



**2017 ANNUAL SECURITY  
& FIRE REPORT**

**November 1<sup>st</sup>, 2018**

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# Section 1: Clery Act Requirements

## The Clery Act

Signed into law in 1990, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (also known as the Clery Act) is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All post-secondary public and private institutions participating in federal student aid programs must adhere to these regulations. The Clery Act was championed by Howard and Connie Clery after their daughter, Jeanne, was murdered at Lehigh University in 1986.

In compliance with the Clery Act, Lamar Community College publishes an Annual Security Report (ASR) to provide accurate information to potential and current students and employees about campus crime statistics, campus crime logs, and policies regarding the safety and security of the campus community. This report covers the Lamar Community College campus.

## Clery Act Requirements

To ensure compliance with the Clery Act, Lamar Community College must meet obligations in the following three broad categories: (1) policy disclosure; (2) records collection and retention; and (3) information dissemination.

- Policy Disclosure: LCC must provide the campus community and the public with accurate statements of current policies and practices regarding procedures for students and others to report criminal actions or other emergencies on campus, security of and access to campus facilities, and campus law enforcement.
- Records Collection and Retention: LCC is required to keep campus records of crimes reported on campus to Campus Security Authorities (CSAs), make a reasonable good faith effort to obtain certain crime statistics from appropriate law enforcement agencies to include in the annual security report, and keep a daily crime log open for public inspection.

- Information Dissemination: To provide members of the campus community with information needed to make informed personal safety decisions, LCC must provide:
  - A “timely warning” of any Clery Act crime that represents an ongoing threat to the safety of students and employees;
  - Develop and maintain a log of all crimes reported to the Department of Campus Safety, and ensure public access to the crime log during normal business hours; and
  - Publish an annual security report, make the report available to all current students and employees, and ensure the annual security report is made available to prospective students and employees. LCC must also inform the campus community where to obtain information regarding registered sex offenders, and submit annual crime statistics to the U.S. Department of Education

## Section 2: Policy Statement

### 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

Lamar Community 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, Lamar Community 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, Lamar Community 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.

Lamar Community 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;
- 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.
- Provides an overview of information contained in the Annual Security Report (ASR) in compliance with the Clery Act.

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 sessions are directed to students and employees, including faculty, often taking the form of emails and professional development presented by LCC staff.

The College offered the following primary and ongoing awareness and prevention programs for employees in 2018:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Complied with Section</u>	<u>Which Prohibited Behavior Covered?</u>
Emergency & Safety	August, 2018 January, 2017	LCC Campus	Yes	Personal Security
Sexual Harassmt	August, 2018 January, 2017	LCC Campus	Yes	Domestic Violence

❖ 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 the Office of Human Resource at 719-336-1572.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at Prowers Medical Center in Lamar. 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 LCC Administration will assist any victim with notifying local police if they so desire.

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 Ms. Jennifer Mortimeyer, Director of Human Resources, 2401 S. Main Street, Trustees Building, Room 134, Lamar, CO 81052. Reports to Ms. Mortimeyer can also be made at: [jennifer.mortimeyer@lamarcc.edu](mailto:jennifer.mortimeyer@lamarcc.edu) or 719-336-1572.

The Title IX Coordinator is ultimately responsible to assure in all cases that the behavior is brought to an end, Lamar Community 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 encompass 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 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:

<b>Incident Being Reported:</b>	<b>Procedure Institution Will Follow:</b>	<b>Evidentiary Standard</b>
<b>Sexual Assault</b>	<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> <li>6. 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>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> <li>8. Institution will provide written instructions on how to apply for Protective Order</li> </ol>	<p>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.</p>

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>

## Dating Violence

1. Institution will assess immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
6. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate

Dating Violence cases are referred to the Chief Conduct Officer and adjudicated using the *preponderance of the evidence* 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 *preponderance of the evidence* standard.

## Domestic Violence

1. Institution will assess immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
6. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate

Domestic Violence Cases are referred to the Chief Conduct Officer and adjudicated using the *preponderance of the evidence* 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 using the *preponderance of the evidence* standard.

#### **D. Assistance for Victims: Rights and 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 non-secure correctional facility or program, or absconds from probation or parole.

Any person who obtains an order of protection from Colorado or any reciprocal state should provide a copy to the Office of the Title IX Coordinator. A complainant may then meet with the Director of Facilities Management to develop a Safety Action Plan, which is a plan for 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, 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 Human Resource Services, Dean of Students, Director of Facilities and Student Counseling and Resource Center 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. 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 Daily Crime Log or online. Victims may request, in person, that directory information on file be removed from public sources at Enrollment Services, Betz Technology Building, 2401 S. Main Street, Lamar, CO 81052.

## Resources for victims of Domestic Violence, Dating Violence, Sexual Assault and

### Stalking On-Campus

Department	Location	Phone
Campus Safety	2401 South Main Street, Lamar, CO 81052 Todd-Burch Hall	719-336-1198
Office of Human Resource Services	2401 South Main Street, Lamar, CO 81052 Trustees Bldg, (Room 134)	719-336-1572
Student Counseling and Resource Center	2401 South Main Street, Lamar, CO 81052 Bowman Bldg, (Room 152)	719-336-1527
Vice President of Students	2401 South Main Street, Lamar, CO 81052 Admin. Bldg, (Room 208)	719-336-1516

### Community Resources

Agency	Address	Phone
Lamar Police Department	102 E. Parmenter, Lamar, CO 81052	719-336-3984
Prowers County Sheriff's Office	103 E. Oak, Lamar, CO 81052	719-336-3984 719-336-8051 (Alternate line)
Domestic Safety Resource Center	1001 S. Main Street, #102, Lamar, CO 81052	719-336-4357 1-800-639-4895
High Plains Community Health Center	2221 Wellness Way, Lamar, CO 81052	719-336-6976
Prowers County Court	301 S. Main Street, Lamar, CO 81052	719-336-7416
Southeast Health Group	3500 1 <sup>st</sup> St S, Lamar, CO 81052	719-336-7501
Crossroads Turning Points LLC	1006 S. Main Street, Lamar, CO 81052	719-336-2600
Christian Counseling Elizabeth and Roger Alliman	811 S. Main Street, Lamar, CO 81052	719-336-598 719-336-8551

### **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://www.violencefreecolorado.org> – Violence Free Colorado

<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 Center  
<http://www.nrcdv.org/> -National Resource Center on Domestic  
<http://www.thehotline.org/> -National Domestic Violence Hotline  
<http://www.survivorproject.org/> -Survivor Project  
<http://www.mencanstoprape.org/> - Men Can Stop Rape  
<http://www.victimsofcrime.org/our-programs/stalking-resource-center/stalking-information/> -Stalking Resource Center  
<https://www.justice.gov/> - Department of Justice  
<https://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 the Director of Facilities 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-
- <https://www.cccs.edu/policies-and-procedures/system-presidents-procedures/sp-3-20b-due-process-timelines/>

- 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 Vice President of Administrative Services & Student Services, 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; however, the complainant(s) or respondent(s) cannot be represented by an attorney or law student (legal counsel) unless civil or criminal actions concerning the particular incident in question are pending. Under those limited exceptions, the legal counsel's role shall be advisory only. The party represented by legal counsel must notify the investigator(s) forty-eight (48) hours in advance of any scheduled meeting so that the investigator(s) can notify the other party.

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.

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) have 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, written 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, but are limited to some or all of the following actions: Temporary suspension from school or work of the respondent, reassignment of students or employees, assistance with procuring protective orders, providing victims with internal and/or external resource information, et cetera. 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 Lamar Community 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/>. You can link to this information, which appears on CBI's website, by accessing <http://www.pgcc.edu/services/public-safety/>

**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.

**Campus Safety**

Lamar Community College recognizes the dedication of our community to ensure that our campus remains safe and secure. This role is taken on by other college employees as well as their student populations who work so diligently to maintain awareness and actively participate in the safety and security policies of Lamar Community College.

**Interagency Relations**

Lamar Community College has only one campus located in Prowers County. LCC has developed relationships with and maintains Memorandums of Understanding with the Prowers County Sheriff's Office, the Lamar Police Department, and the Colorado State Patrol to provide additional support when needed.

## **Section 4: Reporting Procedures**

### **Reporting Safety, Medical, and Criminal Incidents**

Lamar Community College relies heavily on the campus community to assist with safety, medical, and criminal incidents. Students, staff, faculty, and visitors should promptly report any safety, medical, or criminal incident to the Director of Facilities as soon as possible.

LCC students, staff, faculty, and visitors should call **911** to report emergencies (fire, medical emergency, act of violence, etc.). 911 may be directly dialed from any campus phone without having to dial 9 for an outside line.

For non-emergency issues, contact the Director of Facilities Management Security at (719) 3 3 6 - 1 5 4 3.

### **Duty to Report**

Colorado Revised Statute 18-8-115 states, in part:

It is the duty of every corporation or person who as reasonable grounds to believe that a crime has been committed to report promptly the suspected crime to law enforcement authorities.

See Appendix B of this report for more information regarding a person's duty to report a crime.

### **Anonymous Reporting**

All victims and witnesses are encouraged to report crimes. Because reports are open to the public under State Law, we cannot maintain them in confidence under most circumstances. Victims and/or witnesses who want to remain anonymous can still contact the Director of Facilities, but anonymous reporting can make investigation and prosecution highly difficult.

## **Victim Assistance**

Lamar Community College offers a variety of support mechanisms for victims of crime. Regardless of the type of crime, it is important that our campus community feels comfortable in reporting any criminal offense to include sexual assault, ethnic, racial, or sexual harassment.

Numerous resources are available throughout the Prowers County area which can be called upon to assist when needed, to include victim advocates on campus.

Employees can contact the Human Resource Services office to obtain information on the Colorado State Employee Assistance Program. Information is also available online at: <https://www.colorado.gov/c-seap>

Additional resources can be found in Appendix D of this report.

## **Student Counseling and Resource Center**

Lamar Community College has a counselor on staff to assist with supporting victims of crime as well as supporting students who are undergoing academic, social, family, work, and financial stress. Counseling and Resource Services can provide same-day crisis appointments where an assessment is completed and referrals are made, if the counselor is available. Meeting with our Counselor is free, voluntary, and confidential within the limits of the law. Our counselor fully discloses imminent danger reporting requirements which affect confidentiality and discuss appropriate plans of action with students when needed.

Student Counseling and Resource Center services are available by appointment only and can be accessed by calling (719) 336-1527.

The LCC crisis counselor, has a duty to report specific Clery-related crimes for statistical purposes while also maintaining confidentiality.

## **Section 5: Timely Warning Procedures**

It is sometimes necessary to notify the campus community about criminal incidents which constitute a serious threat and that have occurred on Lamar Community College properties or in contiguous public properties. As a result, Lamar Community College has developed a timely warning procedure to alert campus community members in order to help prevent similar crimes and protect the campus community. Timely warnings differ from immediate notifications in that timely warnings are issued as soon as pertinent information is available instead of after confirmation. Timely warnings also include safety tips relevant to the situation. All timely warnings will also include follow-up messages as appropriate.

Timely warnings are issued through the college's Emergency Notification System (ENS) at the discretion of the Director of Physical Plant or his/her designee. Notifications may take the form of text messages, emails, scrolling messages, public address system announcements, etc. The Director of Physical Plant will take into account the nature of the incident, the continuing danger to the campus community, as well as the possible risk of compromising law enforcement efforts to determine whether a timely warning is warranted.

## Section 6: Immediate Notifications

### Immediate Notifications

Lamar Community College recognizes the need for its students, faculty, staff and visitors to be made aware of legitimate emergencies and dangerous situations. Physical Plant is typically the first department on campus to be made aware of threats to the health and safety of the campus community, as well as being the first responder to critical incidents on campus. Other responding agencies include the Prowers County Sheriff's Office, Lamar Police Department, Lamar Fire Department, and a host of other agencies depending on the specific emergency situation.

