

# Independence Community College - West Campus

## 2023 ANNUAL SECURITY REPORT

### **Introduction**

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Independence Community College ("College" or "ICC") with information on: the College's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the College will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

### **Policy for Preparing the Annual Report**

This report is prepared by David Adams, Vice President for Student Affairs, in cooperation with local law enforcement authorities and includes information provided by them as well as by the College's campus security authorities and various other elements of the College. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting David Adams, Vice President for Student Affairs, located at Student Union, room 101, Independence Community College, 1057 W. College Ave. Independence KS. 67301. The College is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

### **General Safety and Security Policies**

#### **Campus Security Personnel & Relationship with Local Law Enforcement**

The College does not have a campus security department or police department. Instead, the college utilizes the Maintenance & Facilities Department and employs one staff member who's title is Campus Security Officer and has a focus on Campus Security. Members from the Maintenance & Facilities Department assist this staff member when necessary.

The ICC Security staff are responsible for campus safety at the College. Safety personnel are not certified law enforcement officers and do not carry weapons, have arrest powers, or

investigate crimes. They patrol the campus for unusual occurrences and serve as visible deterrents. The jurisdiction of Campus Safety covers the Main Campus and West Campus.

While the College does not have any written agreements with local law enforcement agencies, it does maintain a close working relationship with local police, specially the Montgomery County Sherriff (MCSD) and the Independence Police Department (IPD).

MCSD and IPD have full law enforcement privileges and work with campus officials to ensure campus safety and in planning for future safety efforts.

ICC Security are responsible for crime prevention, facility monitoring, parking control, emergency response, security of special events, and various other community services on campus. Where appropriate, ICC Security may also refer the individual to the Office of Student Affairs.

All ICC Security officers meet training requirements. Major offenses such as rape, murder, aggravated assault, robbery, and auto theft are reported to the local police. When appropriate, ICC security will provide support to law enforcement agencies such as state and local law enforcement offices that are deployed to investigate these serious felony crimes. The prosecution of all criminal offenses, both felony and misdemeanor, are conducted in the appropriate local, state, or federal court. Local law enforcements have full jurisdictional access throughout all ICC properties.

When an ICC student is involved in an off-campus offense, ICC security officials may assist with the investigation in cooperation with local, state, or federal law enforcement. ICC Security and Montgomery County Sheriff's Department maintain a close working relationship and Department officers routinely work and communicate with ICC security officers on any serious incidents occurring on-campus or in the immediate neighborhood and business areas surrounding campus. ICC security requests specified crime statistics reported to local police agencies that occurred on or near campus and on ICC controlled or affiliated property be reported for inclusion in the College's Annual Crime Report.

### **Campus Security Authorities**

The College has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the College's annual report of crime statistics. The campus security authorities to whom the College would prefer that crimes be reported are listed below.

- Director of Student Life Cody Westerhold at [cwesterhold@indycc.edu](mailto:cwesterhold@indycc.edu) 620-332-5496
- Vice President for Student Affairs David Adams at [dadams@indycc.edu](mailto:dadams@indycc.edu) 620-332-5653

### **Reporting a Crime or Emergency**

The College encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the College, or on nearby public property to the appropriate administrator and appropriate police agencies.

Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so.

- All crimes occurring on or near College property should be reported immediately to the ICC Security Department. The number to contact is 620-331-8558. Off-campus resources can be accessed by calling the Independence Police Department at 620-332-1700 or the Montgomery County Sheriff's Office at 620-330-1000.
- If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 911.
- Students, staff, and visitors should also report situations to one of the campus security authorities identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a College staff member will assist in making the report to police.
- Anonymous incident reports can also be made by visiting: <https://www.indycc.edu/student-life/student-complaints>.

### **Crimes in Progress**

To report a crime in progress, a person, victim or witness can dial Campus Security at (620) 331-8558 or dial 911.

Any reporting method may prompt the response of police, fire, ambulance, or other first responders. In addition, the victim of a serious crime can request support personnel such as ministers and rape crisis or domestic violence counselors, during or after reporting the incident.

Additionally, crime victims may be eligible for additional support services administered through the local county attorney's office.

Prompt reporting of criminal activity to a member of the 911 or Campus Security enables a quick response, a timely warning, and a safer campus for everyone. In addition, the Vice President for Student Affairs, David Adams should be notified at 620-332-5653.

If you are the victim of a crime, or a witness to one, you should do the following:

1. **Call the police immediately:** Dial 911 for emergencies.
2. **Obtain a description:** Attempt to obtain a description of the offender(s) including gender, age, race, hair, clothing and distinguishing features. Also attempt to obtain a description and license number of any vehicle(s) involved. Note the direction of travel of any offender(s) or vehicle(s) and report these to the police.
3. **Preserve the crime scene:** Do not touch any items involved in the incident. Close off the area of the incident, and do not allow anyone in the crime area until police arrive.

## **Crime Reporting**

Crime victims and witnesses, regardless of the crime, are encouraged to promptly report incidents to the Montgomery County Sheriff's office, Campus Security or other appropriate campus authority. To report a crime, the victim or witness, if he or she elects to, needs only to call the Police / Security and a representative will meet them to gather information. An official report will be made with copies available to the victim within 24 hours.

To report a crime or issue involving personal safety or security, you should contact Campus Security at (620) 331-8558 or dial 911.

If a victim is unable to report, another member of the campus community is encouraged to report the crime.

Students, employees, and patrons are encouraged to report any;

- Criminal activity
- Strange or suspicious persons, vehicles, or articles
- Persons in need of medical assistance
- Structure or vehicle fires
- Any other emergency

## **Confidential Reporting**

The College will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim's identity.

Pursuant to the College's Title IX Policies and Procedures, when an employee who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the College disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the College without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the College take appropriate steps to ensure the future safety of the victim and others. With such information, the College can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the College.

Anonymous tips can be made through the ICC Campus Website through the Report It system page located at <https://www.indycc.edu/student-life/report-it>. While this channel is

used for more than crime reporting, each message is routed to the appropriate person for review and action. Students may also make confidential reports through the Vice President for Student Affairs at (620) 332-5653 indicating the intent to remain unidentified, however, there is an exception for any Title IX reportable offense. If a Title IX offense is reported, it will be disclosed to the Title IX Coordinator.

The College does not employ any pastoral or professional counselors and thus does not have procedures for these positions to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

### **Security of and Access to Campus Facilities**

The ICC West campus is open to the public but maintains various operational hours dependent on the semester. Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others:

- Do not prop doors open or allow strangers into campus buildings that have been secured
- Do not lend keys or access cards to non-students and do not leave them unattended
- Do not give access codes to anyone who does not belong to the campus community

ICC West Campus Building entrances are controlled by lock and key. Most building entrance/exit doors have a “crash” bar system. Internal doors have more traditional door locking mechanisms that include bolt or push button hardware.

During non-operational hours, all buildings are secured by Campus Facilities. Access during non-operational hours is by key. Some employees have authorization to utilize an issued key. These employees must advise Facilities of their presence in the building during non-operational hours.

During patrols, security officers regularly check the interior and exterior of all buildings. ICC campus buildings have small scale independent CCTV systems in each building. The primary focus of most building camera systems is the common areas.

ICC West Campus does not have Student Housing.

