

HESSTON COLLEGE

Hesston College

2024 Annual Campus Security Report & Fire Safety Report

Includes 2021, 2022, 2023, 2024 Calendar Years

Michael Smalley
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Annual Disclosure of Crime Statistics

The Annual Security Report is a guide to the policies and procedures that Hesston College implements for the safety and security of the campus community. The Student Life Office prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Fire Safety Report. This report is prepared in cooperation with the Hesston College facilities department and the local law enforcement agencies. It is policy that by October 1 of every year, this report is published on the Hesston College website and an email sent to each member of the campus community informing them of the posting. This report provides statistics for the previous three years concerning reported crimes that occurred on campus and/or in certain off-campus buildings or property owned, leased, or controlled by Hesston College. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol, and other drugs.

Hesston College Background

Hesston College is a community and learning environment that is not easily matched or replicated. Founded in 1909, Hesston College is a community of more than 150 faculty and staff and home to approximately 375 students from about 30 states and 17 countries annually. The 40-acre Hesston College campus is located in Hesston, Kansas, a small community of nearly 4,000 residents about 35 miles north of Wichita. The Hesston campus consists of 14 buildings, including two residential dormitories, an administration building, library, a number of academic buildings and two gymnasiums. It also has a softball diamond, baseball diamond, soccer field, a fitness room, and four tennis courts. The college stretches beyond the campus. Students also use the college-owned 25-acre Dyck Arboretum of the Plains two block. The aviation program is based at the Newton City-County Airport. Nursing students train in medical centers in Newton, McPherson and Wichita as well as Schowalter Villa Long Term Care Facility. Hesston College offers associate transfer degrees as well as four-year degrees in interdisciplinary studies, business management, nursing, engineering and aviation. As one of five colleges of Mennonite Church USA, Hesston strives to be a welcoming community for students of all backgrounds and faiths, and more than 25 Christian faiths and other religions are represented on campus. With students joining the workforce upon graduation, continuing to four-year institutions for further education or earning a bachelor degree, Hesston College is committed to educating and nurturing each student within Christ-centered community, integrating thought, life and faith for service to others in the church and the world. Developing a safe and secure environment at an academic institution is the responsibility of the entire community. The Office of Student Life and the Office of Campus Facilities, in conjunction with the Hesston Police Department and Hesston Fire Department have the responsibility to identify programs, methods, and approaches to help the campus maintain a reasonably safe and secure environment.

Campus Security & Procedures

Hesston College has a small campus located in a small community, and at this point it is not necessary for the college to employ its own campus law enforcement personnel. As indicated above, the Office of Student Life maintains a close working relationship with local law enforcement agencies in an effort to maximize the services provided to the Hesston College community. The Hesston Police Department runs periodic checks around the campus perimeter, as well as, conducting building and campus checks upon request from the Vice President for Student Life. They are fully cooperative in supporting college policies and programs, and the college in turn does all it can to support their work. In light of the fact that there is no campus security force, the responsibility for campus security rests with the Vice President of Student Life and his or her staff.

Emergency Telephone Numbers

Michael Smalley, V.P. of Student Life 620.327.8236 (office) 316.303.7628(cell)
Natalie Ladd 517.306.0879 Resident Director
Jacob Fetters 816.207.9147 Resident Director
Sam Maldonado 620.755.7941 Assistant Resident Director
Mitchell Margaris 360.751.6260 Assistant Resident Director
On-Call Phone 620.217.0051

Resident Directors carry cellular telephones and can be reached in case of emergency. Emergency calls received by Hesston College employees are promptly referred to the Vice President for Student Life, Residence Hall Director and Community Assistant (student staff) on duty, who then notify the appropriate city emergency departments (Police, Ambulance, or Fire Departments). All individuals in this line of notification are encouraged to call 911 at any point if situations appear to warrant immediate action. All emergency calls are followed up by individuals by providing a written incident report on all emergency situations. Criminal investigations, vehicle accidents, and/or moving violations are referred to the Hesston Police Department.

Emergency contact numbers

	Campus Phone	Non-Campus Phone
Ambulance, Fire, Police	9-911	911
Facilities	8120	620-327-8120
Facilities Director	9-316-453-6292	316-453-6292
Residence Life	8160	620-327-8160
	8170	620-327-8170
	8180	620-327-8180
	8190	620-327-8190

Crime Prevention

Hesston College has four layers of organization set up to manage campus, handle emergencies and respond to any campus security concerns.

A. Lark Leaders (LL's)

Hesston's dorms are divided into units of 30 to 60 students. Each of these units, or "nests," is headed up by a team of student leaders, referred to as the LL's, who are responsible to provide supervision for that area of the dorm and for the students in that unit.

