written incident statement and explain the complaint and disciplinary process;
  - b. To be notified whether the charge will result in a hearing following the preliminary review by the college official;
  - c. To give testimony and to answer questions about the case before an official or board, the accused and an advocate for the accused, should the charge result in a hearing;
  - d. To be afforded those rights available to the accused as outlined in the College's specific student code of conduct or employment policies;
  - e. That both the victim and the accused will be informed of the outcome, except when prohibited by law, of any hearing that may take place;
  - f. That the incident may be referred for criminal prosecution independent of the College's internal process.
5. Inform college officials without filing formal charges. However, the college may have a legal obligation to investigate the incident and take action against the accused. In that case, the victim can have the same expectations as described in subparagraphs 4.a-f above.
6. Make an anonymous report to a campus official without including student identifiers.

Special notes:

1. Student victims have the option to request adjustments to their academic schedules after a reported sexual assault, if such changes are reasonably available. Each such request will be handled on a case-by-case basis by the college.
2. Both the accuser and the accused are entitled to the same opportunities to have others present during any disciplinary hearing.
3. Both the accuser and the accused will be informed of the outcome, except when prohibited by law, of any college disciplinary proceeding that is brought alleging a sex offense.

## **VI. Support for Victims:**

Students who are victims of sexual offenses have access to confidential counseling with staff that are specifically trained in the area of sexual offenses and crisis intervention. Victims of sexual offenses can be seen confidentially through the Southeast Health Group. During regular business hours, victims should call Southeast Health Group at 719-384-5446 for immediate care or an appointment. After hours, victims should seek immediate assistance from Arkansas Valley Medical Center located at 1100

Carson Ave. in La Junta.

## OJC SEXUAL MISCONDUCT POLICY

### **Application**

This procedure applies to all OJC employees, including, administrative/professional technical, faculty, adjunct instructors, and classified employees, students, authorized volunteers, guests and visitors.

### **Basis**

Board Policy (BP) 3-120 <http://www.cccs.edu/SBCCOE/Policies/BP/PDF/BP3-120.pdf> and System President's Procedure (SP) 4-120 <http://www.cccs.edu/SBCCOE/Policies/BP/PDF/BP4-120.pdf> provide that Colorado Community College System (CCCS) shall not unlawfully discriminate based on sex/gender in its employment conditions or educational programs or activities.

When a complainant and respondent are employees and/or guests or visitors, the College will comply with Title VII of the Civil Rights Act of 1964. When a complainant and/or respondent is a student, the College will comply with Title IX of the Education Amendments of 1972 (Title IX).

### **Procedure**

The System President has delegated to the College President the responsibility to ensure this procedure is implemented at their College.

### **Introduction**

The OJC community has the right to be free from sexual violence. All members of the OJC community are expected to conduct themselves in a manner that does not infringe upon the rights of others. OJC has a zero tolerance policy for sex/gender-based misconduct. When an allegation of misconduct is brought to an appropriate administrator's attention, and a respondent is found to have violated this policy, serious sanctions will be implemented to reasonably ensure that such actions are never repeated. This procedure has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This procedure is intended to define OJC expectations and to establish a mechanism for determining when those expectations have been violated.

### **Definitions**

Complainant – Person who is subject to the alleged sex misconduct or related retaliation. For purposes of this procedure, a complainant can be a OJC employee(s), student(s), authorized volunteer(s), guest(s), or visitor(s).

Respondent – Person whose alleged conduct is the subject of a complaint. For purposes of this procedure, a respondent can be a OJC employee(s), student(s), authorized volunteer(s), guest(s), or visitor(s).

Sexual Misconduct offenses include, but are not limited to:

Sexual Harassment.

Non-Consensual Sexual Contact (or attempts to commit same).

Non-Consensual Sexual Intercourse (or attempts to commit same).

Sexual Exploitation.

Sexual Harassment is unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it has the effect of unreasonably interfering with, denying or limiting someone the ability to participate in or benefit from OJC’s educational program and/or activities, or work activities, and, the unwelcome behavior is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

There are three types of Sexual Harassment:

Quid pro quo sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, and, submission to or rejection of such conduct results in adverse educational or employment action; or affects the terms or conditions of education or employment, or activities with the College.

Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim’s) and an objective (reasonable person’s) viewpoint.

The determination of whether an environment is “hostile” must be based on all of the circumstances. These circumstances could include, but are not limited to:

- the frequency of the conduct.
- the nature and severity of the conduct.
- whether the conduct was physically threatening.
- whether the conduct was humiliating.
- the effect of the conduct on the alleged victim’s mental or emotional state.
- whether the conduct was directed at more than one person.
- whether the conduct arose in the context of other discriminatory conduct.
- whether the conduct unreasonably interfered with the alleged victim’s educational or work performance.
- whether a statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness.



- whether the speech or conduct deserves the protections of the 1<sup>st</sup> Amendment.

Retaliatory harassment is any adverse employment or educational action taken against a person because of the person's perceived participation in a complaint or investigation of discrimination or sexual misconduct.

Examples of Sexual Harassment include, but are not limited to:

- An attempt to coerce an unwilling person into a sexual relationship.
- To repeatedly subject a person to egregious, unwelcome sexual attention.
- To punish a refusal to comply with a sexual based request.
- To condition a benefit on submitting to sexual advances.

Sexual violence which is defined as threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person.

Violence between those in an intimate relationship.

Stalking that is gender-based which is defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community.

Gender-based bullying which is defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (excluding speech or conduct otherwise protected by the 1<sup>st</sup> Amendment).