The responsibility for confirming and then advising the campus community of any emergency or dangerous situation has been assigned to the Executive Planning Team (EPT) as well as the Director of Physical Plant. The Executive Planning Team is comprised of the President of the College; the Vice President for Administrative Services & Student Services; the Vice President for Enrollment & Institutional Effectiveness. The Director of Physical Plant or his/her designee, or any member of the Executive Planning Team will, without delay, confirm the emergency first. Once the emergency situation has been confirmed, they will then take into account the safety of the campus community, determine which segments of the campus community should be notified, determine what information should be released, if any, and initiate the notification procedure if applicable. Notification may not be immediately made if doing so will compromise efforts to assist the victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency. The Director of Physical Plant or his/her designee, or any member of the Executive Planning Team, may also seek guidance from the President's Council or other Lamar Community College personnel, as well as outside agencies like the Prowers County Health Department, in order to confirm the emergency and/or to better ascertain if an emergency notification is warranted to the campus community and/or the community at large.

The Director of Physical Plant, or his/her designee, will initiate the immediate notification process by notifying the Director of Marketing, or his/her designee. The Director of Marketing or his/her designee, will immediately transmit the message via the Emergency Notification System.

Immediate notifications will include appropriate follow-up information as the situation warrants.

More information can be found in the Emergency Operations Plan, which is available on the LCC website at: <http://www.lamarcc.edu/student-life/campus-safety/>

## **Notification Systems**

LCC utilizes the APARMOR emergency mass notification system to distribute emergency alerts to the College community. Connect-Ed messages are broadcast at the direction of any member of the Executive Planning Team or the Director of Physical Plant. Connect-Ed messages are published and distributed by the Director of Marketing.

All LCC staff, faculty, and students are automatically enrolled to receive emergency alerts via their college email accounts, home phone, and work phone as available through the Banner system. The College community is also encouraged to register to receive emergency alerts via text messaging. Enrollment in this program is free and may be done through Student Services, Human Resources or through the student portal, LopeAccess. Please keep in mind that standard text messaging costs may be incurred by the user.

## Section 7: Emergency Evacuation, Shelter-In-Place, and Lockdown Procedures

### Emergency Operations Plan

LCC maintains an all-hazards Emergency Operations Plan that defines the College's emergency organizational structure and outlines emergency procedures for staff, faculty, and students.

This plan is made available to the College community on the LCC website at:

<http://www.lamarcc.edu/student-life/campus-safety/>

### Evacuation Procedures

Evacuation procedures are outlined in the LCC Emergency Response Guide.

#### Building Evacuation Procedures:

##### General Building Evacuation Procedures

When the building fire alarm sounds, or when directed by staff to evacuate, **all** occupants will leave the building through the nearest exit. Designated Staff or Facilities personnel may remain behind for the purpose of assisting other occupants or emergency responders.

- Treat fire alarms as actual emergencies and not drills.
- Quickly gather personal belongings such as coats and car keys.
- Leave the building immediately in a calm, orderly manner through the nearest available exit.
- If there is no one behind you, close doors as you leave.
- Listen for and follow instructions from Campus Police, Campus Emergency Response Team personnel, and/or emergency responders.
- Do NOT use elevators.
- Provide assistance to individuals with functional impairments who may need help evacuating.
- Stay together in a group with your class or work section if possible. Instructors must

account for all students. Supervisors must account for all employees in their work sections.

- Move (and remain) at least 150 feet away from the building, and if possible to the upwind side.
- WAIT to be contacted. Do not return to the building or move to another side of the building unless told to do so by emergency personnel.

### **Faculty and Staff Responsibilities**

- If possible, keep students together in a group during the evacuation and stay with them.
- Account for all students upon reaching the evacuation point.
- **Immediately** report any missing students to the LCC Campus Safety Department.

### **Directed Building Evacuation (Non-Fire Emergency)**

Directed Evacuation is used to get occupants out of the building by a route designed to avoid contact with a potential threat, such as a suspicious package or a hazardous material spill, or if usual evacuation routes are blocked.

Directed evacuation procedures are the same as general evacuation procedures.

### **Reverse Evacuation:**

A reverse evacuation moves people into a building from the outside. A reverse evacuation may be ordered in the event of a threat such as severe weather or a hazardous materials spill.

### **Campus Evacuation:**

A campus evacuation is used to get students, faculty, and staff off of LCC campus due to a serious emergency in the area.

When leaving campus, drive with caution, be courteous, and follow directions from emergency personnel. Do not block access/egress for emergency vehicles.

## **Building Evacuation for People with Disabilities**

People with disabilities or mobility impairments should plan for emergencies by developing an evacuation strategy and sharing it with staff, faculty, and fellow students who can assist them with evacuation. People with service animals should practice evacuating so that their service animal becomes familiar with both primary and alternate evacuation routes.

Some individuals with mobility impairments utilize special equipment such as wheelchairs, braces or crutches to move around the campus. Others whose impairments are less visible may have decreased coordination or stamina and may need to move at a slower pace or rest frequently.

During an emergency situation, those persons requiring assistance should be consulted regarding their needs prior to assisting them. The suggestions listed below may vary depending on the emergency situation and the needs of the person requiring assistance.

To evacuate people with mobility impairments:

- Assist and accompany to evacuation site if possible.
- Use a sturdy chair (or one with wheels) to move the person.
- Help carry individual to safety if possible.
- If unable to assist a person with mobility impairment, notify Campus Police Security or emergency responders.

To evacuate people using wheelchairs:

- Consult the individual before moving him/her.
- Individuals at ground floor locations may be able to exit without help.

To assist people with visual impairment:

- Announce the type of emergency.
- Take directions from the individual about how best to guide him/her.
- Tell the person where you are going and what obstacles you encounter.

- When you reach safety, ask if further help is needed
- Turn lights on/off to gain person's attention.
- Indicate directions with gestures.
- If time permits, write a note with evacuation directions.
- Escort the person out of the building if requested to do so

To assist people with service animals:

- A service animal may become hesitant or confused during an emergency. Discuss how to best assist the person with a disability if this should occur.

### **Building Evacuation Signage**

Emergency Exits are physically marked by illuminated EXIT signs over each doorway.

Emergency Exits are indicated on floor plan maps located in hallways.

Appendix C of the EOP provides maps of all campuses that show emergency exit locations.

### **Shelter-in-Place Procedures**

Building occupants may be directed to shelter in place for situations such as severe weather or an outside hazardous material spill. The nature and location of the incident will determine the extent of shelter-in-place actions.

In all instances, be prepared to evacuate the building or relocate to another area within the building.

## **General Shelter-in-Place Procedures**

For severe weather:

- If safe to do so, close blinds and curtains on exterior windows.
- Move away from exterior windows.
- If possible, seek shelter in a lower-level interior room with no windows, restroom, or a Designated Shelter Area.

For incidents involving hazardous materials outside the building:

- Close doors and windows.
- Seal doors and windows with tape if available.

## **Lockdown Procedures**

A lockdown may be ordered for a human threat such as an active shooter. In a lockdown situation, all exterior doors to a building are secured and occupants are expected to remain inside.

- Stay calm.
- Remain in classrooms or offices. If in a common area, stay away from windows and doors.
- Lock doors and barricade them if possible.
- Do not allow anyone access once the doors are locked, as this may compromise the safety of those inside.
- Do not allow anyone to talk their way inside, as he/she may be the suspect or may be coerced by the suspect outside of your view.
- Wait for further instructions and do not allow anyone to leave until LCC Campus Police Department personnel give the “all clear” signal or message.

Individuals who may be on the outside of buildings during a lockdown should move away from the affected area (indicated by the presence of emergency personnel and equipment).

## **Section 8: Local Police Department**

### **Interagency Relationships**

Lamar Community College has Memorandums of Understanding (MOUs) with the Prowers County Sheriff's Office, the Lamar Police Department, and the Colorado State Patrol to ensure cooperation with each agency when requesting or being requested for assistance. These close relationships ensure interagency cooperation and make for more smooth communication when the need arises.

LCC relies on other law enforcement agencies to report off-campus criminal activity involving LCC students engaged in college-sponsored activities.

## **Section 9: Access, Maintenance, and Physical Security of Campus Facilities**

As a public facility, our campus is open to visitors, students, faculty and staff during normal operational hours and for special events. Access to facilities after hours or during periods when the college is closed is limited based on individual department needs and/or direction from college administration. Access to the buildings after hours is routed through the Director of Facilities. During normal operational hours, instructors and employees who need access to classrooms or offices need to contact the Director of Facilities at 336-1543.

LCC Physical Plant staff patrol the buildings and grounds. If you observe a safety issue or other problem related to the maintenance of the buildings or grounds, please report it to the Director of Facilities during normal hours of operation at 336-1543 or Campus Safety at 719-336-1192 or 719-688-1412.

## **Section 10: Education Programs**

The college recognizes that not all areas of crime prevention may be addressed by the programs we offer. Currently, the college does not offer educational programs for alcohol and drug abuse. We offer referrals to other agencies that offer programs which our college does not address. The campus is also open to input on crime prevention programs which our campus community would like to see. Please contact the Police Department if you have ideas or requests for additional programs.

### **Emergency Drills and Exercises**

Lamar Community College implements regular small-scale drills for situations such as fires, and tornadoes, etc. In 2012, larger exercises were conducted at the LCC campus for the purposes of evaluating emergency first responders. Campus Security response along with the Lamar Police Department, Lamar Fire Department and Colorado State Patrol; and testing emergency notification systems. The scenario included an active shooter taking hostages. All drills and exercises were documented to include a description of the drill or exercise, the date held, the start and end times, the drill or exercise was announced, and other pertinent information.

These drills and exercises are a culmination of efforts between the Lamar Community College Lamar Fire Department. The departments work closely in order to plan, implement, document and assess every drill and exercise. Each test of the emergency response and evacuation system

serves as a learning experience, so that Lamar Community College can fine tune the existing process as well as make adjustments for future needs. These drills and exercises also serve as training opportunities for the College community as a whole so that students, faculty and staff can become more aware of the best course of action during emergency situations. Knowing emergency preparedness procedures are just some of the areas covered during the drill and exercise

## **Crime Prevention and Awareness Programs**

Lamar Community College does have residents on campus. Therefore, our crime prevention programs are usually designed around the safety and security of the residence halls and the campus community while they are in their dormitory rooms, class, in their office, in student commons areas, or in the parking lots. Below you will find a listing of the programs that our department offers.

### **Ongoing Programs**

**Crime Prevention Tips:** The Police Department has Crime Prevention Tips on its website.

**Safety Escorts:** We do encourage students, staff, and faculty members to walk with friends or co-workers if the Security Officer or Director Physical Plant is unavailable.

**Surveillance System:** The Residence Halls has been outfitted with surveillance camera systems to assist in identification of suspects and obtaining footage of criminal acts.

## **Section 11: Alcohol and Drug Policies**

### **General**

In compliance with the Drug-Free Schools and Communities Act Amendment of 1989 (Public Law 101-226), students, staff, or faculty shall not engage in the unauthorized or unlawful manufacture, distribution, dispensation, possession, use/abuse of alcohol and/or illicit drugs of any kind or any amount on college property or as part of any college activity. This prohibition applies even if the Colorado Department of Public Health and Environment (CDPHE) has issued a Medical Marijuana Registry identification card to an individual, permitting that individual to possess a limited amount of marijuana for medicinal purposes. Those with medical marijuana cards are not permitted to use medical marijuana on campus. These prohibitions cover any individual's actions which are part of any college activities, including those occurring while on college property or in the conduct of college business away from the campus.