B. Resident Directors (RD's)

Hesston College employs two adult staff persons as RD's. These persons are professional staff that live in the dorms and are prepared to give adult supervision and direction for any emergency situation.

C. Assistant Resident Directors (ARD's)

Two Assistant Resident Directors live in campus apartments and assist with emergencies and weekend supervision. These roles are typically filled current part-time employees, or upper level students if no part-time employees are available/willing to fill the role.

D. Vice President of Student Life

The Vice President of Student Life has the responsibility for the supervision and training of the LL's, ARD's and RD's, including making sure that they know how to respond to emergency or crisis situations and/or to incidents in which there may be criminal activity.

All students are encouraged to take ownership in helping to make the campus safe and are encouraged to use the 911 emergency number whenever needed.

SECURITY FOR CAMPUS FACILITIES

Residential Buildings

All rooms in the dorms are secured by lock and key, and all students are encouraged to be very careful about keeping their rooms locked when they are not there.

The residences are further secured by locking the access doors into their residential areas at midnight. The students living in the secured areas have access through the secured doors by use of their room keys.

All Other Buildings

Hesston College has an employee responsible for checking and locking up campus buildings each night. As this person checks the buildings, he or she also is alert to any other problems or potential problems he or she might observe such as finding unfamiliar person(s) on campus.

Hesston College's campus lighting system makes Hesston's campus a safe place at night by making it possible for people to move around the campus without having to go through dark areas.

It is the college's policy to call the police if there is someone on campus who does not belong here or who represents a threat either to students or to facilities. Hesston College has an excellent relationship with the local police force. Hesston police have been both very responsive and cooperative in dealing with campus security issues.

CAMPUS LAW ENFORCEMENT

Hesston College has a small campus located in a small community, and at this point it is not necessary for the college to employ its own campus law enforcement personnel. As indicated above, the college works closely with local city police staff, and is satisfied with the excellent coverage provided by the local police. They are fully cooperative in supporting college policies and programs, and the college in turn does all it can to support their work.

In light of the fact that there is no campus security force, the responsibility for campus security rests with the vice president of Student Life/dean of students and his or her staff.

How to Report Crimes and Other Emergencies Occurring On-Campus

Preventing campus crime is a shared responsibility between Hesston College and its campus community members. Public apathy is a criminal's greatest ally. Campus community members should not assume that someone else has reported suspicious or criminal activity. Suspicion is the only reason anyone needs for calling the police. Crimes, suspicious activity, or other emergencies on campus should be reported immediately. If a campus community member suspects a crime has been or is being committed, they can contact their Resident Assistant, Resident Director, Dean of Students/Vice President of Student Life at any time during the week. On the weekend, there will always be a Resident Director on campus that students can contact. If for some reason the Resident Director is not able to be contacted, call the Hesston Police department at 911.

Crimes Involving Students at Off-Campus Locations

Hesston College relies on a close working relationship with local law enforcement agencies to receive information about incidents involving Hesston College students, on and off campus. Hesston College may pursue disciplinary action for off-campus violations of College rules, whether or not the activity was criminal in nature.

Timely Warnings

In order to keep the campus community informed about safety and security issues on an ongoing basis, the Clery Act mandates that an institution must alert the campus community of certain crimes in a manner that is timely and will aid in the prevention of similar crimes. These crimes must include all Clery Act crimes that are:

- Reported to campus security authorities or local police agencies; and
- Are considered by the institution to represent a serious or continuing threat to students and employees.

A 2008 amendment to the Clery Act directs that a timely warning be given to the campus community without delay of an incident that affects the safety of the campus community. The warning should be issued as soon as the pertinent information is available, because the intent of a timely warning is to alert the campus community of continuing threats especially concerning safety, thereby enabling community members to protect themselves.

Daily Crime and Fire Logs

Daily crime and fire logs are available for review during business hours, (Monday through Friday, except holidays and emergency closures). The crime log is located in the Student Life Office and the fire log is located in the Facilities Department Office. The information in the crime and fire log typically includes the incident classification, date reported, date occurred, general location, and disposition of each reported crime. The information in the crime and fire log relative to fires typically includes information about fires that occur in residential facilities, including the nature, date, time, and general location. Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes and updated information.

Maintenance of Campus Facilities

Hesston College is committed to campus safety and security. Facilities and landscaping are maintained in a manner designed to minimize the risk for hazardous conditions. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building. Grounds keeping personnel trim shrubs from sidewalks, walkways, and building entrances to provide a well-lighted route to buildings.