Gender expression/stereotyping which is defined as simplistic generalizations about gender attributes, differences, and roles of individuals and/or groups. Stereotypes rarely communicate accurate information about others. When people automatically apply gender assumptions to others regardless of evidence to the contrary, they are perpetuating gender stereotyping.

Hazing which is defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community on the basis of gender, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity.

Discrimination which is defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender.

Intimidation that is gender-based which is defined as implied threats or acts that cause a reasonable fear of harm in another.

While a particular interaction must be offensive to both a reasonable person and to the complainant to be defined as harassment, OJC employees and other persons of authority should be sensitive to questions about mutuality of consent that may be raised and to the conflict of interests that are

inherent in personal relationships that result from professional and educational interactions. Harassment is particularly damaging when it exploits the educational dependence and trust between students and faculty/staff. When the authority and power inherent in faculty/staff relationships with students, whether overtly, implicitly, or through misinterpretation, is abused in any way, there is potentially great damage to the individual student, to the accused individual, and to the climate of the institution.

It is the policy of the State Board for Community Colleges and Occupational Education that none of its employees or its Board members shall engage in any activity or relationship that places them in a conflict of interest between their official activities and any other interest or obligation. Conflict of interest requires all employees to disqualify themselves from participating in a decision when a personal interest is present; therefore, SP 3-70a, Relationships, requires all employees involved in an amorous relationship to excuse themselves from any authority or evaluative role with respect to the other person. Please refer to SP 3-70a <http://www.cccs.edu/SBCCOE/Policies/SP/PDF/SP3-70a.pdf> for more information and disclosure requirements.

Non-consensual sexual contact is:

any intentional sexual touching, however slight, with any object, by any individual upon any individual, that is without consent and/or by force.

Non-consensual sexual intercourse is:

any sexual penetration however slight, with any object, by any individual upon any individual, that is without consent and/or by force.

Consent must be clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. Also, in order to give effective consent, one must be of legal age. Further, consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes resistance or produces consent.

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Sexual activity with someone whom one should know to be—or based on the circumstances should

reasonably have known to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this procedure.

Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent. Incapacitation could result from mental disability, sleep, involuntary physical restraint, or from the ingestion of rape drugs. Possession, use and/or distribution of any of these substances, including, but not limited to Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another person is a violation of this procedure. More information on these drugs can be found at <http://www.911rape.org/>. Having sex with someone whom you know to be, or should know to be, incapacitated (mentally or physically) is a violation of this procedure.

Use of alcohol or other drugs will never function as a defense to a violation of this procedure.

Sexual exploitation occurs when anyone takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy.
- Prostituting another person.
- Non-consensual video or audio-taping of sexual activity.
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex).
- Engaging in voyeurism.
- Knowingly transmitting a sexually transmitted infection (STI) or human immunodeficiency virus (HIV) to another person.
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals.
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.
- Viewing or possessing child or adult pornography at work or on college owned property.

Title IX Coordinator is the employee designated by the College President to oversee all civil rights complaints, including sexual misconduct, when students are complainants and/or respondents. Title IX Coordinator's responsibilities include, but need not be limited to:

- Contact for government inquiries.
- Point person for all civil rights complaints involving a student as complainant and/or respondent.
- Creator and implementer of appropriate procedures.
- Assurance of 1<sup>st</sup> Amendment protection.
- Prevention and remediation of stalking.

- Prevention and remediation of intimate partner and relationship violence.
- Prevention and remediation of bullying and cyber bullying.
- Oversight and coordination of prompt and equitable grievance procedures.
- Coordinator of the interaction of multiple student and employee grievance processes.
- Supervisor of investigations.
- Compliance auditor.
- Trainer or convener of broad training requirements for OJC employees, boards, investigators and appeals officers.

The Title VI and Title VII/Equal Opportunity Coordinator (EO Coordinator) is the employee designated by the College President to oversee all civil rights complaints, including sexual misconduct, when employees are both the complainant and the respondent. The EO Coordinator's responsibilities include, but need not be limited to:

- Contact for government inquiries.
- Point person for all civil rights complaints involving employees as complainant and respondent.
- Creator and implementer of appropriate procedures.
- Assurance of 1<sup>st</sup> Amendment protection.
- Prevention and remediation of stalking.
- Prevention and remediation of intimate partner and relationship violence.
- Prevention and remediation of bullying and cyber bullying.
- Oversight and coordination of prompt and equitable grievance procedures.
- Coordinator of the interaction of multiple student and employee grievance processes.
- Supervisor of investigations.
- Compliance auditor.
- Trainer or convener of broad training requirements for OJC employees, boards, investigators and appeals officers.

### **Complaint Procedures**

OJC can only respond to allegations of misconduct if it is aware of the misconduct. Further, OJC can more effectively investigate the sooner the allegation is brought to its attention. Any employee, student, authorized volunteer, guest or visitor who believes that he or she has been subjected to sexual misconduct, or believes someone else a part of the OJC community is being subjected to sexual misconduct, shall contact:

The Title IX Coordinator when the alleged victim and/or respondent is a student.

The EO Coordinator when the alleged victim and the respondent are a composition of employees, authorized volunteer, guests or visitors.

Anyone can request advice and information about possible ways to proceed and to put the College

on notice.

OJC shall investigate complaints pursuant to SP 3-50b <http://www.cccs.edu/SBCCOE/Policies/SP/PDF/SP3-50b.pdf> and SP 4-31a <http://www.cccs.edu/SBCCOE/Policies/SP/PDF/SP4-31a.pdf>, Civil Rights Grievance and Investigation Process for Employees and Students, as adopted by OJC in Human Resources Procedures HR – 8 and HR –9.