Any student, staff, or faculty member who is convicted of the unlawful manufacture, distribution, dispensation, possession, use, or abuse of illicit drugs or alcohol is subject to criminal penalties under local, state, or federal law. These penalties range in severity from a fine of \$100 up to \$8,000,000 and/or life imprisonment. The exact penalty assessed depends upon the nature and the severity of the individual offense.

The college will impose penalties against students who violate the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226). Violators will be subject to disciplinary action under student disciplinary policies. The sanctions include but are not limited to probation, suspension, or expulsion from the college, termination of employment, and referral to authorities for prosecution, as appropriate.

Compliance with drug and alcohol policies is a condition of employment for all LCC employees. Employees may be subject to corrective and/or disciplinary action as per State Personnel Rules and Regulations, up to and including termination. The Director of Human Resources sends a campus-wide E-memo each year to inform staff of the college's policy on alcohol and other drugs.

### **Laws and Statutes**

Excerpts from Colorado Revised Statute (CRS) 18-18-405:

Except as specifically authorized under Colorado law, it is unlawful for any person knowingly to manufacture, dispense, sell, or distribute, or to possess with intent to manufacture, dispense, sell, or distribute, a controlled substance; or induce, attempt to induce, or conspire with one or more other persons, to manufacture, dispense, sell, distribute, or possess with intent to manufacture, dispense, sell, or distribute, a controlled substance; or possess one or more chemicals or supplies or equipment with intent to manufacture a controlled substance.

Except as is otherwise provided for offenses concerning marijuana and marijuana concentrate in and for offenses involving minors, any person who violates the foregoing prohibition commits a Felony Offense.

All drug possession charges and penalties are classified by Schedule, except for Marijuana possession.

#### **Substance/Drug Charge Potential Sentence for Possession:**

- Schedule I or II, 1st offense Class 3 Felony 4-12 years in prison and fines of \$3,000-\$750,000
- Schedule III, 1st offense Class 4 felony 2-6 years in prison and fines of \$2,000-\$500,000
- Schedule IV, 1st offense Class 5 felony 1-3 years in prison and fines of \$1,000- \$100,000
- Schedule V, 1st offense Class 1 misdemeanor 6-18 months in jail and fines of \$500-\$5,000

#### **Alcohol**

Lamar Community College does not allow the sale of alcohol on its campus.

Additionally, all students and faculty traveling as a part of a college course or student group sign waivers that state, in part:

**Student:** "I further understand that I am expected to adhere to the Standards of Conduct and to all policies and procedures of Lamar Community College. Actions such as, but not limited to, sexual harassment, sexual misconduct, dishonesty, forgery, disorderly conduct, indecent or obscene conduct, gambling, infringement upon the rights of others, possession, distribution or consumption of alcohol or illegal drugs and unauthorized use of prescription drugs are prohibited by the Standards of Conduct."

**Faculty/Advisor:** "I also recognize that this is a college sponsored program/activity and I agree to abide by all college policies, as well as State and Federal laws on the course/program/activity. This includes omitting the use of alcohol and illicit drugs, and not bringing or using any weapons."

Copies of the complete Student/Participant Waiver Form and the Faculty/Advisor Waiver of Rights, Assumption of Risks, and Release of Liability Agreement are included in Appendix C.

#### **Other Drugs**

The sale, manufacture, distribution, use, and/or possession of illegal drugs are prohibited.

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 and is prohibited in Prowers County. 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.

This prohibition applies even if the Colorado Department of Public Health and Environment (CDPHE) has issued a Medical Marijuana Registry identification card to an individual, permitting that individual to possess a limited amount of marijuana for medicinal purposes. Those with medical marijuana cards are not permitted to use medical marijuana on campus.

#### **Drug and Alcohol Policy Distributed to Students, Staff, and Faculty**

LCC's policies on use, possession, and abuse of alcohol or other drugs are distributed as required under the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226) to all students, staff, and faculty at new student orientations, new hire orientations, and via email. These policies are also made available to the College community on the LCC website.

#### **Student Right-to-Know – Drug and Alcohol Abuse Prevention**

Available at: <http://www.lamarcc.edu/Campus-Life/Campus-Safety/2012-2014BRADAPP.pdf>

In compliance with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), students shall not engage in the unauthorized or unlawful manufacture, distribution, dispensation, possession, use/abuse of alcohol and/or illicit drugs on college property or as part of any college activity.

Any student who is convicted of the unlawful manufacture, distribution, dispensation, possession, use, or abuse of illicit drugs or alcohol is subject to criminal penalties under local, state, or federal law. These penalties range in severity from a fine of \$100 up to \$8,000,000 and/or life imprisonment. The exact penalty assessed depends upon the nature and severity of the individual offense.

The College will impose penalties against students who violate the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226). Violators will be subject to disciplinary action under student disciplinary policies. The sanctions include but are not limited to probation, suspension, or expulsion from the College and referral to authorities for prosecution, as appropriate.

### **Student Code of Conduct, Section 9**

Available at:

[http://catalog.lamarcc.edu/content.php?catoid=7&navoid=196#Student\\_code\\_of\\_conduct](http://catalog.lamarcc.edu/content.php?catoid=7&navoid=196#Student_code_of_conduct).

A link to this policy is also available via the student web portal.

### **9. Narcotics/Alcohol**

Use, being under the influence, manufacturing, possession, distribution, purchase, or sale of alcohol and/or drugs (illegal and/or dangerous or controlled substance) while on college-owned or college-controlled property, and/or at any function authorized or supervised by the college and/or in state owned or leased vehicles.

Note: 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.

## **LCC Public Safety Web Page – Drugs and Alcohol**

Available at: <http://www.lamarcc.edu/student-life/campus-safety/>

### **The Law**

Lamar Community College is a state system community college governed by the State Board for Community Colleges and Occupational Education. Board Policy requires the college to comply with the Drug Free Schools and Communities Amendments of 1989 (PL 101-226 in Federal law). A copy of this law is on file in the Human Resources Office and the Student Services Office for your reference. The college has adopted the following Drug and Alcohol Abuse Prevention Program:

### **Standard of Conduct**

Students and employees shall not engage in the unauthorized or unlawful manufacture, distribution, dispensation, possession, use/abuse of alcohol and/or illicit drugs on college property or as a part of any college activity.

### **Legal Sanctions**

There are legal sanctions for violations of the Standard of Conduct. Any student or employee who is convicted of the unlawful manufacture, distribution, dispensation, possession, use or abuse of illicit drugs or alcohol is subject to criminal penalties under local, state, or federal law. These penalties range in severity from a fine of \$100 up to \$8,000,000 and/or life imprisonment. The exact penalty assessed depends upon the nature and severity of the individual offense.

### **College Penalties**

The college will impose penalties against students and employees who violate the above Standards of Conduct. Violators will be subject to disciplinary action under employee and student disciplinary policies. The sanctions include, but are not limited to, probation, suspension or expulsion from the college or probation, suspension or termination of employment; and criminal charges brought by this department.

### **Health Risks**

A myriad of health risks are associated with drug and alcohol abuse. Risks include but

are not limited to: malnutrition, brain damage, heart disease, pancreatitis, cirrhosis of the liver, mental illness, death, low birth weight babies, and babies with drug addictions.

Personal relationships, family dynamics, ability to work and study are also at risk. Further information on health risks is available in the Human Resources Office and the Student Services Office via brochures, videos, and educational programs presented throughout the year.

### **Illegal Substances**

A listing of controlled substances is on file for your reference in both the Human Resources Office and the Student Services Office.

### **Referral Resources**

Referral for counseling, treatment, rehabilitation, and re-entry programs is available through the college and throughout the community:

- Human Resources Office - Room 134, (719) 336-1572
- Southeast Health Group, Jackie Brown-Director (719) 336-7453
- Hi-Plains Community Health Center-S. Headrick or M. Muller - (719) 336-6976
- Crossroads Turning Points Inc. - (719) 336-2600
- Partnership for Progress, LLC – (719) 336-0478
- Domestic Safety Resource Center, Kathy McCorkle-(719) 336-4357
- US National Domestic Violence Hotline 1-800-799-7233 or 1-800-787-3224
- CareNet Pregnancy Center of Southeast Colorado (719) 336-1136

Or consult the yellow pages of the local telephone book for a listing of all private and community based programs. Check listings under “Alcoholism Treatment” and “Drug Abuse Information and Treatment.”

“Individuals suspected of being intoxicated (Drugs or Alcohol) will be reported to Public Safety.”

### **CCCS Policies and Procedures**

Colorado Community College System (CCCS) policies and procedures are available to students, staff, and faculty online at <https://www.cccs.edu/about-cccs/state-board/policies-procedures/>.

Board Policies (BP) for employees and students that address AOD or sanctions resulting from

AOD violations include:

- BP-24 Drug Free Workplace
- BP-30 Student Discipline

System President's Procedures (SP) for employees and students that address AOD or sanctions resulting from AOD violations include:

- SP-24 Implementation of a Drug-Free Workplace
- SP 4-30 Student Disciplinary Procedure

## Section 12: Crime Statistics

### How Crime Statistics Are Obtained

The crime statistics listed in this document are for crimes reported within each calendar year (January 1 to December 31) and are obtained through a variety of mechanisms. In addition to crimes reported to the Director of Facilities, we also solicit the Lamar Police Department in an effort to collect crime data. This data includes crimes that occurred on public properties around our campus as per the Clery Act definitions (which can be found in Appendix A of this report)

In addition to soliciting information from our neighboring law enforcement agencies, each year the Director of Facilities requests, that the designated Campus Security Authorities (CSAs) report any crimes reported to them. A CSA is defined by the Clery Act as: *“An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.”* Each CSA submits to the Director of Facilities a Crime Statistics Report Form for each crime about which they have been notified and have not previously reported to the Campus Security Department. The Director of Physical Plant, who then prepares the Annual Security Report (ASR), compiles this data.

Each year, a notification of availability email is sent out to all current students and employees, which provides a link for the current year’s ASR, a summary of its contents, and how to obtain a copy. Prospective students who visit our campus are given a notification of availability form by Enrollment Services. Human Resources Department posts the notification of availability on its bulletin board. In addition, the notification of availability is attached to job announcements. The notification of availability is also posted on the Human Resource Services Website Employment Page for those potential employees who wish to apply online.

## Reports of Criminal Offenses – LCC Campus

Offense (Includes attempts)	2015		2016	
	On Campus	Public Property	On Campus	Public Property
Murder and Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
<b>Forcible Sex Offenses</b>				
Forcible Rape	0	0	0	0
Forcible Sodomy	0	0	0	0
Sexual Assault with an Object	0	0	0	0
Forcible Fondling	0	0	0	0
<b>Non-Forcible Sex Offenses</b>				
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Dating Violence	0	0	0	1
Domestic Violence	0	0	0	0
Stalking	0	0	0	0
Arson	0	0	0	0
Larceny	0	0	0	0
Failure to Appear Warrant Arrests	0	0	0	0
<b>Arrests Made</b>				
Liquor Law Violations	0	0	0	0
Drug Law Violations	0	0	0	0
Weapon Law Violations	0	0	0	0
<b>Referrals for Student Disciplinary</b>				
Liquor Law Violations	38	0	5	0
Drug Law Violations	18	0	7	0
Weapon Law Violations	0	0	0	0

Includes crimes reported by other law enforcement agencies.

Lamar Community College has students residing in the

dormitories.

There are no Hate Crime Reports based on any prejudice (race, gender, religion, sexual orientation, ethnicity or disability).

"Public Property" refers to all public property including thoroughfares, streets, sidewalks, and parking facilities that are within the campus or immediately adjacent to and accessible from the campus.

"On Campus" refers to any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and is used by the institution in direct support of, or in a manner related to, the

institution's educational purposes and that is frequently used by students and support personnel.

Data on Referrals for Student Disciplinary Action are obtained through a coordinated effort with the Campus Security Department and the Vice President of Academic Services & Student Services.