Registered Sex Offender Notification

Federal legislation known as the Campus Sex Crimes Prevention Act requires states to obtain information concerning registered sex offenders enrolled or employed at institutions of higher education and make this information available to the institution's police department, campus safety or other appropriate law enforcement agency having jurisdiction where the institution is located. The Kansas Bureau of Investigations (KBI) has been designated as the state agency that will provide this information to the institutions of higher education in Kansas. It is the responsibility of local law enforcement to notify institutions if an offender or predator is enrolled, employed or carrying on a vocation at the

college or university. In accordance with Kansas State Statute 22-4904 (“Registration of Offender”), convicted sex offenders in Kansas must register with the county sheriff within 3 days of establishing permanent or temporary residence. Any member of the HC community who wishes to obtain information regarding sexual offenders on campus may refer to the KBI website searchable database (<http://www.kbi.ks.gov/registeredoffender/>). The KBI searchable database may be used to find all registered sex offenders in any city, county or zip code in the state.

Missing Persons Policy

If a resident student has not been seen on campus for more than 24 hours and an acquaintance does not know where the student may be, the dean of students should be notified. Students under the age of 18 will have their parents notified if they are determined missing for more than 24 hours. Law enforcement will be notified for any student missing for more than 24 hours. If a student has been seen in the company of an individual(s) indicating that he/she may be in danger, the Hesston Police Department should be notified by calling 911 (or 9-911 on a campus phone).

Students may designate a confidential contact person on their Emergency Information form as a contact if the student is deemed missing. At the college’s discretion, in addition to a confidential contact, the college reserves the right to contact a parent and/or guardian.

Office of Equity and Accountability Policy against Discrimination and Harassment (Including Title IX) Policy¹

Section I: Introduction

Hesston College is committed to providing a living, learning, and working environment free from discrimination, harassment, and retaliation. In compliance with federal and state civil rights laws and regulations, and consistent with Hesston's mission, vision, and institutional values, Hesston College does not discriminate and prohibits discrimination on the basis of sex (including sex stereotypes, sex characteristics, pregnancy, or related conditions, sexual orientation, and gender identity), race, color, religion, age, disability, status as a veteran, national or ethnic origin, shared ancestry, or other protected characteristic in any educational program or activity, including in admissions and employment.

Hesston College is committed to complying with all requirements as set forth by Title VI and Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations, 20 U.S.C. 1681 et seq.; the Jeanne Clery Disclosure of Campus Security Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA); Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; the Age Discrimination in Employment Act of 1967; Title III of the Americans with Disabilities Act of 1990, as amended in 2008; and related federal and state authority.

All members of the College community, including students, faculty, and staff, are expected to conduct themselves in a manner that does not infringe upon the rights of others. Discrimination or Harassment on the basis of a protected characteristic is prohibited by this Policy. Sex-based harassment, as prohibited by Title IX and its implementing regulations, includes Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking, all of which are prohibited by this Policy (collectively, Title IX Sexual Harassment). In addition, the College prohibits other forms of Sexual and Gender-Based Harassment, including under Title VII, which have similar, but not fully aligned definitions to Title IX Sexual Harassment. The College also prohibits Sexual Exploitation and Retaliation. Specific definitions, including consent and incapacitation, are set forth in Sections 5 and 6. Collectively, this Policy refers to these prohibited forms of conduct as Prohibited Conduct.

The College prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by this Policy or federal or state laws, or because the individual makes a good faith report of Prohibited Conduct, files a formal complaint, testifies, assists, participates or refuses to

participate in any manner in an investigation, proceeding, or hearing related to a report or formal complaint of Prohibited Conduct under this Policy.

This Policy provides information about campus and community resources and reporting options, the difference between privacy and legal confidentiality, how to make a report and seek supportive measures, and how to file a formal complaint requesting investigation of a report. It also provides an overview of informal and formal resolution options, including the preliminary inquiry, investigation, hearing, and appeals process. The specific procedures for resolving a formal complaint under the Policy differ depending on the type of Prohibited Conduct alleged. For complaints of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, or Retaliation related to Sexual Harassment, the formal complaint will be resolved using the Procedures for Resolving Complaints of Sexual Misconduct. For all other complaints alleging Discrimination, Harassment, and Retaliation, the formal complaint will be resolved using the Procedures for Resolving Complaints of Discrimination, Harassment, and Retaliation.

A person who commits Prohibited Conduct in violation of this policy will be subject to disciplinary action, up to and including expulsion or termination. Some forms of Prohibited Conduct may also violate federal, state, and/or local law, and criminal prosecution may occur independently of any disciplinary action imposed by the College.

It is the responsibility of every member of the Hesston College community to foster an environment free from Prohibited Conduct. All members of the community are strongly encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. This may include direct intervention when safe to do so, enlisting the assistance of others, contacting law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive responsibility will be supported by Hesston College and protected from retaliation.