## **Reporting an Incident of Sexual Misconduct**

### Employee's Obligation to Report

OJC employees have an ethical obligation to report any incidences they are aware of concerning discrimination and/or harassment. If the employee is unsure, s/he may direct their questions to the College's Director of Human Resources. Failure to report will be considered a violation of BP 3-70 <http://www.cccs.edu/SBCCOE/Policies/BP/PDF/BP3-70.pdf>, Colorado Community College System Code of Ethics, and may result in discipline, up to and including termination.

### **Reporting a Complaint**

In order to take appropriate corrective action, OJC must be aware of discrimination, harassment and related retaliation that occur in OJC employment and educational programs or activities. Therefore, anyone who believes s/he has experienced or witnessed discrimination, harassment or related retaliation should promptly report such behavior to the Title IX and/or EO Coordinator.

### **Clery Act-Federal Statistical Reporting Obligations**

Certain campus officials have a duty to report criminal misconduct, including sexual misconduct, for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously. Otero Junior College Security and Student Services is responsible for Clery Act reporting requirements for the college.

## **Clery Act-Federal Timely Warning Reporting Obligations**

Victims of sexual misconduct should also be aware that College administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph.

For more information on Clery Act reporting requirements please contact **Jeff Paolucci, Vice President of Student Services, 1802 Colorado Ave., La Junta, CO 81050, 719-384-6833, [jeff.paolucci@ojc.edu](mailto:jeff.paolucci@ojc.edu).**

## **Initial Response to Allegations of Sexual Misconduct**

OJC reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect employee and students' rights and personal safety. Such measures include, but are not limited to:

For employees, interim work reassignment, and administrative leave from the College pending an investigation, and reporting the matter to OJC Security and La Junta Policy Department.

For students, modification of living arrangements, class schedule reassignment, interim suspension from the College pending an investigation, and reporting the matter to OJC Security and the La Junta Police Department.

For authorized volunteers, interim volunteer reassignment or removal from volunteering pending an investigation, and reporting the matter to OJC Security and the La Junta Police Department.

For guests or visitors, the College may issue a no-trespass order and report the matter to OJC Security and the La Junta Police Department.

## **Sanction Statement**

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and OJC reserves the right to impose different sanctions, ranging from verbal warning to expulsion, dismissal, termination, or no-trespass order, depending on the severity of the offense. OJC will consider the concerns and rights of both the complainant and the respondent.

Employees found to be in violation of the sexual misconduct procedure will be sanctioned up to and including termination. All sanctioning will be in accordance with the policies, procedures, and rules that govern.

Employees found to have had actual knowledge of any sexual misconduct incidences and fails to report may be sanctioned up to and including termination. All sanctioning will be in accordance with the policies, procedures, and rules that govern.

Students found to be in violation of the sexual misconduct procedure will be sanctioned up to and including expulsion. All sanctioning will be in accordance with the policies, procedures, and rules that govern.

An authorized volunteer in violation of the sexual misconduct procedure will be dismissed from their volunteer duties to the College.

Guests or visitors found in violation of the sexual misconduct procedure will be issued a no-trespass order stating s/he will no longer be allowed on College property.

### **Retaliatory Acts**

It is a violation of this procedure to engage in retaliatory acts against any employee or student who reports an incident of sexual misconduct, or any employee or student who testifies, assists or participates in a proceeding, investigation or hearing relating to such allegation of sexual misconduct.

### **Revising this Procedure**

This procedure defines and prohibits harassment on the basis of federal and state law as interpreted by the courts. If statutory provisions, regulatory guidance, or court interpretations change or conflict with this procedure, the procedure can be deemed amended as of the time of the decision, ruling or legislative enactment to assure continued compliance.

OJC reserves the right to change any provision or requirement of this procedure at any time and the change shall become effective immediately.

### **SEX OFFENDER REGISTRATION INFORMATION**

Registered sex offenders who are students, employees, or volunteers for OJC are required to advise their local law enforcement agency of their affiliation with any of the listed institutions. This information is forwarded to the Colorado Bureau of Investigation (CBI), and is available at the La Junta Policy Department or through Student Services during normal business hours. The individual making the request will be provided with the list of registered sex offenders.

State and federal law require the release of information supplied by the Colorado Crime Information Center (CCIC) on registered sex offenders. The release of such information does not violate the Family Educational Rights to Privacy Act (FERPA).

In the event the OJC Student Services staff is unavailable to provide the requested information immediately, the name and phone number of the individual making the request will be taken and he/she will be notified when the report is available. All requests will be processed and made available for review within 72 hours of the request.

For further information on Sex Offender Registration Information, please visit the Colorado Bureau of Investigation's Convicted Sex Offender Site at <http://sor.state.co.us/>.

## **OJC WEAPONS POLICY**

OJC finds and determines that the free and unregulated possession of weapons on the OJC campus would:

1. Create an unreasonable risk to the health, welfare and safety of students and employees and the preservation of property on the OJC campus by careless or malicious use;
2. Create a climate of fear and intimidation that would distract and interfere with the reasoned discourse and cooperation required for productive learning and working environments on the OJC campus; and
3. Be inconsistent with the academic missions of the constituent institutions.

**Statement of Policy:** Except as expressly provided below, the possession of firearms, explosive or incendiary devices, or other weapons on the OJC campus is prohibited. This prohibition shall extend to all grounds and buildings on the OJC campus, and any grounds or buildings managed and operated by OJC.

This policy shall apply to all employees and invitees of the OJC, all students, employees, and all other visitors to the OJC campus.