### **Security Considerations in the Maintenance of Facilities**

The Facilities Department works to identify maintenance issues on campus that may be safety hazards. Safety checks are completed to identify street or safety lights that are not functioning properly, or to determine if shrubs or other landscaping might need trimming. Maintenance personnel regularly check to ensure there is adequate lighting on pathways and that egress lighting is working in hallways and stairwells.

## **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The College seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs are discussed below.

The College provides information at the beginning of each academic term for students and employees regarding the College's security procedures and practices. This information is in the form of posters and other displays, and email blasts. Among other things, it advises students and employees of the importance of reporting criminal activity, to whom crimes should be reported, being responsible for their own safety and the safety of others and practices regarding timely warnings and emergency notifications.

Crime prevention programs are also presented each semester by Student Life. In addition, email blasts are periodically sent out to students and employees with crime prevention and other safety tips, and pamphlets and videos on crime prevention are available in the Office of Student Life.

### **Campus Safety Committee**

The prevention of criminal activity on ICC properties is a shared responsibility. It is essential for the Campus Safety Committee to involve students, employees, and visitors in making ICC a safe and secure campus. The Safety Committee encourages students and employees to be responsible for their own security and the security of others. The Safety Committee will facilitate this by actively involving itself in crime prevention and safety education opportunities provided by Academic Affairs, Human Resources, Student Affairs, and the Department of Marketing.

The Campus Safety Committee utilizes the following opportunities and actions to prevent crime and facilitate response to emergencies:

- New Student Orientation
- New Employee Orientation
- Faculty training sessions
- Student organization presentations
- Media articles
- Classroom presentations
- Classroom emergency posters
- Campus community safety presentations
- Annual emergency drills
- Handouts at special events

The dissemination of campus security procedures and practices is a vital role of the Campus Safety Committee. The Campus Safety Committee provides initial and ongoing training to all ICC faculty, staff, and students.

### **Monitoring Off Campus Locations of Recognized Student Organizations**

The College does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

### **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the College will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

### **Drug and Alcohol Policy**

The College is committed to creating and maintaining an environment that is free of alcohol abuse. The College prohibits the possession, use, and sale of alcohol beverage on campus or as any part of the College's activities, unless it is done so in accordance with applicable College policies, and it also enforces the state's underage drinking laws.

The College also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the University's activities. Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

ICC seeks to encourage and sustain an academic environment that respects individual freedoms and promotes the health, safety, and welfare of its students, faculty, staff, and visitors. Students, faculty, staff, and visitors are expected to know and follow the applicable federal, state, and local laws, and all ICC rules and regulations. ICC enforces compliance with state law and alcoholic beverage laws on campus and at college-sponsored activities.

### **Commitment to a Drug Free Campus:**

As an educational and public service institution, Independence Community College (ICC) recognizes its responsibility to promote a productive learning and working environment. The Drug Free Workplace Act of 1988 and the Drug Free Schools and Communities Act

Amendment of 1989 required the establishment of anti-drug programs and prohibited the use of illicit drugs in the workplace of an educational institution that received federal funds. In order to meet its responsibilities, the College established the following policy.

**Philosophy:**

Independence Community College is committed to social justice and the well-being of the total community, as indicated by its educational offerings and open-door policy. The maintenance of a drug-free campus is part of this commitment. The drug-free policy is designed to provide a drug-free environment for students and employees wherein intellectual, physical and social activities may occur. The long-term well-being of students and employees is the objective of the policy.

**Policy:**

The illegal manufacture, distribution, possession or use of illicit drugs or alcohol on the Campus or anywhere else as any part of the College's activities is strictly prohibited.

Employees are forbidden to perform safety-, security- or image- sensitive functions for the College while a prohibited drug is in their system or possession. An employee must notify their supervisor in writing of a criminal conviction of a drug-related or alcohol-related offense no later than five days following the conviction.

A referral service for drug or alcohol counseling and treatment is available through the Student Affairs area to students and through Human Resources for employees. Treatment and rehabilitation programs will be conducted at the direction and the expense of the student or employee. Sick leave or other appropriate benefits may be available for treatment or rehabilitation services for benefits-eligible ICC employees. Seeking help from, being referred to or from these services is confidential and will not, alone, result in any disciplinary action. Individual privacy will be maintained in any counseling/ rehabilitation process. Satisfactory completion of a treatment or rehabilitation program may entitle the student or employee to re-enter a Campus program of study or employment. Drug and alcohol testing of applicants for regular positions (50% or more) and current employees shall be conducted in accordance with applicable federal and state law.

Students and employees will receive notification of the College's policy, applicable legal sanctions (described below) and a description of the health risks associated with the use of illicit drugs and the abuse of alcohol.

A violation of this policy will be considered a major offense, which can result in the immediate recommendation for dismissal of an employee or expulsion of a student. Employees may be required to demonstrate satisfactory participation in a drug rehabilitation program. A criminal conviction is not required for sanctions to be imposed upon an employee or student for violations of this policy.

**HEALTH RISKS**

Serious health risks are associated with the use of illicit drugs and the abuse of alcohol and include, without limitation: a lowered immune system, damage to critical nerve cells, physical dependency, lung damage, heart problems, liver disease, physical and mental depression, increased infection, irreversible memory loss, personality changes and thought disorders. With most drugs, it is possible that users will develop psychological and physical dependence. The general categories of drugs and their effects follows:

## **ILLCIT DRUGS**

**Amphetamines/Methamphetamine Stimulants: (Speed, Uppers, Crank, Ecstasy, etc.)** Speed up the nervous system, which can cause increased heart and breathing rates, higher blood pressure, decreased appetite, headaches, blurred vision, dizziness, sleepiness, anxiety, hallucinations, paranoia, depression, convulsions and death due to a stroke or heart failure.

**Anabolic Steroids** Seriously affect the liver, cardiovascular and reproductive systems. Can cause sterility in males and females, as well as impotency in males.

**Barbiturates/Depressants/Benzodiazepines: (Downers, Quaaludes, Valium, etc.)** Slow down the central nervous system, which can cause decreased heart and breathing rates, lower blood pressure, slow reactions, confusion, distortion of reality, convulsion, respiratory depression, coma and death. Depressants combined with alcohol can be lethal.

**Cocaine/Crack/Ice** Stimulates the central nervous system and is extremely addictive, both psychologically and physically. Effects include dilated pupils, increased heart rate, elevated blood pressure, insomnia, loss of appetite, hallucinations, paranoia, seizures and death due to cardiac arrest or respiratory failure.

**Hallucinogens: (PCP, angel dust, LSD, etc.)** Interrupt the functions of the part of the brain that controls the intellect and instincts. May result in self-inflicted injuries, impaired coordination, dulled senses, incoherent speech, depression, anxiety, violent behavior, paranoia, hallucinations, increased heart rate and blood pressure, convulsions, coma and heart and lung failure.

**Cannabinoids: (Marijuana, hashish, hash, etc.)** Impairs short-term memory, comprehension, coordination and motivation. May cause paranoia and psychosis. Marijuana smoke contains more cancer-causing agents than tobacco smoke. The way in which marijuana is smoked – deeply inhaled and held in the lungs for a long period – enhances the risk of getting cancer. Combined with alcohol, marijuana can produce a dangerous multiplied effect.