Offense (Includes attempts)	2017		
	On Campus	Public Property	Residence
Murder and Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
<b>Forcible Sex Offenses</b>			
Forcible Rape	0	0	0
Forcible Sodomy	0	0	0
Sexual Assault with an Object	0	0	0
Forcible Fondling	0	0	0
<b>Non-Forcible Sex Offenses</b>			
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	1	0
Burglary	2		0
Motor Vehicle Theft	0	0	0
Dating Violence	0	0	0
Domestic Violence	0	0	0
Stalking	0	0	0
Arson	0	0	0
Larceny	0	0	0
Failure to Appear Warrant Arrests	0	0	0
<b>Arrests Made</b>			
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Weapon Law Violations	0	0	0
<b>Referrals for Student Disciplinary</b>			
Liquor Law Violations	3	0	0
Drug Law Violations	3	0	0
Weapon Law Violations	0	0	0

Includes crimes reported by other law enforcement agencies.

Lamar Community College has students residing in the dormitories.

There are no Hate Crime Reports based on any prejudice (race, gender, religion, sexual orientation, ethnicity or disability).

"Public Property" refers to all public property including thoroughfares, streets, sidewalks, and parking facilities that are within the campus or immediately adjacent to and accessible from the campus.

"On Campus" refers to any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and is used by the institution in direct support of, or in a manner related to, the institution's educational purposes and that is frequently used by students and support personnel.

Data on Referrals for Student Disciplinary Action are obtained through a coordinated effort with the Campus Security Department and the Vice President of Academic & Student Services.

**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**

Lamar Community College does not discriminate on the basis of sex in its educational programs; sexual harassment and sexual violence are considered types of sex discrimination. Other acts may also be defined as 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, Lamar Community College issues this statement of policy to inform the community of our comprehensive plan that addresses 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, Lamar Community College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment to emphasize the dignity and worth of all members of the College community.

Lamar Community 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/>. SP 3-120a applies to CCCS employees, authorized volunteers, guests and visitors. SP 4-120a applies to students.

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/>.

### **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, 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. 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. 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:** 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. *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.*

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. 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.

### **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.

Source: 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 and continuing students. The College provides training in safety, security and harassment prevention to staff during the annual staff in-service. In addition, all employees are required to complete training regarding workplace harassment, Title IX mandates, bullying, and other relevant issues. New students receive training on safety, security and harassment during our new student orientation programs. Resident Advisors receive additional training regarding drug/alcohol addiction/recovery, as well as the connection between substance abuse and other issues, including sexual assault and rape. All students living in the residence halls also receive information regarding resident/student policies governing the handling of abuse, assault, sexual misconduct, and bullying during all-hall meetings. All students and staff receive periodic email blasts with relevant safety and prevention information.

Add any information you have for these tables in the format below for the reporting year:

The College offered the following **primary prevention and awareness programs for all incoming students** in 2018

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Complied with Program Requirements</u>	<u>Which Prohibited Behavior Covered?*</u>
New Student Orientation	August 22, 2014	Wellness Center	Yes	DoV, DaV, SA, S

The College offered the following **primary prevention and awareness programs for all new employees** in 2018:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Complied with Program Requirements</u>	<u>Which Prohibited Behavior Covered?*</u>
Workplace Answers Training	Registered for extensive, self-paced training program upon hire	Online	Yes	DoV, DaV, SA, S

The College offered the following **ongoing awareness and prevention programs for students** in 2018:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Complied with Program Requirements</u>	<u>Which Prohibited Behavior Covered?*</u>
All Hall Meeting	August 2018	Lobby TBH	Yes	DoV, DaV, SA
RA Meetings	Periodically, throughout year	Todd Burch Hall	Yes	DoV, DaV, SA

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

## **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 attention, 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:

- Cheryl Sanchez - V.P. of Student Services, 719-336-1516
- Chad DeBono - V.P. of Admin. Services, 719-336-1517
- Annessa Stagner - Dean of Academic Services, 719-336-1519
- Jennifer Mortimeyer - Human Resources, 719-336-1572
- Sean Lirley - Director of Facilities, 719-336-1543
- Deanna Siemsen - Resource Counselor, 719-336-1527
- Michael Clark - Director of Resident Life, 719-336-6660

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at Ryon Medical & Associates in La Junta. 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 Campus Security Department will assist any victim with notifying local police if they so desire. Lamar Police Department may also be reached directly by calling 719-336-3984 in person at 102 E Parmenter, Lamar, CO. 81052. Additional information about the Lamar Police department may be found online at: [http://www.ci.lamar.co.us/index.asp?SEC=5A3D6A51-09BF-4111-908A-21619E390A1C&Type=B\\_BASIC](http://www.ci.lamar.co.us/index.asp?SEC=5A3D6A51-09BF-4111-908A-21619E390A1C&Type=B_BASIC)

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, Jennifer

Mortimeyer, Human Resources - Trustees, Rm 134, 719-336-1572, [jennifer.mortimeyer@lamarcc.edu](mailto:jennifer.mortimeyer@lamarcc.edu) and Campus Safety (if the victim so desires).

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 encompass 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 may be considered 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 against 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 that may be 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, in order 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 provide complainant 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.

	<p>6. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, and a “No Contact” directive between both parties.</p> <p>7. Institution will provide a “No Trespass” (PNG) directive to accused party if deemed appropriate.</p> <p>8. Institution will provide written instructions on how to apply for Protective Order.</p> <p>9. Institution will provide student victims with financial aid related services.</p> <p>10. Institution will provide a copy of the Sexual Misconduct and Civil Rights Grievance and Investigation Procedures to complainant and respondent and inform both parties of the timeframes for inquiry, investigation and resolution.</p> <p>11. Institution will inform the complainant and respondent of the outcome of the investigation, whether or not the accused will be administratively charged and the outcome of the hearing.</p> <p>12. 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.</p>	
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<p><b>Stalking</b></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 provide complainant 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 the need to</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</p>
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	<ol style="list-style-type: none"> <li>implement interim or long-term protective measures to protect the complainant, if appropriate.</li> <li>6. Institution will provide a "No Trespass" (PNG) and/or "No Contact" directive to accused party if deemed appropriate.</li> <li>7. Institution will provide student victims with financial aid related services.</li> </ol>	<p>institution's Sexual Misconduct and Civil Rights Grievance and Investigation. Procedures using the <i>preponderance of the evidence</i> standard.</p>
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<p><b>Dating Violence</b></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 provide complainant 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) and/or a “No Contact” directive to accused party if deemed appropriate.</li> <li>7. Institution will provide student victims with financial aid related services.</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><b>Domestic Violence</b></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 provide complainant 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</p>
	<ol style="list-style-type: none"> <li>protective measures to protect the complainant, if appropriate.</li> <li>6. Institution will provide a “No Trespass” (PNG) and/or a “No Contact” directive to accused party if deemed appropriate.</li> <li>7. Institution will provide student victims with financial aid related services.</li> </ol>	<p>adjudicated under the institution’s Sexual Misconduct and Civil Rights Grievance and Investigation. Procedures using the <i>preponderance of the evidence</i> standard.</p>

## 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 for, and receive notification of critical stages of the criminal justice process as specified in state statute (C.R.S. 24-4.1-302(2) and 302.5);

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 non-secure correctional facility or program, or absconds from probation or parole.

Further, Lamar Community College complies with Colorado law in recognizing orders of protection by: For Example: 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 Safety 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 cell phone, changing classroom location or allowing a student to complete assignments from home, etc.]

Protection from abuse orders may be available through **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 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 Justice 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 at 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 Human Resources, Facilities/Security, Residence Life, Academics, Student Services and Athletics 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. These services may be requested by contacting the Human Resources/Title IX Office at (719) 336-1572. 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 adjudicating/investigating 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 on the [campus police, public safety] department's Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request to the Registrar, (719) 336-1592.

#### Financial Aid Services

If a student victim would like information regarding financial aid services, please contact Teale Hemphill, Director of Financial Aid, (719) 336-1591. 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**

<b><u>Department</u></b>	<b><u>Location</u></b>	<b><u>Phone</u></b>
Human Resources	Trustees, Rm 134	719.336.1572
Department of Campus Safety	Bowman, Rm B-9	719.336.1543
V.P. of Administration	Admin, Rm 215	719.336.1517
V.P. of Student Services	Admin, Rm 208	719.336.1516
Resource Counselor	Bowman, Rm 152	719.336.1527

### **Community Resources**

<b><u>Agency</u></b>	<b><u>Address</u></b>	<b><u>Phone</u></b>
Lamar Police Department	102 E Parmenter, Lamar	719.336.3984
Prowers Medical Center	401 Kendall Drive, Lamar	719.336.4343
High Plains Community Health Center	201 Kendall Drive, Lamar	719.336.0261
Ryon Medical (SANE provider)	318 Lacey Ave. LaJunta	719.384.0303
Domestic Safety Resource Center (Victim resources)	1001 S Main Street, Lamar Suite B06	719.336.4357
District Attorney	110 E Oak Street, Lamar	719.336.7446
Prowers County Combined Courts	301 S Main, Lamar Suite 300	719.336.7424

### **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/> - Violence Free Colorado

<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

### **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(s), 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 Police, Public Safety] 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 prompt, fair and

impartial discipline process.

For authorized volunteers, guests and visitors, there is no specific applicable procedure; therefore the responsible party or designee will conduct a prompt, fair and impartial discipline process.

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 student discipline process, in all cases, provides that:

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;

Attend a hearing before a properly trained hearing panel or person;

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.

An employee and student conduct decision is based on the preponderance of evidence standard (“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, CCCS, or College Procedure”.

The accuser and the accused will be notified simultaneously in writing of the outcome of any disciplinary proceeding, 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, reassignment to another class section including online, 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).

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 laws.

The Title IX Coordinator will determine whether interim interventions and protective measures 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 disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Lamar Community 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, student 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.

## **Section 13: Sexual Assault, Harassment, and Misconduct Policies**

### **Reporting a Sexual Assault**

Any student, employee or visitor who is the victim of a sex offense, forcible or non-forcible, is encouraged to report the assault to college authorities. If a victim chooses, he/she may be assisted by college authorities in reporting the assault to the proper law enforcement authorities. After making the report, the victim is not obligated to continue with legal or college disciplinary action. The assault may be reported to:

1. The Director of Facilities by calling (719) 336-1543.
2. The Lamar Community College Resource Counselor in person or by calling (719) 336-1527.
3. The Lamar Community College Human Resources Director by calling (719) 336-1572.
4. The Lamar Community College Vice President of Academic Services and Student Services in person or by calling (719) 336-1516.
5. The Lamar Police Department by calling (719) 336-4341.

### **Coping with Sexual Assault**

Remember, assaults – sexual or otherwise – are crimes; they are not the victims' fault. Victims of sexual assault may find it helpful to discuss their experience with a counselor. Crisis Counselors are available on and off campus to meet with victims in an informal and private setting. Counselors can assist by changing a student's academic situation, by serving as a source of referral to outside agencies, and by providing information about on and off campus reporting, prosecution procedures, and the college disciplinary process. Please refer to the Victim's Assistance Section and Appendix B for further information and available resources.

## **Victim's Rights**

A person who reports having been sexually assaulted has the right to:

- Request a female or male officer to take the report.
- Have his/her identity protected, consistent with legal requirements.
- Be treated professionally and with sensitivity, regardless of race, ethnicity, religion, gender, or sexual orientation of the victim or the perpetrator.
- Assistance with medical treatment, counseling, and other resources if desired, including transportation to a hospital.
- Have one primary investigator assigned to the case and have his/her case investigated fully, if he/she chooses to report the assault to the Campus Security.
- Be informed of the outcome of a police investigation.
- Request an alternative academic or employment situation if such an alternative is available, feasible, and appropriate to the facts of the sexual assault reported.
- Have all questions answered fully.