“Weapons” include, but are not limited to, the following:

1. Firearms of any size or type of construction and ammunition;
2. Gas or air guns, including BB, pellet and paint ball guns;
3. Bows and arrows, and cross-bows;
4. Blackjacks, bludgeons, batons, nunchaku, throwing stars, and metallic knuckles;
5. Swords, pikes, lances and spears;
6. Any knife with a blade over 3.5 inches in length, including hunting and fishing knives;
7. Ballistic, gravity and switchblade knives, regardless of the length of the blade;
8. Fireworks; and
9. Any harmless object designed to look convincingly like a firearm, explosive or incendiary device, or other weapon.

Exceptions. This policy shall not apply to:

1. A peace officer, as described in § 16-2.5-101, C.R.S., when carrying a weapon in conformance with the policy of his/her employing agency as provided in § 16-2.5-101(2).



2. A member of the armed forces of the United States or Colorado National Guard while acting in his/her official capacity and in conformance with general or specific military orders.
3. A law enforcement officer, agent or employee of the United States, when lawfully carrying a weapon in conformance with the policy of his/her employing agency.
4. A person carrying a concealed handgun who holds a valid written permit issued pursuant to § 18-12-201, et seq., C.R.S.
5. A weapon that remains inside a locked motor vehicle while on the OJC campus, provided that the weapon is unloaded. This exception shall not apply to explosive or incendiary devices.
6. A student, employee or invitee of a constituent institution or an employee or invitee of OJC who has a legitimate educational or employment related purpose for the possession of a weapon on the OJC campus and has obtained written permission from the office of the president.

Violations. All violations of this policy shall be reported to the OJC Security. Violators may be disciplined, banned from the OJC campus and criminally prosecuted in appropriate cases.

**Otero Junior College Campus  
CLERY STATISTICAL REPORT**

<b>CRIMINAL OFFENSES</b>	<b>ON CAMPUS</b>			<b>ON CAMPUS RESIDENTIAL</b>			<b>PUBLIC PROPERTY</b>			<b>NON CAMPUS</b>		
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Murder and Non Negligent Manslaughter</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Negligent Manslaughter</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Forcible Sex Offenses</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Non Forcible Sex Offenses</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Robbery</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Aggravated Assault</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Burglary</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Motor Vehicle Theft</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Arson</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

ARRESTS	ON CAMPUS			ON CAMPUS RESIDENTIAL			PUBLIC PROPERTY			NON CAMPUS		
	2013	2014	2015	2013	2014	2015	2013	2014	2015	2013	2014	2015
Liquor Law Violations	2	4	8	1	4	8	0	0	0	0	0	0
Drug Law Violations	3	2	3	1	2	3	0	0	0	0	0	0
Weapon Law Violations	0	0	0	0	0	0	0	0	0	0	0	0

REFERRALS			
	2013	2014	2015
Liquor Law Violations	2	19	6
Drug Law Violations	1	5	0
Weapon Law Violations	0	0	0

## **POLICY STATEMENT FOR ANNUAL SECURITY REPORT**

### **JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013**

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Otero Junior College does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Otero Junior College issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a College official. In this context, Otero Junior College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the College community.

**Otero Junior College is a part of the Colorado Community College System (CCCS) and is governed by the State Board for Community Colleges and Occupational Education (SBCCOE). For a complete copy of the SBCCOE Board Policies (BP) governing sexual misconduct, visit <https://www.cccs.edu/about-cccs/state-board/policies-procedures/>. BP 3-120, Affirmative Action/Anti-Discrimination, prohibits employee sexual misconduct and BP 4-120, Prohibition of Discrimination or Harassment, prohibits student sexual misconduct.**

**Additionally, the Board has delegated procedural authority to the Colorado Community College System President. As a result, the pertinent CCCS System President's Procedures (SP) on Sexual Misconduct are found at <https://www.cccs.edu/about-cccs/state-board/policies-procedures/>. For CCCS employees, authorized volunteers, guests and visitors, SP 3-120a applies. For students, SP 4-120a applies.**

**All Sexual Misconduct complaints are investigated pursuant to System President's Procedures, Civil Rights Grievance and Investigation Process. If the respondent to a complaint is a CCCS employee, authorized volunteer(s), guest(s), or visitor(s), SP 3-50b will apply. If the respondent is a student, SP 4-31a applies. The procedures can be located at <https://www.cccs.edu/about-cccs/state-board/policies-procedures/>.**

#### **A. Definitions**

**Consent, Unlawful Sexual Behavior**-Colorado Revised Statutes (C.R.S.) 18-3-401, means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent. Submission under the influence of fear shall not constitute consent.

**Sexual Assault-C.R.S. 18-3-402, Colorado law defines sexual assault as any actor who**

**knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:**

- The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or
- The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or
- The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or
- At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or
- At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the actor is at least ten years older than the victim and is not the spouse of the victim; or
- The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or
- The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or
- The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.

**Sexual Assault on a Child-C.R.S. 18-3-405, means any actor who knowingly subjects another not his or her spouse to any sexual contact commits sexual assault on a child if the victim is less than fifteen years of age and the actor is at least four years older than the victim.**

**Domestic Violence-C.R.S. 18-6-800.3** means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. Domestic Violence also includes any other crime against a person, or against property, including an animal or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

**Dating Violence-*There is no Colorado state law on dating violence; therefore the college abides by the definition used in the Violence Against Women Reauthorization Act (VAWA) of 2013.***

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

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

**Stalking-C.R.S. 18-3-602, means a person commits stalking if directly, or indirectly through another person, the person knowingly:**

- Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or
- Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or
- Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph (c), a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.