**Narcotics: (Heroin, Morphine, Demerol, Percodan, etc.)** Initially produce feelings of euphoria often followed by drowsiness, nausea and vomiting. An overdose may result in convulsions, coma and death. Tolerance develops rapidly and dependence is likely. Using contaminated syringes to inject such drugs may result in AIDS.

## **OTHER ADDICTIVE SUBSTANCES:**

**Alcohol** Causes short-term changes in behavior, impairment of judgment and coordination, greater likelihood of aggressive acts, respiratory depression, irreversible physical and mental abnormalities in newborns (fetal alcohol syndrome) and death. Long-term effects of alcohol abuse include damage to the liver, heart and brain. Alcohol may cause such conditions as: ulcers, gastritis, malnutrition, delirium tremors and cancer. Alcohol combined with other barbiturates/depressants can prove to be a deadly mixture.

**Tobacco/Nicotine** Causes the death of an estimated 170,000 people in the United States each year from smoking-related coronary heart disease. About 30 percent of the 130,000 cancer deaths each year are linked to smoking. Lung, larynx, esophagus, bladder, pancreas and kidney cancers strike smokers at increased rates. Emphysema and chronic bronchitis are ten times more likely among smokers.

Further information concerning health risk may be found in the Student Affairs area. One's personal physician should also be consulted about the health risks associated with alcohol and drug use.

### **College Sanctions:**

Disciplinary sanctions for violations of the standards of conduct required by this policy will be imposed on students and employees as identified in the Student Handbook (for students) and the Policies and Procedures Manual (for employees). Courts do not excuse individuals convicted of these offenses from a prison sentence to go to college or work. A conviction for such an offense could seriously affect one's record and prevent entry into many careers. ICC requires students to abide by the terms of this policy as a condition of College attendance.

### **Federal Drug Laws (updated 08.01.2023)**

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 U.S.C. § 841)** Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally-defined schedules of controlled substances are published at 21 U.S.C. 812.

In the case of a controlled substance in schedule I or schedule II, GHB (or, "liquid ecstasy"), or flunitrazepam (or, "rohypnol"), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of

distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (**21 U.S.C. § 860**) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

**Federal Drug Possession Penalties (21 U.S.C. § 844)** Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at [www.campusdrugprevention.gov/sites/default/files/2022-07/Federal Trafficking Penalties Chart 6-23-22.pdf](http://www.campusdrugprevention.gov/sites/default/files/2022-07/Federal_Trafficking_Penalties_Chart_6-23-22.pdf).

### Drug and Alcohol State Laws

Category	Summary (Kansas Statutes)
Possession of Marijuana	Possession of marijuana is a Class B nonperson misdemeanor in Kansas with the possibility of six months incarceration and a fine of up to \$1,000. Kan. Stat. Ann. § 21-5706(c)(3)(A); § 21-6602; § 21-6611. Penalties increase with additional convictions. §§ 21-5706(c)(3)(B)–(C); § 21-6602; § 21.6611. Kansas does not allow the medical use of marijuana.
Controlled Substances	It is illegal in Kansas to be in possession of a controlled substance. §§ 21-5706(a)–(b). Penalties vary widely based on the offense and the defendant’s criminal history. §§ 21-5705–21-5710.  Possession of opiates, opium, or certain stimulants (including methamphetamine) is a Level 5 felony for which a defendant faces up to 3.5 years in prison and \$100,000 in fines. §§ 21-5706(c)(1); 21-6611(a)(3).

Category	Summary (Kansas Statutes)
	<p>For certain other drugs, the first offense is a Class A nonperson misdemeanor, with up to a year in prison and up to \$2,500 in fines. Prior offenses result in a level 5 felony. § 21-5706(c)(2)(B). Possession of drug paraphernalia is also illegal. § 21-5709.</p> <p>Distribution of controlled substances is also illegal, with punishments dependent on the substance and the amount. § 21-5705.</p>
Alcohol and Minors	<p>No person under the age of 21 shall possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic beverages. § 41-727. Doing so results in a minimum fine of \$200. <i>Id.</i> It may also result in 40 hours of community service and/or completion or an educational training program regarding the results of alcohol and other chemical substances. <i>Id.</i> Second convictions result in a 90-day loss of driving privileges. <i>Id.</i> Third convictions result in a one-year loss of driving privileges. <i>Id.</i></p>
Driving Under the Influence (DUI)	<p>It is illegal to operate or attempt to operate a car with a blood alcohol content greater than 0.08 percent or under the influence of any drug as measured within three hours of the time of operating the vehicle. § 8-1567(a). A first offense is a class B, nonperson misdemeanor with a minimum imprisonment from 48 consecutive hours up to six months, or 100 hours of public service and a fine of \$750–\$1000. § 8-1567(b)(1)(A). For a second offense, the penalties increase to a class A, nonperson misdemeanor with a minimum imprisonment from 90 days up to one year and not fined less than \$1,250 nor more than \$1,750. § 8-1567(b)(1)(B).</p>

### Drug and Alcohol Abuse Prevention Program

The College has a drug and alcohol abuse and prevention program and conducts a biennial review of this program to evaluate its effectiveness. For more information, see below.

- Student alcohol/drug policy (ICC Student Handbook): [https://campussuite-storage.s3.amazonaws.com/prod/11159/aa151c12-1ca3-11e6-b537-22000bd8490f/2631419/28c88194-2651-11ee-8c6f-0a58a9feac02/file/2023 24%20Handbook.pdf](https://campussuite-storage.s3.amazonaws.com/prod/11159/aa151c12-1ca3-11e6-b537-22000bd8490f/2631419/28c88194-2651-11ee-8c6f-0a58a9feac02/file/2023%20Handbook.pdf)
- Employee alcohol/drug policy (ICC Board Policy Handbook): <https://campussuite-storage.s3.amazonaws.com/prod/11159/aa151c12-1ca3-11e6-b537-22000bd8490f/2651442/90af469e-46ae-11ee-8fea-0a58a9feac02/file/2023-2024%20Board%20Policy%20and%20Procedure%20Manual.pdf>
- Biennial review of the College’s drug and alcohol abuse prevention program:

<https://www.indycc.edu/student-life/right-to-know>

<https://campussuite-storage.s3.amazonaws.com/prod/11159/aa151c12-1ca3-11e6-b537-22000bd8490f/2599955/fcf6063c-fa44-11ed-8e47->

## **Alcohol and Drug Abuse Education Programs**

ICC is committed to providing its students and employees a drug and alcohol free workplace and learning environment to promote the reputation of ICC and its employees as responsible citizens of public trust, and to provide a consistent model of substance-free behavior for students. ICC, including all of its locations, shall provide a safe, responsive environment for all students and employees.

ICC uses a comprehensive approach to address alcohol and other drug use on campus, focusing on policy, education, collaboration, enforcement, and intervention. All components work together to ensure that students and employees are provided information and resources that promote a safe and healthy environment that attempts to mitigate risk as it pertains to alcohol and other drug use. Below is a list of programs offered to prevent the use of drugs and alcohol.

Specific Efforts or activities included:

1. Review of Student Catalog/Handbook
2. Review of Faculty/Staff Programming
3. Completion of the Drug-Free Schools and Campus Regulations Compliance Checklist
4. Review of Campus Alcohol and Drug Violations
5. Review of Drug and Alcohol programming of previous years
6. Establishment of recommended actions for future.

The College will continue to develop, assess, and pursue the best practices for our campus community to create a safe and healthy learning and working environment for our students and employees.