## **How to Reduce the Risk of a Sexual Assault**

1. When you go to a party, go with a group of friends.
2. Arrive together, watch out for each other and leave together.
3. Don't leave your beverage unattended or accept a drink from an open container.
4. Don't allow yourself to be isolated with someone you don't know or trust.
5. Be aware of your surroundings at all times.
6. Trust your instincts.
7. Make sure you have your cell phone with you.
8. Avoid putting music headphones in both ears, especially if you are alone.
9. Don't load yourself down with packages or other items.
10. Think about the level of intimacy you want in a relationship and clearly state your limits.

(From Rape, Abuse & Incest National Network, Washington, DC (2006). Retrieved December 15, 2007 from <http://www.rainn.org/>)

## Sexual Harassment and Misconduct

Lamar Community College is firmly committed to maintaining a work and learning environment where students, faculty, and staff are treated with dignity and respect. Sexual harassment, sexual misconduct and acts of discrimination are illegal, often demeaning for the individual student or employee, and can disrupt the College's positive learning and working environment. As such, all members of the College community have a responsibility to be aware of what behaviors constitute sexual harassment, sexual misconduct or discrimination, and to be responsible for their own actions, and to help create an environment free of sexual harassment.

LCC defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when one or more of the following criteria are met:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or of academic status in a course, program, or activity.
- Submission to or rejection of such conduct by an individual is used as a basis for employment or academic educational decisions affecting such individual.
- Such conduct is sufficiently severe, persistent, or pervasive so as to have the purpose or effect of unreasonably interfering with an individual's work and/or academic educational performance or creating an intimidating, hostile, or offensive work and/or learning environment.

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

If you believe that you have been sexually harassed, the subject of sexual misconduct, the subject of discrimination or that you have been retaliated against by anyone in your work and/or academic activities at Lamar Community College, you should report this conduct immediately so that an inquiry into your complaint may commence without delay. You may report this conduct to an officer of the college, instructional vice president, division/department

director, or the Human Resources Director. Substantiated complaints may result in disciplinary action up to and including employment termination and/or expulsion from the College.

All college employees who receive a report of any incident involving sexual harassment, sexual misconduct, or discrimination have an obligation, per State Board policy, to contact Jennifer Mortimeyer, Director of Human Resources, at 719-336-1572, within 24 hours of becoming aware of a report or incident.

Retaliation against any person for filing a complaint, participating in, or cooperating in an investigation is prohibited.

The College has designated the Director of Human Resources as its Equal Opportunity Education/Employment Compliance Officer. Inquiries and/or complaints may be referred to the Human Resources office by email, [jennifer.mortimeyer@lamarcc.edu](mailto:jennifer.mortimeyer@lamarcc.edu) or by calling (719) 336-1572. The EEO Compliance Officer or designee will investigate all credible allegations of sexual harassment in a timely manner and in accordance with its official complaint investigation procedure.

Complaints may also be referred to the Colorado Community College System Office, 9101 East Lowry Blvd., Denver, CO 80230, (303) 620-4000; or the Colorado Civil Rights Division, Colorado Springs, CO, (719) 633-7518; or the U.S. Equal Employment Opportunity Commission, Denver, CO, 1-800-669-4000 (Voice) or 1-800-669-6820 (TTY); or U.S. Department of Education, Denver, CO, 303-844-5695.

# The Campus Sexual Violence Elimination (SaVE) Act

The **Campus Sexual Violence Elimination (SaVE) Act** represents a turning point in our nation's handling of sexual misconduct on college campuses and universities. As introduced by U.S. Senator Bob Casey and House Representative Caroline Maloney, SaVE will complement the new Title IX Guidance by the U.S. Department of Education's Office for Civil Rights.

The Campus SaVE Act seeks to address the violence women face on campus: the highest rates of stalking<sup>1</sup>, the highest risk of nonfatal intimate partner violence<sup>2</sup>, and 20-25% of female students experiencing rape or attempted rape<sup>3</sup>. This legislation will update the Jeanne Clery Act to create:

## Transparency

SaVE requires that incidents of sexual assault, domestic violence, dating violence, and stalking be disclosed in annual campus crime statistic reports. Additionally students or employees reporting victimization will be provided with their written rights to:

- Be assisted by campus authorities if reporting a crime to law enforcement
- Change academic, living, transportation, or working situations to avoid a hostile environment
- Obtain or enforce a no contact directive or restraining order
- Have a clear description of their institution's disciplinary process and know the range of possible sanctions
- Receive contact information for campus or local advocacy, counseling, health, and legal service agencies

## Accountability

SaVE clarifies minimum standards for institutional disciplinary procedures covering sexual assault, domestic violence, dating violence, and stalking to ensure that:

- A prompt and equitable investigation and resolution is conducted for all complaints
- Campus officials trained in these issues conduct proceedings.
- Both parties may be accompanied during proceedings
- Both parties will receive written outcomes of all disciplinary hearings at the same time

## Education

SaVE instructs colleges and universities to provide initial and ongoing awareness programming for students and employees addressing issues of primary prevention, consent, reporting, bystander intervention, and risk reduction.

## Collaboration

SaVE establishes collaboration between the U.S. Departments of Justice, Education and Health and Human Services to collect and disseminate best practices for preventing and responding to sexual assault, domestic violence, dating violence, and stalking.

### **The Campus SaVE Act enjoys support by over 20 diverse nonprofit organizations:**

American Association of University Women (AAUW) • Break the Cycle • Casa de Esperanza • The National Domestic Violence Hotline • Futures Without Violence (formerly the Family Violence Prevention Fund) • Jewish Women International • Men Can Stop Rape • The National Alliance to End Sexual Violence • The National Center for Victims of Crime • The National Coalition Against Domestic Violence • The National Dating Abuse Helpline • The National Domestic Violence Hotline • The National Network to End Domestic Violence • The Pennsylvania Coalition Against Domestic Violence (PCADV) • The Pennsylvania Coalition Against Rape (PCAR) • Promoting Awareness, Victim Empowerment (PAVE) • The Rape, Abuse & Incest National Network (RAINN) • Security On Campus, Inc. (SOC) • Students Active for Ending Rape (SAFER) • The Women of Color Network

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<sup>1</sup>Baum, K., et al. (2009). *Stalking Victimization in the United States*. U.S. Department of Justice Bureau of Justice Statistics.

<sup>2</sup>Catalano, Shannan. (2007). *Intimate Partner Violence in the United States*. U.S. Department of Justice, Bureau of Justice Statistics.

<sup>3</sup>Fisher, B., et al. (2000). *The sexual victimization of college women*. Washington, DC: U.S. Department of Justice, National Institute of Justice.

Lamar Community College  
**Sexual Assault Response System**

This protocol defines and coordinates the efforts of various campus departments in order to provide a caring and effective institutional response to student sexual assaults. Such definition and coordination is intended to make the institutional response 'more than the sum of its parts' for the benefit of the survivor of assault and the community at large. While allowing flexibility within the individual departments, this protocol is intended to ensure continuity and consistency for both victims/survivors and accused perpetrators to receive needed support services.

This policy is based on the following understanding of sexual assault:

1. Sexual assault is a single term covering a range of coercive behaviors that violate both State legal statutes and Lamar Community College Code of Conduct. The common element of these behaviors is use of coercion, force or threat of force to obtain sexual contact against a person's will. The type of coercion may range from unwanted sexual touching to intercourse. The perpetrator of sexual assault may often be known to the victim/survivor. Even with no physical force use, the experience may severely traumatize the victim/survivor.
2. Victims/Survivors of sexual assault need clear boundaries and role definitions used by those professionals who offer help because a victim/survivor's personal boundaries have already been violated during the incident. Victims/Survivors need to know what services are available and who provides them. Similarly, they need to know what is outside the scope of any given provider's services and they need to know that providers will stay within their roles.
3. Victims/Survivors of sexual assault need clearly defined choice points and options because they have been in a powerless position and denied choice. They need a chance to re-establish a sense of personal control.
4. "Time is of the essence" for victims/survivors of sexual assault in several ways. "Time is short" in the sense that they are likely to be in a crisis and in need of immediate support. Time is also short for securing evidence for possible prosecution. On the other hand, victim/survivors "need time" and ongoing support to emerge in a constructive way from the sexual assault.
5. Trust in others may have already been severely damaged so all efforts to help should respect the victim's/survivor's need for safety and control. Those providing services must be clear about boundaries of confidentiality in their communications because any outside communication (to another service provider, for instance) may be experienced by the victim/survivor as another violation of trust. The service provider's problem-solving efforts and strong recommendations may be perceived as blaming and further attack. In general, the victim/survivor needs to be heard, needs to be respected, needs to understand options, and needs to move at her or his pace through the process of recovery.
6. If the accused is known, is a LCC student and either the victim/survivor has given permission to identify the accused or a police investigation has begun, options and services should be offered to the accused as soon as possible. Referrals to Sexual Assault Services, Counseling Services, and the V.P. of Student Services should be made.

Sexual assault must be directly confronted by the campus community. An array of medical, legal, psychological, administrative and disciplinary services must be in place and immediately available to students reporting sexual assault. Furthermore, Lamar Community College is committed to supporting students' exercise of informed choice among these series and ensuring the anonymity of those students affected by incidents of sexual assault. Off-campus support and judicial services may also play important roles, and Lamar Community College will continue to

provide support services to students who choose to seek criminal or civil prosecution as well as disciplinary action under the Campus Code of Ethics. This protocol outlines these services and describes how they might work in concert.

This protocol is based on recognition of the fact that the immediate community response as outlined herein is only part of the picture. A whole range of preventive educational programming is needed to reduce the risk of sexual assault for students.

#### **Title IX Coordinator**

The implementation of this protocol will be overseen by the Lamar Community College Title IX Coordinator. The Title IX Coordinator serves as a primary resource for the student reporting an assault as well as the responding departments. Each responding department will deliver a Sexual Assault Incident Report, with the victim/survivor name or other identifying information, to the Title IX Director no later than 24 hours after initial contact with the student. A telephone call will be made to the Coordinator or another Title IX Investigator immediately following the initial contact. The Title IX Coordinator will assign an incident number for each case to prevent duplicated reports and to ensure confidentiality in follow-up contacts with involved service providers.

Each department will also encourage the student (victim/survivor and/or accused perpetrator) to speak directly with the Title IX Coordinator or designated Title IX Investigator, for support in seeking the additional services outlined in this protocol. The Title IX Coordinator, or member of the investigation team, will be “on call” at all times for availability to the student and the department. The Title IX Coordinator will help the student understand, evaluate, and choose among the services outlined in this protocol. The Title IX Coordinator will also help ensure continuity of services by offering the student follow-up contacts as needed. The Title IX Coordinator will also serve as an important resource to departments for any concerns regarding sexual assault, dating or domestic violence, and/or stalking issues. Departments will be expected to maintain a close working relationship with the Title IX Coordinator for both on-going staff development and crisis intervention services.

If the student decides not to speak to the Title IX Coordinator, the Coordinator will still oversee the implementation of the protocol. For each sexual assault incident, the Title IX Coordinator will assign a common identification number to the reports received from the departments the student has contacted and open a file to track the incident. The confidential file will be maintained within the office of the Title IX Coordinator and will be used to develop statistical information related to both official and unofficial reports of campus sexual assault incidents, according to the federal regulations implementing the Campus Security Act/the Clery Act (U.S. Public Law No. 101-542). The Title IX Coordinator will contact the departments to follow-up on the services they provide for each student incident without the need to disclose the student’s name. Such follow-up with departments will help ensure consistent implementation of the protocol and generate feedback necessary for future revision of the protocol. Such follow-up will also help departments stay informed about evolving services available at Lamar Community College and the general community.