**Additional definitions as it relates to “Stalking” under Colorado law:**

- Conduct "in connection with" a credible threat means acts that further, advance, promote, or have a continuity of purpose, and may occur before, during, or after the credible threat.
- "Credible threat" means a threat, physical action, or repeated conduct that would cause a reasonable person to be in fear for the person's safety or the safety of his or her immediate family or of someone with whom the person has or has had a continuing relationship. The threat need not be directly expressed if the totality of the conduct would cause a reasonable person such fear.
- "Immediate family" includes the person's spouse and the person's parent, grandparent, sibling, or child.
- "Repeated" or "repeatedly" means on more than one occasion.

**B. Education and Prevention Programs**

**The College engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:**

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking pursuant to Colorado law;
- Defines what behavior and actions constitute consent to sexual activity in the State of Colorado;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;

- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks; and
- Provides information on the procedures the college will adhere to after a sex offense occurs.

**34 CFR §668.46(j)(1)(i)(A)-(F)**

**Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student’s first semester. These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions.**

**Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. Throughout the year, ongoing awareness and prevention campaigns are directed to students and employees, including faculty, often taking the form of campaigns, emails, guest speakers and events such as [insert examples].**

**The College has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students and employees. This is done through new employee orientation, Fall and Spring Faculty orientation, residence hall safety meetings each semester for all dorm students, College 101 program curriculum throughout each semester for those students enrolled.**

**The College offered the following primary prevention and awareness programs for all incoming students in 2013:**

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Complied with Section B a-e?</u>	<u>Which Prohibited Behavior Covered?</u>
Residence Hall Safety meetings	Start of Each semester: August, January	Residence Halls	yes	Sexual Assault, Dating Violence, Domestic Violence, Stalking

The College offered the following primary prevention and awareness programs for all new employees in 2013:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Complied with Section B a-e?</u>	<u>Which Prohibited Behavior Covered?</u>
Work Place Violence	Various	H/R Orientation	Yes	Violence on campus

The College offered the following ongoing awareness and prevention programs for students in 2013:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Complied with Section B a-e?</u>	<u>Which Prohibited Behavior Covered?</u>
N/A				

❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

C. Procedures for Reporting a Complaint

**The College has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of medical, counseling and support services, and additional remedies to prevent contact between a complainant and an accused**



party, such as housing, academic, transportation and working accommodations, if reasonably available. Students and employees should contact Director of Human Resources in Macdonald Hall room 221.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at Arkansas Valley Medical Hospital, located at 1100 Carson Ave., La Junta, CO. In Colorado, evidence may be collected even if you choose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence as may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College hearing boards/investigators or police.

Although the College strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The College Vice President of Student Services will assist any victim with notifying local police if they so desire. La Junta Police Department may also be reached directly by calling 719-384-2525, in person at 601 Colorado Ave. Additional information about the la Junta Police department may be found online at: <http://lajuntapd.org/>.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Carol Noll. Her office is located in Macdonald Hall, room 221. She can be reached at 719-384-6823 or by email at [carol.noll@ojc.edu](mailto:carol.noll@ojc.edu). Campus Security can be reached at 719-469-2613.

The Title IX Coordinator is ultimately responsible to assure in all cases that the behavior is brought to an end, the College acts to reasonably prevent its recurrence and the effects on the victim and the community are remedied. The Coordinator is also responsible to assure that training is conducted annually for all advocates, investigators, hearing officers, panelists and appeals officers that encompasses a hearing process that protects the safety of victims and promotes accountability. Training will focus on sexual misconduct, domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation and other behaviors that can be forms of sex or gender discrimination covered by Title IX and Clery Act. Training will help those decision-makers in the process to protect the safety of victims and to promote accountability for those who commit offenses.

The College will provide resources to persons who have been victims of sexual assault,

**domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.**

**As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.**

**If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, the below are the procedures that the College will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:**

Incident Being Reported:	Procedure Institution Will Follow:	Evidentiary Standard
Sexual Assault	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs. delayed report), institution will provide complainant with access to medical care</li> <li>2. Institution will assess immediate safety needs of complainant</li> <li>3. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will provide complainant with referrals to on and off campus mental health providers</li> </ol>	Sexual assault cases are referred to the Title IX Coordinator and are adjudicated by the institution’s Sexual Misconduct and Civil Rights Grievance and Investigation Procedures using the <i>preponderance of the evidence</i> standard.

	<ol style="list-style-type: none"><li><b>6.</b> Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, “No Contact” directive between both parties</li><li><b>7.</b> Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</li><li><b>8.</b> Institution will provide written instructions on how to apply for Protective Order</li><li><b>9.</b> Institution will provide a copy of the Sexual Misconduct and Civil Rights Grievance and Investigation Procedures to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</li><li><b>10.</b> Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li><li><b>11.</b> Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li></ol>	
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Incident Being Reported:	Procedure Institution Will Follow:	Evidentiary Standard
Stalking	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</li> </ol>	<p>Stalking cases are referred to the Chief Conduct Officer and adjudicated using the <i>preponderance of the evidence</i> standard. If the stalking is sexually based, it may fall under the institution’s Sexual Misconduct Procedure and if so, would be referred to the Title IX Coordinator and adjudicated under the institution’s Sexual Misconduct and Civil Rights Grievance and Investigation Procedures using the <i>preponderance of the evidence</i> standard.</p>