Federal drug-free schools and campus regulations require institutions of higher education to conduct a biennial review of their alcohol and other drug programs and policies to determine program effectiveness and consistency of policy enforcement, and to identify and implement any changes needed.

### **This review has the following objectives:**

- Determine the presence and effectiveness of a Drug and Alcohol Abuse Prevention Program.
- Document the existence of procedures for distributing the annual notification to students, faculty, and staff and ensure they are followed.

- Ensure that disciplinary sanctions for violating standards of conduct are applied consistently.
- Recommend any necessary changes to the Drug and Alcohol Prevention Program and Policy.

**Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

Consistent with applicable laws, the College prohibits dating violence, domestic violence, sexual assault, and stalking. The College's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- Title IX Policies and Procedures: <https://campussuite-storage.s3.amazonaws.com/prod/11159/aa151c12-1ca3-11e6-b537-22000bd8490f/2480572/62bb35a2-39eb-11ed-bb56-0ab3319b10ed/file/2022-23%20ICC%20ATIXA%20Policy%20Website%20Addition%209-21-22.pdf>. The following sections of this report discuss the College's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

**Primary Prevention and Awareness Program:**

The College conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the College prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

**Crime Definitions**

<b>Crime Type (Kansas Statutes Annotated)</b>	<b>Definitions</b>
Dating Violence	The institution has determined, based on good-faith research, that Kansas law does not define the term dating violence.
Domestic Violence	<ul style="list-style-type: none"> <li>• Domestic Violence (Kan. Stat. Ann. § 21-5111): “Domestic violence” means an act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. “Domestic violence” also includes any other crime</li> </ul>

Crime Type (Kansas Statutes Annotated)	Definitions
	<p>committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member.</p> <ul style="list-style-type: none"> <li>• Domestic Battery (Kan. Stat. Ann. § 21-5414(a)): Domestic battery is (1) Knowingly or recklessly causing bodily harm to a person with whom the offender is involved or has been involved in a dating relationship or a family or household member; or (2) knowingly causing physical contact with a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner.</li> <li>• Aggravated Domestic Battery (Kan. Stat. Ann. § 21-5414(b)): Aggravated domestic battery is: (1) Knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat, neck or chest of a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner; or (2) knowingly impeding the normal breathing or circulation of the blood by blocking the nose or mouth of a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner.</li> </ul> <p>For purpose of the above definitions:</p> <ul style="list-style-type: none"> <li>• “Dating relationship” means a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since termination of the relationship, if applicable.</li> <li>• “Family or household member” means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and person who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time. “Family and household member” also includes a man and woman if the woman is pregnant and the man is the alleged father, regardless</li> </ul>

Crime Type (Kansas Statutes Annotated)	Definitions
	<p>of whether they have been married or have lived together at any time.</p>
<p>Stalking (Kan. Stat. Ann. § 21-5427)</p>	<ul style="list-style-type: none"> <li>• Stalking is: (1) Recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear; (2) Engaging in a course of conduct targeted at a specific person with knowledge that the course of conduct will place the targeted person in fear for such person's safety or the safety of a member of such person's immediate family; or (3) After being served with, or otherwise provided notice of any protective order...that prohibits contact with a targeted person, recklessly engaging in at least one act listed [below] that violates the provisions of the order and would cause a reasonable person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear; or intentionally engaging in a course of conduct targeted at a specific child under the age of 14 that would cause a reasonable person in the circumstances of the targeted child, or a reasonable person in the circumstances of an immediate family member of such child, to fear for such child's safety.</li> <li>• "Course of conduct" means two or more acts over a period of time, however short, which evidence a continuity of purpose. A course of conduct shall not include constitutionally protected activity nor conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. A course of conduct shall include, but not be limited to, any of the following acts or a combination thereof: (A) Threatening the safety of the targeted person or a member of such person's immediate family; (B) Following, approaching or confronting the targeted person or a member of such person's immediate family; (C) Appearing in close proximity to, or entering the targeted person's residence, place of employment, school or other place where such person can be found, or the residence, place of employment or school of a member of such person's immediate family; (D) Causing damage to the targeted person's residence or property or that of a member of such person's immediate family; (E) Placing an object on the targeted person's property or the property of a member of such person's immediate family, either directly or through a third person; (F) Causing injury to the targeted person's pet or a pet belonging to a member of such person's immediate family; (G) Utilizing electronic tracking system</li> </ul>

Crime Type (Kansas Statutes Annotated)	Definitions
	<p>or acquiring tracking information to determine the targeted person’s location, movement or travel patterns; and (H) Any act of communication.</p> <ul style="list-style-type: none"> <li>• “Immediate Family” means: (A) father, mother, stepparent, child, stepchild, sibling, spouse or grandparent of the targeted person; (B) any person residing in the household of the targeted person; or (C) any person involved in an intimate relationship with the targeted person.</li> </ul>
Sexual Assault	The institution has determined, based on good-faith research, that Kansas law does not define the term sexual assault.
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Kansas law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape (Kan. Stat. Ann. § 21-5503): (1) Knowingly engaging in sexual intercourse with a victim who does not consent to the sexual intercourse under any of the following circumstances: (A) When the victim is overcome by force or fear; or (B) when the victim is unconscious or physically powerless; (2) Knowingly engaging in sexual intercourse with a victim when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender; (3) sexual intercourse with a child who is under 14 years of age; (4) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a medically or therapeutically necessary procedure; or (5) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a legally required procedure within the scope of the offender's authority.</li> <li>• Fondling: The institution has determined, based on good-faith research, that Kansas law does not define the term fondling.</li> <li>• Incest (Kan. Stat. Ann. § 21-5604(a)): Incest is marriage to or engaging in otherwise lawful sexual intercourse or sodomy, as defined in K.S.A. 21-5501, and amendments thereto, with a person who is 18 or more years of age and who is known to the offender to be related to the offender as any of the following biological relatives: Parent, child, grandparent of any degree,</li> </ul>

Crime Type (Kansas Statutes Annotated)	Definitions
	<p>grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece.</p> <ul style="list-style-type: none"> <li>• Aggravated Incest (Kan. Stat. Ann. § 21-5604(b)): Aggravated incest is (1) Marriage to a person who is under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece; or (2) engaging in the following acts with a person who is 16 or more years of age but under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece: (A) Otherwise lawful sexual intercourse or sodomy as defined by K.S.A. 21-5501, and amendments thereto; or (B) any lewd fondling, as described in subsection (a)(1) of K.S.A. 21-5506, and amendments thereto.</li> <li>• Statutory Rape: The institution has determined, based on good-faith research, that Kansas law does not define the term statutory rape.</li> </ul>
Other "sexual assault" crimes	<p>Other crimes under Kansas law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> <li>• Criminal Sodomy (Kan. Stat. Ann. § 21-5504(a)): Criminal sodomy is: (1) Sodomy between persons who are 16 or more years of age and members of the same sex* [this provision was found unconstitutional as applied by <i>State v. Franco</i>, 319 P.3d 551 (2014) and thus unenforceable with regard to any intercourse between consenting adults of the same sex conducted in private; (2) sodomy between a person and an animal; (3) sodomy with a child who is 14 or more years of age but less than 16 years of age; or (4) causing a child 14 or more years of age but less than 16 years of age to engage in sodomy with any person or animal.</li> <li>• Aggravated Criminal Sodomy (Kan. Stat. Ann. § 21-5504(b)): Aggravated criminal sodomy is: (1) Sodomy with a child who is under 14 years of age; (2) causing a child under 14 years of age to engage in sodomy with any person or an animal; or (3) sodomy with a victim who does not consent to the sodomy or causing a victim, without the victim's consent, to engage in sodomy with any person or an animal under any of the following circumstances: (A) When the victim is overcome by force or fear; (B) when the victim is unconscious or physically powerless; or (C) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving</li> </ul>