## Campus Alert Notifications

If the Title IX Coordinator or the Campus Security Department determines that a reported incident of sexual assault represents a potential danger to the campus community, the Coordinator of Student/Resident Life, (CERT) Core Emergency Response Team and the V.P. of Student Services will be notified. A potential danger to the community is defined as follows:

- A pattern of acquaintance sexual assaults
- A stranger assault
- A violent or sadistic assault
- Gang rape

This Team, in collaboration with the Title IX Coordinator will determine if a Campus Alert Notification is warranted. If so, a Connect-Ed Alert Notification will be distributed campus wide to protect and educate the community while respecting the student's rights to anonymity.

## Comprehensive Protocol Guidelines

The goal of this protocol is to specify the following information for each of Lamar Community College departments that constitute the immediate support network for students involved in a case of sexual assault:

- Boundaries of confidentiality
- Services offered by the individual department
- Options and choices available to the student
- Statements about services offered by associated departments

1. All departments file a sexual assault incident report with the Title IX Coordinator. This report may be filed with the victim/survivor's name (if permission is granted) or with other identifying information. In cases that represent clear danger to the community at large, A Campus Alert Notification may be released. Resident Advisors are obligated to share sexual assault reports with the Coordinator of Student/Resident Life, who must share information (including the reporting student's name), with the Title IX Coordinator. The Title IX Coordinator will then contact the reporting student(s) to provide support as needed.
2. Concerning the student's choice points and services, use of any and all services by these departments is fully voluntary. The Title IX Coordinator will offer overall assistance and follow-up to the student. Residence Life staff will offer to accompany the student to seek professional services, but will not force or require this. The student can choose whether an investigation happens and whether to file criminal and/or disciplinary charges.
3. Concerning statements made by each department about available services, this protocol establishes a consistent and comprehensive message. The student will find that he or she hears very similar things from the various departments in an effort to inform the student of the network of supports available on campus and in the community. The Title IX Coordinator will follow-up with each department to ensure consistent implementation of this protocol.

Reporter's name \_\_\_\_\_ Dept/Agency \_\_\_\_\_  
Phone \_\_\_\_\_

Date of Report \_\_\_\_\_ Date of Incident \_\_\_\_\_ Time of Incident \_\_\_\_\_

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**Victim/Survivor Information**

Name/Initials/Identifying Information \_\_\_\_\_ (An anonymous report may be filed, if preferred)

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_ Email \_\_\_\_\_

\_\_\_\_\_ Residence: \_\_\_\_\_ Residence Hall (Name \_\_\_\_\_) or

\_\_\_\_\_ Off-Campus (Address \_\_\_\_\_)

Age at incident: \_\_\_\_\_ Age at report: \_\_\_\_\_ Academic Year at report: \_\_\_\_\_ S# \_\_\_\_\_

Gender \_\_\_\_\_ Female \_\_\_\_\_ Transgender \_\_\_\_\_ Other (please specify)

Orientation: Bisexual Gay/Lesbian Heterosexual Questioning Other (please specify) \_\_\_\_\_

Marital Status Married Single \_\_Divorced \_\_Widowed Unknown

Racial/Ethnic Groups (Choose all that apply):

American Indian or Alaska Native

Hispanic or Latino/a

Asian – Far East

Native Hawaiian or Other Pacific Islander

Asian – Southeast

White - European

Asian – Indian Subcontinent

White – Middle Eastern or North African

Black or African American

Other (please specify) \_\_\_\_\_

Student/College/Community Status (check all that apply):

Freshman

Alumnus

Sophomore

Admin or Instructional Faculty

Certificate – Level

Staff

Non-Degree Seeking

Student at another institution

Elem/Middle/High School

Other (please specify) \_\_\_\_\_

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**Incident Information**

Describe incident (type of assault): (Check all that apply)

Rape (Vaginal/Penile sexual intercourse against the will by force, threat, or intimidation)

Forced Anal Intercourse (Sodomy)

Forced Oral Intercourse (Sodomy)

Forced Object Penetration by a foreign object, including a finger

Sexual Battery (Forced touching of intimate parts, fondling, kissing, but not penetration)

Attempts of any the above (Be Specific) \_\_\_\_\_

Sexual Harassment

Stalking

Dating/Domestic Violence

Help for a friend

Kidnapping/Abduction

Death Threat

Other (Be specific) \_\_\_\_\_

Alcohol was used by the victim/survivor by the assailant

Other drugs was used by the victim/survivor by the assailant

Type of drug: \_\_\_\_\_

Legal ( Rx or  OTC)  illegal

Type of Coercion/Force involved:

Verbal pressure, arguments, or disregarding victim's stated lack of consent

Position of authority (parent, teacher, supervisor, boss, etc.)

Threat of physical force (threatened to hit, hold down, or otherwise injure)

Actually used physical force (hit, held down, twisted arm, hurt, etc.)

Death Threat

Presence of weapon (Be specific \_\_\_\_\_)

Victim/Survivor was significantly incapacitated by:

alcohol  other drugs  sleep  disability  other: \_\_\_\_\_

Possible DFSA (Drug-facilitated Sexual Assault)

**Location of incident:**

Victim's Residence  on campus  off \_\_\_\_\_

Assailants Residence  on campus  off \_\_\_\_\_  Online

Shared Residence  on campus  off \_\_\_\_\_  Phone (calls)

Outdoors  on campus  off \_\_\_\_\_  Text

Workplace  on campus  off \_\_\_\_\_  E-Mail

Vehicle  on campus  off \_\_\_\_\_  Social Networking site: \_\_\_\_\_

Parking Lot  on campus  off \_\_\_\_\_  Other: \_\_\_\_\_

Classroom  on campus  off \_\_\_\_\_

Other campus facility (Location) \_\_\_\_\_

Describe nature of relationship between the victim/survivor and the assailant(s) prior to the incident:

Stranger  Spontaneous date (i.e. met at party or bar)

Study partner  Employment/Instructional relationship

Former romantic relationship  Relative

Ongoing romantic relationship  Friend or non-romantic acquaintance

Planned first date  Other \_\_\_\_\_

---

**Assailant Information**

Name(s), if known \_\_\_\_\_ Age (at incident) \_\_\_\_\_

Gender:  Female  Male  Transgender  Other (please specify) \_\_\_\_\_

Orientation:  Bisexual  Gay/Lesbian  Heterosexual  Questioning  Other(please specify) \_\_\_\_\_

Marital Status  Married  Single  Divorced  Widowed  Unknown

**Number of assailants:** \_\_\_\_\_

Racial/Ethnic Groups (Choose all that apply):

American Indian or Alaska Native  Hispanic or Latino/a

Asian – Far East  Native Hawaiian or Other Pacific Islander

Asian – Southeast  White – European

Asian – Indian Subcontinent  White – Middle Eastern or North African

Black or African American  Other (please specify) \_\_\_\_\_

Student/Campus/Community Status (check all that apply):

Student/College/Community Status (check all that apply):

- Freshman
- Sophomore
- Certificate – Level
- Non-Degree Seeking
- Elem/Middle/High School  Alumnus
- Admin or Instructional Faculty
- Staff
- Student at another institution
- Other (please specify) \_\_\_\_\_

Residence: Residence Hall (Name \_\_\_\_\_) or  
 Off – Campus (Address \_\_\_\_\_)

**Contacts and Services**

Other departments victim/survivor reported incident to:

- Title IX Coordinator
- V.P. of Academic/Student Services
- Coordinator of Residence/Student Life
- Campus Security
- Dean of Academics
- Dean of CTE/Director of Nursing
- Director of Learning Support Services
- Director of Adult Transition Services
- Athletic Director
- Faculty Member
- Local Police
- Health Education Services
- Alcohol and Other Drug Education
- Victim Assistance Network (VAN) or other hotline or shelter \_\_\_\_\_
- Women & Gender Studies Center (WGSC)
- Other: \_\_\_\_\_

Referred Victim/survivor to:

- Title IX Coordinator
- V.P. of Academic/Student Services
- Coordinator of Residence/Student Life
- Campus Security
- Dean of Academics
- Dean of CTE/Director of Nursing
- Director of Learning Support Services
- Director of Adult Transition Services
- Athletic Director
- Faculty Member
- Local Police
- Health Education Services
- Alcohol and Other Drug Education
- Victim Assistance Network (VAN) or other hotline/r shelter \_\_\_\_\_
- Women & Gender Studies Center (WGSC)
- Other: \_\_\_\_\_
- Peer Companion

Name: \_\_\_\_\_

Provided Academic Intervention: Yes  No

# Sexual Assault Procedure Checklist – Lamar Community College

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Staff Member: \_\_\_\_\_

Date: \_\_\_\_\_

Department: \_\_\_\_\_

Phone: \_\_\_\_\_

**Instructions:** Any Department staff member assisting the student victim/survivor should initial each item completed. This checklist must be filed as soon as possible, but no later than 24 hours after receiving the disclosure, with the completed Incident Report Form, to the Title IX Coordinator. These items will help communicate which services have already been provided.

The following actions have been taken by LCC Staff

- \_\_\_ Sought the assistance of an interpreter, if necessary.
- \_\_\_ Provided immediate support and problem-solving (The primary goal is to help the student secure needed Professional services) **Listen, believe, and care.**
- \_\_\_ Encouraged the student to seek medical services in a hospital emergency room or medical clinic. (A police Report will be required before an evidence exam can be performed at a hospital.) Offered accompaniment to Student (by self, Title IX Coordinator or other trained victim advocate) and requested transportation from Campus Security Authorities.
- \_\_\_ Encouraged the student to speak directly with the Title IX Coordinator for support in understanding, Evaluating, and choosing among Campus support services. Offered to facilitate such a meeting.
- \_\_\_ Encouraged the student to file a report with the Lamar Police Department. Offered to have the Title IX Coordinator to accompany the student.
- \_\_\_ Encouraged the student to consider using counseling services available at the local Domestic Resource Center and offer to have the Title IX Coordinator accompany the student to the appointment.
- \_\_\_ Informed the student that the College has a disciplinary hearing process for incidents of sexual assault and this process can be confidentially discussed with the Title IX Coordinator or Coordinator of Student/Resident Life without or prior to filing charges.
- \_\_\_ That staff assisted the student in reviewing the support resources (medical, academic, law enforcement, Psychological, and safety) available through the Title IX Coordinator.
- \_\_\_ If the accused perpetrator lives nearby or knows the victim's/survivor's address, offered to relocate the student on a temporary and/or permanent bases.
- \_\_\_ Provided the student with emergency numbers in written form and 24-hour confidential sexual assault hotline through Prowers County and other jurisdictions.
- \_\_\_ When it was applicable, the staff member informed the reporting student of the Resident Advisor's obligation to share information with the Coordinator of Resident/Student Life and gave the student the option of speaking with the Coordinator directly.
- \_\_\_ Informed the student that reports must be reported to the Title IX Coordinator regardless of final decision on options.
- \_\_\_ Asked the student if it would be okay to follow-up with her/him in a few days to see how she/he is.
- \_\_\_ Completed the Incident Report form and delivered, with the procedure checklist, to the Title IX Coordinator by the close of business the day of contact. In the case of a recent sexual assault (within past 72 hours), notify Title IX Coordinator by phone (336-1517) or cell phone (688-1834) immediately.
- \_\_\_ Consulted with supervisor, Title IX Coordinator to obtain support and debriefing.

***The Incident should be discussed only on a "need to know" basis. Do not share details or identification with other staff or friends.***

## **Appendix A: Crime Definitions**

### **Uniform Crime Reporting Handbook:**

#### *Criminal Homicide-Murder and Non-negligent Manslaughter*

The willful (non-negligent) killing of one human being by another.

#### *Criminal Homicide-Manslaughter by Negligence*

The killing of another person through gross negligence.