<p>Dating Violence</p>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</li> </ol>	<p>Dating Violence cases are referred to the Chief Conduct Officer and adjudicated using the <i>preponderance of the evidence</i> standard. If the dating violence incident is sexually based, it may fall under the institution’s Sexual Misconduct Procedure and if so, would be referred to the Title IX Coordinator and adjudicated under the institution’s Sexual Misconduct and Civil Rights Grievance and Investigation Procedures using the <i>preponderance of the evidence</i> standard.</p>
<p>Domestic Violence</p>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-</li> </ol>	<p>Domestic Violence Cases are referred to the Chief Conduct Officer and adjudicated using the <i>preponderance of the evidence</i> standard. If the act of domestic violence is sexually based, it may fall under the institution’s Sexual Misconduct Procedure and if so, would be referred to the Title IX Coordinator and adjudicated under the institution’s Sexual Misconduct and Civil Rights Grievance and Investigation Procedures</p>

	term protective measures to protect the complainant, if appropriate <b>6.</b> Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate	using the <i>preponderance of the evidence</i> standard.
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D. Assistance for Victims: Rights & Options

**Regardless of whether a victim elects to pursue a criminal complaint, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights. In Colorado, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:**

Rights Afforded to Victims-C.R.S. 24-4.1-302.5

**In order to preserve and protect a victim's rights to justice and due process, each victim of a crime shall have the following rights:**

- The right to be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process;
- The right to be informed of, be present or not present, and without submitting a written request for notification, for all critical stages of the criminal justice process as specified in state statute (C.R.S. 24-4.1-302(2));
- The right to be informed of the filing of a petition by a perpetrator of the offense to terminate sex offender registration pursuant to section 16-22-113(2)(c), C.R.S.;
- The right to be informed, upon request by the victim, when a person who is accused or convicted of a crime against the victim is released or discharged from county jail; and
- The right to be informed, upon written request by the victim, when a person who is accused or convicted of a crime against the victim is released or discharged from custody other than county jail, is paroled, escapes from a secure or nonsecure correctional facility or program, or absconds from probation or parole.

**Further, Otero Junior College complies with Colorado law in recognizing orders of protection by: providing assistance to any person who obtains an order of protection from Colorado or any reciprocal state should provide a copy to Campus Police/Safety and the Office of the Title IX Coordinator. A complainant may then meet with Campus Police to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc.)**

**Protection from abuse orders may be available through an Emergency Protection Orders, C.R.S. 13-14-103.**

**Any county or district court shall have the authority to enter an emergency protection order, which may include:**

- Restraining a party from contacting, harassing, injuring, intimidating, threatening, molesting, touching, stalking, sexually assaulting or abusing any other party, a minor child of either of the parties, or a minor child who is in danger in the reasonably foreseeable future of being a victim of an unlawful sexual offense or domestic abuse;
- Excluding a party from the family home or from the home of another party upon a showing that physical or emotional harm would otherwise result;
- Awarding temporary care and control of any minor child of a party involved;
- Enjoining an individual from contacting a minor child at school, at work, or wherever he or she may be found;
- Restraining a party from molesting, injuring, killing, taking, transferring, encumbering, concealing, disposing of or threatening harm to an animal owned, possessed, leased, kept, or held by any other party, a minor child of either of the parties, or an elderly or at-risk adult; or
- Specifying arrangements for possession and care of an animal owned, possessed, leased, kept, or held by any other party, a minor child of either of the parties, or an elderly or at-risk adult.

**In cases involving a minor child, the juvenile court and the district court shall have the authority to issue emergency protection orders to prevent an unlawful sexual offense, or to prevent domestic abuse, when requested by the local law enforcement agency, the county department of social services, or a responsible person who asserts, in a verified petition supported by affidavit, that there are reasonable grounds to believe that a minor child is in danger in the reasonably foreseeable future of being the victim of an unlawful sexual offense or domestic abuse, based upon an allegation of a recent actual unlawful sexual offense or domestic abuse or threat of the same. Any emergency protection order issued shall be on a standardized form prescribed by the judicial department and a copy shall be provided to the protected person.**

**A verbal emergency protection order may be issued only if the issuing judge finds that an imminent danger in close proximity exists to the life or health of one or more persons or that a danger exists to the life or health of the minor child in the reasonably foreseeable future.**

**To the extent of the victim's cooperation and consent, College offices, including Student Services, Human Resources, Instructional Services and any other impacted department will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal College investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services and assistance in notifying appropriate local law enforcement. Student Services will provide assisting to the victim with arranging these accommodations. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. The College does not publish the name of crime victims nor house identifiable information regarding victims in the Campus Security's Daily Crime**

**Log. Victims may request that directory information on file be removed from public sources by request through Student Services.**

**Financial Aid Services-If a student victims would like information regarding financial aid services, please contact Angela Moore, Director of Financial Aid at 719-384-6834 or by email at [angela.moore@ojc.edu](mailto:angela.moore@ojc.edu). The College can assist students with information such as how to apply for a withdrawal from classes or about options for addressing concerns about loan repayment terms and conditions.**

Resources for victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking

On-Campus

Department	Location	Phone
Student Services	McBride Hall Room 132	719-384-831

Community Resources

<u>Agency</u>	<u>Address</u>	<u>Phone</u>
Local Police	601 Colorado Ave.	719-384-2525
AVRMC	1100 Carson Ave.	719-384-5412
Otero County Courthouse	3 <sup>rd</sup> & Colorado	719-384-3166

**Online State and National Resources:**

**Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:**

<http://www.ccasa.org/> - Colorado Coalition Against Sexual Assault

<http://ccadv.org/> - Colorado Coalition Against Domestic Violence

<http://coavp.org/> -Colorado Anti-Violence Program, Building Safety and Justice for LGBTQ Communities