Crime Type (Kansas Statutes Annotated)	Definitions
	<p>consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by, or was reasonably apparent to, the offender.</p> <ul style="list-style-type: none"> <li>• Sexual Battery (Kan. Stat. Ann. § 21-5505(a)): Sexual battery is the touching of a victim who is 16 or more years of age and who does not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender or another.</li> <li>• Aggravated Sexual Battery (Kan. Stat. Ann. § 21-5505(b)): Aggravated sexual battery is sexual battery, as defined in subsection (a), under any of the following circumstances: (1) When the victim is overcome by force or fear; (2) when the victim is unconscious or physically powerless; or (3) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by, or was reasonably apparent to, the offender.</li> <li>• Indecent Liberties with a Child (Kan. Stat. Ann. § 21-5506(a)): Indecent liberties with a child is engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age: (1) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or (2) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.</li> <li>• Aggravated Indecent Liberties with a Child (Kan. Stat. Ann. § 21-5506(b)): Aggravated indecent liberties with a child is: (1) Sexual intercourse with a child who is 14 or more years of age but less than 16 years of age; (2) engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age and who does not consent thereto: (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or (B) causing the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another; or (3) engaging in any of the following acts with a child who is under 14 years of age: (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or (B) soliciting the child to engage in any lewd fondling or</li> </ul>

Crime Type (Kansas Statutes Annotated)	Definitions
	<p>touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.</p> <ul style="list-style-type: none"> <li>• Unlawful voluntary sexual relations (Kan. Stat. Ann. § 21-5507): Unlawful voluntary sexual relations is: <ul style="list-style-type: none"> <li>○ (1) Engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age: <ul style="list-style-type: none"> <li>▪ (A) Voluntary sexual intercourse;</li> <li>▪ (B) voluntary sodomy; or</li> <li>▪ (C) voluntary lewd fondling or touching;</li> </ul> </li> <li>○ (2) when the offender is less than 19 years of age;</li> <li>○ (3) when the offender is less than four years of age older than the child;</li> <li>○ (4) when the child and the offender are the only parties involved; and</li> <li>○ (5) when the child and the offender are members of the opposite sex.</li> </ul> </li> </ul>
Consent (as it relates to sexual activity)	The institution has determined, based on good-faith research, that Kansas law does not define the term consent (as it relates to sexual activity).

College Definition of Consent

The College uses the following definition of consent in its sexual misconduct policy for the purpose of determining whether sexual violence (including sexual assault) has occurred:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent is not passive. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonably immediate time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected.

Proof of consent or non-consent is not a burden placed on either party involved in a complaint. Instead, the burden remains on ICC to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

### Risk Reduction

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Make your limits known before going too far.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.

- Don't make assumptions about the other person's consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider "mixed messages" a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don't take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don't be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; "playful" use of force during sex; Jekyll-and-Hyde personality

### Bystander Intervention

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Make your limits known before going too far.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor "NO" clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- Be aware of someone trying to slip you an incapacitating "rape drug" like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.

- Don't make assumptions about the other person's consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider "mixed messages" a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don't take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don't be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; "playful" use of force during sex; Jekyll-and-Hyde personality.

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don't hesitate to contact the police.

#### Other Information Covered by the PPAP

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

### **Ongoing Prevention and Awareness Campaign:**

The College also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

### **PPAP and OPAC Programming Methods:**

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the College. Methods include, but are not limited to: presentations, online training modules, distribution of written materials, periodic email blasts, and guest speakers. A summary of this programming is provided below.

- New students receive education on the prevention of dating violence, domestic violence, sexual assault, and stalking through a presentation by Student Affairs during orientation. All new employees are required to complete an online training module on these topics upon hire and are required to retake the online training each year.
- As part of its ongoing campaign, the College uses a variety of strategies, such as in-person presentations by sexual assault organizations, emails blasts with pertinent information, portal announcements, etc. While programming occurs throughout the year, the College also offers educational sessions and literature in coordination with nationally recognized observances such as Sexual Assault Awareness Month and Domestic Violence Awareness Month. During these Awareness Months, literature was advertised on tables in high traffic areas and a Self-Defense class was offered for no charge.
- All students complete the Voices for Change online education module from Get Inclusive which addresses risk reduction, sexual violence prevention, and addressing addictions.

The obligation to be part of the solution to preventing sexual violence is the responsibility of each and every member of the ICC Community. Suspicious activity should be reported and harassment of any kind should not be tolerated.

To report an incident of sexual misconduct any person can contact a Title IX Investigator, complete Maxient report at <https://www.indycc.edu/student-life/report-it> or reach out to any campus employee for assistance. Other helpful resources are listed in the ICC Title IX policy. A copy of the full policy can be obtained in the Vice President for Student Affairs Office, Human Resources Office or online at <https://www.indycc.edu/student-life/title-ix-compliance>.

### **Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:**

If you are a victim of dating violence, sexual assault, or stalking, go to a safe place and call 911 or call the Campus Security Department at 620-331-8558. You may also contact the College's Title IX Coordinator at 620-332-5429.

If you are a victim of sexual violence, you are not alone and you are in no way responsible for your assault.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### Preservation of Evidence & Forensic Examinations

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at

Labette Health Clinic  
Independence Clinic & Express Care  
510 N. Peter Pan Road  
Independence, KS 67301  
620.577.4310.

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

### Security/Law Enforcement & How to Make a Police Report

- Campus Security Officials at (620) 331-8558

- Independence Police Department at 911 or (620) 332-1700 Montgomery County Sheriff at 620-330-1000
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

### Information about Legal Protection Orders

In Kansas, victims may obtain an emergency Protection from Stalking, Sexual Assault, or Human Trafficking order, which provides protective relief for victims of stalking, sexual assault or human trafficking. Additional information about obtaining a protection order can be found at the Kansas Judicial Council website:

<https://www.kansasjudicialcouncil.org/legal-forms/protection-orders/protection-stalking-or-sexual-assault>

Individuals may access a protection order in three ways:

**Online:** Blank Petitions from a Protection from Abuse (PFA) and a Protection from Stalking, Sexual Assault, or Human Trafficking (PFSSAHT) orders are available at no cost on the Kansas Judicial Council website at: <http://kansasjudicialcouncil.org/legal-forms/protection-orders>

On this webpage, select one of the two petitions by clicking the name of the protection order you are seeking; after clicking, you will be directed to another webpage, and on this webpage, click "Petition" to access the petition.

**Clerk's Office:** The physical, already-printed petitions can be obtained in person from your local court clerk.

Victims of abuse may also contact the Kansas Crisis Hotline at 1-888-363-2287. This is a toll-free, 24-hour statewide hotline accessed by phone. This means you can call and talk to a trained advocacy professional anonymously, at no cost. The conversation is confidential. The trained advocacy professionals help callers and connect or refer callers to local services providers and organizations.