#### *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.

#### *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.)

#### *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.

## **Sex Offense Definitions from National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program:**

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

## **Arrests Made Involving:**

### *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 Crime As Defined by the Clery Act:**

The Hate Crimes Statistics listed above consist of any of the crimes of *Criminal Homicide-Murder and Non-negligent Manslaughter, Criminal Homicide-Manslaughter by Negligence, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Sex Offenses-Forcible, Sex Offenses-Non-forcible, Larceny-theft, Simple Assault, Intimidation, Destruction/damage/vandalism of property and any crime resulting in bodily injury* in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim.

## **Appendix B: Legal Statutes**

### **Duty to Report a Crime**

#### **18-8-115. Duty to report a crime - liability for disclosure.**

It is the duty of every corporation or person who has reasonable grounds to believe that a crime has been committed to report promptly the suspected crime to law enforcement authorities. Notwithstanding any other provision of the law to the contrary, a corporation or person may disclose information concerning a suspected crime to other persons or corporations for the purpose of giving notice of the possibility that other such criminal conduct may be attempted which may affect the persons or corporations notified. When acting in good faith, such corporation or person shall be immune from any civil liability for such reporting or disclosure. This duty shall exist notwithstanding any other provision of the law to the contrary; except that this section shall not require disclosure of any communication privileged by law.

### **Concealed Carry Permits**

#### **18-12-214. Authority granted by permit - carrying restrictions.**

(1) (a) A permit to carry a concealed handgun authorizes the permittee to carry a concealed handgun in all areas of the state, except as specifically limited in this section. A permit does not authorize the permittee to use a handgun in a manner that would violate a provision of state law. A local government does not have authority to adopt or enforce an ordinance or resolution that would conflict with any provision of this part 2.

(b) A peace officer may temporarily disarm a permittee, incident to a lawful stop of the permittee. The peace officer shall return the handgun to the permittee prior to discharging the permittee from the scene.

(2) A permit issued pursuant to this part 2 does not authorize a person to carry a concealed handgun into a place where the carrying of firearms is prohibited by federal law.

(3) A permit issued pursuant to this part 2 does not authorize a person to carry a concealed handgun onto the real property, or into any improvements erected thereon, of a public elementary, middle, junior high, or high school; except that:

(a) A permittee may have a handgun on the real property of the public school so long as the handgun remains in his or her vehicle and, if the permittee is not in the vehicle, the handgun is in a compartment within the vehicle and the vehicle is locked;

(b) A permittee who is employed or retained by contract by a school district as a school security officer may carry a concealed handgun onto the real property, or into any improvement erected thereon, of a public elementary, middle, junior high, or high school while the permittee is on duty;

(c) A permittee may carry a concealed handgun on undeveloped real property owned by a school district that is used for hunting or other shooting sports.

(4) A permit issued pursuant to this part 2 does not authorize a person to carry a concealed handgun into a public building at which:

(a) Security personnel and electronic weapons screening devices are permanently in place at each entrance to the building;

(b) Security personnel electronically screen each person who enters the building to determine whether the person is carrying a weapon of any kind; and

(c) Security personnel require each person who is carrying a weapon of any kind to leave the weapon in possession of security personnel while the person is in the building.

E. Nothing in this part 2 shall be construed to limit, restrict, or prohibit in any manner the existing rights of a private property owner, private tenant, private employer, or private business entity.

F. The provisions of this section apply to temporary emergency permits issued pursuant to section 18-12-209.

## Underage Drinking

### **18-13-122. Illegal possession or consumption of ethyl alcohol by an underage person - adolescent substance abuse prevention and treatment fund - legislative declaration.**

(1) As used in this section, unless the context otherwise requires:

A. "Establishment" means a business, firm, enterprise, service or fraternal organization, club, institution, entity, group, or residence, and any real property, including buildings and improvements, connected therewith, and shall include any members, employees, and occupants associated therewith.

B. "Ethyl alcohol" means any substance which is or contains ethyl alcohol.

C. "Possession of ethyl alcohol" means that a person has or holds any amount of ethyl alcohol anywhere on his person, or that a person owns or has custody of ethyl alcohol, or has ethyl alcohol within his immediate presence and control.

D. "Private property" means any dwelling and its curtilage which is being used by a natural person or natural persons for habitation and which is not open to the public and privately owned real property that is not open to the public. "Private property" shall not include:

(I) Any establishment which has or is required to have a license pursuant to article 46, 47, or 48 of title 12, C.R.S.; or

(II) Any establishment which sells ethyl alcohol or upon which ethyl alcohol is sold; or

(III) Any establishment that leases, rents, or provides accommodations to members of the public generally.

(2) (a) Any person under twenty-one years of age who possesses or consumes ethyl alcohol anywhere in the state of Colorado commits illegal possession or consumption of ethyl alcohol by an underage person.

Illegal possession or consumption of ethyl alcohol by an underage person is a strict liability offense.

(b) (I) Upon conviction of a first offense, illegal possession or consumption of ethyl alcohol by an underage person shall be punished by a fine of not more than two hundred fifty dollars. The court, upon sentencing a defendant pursuant to this

paragraph (b), may, in addition to any fine, order that the defendant perform up to twenty-four hours of useful

public service, subject to the conditions and restrictions of section 18-1.3-507, and may further order that the defendant submit to and complete an alcohol evaluation or assessment, an alcohol education program, or an alcohol treatment program at such defendant's own expense.

(II) Upon conviction of a second offense, illegal possession or consumption of ethyl alcohol by an underage person shall be punished by a fine of not more than five hundred dollars, and the court shall order the defendant to submit to and complete an alcohol evaluation or assessment, an alcohol education program, or an alcohol treatment program, at the defendant's own expense. The court may further order the defendant to perform up to twenty-four hours of useful public service, subject to the conditions and restrictions specified in section 18-1.3-507.

(III) Upon conviction of a third or subsequent offense, illegal possession or consumption of ethyl alcohol by an underage person shall be a class 2 misdemeanor, and the court, in addition to sentencing the defendant pursuant to the provisions of section 18-1.3-501, shall order the defendant to submit to and complete an alcohol evaluation or assessment, an alcohol education program, or an alcohol treatment program, at the defendant's own expense.

(IV) A person convicted of a violation of this section is subject to an additional penalty surcharge of twenty-five dollars that shall be administered to the adolescent substance abuse prevention and treatment fund.

(3) It shall be an affirmative defense to the offense described in subsection (2) of this section that the ethyl alcohol was possessed or consumed by a person under twenty-one years of age under the following circumstances:

A. While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property and the ethyl alcohol was possessed or consumed with the consent of his parent or legal guardian who was present during such possession or consumption; or

B. When the existence of ethyl alcohol in a person's body was due solely to the ingestion of a confectionery which contained ethyl alcohol within the limits prescribed by section 25-5-410 (1) (i) (II), C.R.S.; or the ingestion of any substance which was manufactured, designed, or intended primarily for a purpose other than oral human ingestion; or the

ingestion of any substance which was manufactured, designed, or intended solely for medicinal or hygienic

purposes; or solely from the ingestion of a beverage which contained less than one-half of one percent of ethyl alcohol by weight.

C. The person is a student who:

(I) Tastes but does not imbibe an alcohol beverage only while under the direct supervision of an instructor who is at least twenty-one years of age and employed by a post-secondary school;

(II) Is enrolled in a university or a post-secondary school accredited or certified by an agency recognized by the United States department of education, a nationally recognized accrediting agency or association, or the "Private Occupational Education Act of 1981", article 59 of title 12, C.R.S.;

(III) Is participating in a culinary arts, food service, or restaurant management degree program; and

(IV) Tastes but does not imbibe the alcohol beverage for instructional purposes as a part of a required course in which the alcohol beverage, except the portion the student tastes, remains under the control of the instructor.

(4) The possession or consumption of ethyl alcohol shall not constitute a violation of this section if such possession or consumption takes place for religious purposes protected by the first amendment to the United States constitution.

(4.5) An underage person and one or two other persons shall be immune from criminal prosecution under this section if they establish the following:

6. One of the underage persons called 911 and reported that another underage person was in need of medical assistance due to alcohol consumption;

7. The underage person who called 911 and, if applicable, one or two other persons acting in concert with the underage person who called 911 provided each of their names to the 911 operator;

8. The underage person was the first person to make the 911 report; and

9. The underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 911 call remained on the scene with the underage person in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

(5) Prima facie evidence of a violation of subsection (2) of this section shall consist of:

3. Evidence that the defendant was under the age of twenty-one years and possessed or consumed ethyl alcohol anywhere in this state; or

4. Evidence that the defendant was under the age of twenty-one years and manifested any of the characteristics commonly associated with ethyl alcohol intoxication or impairment while present anywhere in this state.

## **Appendix C: Possession of Firearms/Weapons on Campus**

Board Policy states that no person may have on his or her person any unauthorized firearm, ammunition, explosive device, or illegal weapon on campus or any facility used by a college. Persons authorized to carry firearms and other equipment defined in the policy are:

- Those persons conducting and participating in an approved program of instruction in the college's curriculum which requires access to such equipment as an integral part of the instructional program;
- Certified peace officers;
- Those persons who have been issued a valid permit to carry a concealed handgun in accordance with Colorado's Concealed Carry Act, C.R.S. § 18-12-201, et seq. and who are acting in compliance with the requirements of that Act; and
- Those persons granted permission at the discretion of the college president for specific purposes from time to time.

Concealed Handgun Permit holders exercising their rights pursuant to Item #3 above are responsible for preventing the casual or inadvertent display of their handgun.

It shall not be an offense if the weapon remains inside a locked motor vehicle upon the real estate owned by the State Board for Community Colleges and Occupational Education.

In accordance with Colorado Statute CRS 18-12-214(3), under no circumstances may a person other than a certified peace officer carry a firearm or other equipment defined in Board Policy onto the real property, or into any improvements erected thereon, of a public elementary, middle, junior high, or high school.

In accordance with Colorado Statute CRS 18-12-214(3)(a), a concealed weapon permittee may have a handgun on the real property of the public school so long as the handgun remains in his or her vehicle and, if the permittee is not in the vehicle, the handgun is in a compartment within the vehicle and the vehicle is locked.

## Appendix D: Additional Resources

### LCC Security Department of Campus Safety Internet Links

- Lamar Community College: <http://www.lamarcc.edu/>
- LCC Security Department: <http://www.lamarcc.edu/student-life/campus-safety/>
- LCC Emergency Operations Plan: <https://www.lamarcc.edu/wp-content/uploads/2013/06/EmergencyResponsePlan.pdf>
- LCC Emergency Response Guide: <https://www.lamarcc.edu/student-life/campus-safety/>
- LCC Emergency Notification System: <http://www.lamarcc.edu/student-life/campus-safety/>
- Crime Prevention Tips: <http://www.lamarcc.edu/wp-content/uploads/2013/06/SafetyTips.pdf>
- Safety and Emergency Procedures: <http://www.lamarcc.edu/wp-content/uploads/2013/06/SafetyTips.pdf>