<https://www.colorado.gov/c-seap> -Colorado State Employee Assistance Program

<http://www.rainn.org> - Rape, Abuse and Incest National Network

<http://www.nsvrc.org> -National Sexual Violence Resource Center

<http://www.nrcdv.org/> -National Resource Center on Domestic Violence

<http://www.thehotline.org/> -National Domestic Violence Hotline

<http://www.survivorproject.org/> -Survivor Project (a resource for Intersex and Trans people)

<http://www.mencanstoprape.org/> -Men Can Stop Rape

<http://www.victimsofcrime.org/our-programs/stalking-resource-center/stalking-information/> - Stalking Resource Center

<http://maketheconnection.net/conditions/military-sexual-trauma> -Make the Connection (Support for Veterans)



<http://www.whitehouse.gov/1is2many> -1 is 2 Many (Focus on teens and young women ages 16-24)

<https://www.notalone.gov/> -Not Alone Together Against Sexual Assault

<http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

#### E. Adjudication of Violations

Whether or not criminal charges are filed, the College or a person may file a complaint under the Civil Rights Grievance and Investigation Process. If the respondent to a complaint is a CCCS employee, authorized volunteer(s), guest(s), or visitor(s), SP 3-50b will apply. If the respondent is a student, SP 4-31a applies. The procedures can be located at <https://www.cccs.edu/about-cccs/state-board/policies-procedures/>. Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Security will automatically be referred to the Title IX Coordinator for investigation regardless if the complainant chooses to pursue criminal charges.

**The College's civil rights grievance and investigation process, as well as the discipline process, will provide prompt, fair, and impartial investigation and resolution that is:**

- Completed within reasonably prompt timeframes which, pursuant to our procedure, is sixty (60) days. If the college finds it necessary to extend this timeline, they may do so for good cause. The college will provide written notice to the accuser and the accused of the delay and the reason for the delay;
- The processes shall be conducted in a manner that is transparent to the accuser and accused;
- The processes allow for timely notice of meetings at which the accuser or accused, or both, may be present;
- Provides timely access to the accuser, the accused, and appropriate officials to any information that will be used after the fact-finding investigation but during the disciplinary meetings and hearings; and
- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

**All college officials involved with the investigation and discipline process are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking. These employees are taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability.**

**After the civil rights grievance and investigation process is concluded, the findings are shared with the disciplinary authority to begin the college's discipline process.**

**If the accused is an employee, sanction decisions are outlined in:**

- For faculty, disciplinary action will be in compliance with BP 3-20: <https://www.cccs.edu/wp-content/uploads/2012/08/BP3-20.pdf>
- For classified employees, disciplinary action will be taken pursuant to the State Personnel Rules and Regulations: <https://www.colorado.gov/spb/rules-0>

- For administrative and professional/technical employees, there is no specific procedure outlined on discipline; therefore the appointing authority will conduct a discipline process as outlined above.
- For authorized volunteers, guests and visitors, there is no specific applicable procedure; therefore the appointing authority will conduct a discipline process as outlined above.

**If the accused is a student, SP 4-30, Student Disciplinary Procedure, applies. The procedure can be located at <https://www.cccs.edu/about-cccs/state-board/policies-procedures/>.**

**The discipline process, in all cases, provides that:**

1. The accuser and the accused each have the opportunity to meet with the CSSO, for students, or the Appointing Authority/Disciplinary Authority, for CCCS employees, authorized volunteers, guests and visitors;
2. Attend a hearing before a properly trained hearing panel or person;
3. The accuser and the accused each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or hearing.

An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing. These procedures are entirely administrative in nature and are not considered legal proceedings. The System or College may remove or dismiss an advisor who becomes disruptive or who does not abide by the restrictions on their participation as explained above.

4. An employee and student conduct decision is based on the preponderance of evidence standard, i.e. “more likely than not to have occurred” standard. In other words, the conduct process asks: “is it more likely than not that the accused violated SBCCOE Policy or CCCS or College Procedure?”;
5. The accuser and the accused will be notified simultaneously in writing of the outcome of any disciplinary proceeding, as well as any changes to those result or disciplinary actions prior to the time that such results become final and shall be given the rationale for the discipline decision.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the College’s ability to respond to the complaint may be limited.

Confidentiality

**The College will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law.**

Sanctions and Protective Measures

**In all cases, investigations that result in a finding of more likely than not that a violation(s) has occurred may lead to the initiation of disciplinary procedures against the accused individual.**

**Examples of college sanctions may include, but are not limited to:**

- For students-warning, probation, fines, restitution, denial of privileges, assignment to perform services for the benefit of the college or community, re-assignment to another class section including on-line, suspension, expulsion, a “Cease Communications” directive, or a “No trespass” directive (PNG).
- For CCCS employees-warning, written warning, corrective actions, probation, restitution, denial of privileges, suspension, demotion, termination of employment, a “Cease Communications” directive, or a “No trespass” directive (PNG).
- For authorized volunteers, guest(s), or visitors-warning, writing warning, denial of privileges, dismissal from college, a “Cease Communications” directive, or a “No trespass” directive (PNG).

**Additionally, the College may implement protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking which may include some or all of the following actions: Changes in academic schedule, limited access to certain areas on campus, adjustment to work schedule, relocation of housing location, reassignment to different supervisor are just a few examples of actions that may be taken. For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Student Conduct Code. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.**

**The Title IX Coordinator will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: an order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator’s directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Otero Junior College.**

**Sex Offender Registration**

**In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the College is providing a link to the Colorado State Sex Offender Registry. All sex offenders are required to register in the state of Colorado and to provide notice of each institution of higher education in Colorado at which the person is employed, carries a vocation or is a student.**

**In Colorado, convicted sex offenders must register with the Colorado Bureau of Investigation (CBI). The Colorado sex offender website is <https://www.colorado.gov/apps/cdps/sor/>.**

**Prohibition on Retaliation**

**An institution, or an officer, employee, or agent of an institution, may not retaliate, intimidate,**

threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision in this policy.