When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

The institution will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the institution and can be enforced on campus, if necessary. Upon learning of any orders, the institution will take all reasonable and legal action to implement the order.

The institution does not issue legal orders of protection. However, as a matter of institutional policy, the institution may impose a no-contact order between individuals in appropriate circumstances. The institution may also issue a “no trespass warning” if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

### **Available Victim Services:**

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the College and in the surrounding community. Those services include:

#### *College Resources*

- Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The College’s financial aid website can be found at: <https://www.indycc.edu/financial-aid/>
- Telehealth – Students may access Counseling Services through this link: <https://www.thevirtualcaregroup.com/icc/>
- ICC Clinic – Students may contact the Nurse in the ICC Clinic. The ICC Clinic is located in the Student Union, room 205.

#### *State/Local Resources*

- [Labette Health](#) offers a wide variety of local services at the Independence Clinic and Express Care location at 510 N. Peter Pan Road Independence, KS 67301. Call ahead to make an appointment at 620-577-4310.
- [Four County Mental Health Services](#) offers over 40 service programs designed to meet the unique needs associated with all ages and mental/behavioral challenges. To set up a one-on-one mental health conversation, contact their main office at 3751 W. Main Independence KS, 67301 or by calling 620-331-1748.
- Kansas Legal Services is a non-profit law firm and community education organization helping low and moderate income people in Kansas. Information about their services can be found at: <https://www.kansaslegalservices.org/topics/2017/abuse-and-stalking>

#### *National Resources*

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>

- US Dept. of Justice Office on Violence Against Women:  
<https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence:  
<http://www.ncadv.org/>
- National Sexual Violence Resource Center:  
<http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services:  
<https://www.uscis.gov/>
- Immigration Advocates Network:  
<https://www.immigrationadvocates.org/>

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

#### **Accommodations and Protective Measures:**

The College will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the College is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

The College will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the College is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Requests for accommodations or protective measures should be made to the Title IX Coordinator at 620-332-5429, and the Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented. More information can be found at: <https://www.indycc.edu/student-life/title-ix-compliance>

When determining the reasonableness of such a request, the College may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The College will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the College's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the College in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the College will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

#### **Procedures for Disciplinary Action:**

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the institution's Sexual Harassment Policy & Grievance Resolution Procedures and the related complaint resolution procedures. The procedures are utilized whenever or wherever a complaint is made, regardless of the status of the complainant and the respondent.

The complaint resolution procedures are invoked once a report is made to one of the following individuals:

#### **Title IX Coordinator**

Cody Westerhold  
620-332-5496  
Lower Level of the Student Union  
Email cwesterhold@indycc.edu

#### **Deputy Title IX Coordinator**

Lori Boots  
Vice President for Human Resources

620-332-5606  
West Campus  
Email lboots@indycc.edu

An electronic form available at <https://www.indycc.edu/student-life/student-complaints> can also be used to file a report.

Following receipt of notice or a complaint of an alleged violation of ICC's Sexual Harassment Policy, the Title IX Coordinator (or designee) engages in an initial assessment, typically within one to five (1-5) business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
  - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
  - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in informal resolution.
  - Informal Resolution Steps:
    - Informal Resolution Three options for Informal Resolution are detailed in this section.
      - 1) Supportive Resolution. When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation
      - 2) Alternative Resolution. When the parties agree to resolve the matter through an alternative resolution mechanism including mediation, restorative practices, facilitated dialogue, etc., as described below, often before a formal investigation takes place

- 3) Accepted Responsibility. When the Respondent accepts responsibility for violating policy, and desires to accept the recommended sanction(s) and end the Resolution Process

To initiate Informal Resolution, a Complainant must submit a Formal Complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. The parties may agree, as a condition of engaging in Informal Resolution, that statements made, or evidence shared, during the Informal Resolution process will not be considered in the Formal Grievance Process unless all parties consent.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. The parties may not enter into an agreement that requires ICC to impose specific sanctions, though the parties can agree to certain restrictions or other courses of action. For example, the parties cannot require a student be suspended, but the parties can agree that the Respondent will temporarily or permanently withdraw. The only Informal Resolution Process that can result in sanctions levied by the institution is "Accepted Responsibility." The Title IX Coordinator has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

Prior to implementing Informal Resolution, ICC will provide the parties with written notice of the reported misconduct and any sanctions (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by ICC.

ICC will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

- If a Formal Grievance Process is preferred, the Title IX Coordinator determines whether the misconduct alleged falls within the scope of Title IX:
  - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
    - an incident, and/or
    - a pattern of alleged misconduct, and/or
    - a culture/climate concern, based on the nature of the complaint.

- If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly.
- During the investigation, the complainant and respondent will each have an equal opportunity to describe the situation and present witnesses and other supporting evidence. The investigator(s) will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Once all parties have had an opportunity to review and respond to the investigation report a final investigation report will be forwarded to a formal hearing panel. The hearing panel chair will schedule a formal hearing and make a determination as to whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence. Upon the completion of a formal hearing the hearing panel will then prepare a notice of outcome letter outlining the findings and include, if necessary, sanctions or other remedial measures to impose. The parties will be notified of this determination in writing within five (5) days of it being made. The institution strives to complete investigations of this nature within sixty (60) calendar days.

Any party may file a request for appeal (“Request for Appeal”), it must be submitted electronically through link provided in the notification letter or [https://cm.maxient.com/reportingform.php?IndyCC&layout\\_id=15](https://cm.maxient.com/reportingform.php?IndyCC&layout_id=15) within five (5) days of the delivery of the Notice of Outcome. Once received the Title IX Coordinator will forward the request for appeal to the appropriate appeal authority.

A single Appeal Decision-maker will consider the appeal. No Appeal Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. In cases where there is a student or faculty Respondent, appeals will be heard by the Vice President for Academic Affairs or the Vice President of Student Affairs. In cases where there is a non-faculty employee or third-party Respondent, the appeal will be heard by the Vice President of Student Affairs. These two Appeal Decision-makers may serve as reserves for each other in cases in which either has a direct conflict of interest in hearing the appeal.

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Any party may submit a written request for appeal (“Request for Appeal”) to the Title IX Coordinator within three (3) days of the delivery of the Notice of Outcome. A three-member appeal panel chosen by the Title IX Coordinator will hear the appeal. No Appeal Decision-maker(s) will have been previously involved in the Resolution Process for the complaint, including in any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair or designee for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a re-trial of the case, but solely a determination as to whether the request meets the grounds and is timely filed.

Grounds for Appeal Appeals are limited to the following grounds:

- 1) A procedural irregularity affected the outcome of the matter
- 2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
- 3) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter
- 4) There was a clear error in factual findings that affected the outcome of the matter.

#### **Rights of the Parties in an Institutional Proceeding:**

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution's policies and transparent to the accuser and the accused.
      - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.

Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking

and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

- During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:
  - A prompt, fair and impartial process from the initial investigation to the final result.
    - A prompt, fair and impartial process is one that is:
      - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
      - Conducted in a manner that:
        - Is consistent with the institution's policies and transparent to the accuser and the accused.
        - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
        - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
      - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
  - Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
    - ICC engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault, sexual harassment, and stalking. The College promotes student health and safety through the use of a mandatory online training program for all incoming students, transfer students and employees. A link to this course is sent annually to students via their ICC email address.