### Mental Health and Substance Abuse Resources

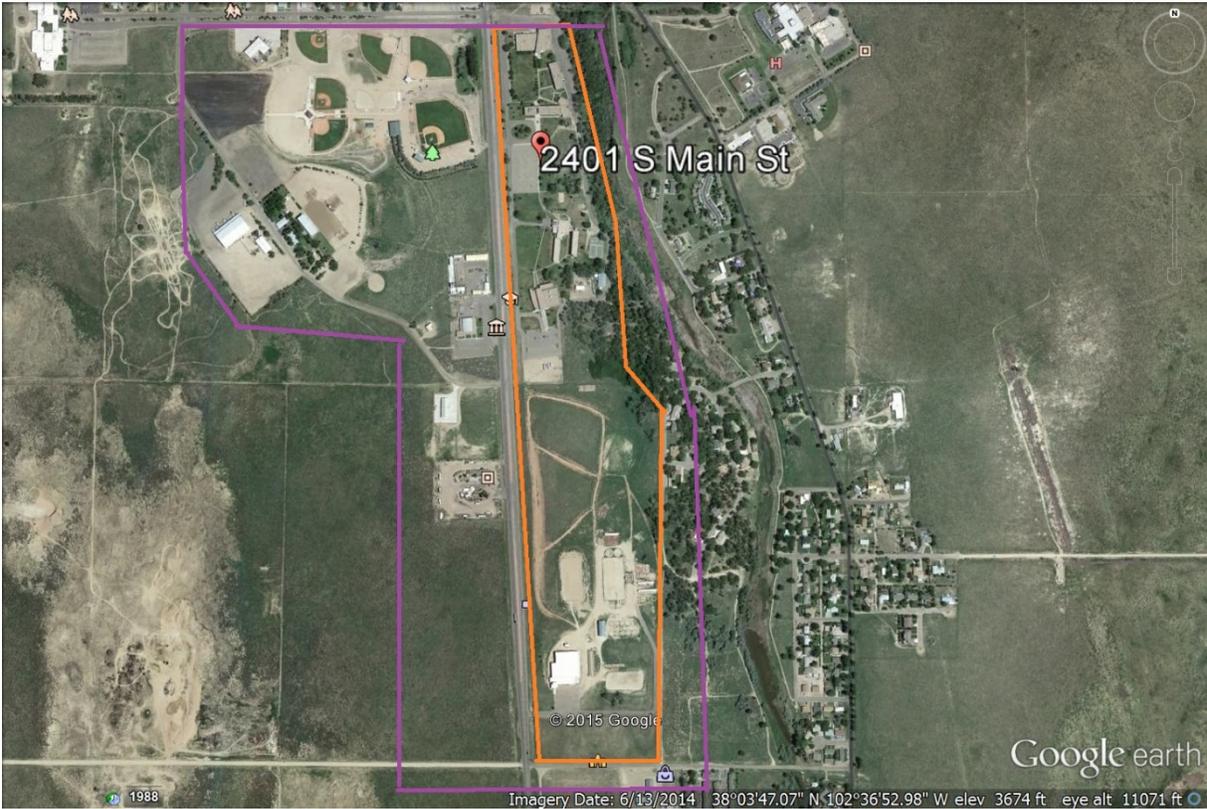
- Crossroads Turning Points Inc: (719) 336-2600
- Partnership for Progress, LLC: (719) 336-0478
- Domestic Safety Resource Center: (719) 336-4357 or 1-800-639-4895
- US National Domestic Violence Hotline: 1-800-799-7233 or 1-800-787-3224
- Cocaine Anonymous Hotline: 719-448-0110
- Hi-Plains Community Health Center: (719) 336-6976
- Domestic Violence and Sexual Assault (24 hours/day): 719-633-3819
- Eating Disorders: 719-578-9730
- Southeast Mental Health Group: 719-336-7501
- Heartbeat (Suicide Bereavement): 719-596-2575 (May have to leave a message)
- HIV/AIDS Hotline: 1-800-CDC-INFO (1-800-232-4636)
- Narcotics Anonymous: 719-637-1580 or <http://www.nacolorado.org>
- National Organization for Victim Assistance: 1-800-879-6682 or <http://www.trynova.org/>

- National Sexual Assault Hotline: 1-800-656-HOPE or <http://www.rainn.org>
- National Suicide Prevention Lifeline: 1-800-273-8255 or <http://www.suicidepreventionlifeline.org>
- Lamar Area Hospice Association: 719-336-2100
- Christian Counseling, Elizabeth & Roger Alliman: (719) 598-8551
- Safe2Tell: 1-877-542-SAFE or <http://safe2tell.org/>
- Colorado Crisis Services: 1-844-493-8255
- CareNet Pregnancy Center of Southeast Colorado: (719) 336-1135

# Appendix E: Campus Maps

The map of Lamar Community College campus in this appendix uses the following legend to denote boundaries of on-campus areas and public property.

- On Campus 
- Public Property 



## 1. Introduction

On August 14, 2008, President George W. Bush signed the Higher Education Opportunity Act of 2008. In order to comply with this act and to better inform Lamar Community College students, prospective students, and parents of how fires affect university residential facilities, the Director of Facilities has compiled all required fire statistics and fire safety information for on-campus student housing facilities into the 2014 Annual Fire Safety Report.

## 2. Description of Fire Safety Systems for On-Campus Student Housing Facilities

Table 1 below describes the safety systems in place at Lamar Community College. All buildings also have portable fire extinguishers sized and located in accordance with adopted building code and fire code. Each facility also has emergency evacuation plans in place indicating locations of exits, manual fire alarm boxes, and portable fire extinguishers

### a. Table 1: Fire Safety Systems Summary

On-Campus Residence Halls	Fire-sprinkler protection	Single-Station Smoke Alarms (not centrally monitored)	System Smoke Detection (monitored by building fire alarm system)	Date of Fire Drills Performed	
				Spring Semester 2016	Fall Semester 2017
Todd-Burch Hall	No	No	Yes	9/27/16	1/27/17

## 3. Number of Fire Drills Performed

Fire drills are performed in on-campus residential occupancies once per semester (twice per calendar year). Refer to Table 1 in previous section for dates of each fire drill performed.

## 4. Fire Safety Policies in Student Housing Facilities

A full list of policies in student housing facilities and procedures that promote fire safety can be found at: <http://www.colorado.edu/firelifesafety/residence-halls>

## **a. Portable Electric Appliances**

Electrical appliances that can generate heat or malfunction should never be left unattended. They should be unplugged after use and not stored until they are cool enough to touch.

## **b. Smoking**

All residence halls are designated as completely smoke free. Smoking is not permitted in residential or common areas of the residence halls. Smoking is permitted outside the residence halls 25 feet away from entrances, windows, vents or any other area where the smoke may impact other community members. Careless disposal of matches and cigarette butts is a common cause of fire. Use caution when disposing of such items.

If living in off-campus rentals, avoid smoking on all type of combustible furniture. Smoking in bed is extremely dangerous and is one of the primary causes of fires in living areas. Also please ensure that a sufficient number of ashtrays are provided and that ashtrays are emptied on a regular basis and when necessary.

## **c. Open Flames**

Many fires occurring in residence halls are a result of burning candles. Camp stoves, open coil heating or cooking elements, kerosene lamps, etc., can be extremely hazardous. These open flame devices are not permitted in student rooms. Similarly, burning incense is not allowed. Cooking on barbecue grills and hibachis is not allowed in or around the halls. Activities such as making candles or waxing skis are not permitted in your room or areas in the halls.

## **5. Procedures for Student Housing Fire Evacuation**

In the event of a fire, all building occupants are instructed to always evacuate the building promptly via the nearest clear exit and to remain in the designated area outside the building until they are given the word to re-enter the building. Staff and residents have been made aware of manual fire alarm box locations within the facility and the fire alarm system may be activated while exiting the building, but in no case should residents jeopardize their safety to activate the alarms. Once outside the building, the fire should be reported by dialing 9-1-1.

## **a. If You Hear a Fire Alarm**

1. Immediately evacuate the building via the shortest and safest route. Do not use elevators.
2. If you notice smoke, use the alternative escape route.
3. Test doors with the back of your hand before opening them. If the door is warm or if you notice smoke, use an alternative escape route. Check paths for safety before proceeding and close doors behind you.
4. Crawl low if you have to go through smoke.
5. Go to a safe area or to a pre-assigned exterior area for your building.
6. If you suspect that someone is missing or trapped, contact the emergency personnel outside the building.
7. If you are trapped during a fire emergency, close all doors between you and the fire. Stuff cracks around the doors to keep out smoke. Wait at a safe window and signal/call for help. If there is a phone in the room, call the fire department or 911 and tell them exactly where you are.
8. Stop, Drop and Roll if your clothing catches fire.

## **b. If You Discover a Fire**

1. Leave the fire area and close the door to the area.
2. Sound the fire alarm.
3. Immediately evacuate the building via the shortest and safest route. (Proper use of fire extinguishers within extinguisher limits and by trained individuals is optional but should not be attempted until building alarm is actuated and people are evacuated.)
4. Do not use elevators. A fire can disrupt the operation of elevators and trap occupants inside.
5. If you notice smoke, use the alternate escape route.
6. Test doors with the back of your hand before opening them. If the door is warm or if you notice smoke, use an alternative escape route. Check paths for safety before proceeding and close doors behind you.
7. Crawl low if you have to go through smoke.
8. Go to a safe area or to a pre-assigned exterior area for your building.
9. From the nearest phone in a safe area, call 911.
10. Await emergency response personnel at safe location and direct them to the scene.
11. If you suspect that someone is missing or trapped, contact the emergency personnel outside the building.
12. If you are trapped during a fire emergency, close all doors between you and the fire and stuff cracks around the doors to keep out smoke. Wait at a safe window and signal/call for help. If there is a phone in the room, call 911 and tell them exactly where you are.
13. Stop, Drop and Roll if your clothing catches fire.

### **c. Once You Have Evacuated**

9. From the nearest phone in the safe area, call 911.
10. If you suspect that someone is missing or trapped, contact firefighters on scene or at the fire engine, police officers, or ambulance personnel.
11. Await emergency response personnel at a safe location and direct them to the scene. Report the fire to the hall office or the nearest available resident advisor. Do not reenter the building until instructed to do so by the fire department.
12. Follow directions of fire and police personnel and the housing staff.
13. Report to the person who is taking roll.
14. Never reenter the building to save your personal belongings.
15. Stay calm.

## **6. Policies Students and Employees Should Follow In Case of a Fire**

Your worst enemy during a fire is smoke. If you're surrounded by smoke, get down on the floor and crawl to safety. Hold your breath and close your eyes if you can. Close doors behind you as you escape. Always use stairs to escape. Never use an elevator. Here are a few simple fire safety tips:

Learn the location of fire exits and alarm pull stations near you and know the emergency number for assistance – 911.

Sound the fire alarm if you see smoke or detect a burning odor.

Have a prepared escape plan and know your escape route.

Remember to remain calm.

Use exit stairs. Never use elevators.

Close doors behind you as you escape. In most cases, this will prevent smoke damage and fire from entering the room you are exiting.

Do not re-enter a fire-damaged building until it has been declared safe.

If you become trapped, seal off cracks around doors and vents with cloth or rugs. (Soak them in water if possible.)

Shut off fans and air conditioners.

Signal for help from a window.

## 8. Fire Reporting

Per federal law, Lamar Community College is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. The following directions are for use by CU-Boulder faculty, staff, students, and visitors, for ensuring that the proper authorities are contacted when a fire occurs.

### Emergency Procedure

These directions are specifically for when a small fire has been discovered even if it is extinguished before the fire department is called. Please note that the Lamar Fire Department needs to be called (dial 9-1-1) for any fire accidents on campus, no matter how small it may be.

- Contact 9-1-1, even if the fire appears to be extinguished. If using a non-campus (cell) phone, mention that you are calling from LCC.
- Wait, in a safe location, for the fire department to arrive.

### Non-Emergency Procedure

Listed below is the procedure for reporting fires that have already been extinguished or where evidence of an extinguished fire exists. These are for fires for which you are unsure whether Facilities Management may already be aware. If you find evidence of a fire or if you hear about such a fire, please contact the following:

- Contact the Facilities Management Service Center at (719) 336-1543.
  - Inform them of your location, the fire location and whether you believe it has been extinguished.
  - Inform the service desk if a fire extinguisher was discharged during the fire and request a replacement extinguisher as soon as possible.
  - Provide them with the location of this extinguisher.

All calls related to fire incidents received by the Facilities Management are routed to the Lamar Fire Department for response by the emergency/first responders on duty. Annually, fire alarm statistics are compiled by Campus Safety.

<b>Fires</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Todd-Burch Hall	0	0	0
Fire Related Injuries	0	0	0
Fire Related Deaths	0	0	0
Property Value Damage	0	0	0
Cause of Fire			
Date of Fire			
Time of Fire			
General Location of Fire			