## ANNUAL FIRE SAFETY REPORT

### **FIRE SAFETY REPORT FOR ON-CAMPUS HOUSING 2015**

Otero Junior College is committed to providing all information required in regard to campus safety, including our fire safety report.

- Fire drills, storm drills, and fire alarms: One fire drill must be held each semester in each residence hall. Residents must participate. Failure to do so will result in disciplinary action. Misuse of a fire extinguisher or any safety equipment or emergency doors will result in the offender: (1) cleaning up the mess; (2) having the equipment put in working condition; (3) paying for the damage; (4) being placed on conduct probation; and (5) possibly being removed from housing. Emergency exits are only to be used in case of fire or other emergencies. Violations will result in fines.

**Fire Drills:** Each resident is to evacuate the residence hall, as soon as the alarm is sounded. One drill will be done each semester.

**Storm Security:** Each resident will go to the specified location according to their housing evacuation and safety plan, away from windows and glass.

Hot plates, crock pots, portable electric heaters, or unapproved electrical appliances are not allowed in the rooms.

Any electrical appliances that you bring to use in your room must have a surge protector between the outlet and the appliance.

Smoking is not permitted in the residence halls. Unattended open flames (candles) are not allowed.

**Wunsch Hall:**

All fire alarms are tested annually by a licensed professional.

**Conley A:**

All fire alarms are tested annually by a licensed professional.  
Sprinkler systems in residence hall.

**Conley B:**

All fire alarms are tested annually by a licensed professional.  
Sprinkler systems in residence hall.

**Conley C:**

All fire alarms are tested annually by a licensed professional.  
Sprinkler systems in residence hall.

**Conley D:**

All fire alarms are tested annually by a licensed professional.  
Sprinkler system in residence hall.

**LEA Housing:**

All fire alarms are tested annually by a licensed professional.

**OJC Housing FIRE REPORTS  
Number of Incidents**

	2013			2014			2015		
	Wunsch	Conley A-B-C-D	OJC House (LEA)	Wunsch	Conley A-B-C-D	OJC House (LEA)	Wunsch	Conley A-B-C-D	OJC House (LEA)
# of Fires	0	0	0	0	0	0	0	0	0
# of Injuries	0	0	0	0	0	0	0	0	0
# of Deaths	0	0	0	0	0	0	0	0	0
Property Loss	0	0	0	0	0	0	0	0	0

**Resident Hall Fire Drills and Staff Training**

- January 22, 2015 Wunsch Hall 6:30 pm
- January 22, 2015 Conley A, B, C, D 7:00 pm
- January 22, 2015 OJC House (LEA) 7:00 pm
- August 27, 2015 Wunsch Hall 6:30 pm
- August 27, 2015 Conley A, B, C, D 7:00 pm
- August 27, 2015 OJC House (LEA) 7:00 pm

- All residence hall staff is required to attend the drills and training each semester.
- All students will receive orientation and training on fire safety.
- Campus contacts to which individuals should report any fire on OJC’s campus are:  
 Karla Mendoza - Director of Housing  
 John Canaday – Physical Plant Director

**DAILY CRIME LOG**

Persons wishing to view the daily crime log may do so by contacting Otero Junior College Student Services at 719-384-6831 or Otero Junior College Security Department at 719-384-6818.

## **MISSING STUDENT NOTIFICATION**

### **Missing students**

In the event a person is reported missing from Otero Junior College, every effort will be made to locate the person as soon as possible. The following steps will be taken:

1. Immediately refer missing persons to Campus Security phone number 749-469-2613.
2. Determine that the person is actually missing and the investigation shows the student has been missing for 24 hours.
3. Obtain all information needed to complete a report and enter the person in NCIC.
4. Alert area Law Enforcement that the person is missing.
5. Enter the person in NCIC as a missing person.

## **DEFINITIONS OF REPORTED CRIMES**

The following definitions are crimes that Federal Law requires institutions to report:

**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.

**Criminal Homicide-Manslaughter by Negligence:** The killing of another person through gross negligence.

**Criminal Homicide-Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**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. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Burglary vs. Larceny:** An incident must meet three conditions to be classified as a Burglary.

- There must be evidence of unlawful entry (trespass). Both forcible entry and unlawful entry – no force are counted.

- The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door.
- The unlawful entry into a structure must show evidence that the entry was made in order to commit a felony or theft.

If the intent was not to commit a felony or theft, or if the intent cannot be determined, the proper classification is Larceny.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned including joyriding.)

**Sex Offenses-Forcible:** Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

*A. Forcible Rape*-The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

*B. Forcible Sodomy*-Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

*C. Sexual Assault With An Object*-The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

*D. Forcible Fondling*-The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

**Sex Offenses-Non-forcible:** Unlawful, non-forcible sexual intercourse.

*A. Incest*-Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

*B. B. Statutory Rape*-Non-forcible sexual intercourse with a person who is under the statutory age of consent.



Additionally, the following violations should be reported to OJC Security. OJC Security will make tabulation of statistics from these referrals.

***Weapon Law Violations:*** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

***Drug Abuse Violations:*** Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

***Liquor Law Violations:*** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

***Hate Crimes:*** Of the crimes described above and any other crime involving bodily injury to any person and the crimes of larceny-theft, simple assault, intimidation and vandalism, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity or disability of the victim that are reported to campus security authorities or local police agency, the data shall be collected and reported according to category of prejudice.