As specific titles and programs may change from year to year, this mandatory training program will, at a minimum, cover the following topics:

- Identifies domestic violence, dating violence, sexual assault, and stalking as prohibited conduct under College policy;

- Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking in federal and state laws in Kansas;
- Defines what behaviors and actions constitute consent to sexual activity in the state of Kansas;
- 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, sexual harassment, 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 information on campus and outside resources, reporting options, and procedures for making a complaint; and
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

Title IX Decision-Makers and Conduct Officers completed the [NASPA](#) Title IX Certificate Program during the fall 2020 semester. This training (most recently offered in the Fall of 2022) was designed for student conduct staff and those who will be designated as Title IX decision-makers under the new guidance. Title IX decision makers will be those who are charged with making a determination of responsible or not responsible at the conclusion of a hearing proceeding, distinct from the Title IX Coordinator and the Title IX Investigator. This track will cover the development of policies, procedures, and practices that comply with the new regulations; Title IX hearing proceedings; evidentiary standards; and informal resolution. This track also specifically covers adjudication of sexual misconduct by student conduct administrators, for cases that are not covered by Title IX policy.

Title IX investigators and conduct officers also attended the [Title IX & Sexual Harassment Response](#) hosted by Husch Blackwell. This event covered Title IX Scope and Jurisdiction, relevant policies, conducting investigations, holding hearings, handling appeals, understanding confidentiality, and addressing the informal resolution process.

The Title IX Coordinator attends regular trainings throughout the year to remain current on best practices and new legislation regarding Title IX. These trainings are then provided to members of the ICC community and Judicial Committee (composed of Appeal Decision makers and Hearing Panel members) throughout the year to ensure proper implementation. A list of trainings used can be accessed at <https://www.indycc.edu/student-life/title-ix-compliance>.

3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
4. Have the outcome determined using the preponderance of the evidence standard.
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, "result" means "any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

**Possible Sanctions or Protective Measures that the College May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:**

Following a final determination in the institution's disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved. The possible sanctions include: warning; reprimand; probation; restitution; fine; loss of privileges; housing probation; suspension or expulsion/termination; restriction on eligibility to represent the College at any official function or in any intercollegiate competition. If a suspension is imposed on a student, it may be for part of a semester, a full semester, or an entire academic year. An employee may be suspended for any length of time determined appropriate by the Director of Human Resources. Following a suspension, the individual will be required to meet with the Vice President for Student Affairs (student) or Director of Human Resources (employee) to discuss re-entry and expectations going forward.

Sanctions for VAWA offenses, whether the accused is an employee or student, are determined pursuant to the guidelines provided in the *Sexual Harassment Policy & Grievance Resolution Procedures*, ranging from reprimand to expulsion or termination.

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the sexual harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of sexual harassment and/or retaliation
- The need to remedy the effects of the sexual harassment and/or retaliation on the Complainant and the community

- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be finally determined by the Official with Authority in an appropriate area with respect to the Respondent, and will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

#### **a. Student Sanctions**

The following are sanctions that may be imposed upon students or organizations singly or in combination:

- *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any ICC policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling:* ICC may mandate that a student or employee meet with and engage in either ICC-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Separation of the student from the College for a definite period of time (in many situations 1-3 years), after which the student is eligible to return upon approval by the Vice President for Student Affairs. Conditions for readmission may be specified.
- *Expulsion:* Permanent termination of student status and revocation of rights to be on campus for any reason or to attend ICC-sponsored events.
- *Withholding Diploma:* ICC may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree:* ICC reserves the right to revoke a degree previously awarded from ICC for fraud, misrepresentation, and/or other violation of ICC policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions:* Deactivation, loss of recognition, loss of some or all privileges (including ICC registration) for a specified period of time.
- *Other Actions:* In addition to or in place of the above sanctions, ICC may assign any other sanctions as deemed appropriate.

## **b. Employee Sanctions/Responsive Actions**

Responsive actions for an employee who has engaged in harassment and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Enhanced supervision, observation, or review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Delay of tenure track progress*
- *Assignment to new supervisor*
- *Restriction of stipends, research, and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, ICC may assign any other responsive actions as deemed appropriate.

In addition, the College can make available to the victim a range of protective measures. They include: forbidding the accused from entering the victim's residence hall and from communicating with the victim, other institutional no-contact orders, security escorts, modifications to academic requirements or class schedules, changes in working situations, etc.

The Title IX Coordinator will collaborate with other campus officials to put in place interim measures for student victims of sexual violence as needed. A formal complaint does not need to be submitted to have interim measures put in place. ICC will maintain as confidential any interim measures provided as long as it does not impair the ability to provide the interim measures.

ICC will additionally provide to victims of domestic violence, dating violence, sexual assault, or stalking, written notification about options for, and available assistance in changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

**Assistance in Reporting:** Any of the designated Title IX Coordinators can assist you in filing a complaint under the institution's Title IX complaint process and the appropriate law enforcement agencies against the student(s) or other persons who caused harm.

**No Contact Order:** ICC can put in place a No Contact Order between the complainant and the respondent, which would prohibit contact between both parties through any means of communication, as well as not having others make contact on their behalf, enforceable through the campus administrative process.

**Emergency Protective Order:** Student Affairs, or a member of the Title IX Office can assist you in filing for an Emergency Protective Order in court with the Montgomery County Court Clerk's Office.

**Safety Measures:** Student Affairs, a member of the Title IX Office, or the Student Life Director can coordinate any reasonable arrangements that are necessary for your ongoing safety. This includes transportation arrangements or providing an escort.

**Living Arrangements:** The Office of Student Life can assist in referring victims to outside resources for living arrangements to ensure safety and a comfortable living situation.

**Academic Arrangements:** A Title IX Coordinator can assist in adjusting your academic schedule or that of the accused as well as assist in providing access to academic support services.

**Other Interim Measures:** A Title IX Coordinator can coordinate any reasonable arrangements to address the effects of the sexual violence on you, including connecting you with counseling, health care or academic support resources.

When the Title IX Coordinator becomes aware of a student who potentially could have been a victim of sexual violence, they will contact the victim in writing through campus email to share these interim measures, reporting options and other resources available. This will be done no matter the location of the incident.

The College recognizes its obligation to address incidents of sexual misconduct, discrimination, and harassment on campus when it becomes aware of its existence, even if no complaints are filed. Therefore, the College reserves the right to take appropriate remedial measures, unilaterally, under this procedure, including interim measures, including, but not limited to, issuing no-contact orders, modifying course-schedules, etc. ICC may assist victims of sexual misconduct, discrimination, and harassment in filing for an Order of Protection through the Montgomery County Attorney's Office. The Montgomery County Attorney's Office is located at 300 E Main St, Independence, KS 67301.

### Supportive Measures

ICC will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available. They are offered, without fee or charge to the parties, to restore or preserve access to ICC's education program or activity, including measures designed to protect the safety of all parties and/or ICC's educational environment and/or to deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, ICC will inform the Complainant, in writing, that they may file a Formal Complaint with ICC either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are considered with respect to any planned and implemented supportive measures. ICC will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair ICC's ability to provide those supportive measures.

ICC will act to ensure as minimal an academic/occupational impact on the parties as possible. ICC will implement measures in a way that does not unreasonably burden the other party. These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

### **Publicly Available Recordkeeping:**

The College will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the College to the extent permitted by law.

### **Victims to Receive Written Notification of Rights:**

When a student or employee reports to the College that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the College will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

### **Sex Offender Registration Program:**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the College of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Director of Student Life, Cody Westerhold at [cwesterhold@indycc.edu](mailto:cwesterhold@indycc.edu). State registry of sex offender information may be accessed at the following link: <https://www.kbi.ks.gov/registeredoffender/>

### **Timely Warnings and Emergency Response**

If the College Administration confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the ICC community, the approved security official alone or in conjunction with the Public Information Officer will utilize some or all of the systems described under the Timely Warning Policy to communicate the threat to the ICC community or appropriate segment of the community if the threat is limited to a particular building or segment of the population. Emergency notifications are triggered by an event that is currently occurring on or imminently threatening the campus. A timely warning is more narrowly focused to Clery Act crimes. A timely warning may be issued for any Clery Act crime committed within ICC's geography.

#### **Timely Warnings**

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Campus Safety Committee, Director of Marketing, Director of Student Life, President or Vice President for Student Affairs constitutes a serious or continuing threat to members of the campus community, a campus-wide "timely warning" will be issued.

Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- Vice President for Student Affairs, David Adams [dadams@indycc.edu](mailto:dadams@indycc.edu) 620-332-5653
- Director of Student Life, Cody Westerhold [cwesterhold@indycc.edu](mailto:cwesterhold@indycc.edu) 620-332-5496

The College has communicated with local law enforcement asking them to notify the College if it receives reports or information warranting a timely warning.

### Emergency Response

The College has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The College has communicated with local police requesting their cooperation in informing the College about situations reported to them that may warrant an emergency response.

ICC emphasizes four critical areas of emergency response to target safety education initiatives and response exercises for our students, employees and visitors. Response to fire alarms, severe weather, building evacuation, and shelter-in-place, are emphasized in all safety education programs and in all yearly exercises.

Students, staff and visitors are encouraged to notify the Vice President of Student Affairs, David Adams at [dadams@indycc.edu](mailto:dadams@indycc.edu) of any emergency or potentially dangerous situation.

The Vice President for Student Affairs will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the institution's response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other College departments may be involved in the confirmation process.

Once the emergency is confirmed and based on its nature, the Vice President for Student Affairs and/or the Vice President for Administration and Finance will consult with other appropriate College officials to determine the appropriate segment or segments of the College community to be notified.

The institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The Vice President for Student Affairs and in collaboration with other appropriate personnel, will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also, as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location. The Vice President for Student Affairs, in conjunction with the Marketing Department, determines content for the emergency notifications that are specific to evacuations, sheltering-in-place, and severe storm response. Should a condition exist where none of the pre-determined warnings are applicable, a message will be written that is appropriate. Text alerts, e- mail, and social media messages relevant to the specific threat may be manually sent to the campus community by the Vice President for Student Affairs.

The ICC alert system has the ability to only notify outlets that are registered with the system. All students and employees are automatically opted into ICC alerts via our Rave Alert System: <https://www.indycc.edu/student-life/campus-security>. Individuals have the opportunity to opt-out of receiving text and/or voice alerts at any time.

Staff and Students are encouraged to regularly check campus records to ensure that the most accurate information is on file.

The Vice President for Student Affairs will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

At the direction of the Vice President for Student Affairs, the College's Director of Marketing will notify local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency.

### *Methods for Issuing Timely Warnings and Emergency Notifications*

The method(s) listed below may be utilized when the College issues a timely warning or emergency notification to the campus community.

Method	Sign Up Instructions
Text Messages via Rave Alert	<a href="https://getrave.com/login/indycc">https://getrave.com/login/indycc</a>
Campus Emails via Rave Alert	<a href="https://getrave.com/login/indycc">https://getrave.com/login/indycc</a>
Voice Calls via Rave Alert	<a href="https://getrave.com/login/indycc">https://getrave.com/login/indycc</a>

### Testing & Documentation

The College tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times the Safety Committee will meet to train and test and evaluate the College's emergency response plan.

### **Emergency Response Test Procedures**

ICC will conduct a minimum of three announced tests in each calendar year to prepare building occupants for an organized response to potential threats to their safety. A **shelter-in-place, severe weather, and building evacuation drill** will be exercised. Prior to any scheduled test, the Marketing and Public Relations Department sends out a mass email to notify students, faculty, and staff of the upcoming test. This email is sent out approximately one week prior to the drill and also on the day of the drill.

Tests are organized and monitored by the Safety Committee and the Vice President for Student Affairs/Student Life Director. Each test is documented by describing the drill, notating the date and specific times the drill started, and stating an announced drill. There is also a thorough debriefing that addresses any deficiencies revealed by the drill.

The Vice President for Student Affairs maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the College will distribute to its students and employees information to remind them of the College's emergency response and evacuation procedures.

### **Missing Student Policy**

In compliance with the Higher Education Opportunity Act of 2008, this procedure identifies the process for reporting, investigating and making emergency notifications regarding any currently enrolled student who is believed to be missing. A student will be presumed to be missing when the student's absence, of 24 hours or more, is inconsistent with the student's established patterns of behavior and the deviation cannot be readily explained.

**Reporting a Possible Missing Student:** Any member of the college community, including both employees and students, who is concerned that a currently enrolled student may be missing should immediately contact the Vice President for Student Affairs at 620-332-5653. Any college employee who receives a report of a possible missing student must immediately refer such report to the Vice President of Student Affairs. The Vice President of Student Affairs shall investigate all reports and determine whether a student is missing. If the Vice

President for Student Affairs determines that a student is missing, he/she shall notify the President and the Montgomery County Sheriff's Department, and/or other appropriate law enforcement agencies, as necessary.

**Missing Person Emergency Contact:** Students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the College only in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the College will notify that individual no later than 24 hours after the student is determined to be missing. The option to identify a contact person in the event the student is determined missing is in addition to identifying a general emergency contact person, but they can be the same individual for both purposes. A student's confidential contact information will be accessible only by authorized campus officials, and it will only be disclosed to law enforcement personnel in furtherance of a missing student investigation.

A student who wishes to designate a confidential contact may do so by contacting ICC Housing at 620-331-8332.

**Parent/Guardian Notification for Students under 18 years of age:** If a student is under 18 years of age (and not emancipated) and is determined to be missing, the Vice President of Student Affairs shall notify a custodial parent or guardian not later than 24 hours after the student is determined to be missing.

**Law Enforcement Notification:** If a student is determined to be missing, the Vice President of Student Affairs shall notify the Montgomery County Sheriff's Department, or other appropriate law enforcement agency, not later than 24 hours after the student is determined to be missing, unless that Sheriff's Department was the agency that informed the College that the student was missing.

## Crime Statistics

The statistical summary of crimes for this College over the past three calendar years follows:

Crime	On Campus			Non Campus			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

\* The ICC West Campus does not have on-campus student housing facilities.

### Hate crimes:

2022: No hate crimes reported.

2021: No hate crimes reported.

2020: No hate crimes reported.

### Crimes unfounded by the College:

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

2020: 0 unfounded crimes.

### Statistics for unfounded crimes provided by law enforcement agencies:

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

2020: 0 unfounded crimes.

**Data from law enforcement agencies:**

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the College's Clery Geography.