Section 2. Scope and Jurisdiction

This Policy applies to all members of the Hesston community, including students, staff, faculty, and third parties such as volunteers, vendors, contractors, consultants, guests, alumni, applicants for admission or employment, campers, or other individuals.²

This Policy applies to acts of Prohibited Conduct that occur in the College's education program or activity, which includes:

1. all of the College's operations, including locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the conduct occurs;
2. any building owned or controlled by a student organization that is officially recognized by the College.

The term "education program or activity" includes employment and admissions.

The College's education program or activities include on-campus, off-campus, or online conduct, and conduct outside of the United States. Examples include College-sponsored, College-funded, or otherwise College-supported study off campus, research, internship, mentorship, summer session, conferences, meetings, social events, or other affiliated programs or premises. Conduct outside of the United States may include, for example, College-sponsored, College-funded, or otherwise College-supported study abroad.

Under certain circumstances, this Policy may also apply to reports of Prohibited Conduct that occur outside of the education program or activity but have continuing effects in the education program or activity, or that fall within the scope of conduct otherwise regulated by the College. This may include, for example, a report of an off-campus Sexual Assault committed by a student.

A. Special Jurisdiction under Title IX

For some forms of Prohibited Conduct covered under this Policy, the College's jurisdiction is limited by Federal law. Specifically, the Title IX regulations apply to certain forms of sexual harassment that occur in an education program or activity in the United States. Where conduct occurs outside of the

education program or activity, outside of the United States, or would not meet the definition of Title IX Sexual Harassment, the College is required to dismiss any allegations in a formal complaint under Title IX.

However, in keeping with the College's educational mission and commitment to foster a learning, living, and working environment free from discrimination, harassment, and retaliation, the College will move forward under the same resolution process for Sexual and Gender-based Harassment.

Sexual Assault, Dating Violence, Domestic Violence, Stalking, and other forms of Prohibited Conduct that occur outside of Title IX Jurisdiction (e.g., not in the United States, or as noted above, outside of the education program or activity).

B. Jurisdiction regarding Third Parties

Any individual may make a report to the College of Prohibited Conduct and receive access to reasonably available supportive measures. A student, employee, or other individual who is participating in, or attempting to participate in, the College's education program or activity may also file a formal complaint requesting an investigation under this Policy. In addition, the Title IX Coordinator may file a formal complaint on behalf of a third party where the reported conduct occurred in the College's education program or activity.

The College's ability to respond to a report of Prohibited Conduct under this Policy is based on its disciplinary authority over the Respondent. If the Respondent is not an employee or student, the College's ability to take disciplinary action will be limited and is determined by the context of the Prohibited Conduct and the nature of the relationship of the third-party Respondent to the College.

Section 3. Coordination with Other Policies

Reports of Prohibited Conduct may sometimes implicate conduct prohibited by another College Policy. Student, staff, and faculty conduct is also governed by the following College policies:

- [Hesston College Student Handbook](#)
- [Human Resources Policies](#)
- [Faculty Handbook](#)

Where conduct involves the potential violation of both this Policy and another College policy, the College may choose to investigate other potential misconduct under the Resolution Process set forth in this Policy, provided that it does not unduly delay a prompt or equitable resolution of the report or formal complaint.

Section 4. Notice of Non-Discrimination

A. Non-Discrimination based on Protected Characteristics

Hesston College does not unlawfully discriminate on the basis of sex (including sex stereotypes, sex characteristics, pregnancy, or related conditions, sexual orientation, and gender identity), race, color, religion, age, disability, status as a veteran, national or ethnic origin, shared ancestry, or other protected characteristic in any educational program or activity, including admissions and employment. Hesston College adheres to all federal and state civil rights laws and regulations prohibiting discrimination in private institutions of higher education, including protections for those opposing discrimination or participating in any resolution process on campus or with an external civil rights agency.

B. Notice of Non-Discrimination based on Sex

Hesston College does not discriminate on the basis of sex (including sex stereotypes, sex characteristics, pregnancy, or related conditions, sexual orientation, and gender identity) in its education programs or activities, and the College is required by Title IX of the Education Amendments of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate on the basis of sex in the College's education program or activity extends to admission and employment. Inquiries about the application of Title IX and its implementing regulations may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights, or both.

Hesston College has designated a Title IX Coordinator to ensure compliance with Title IX, its implementing regulations, and other applicable federal and state laws. The Title IX Coordinator is

responsible for coordinating the College's efforts with regard to Section 504 of the Rehabilitation Act of 1970 and Title II of the Americans with Disabilities Act of 1990 and their implementing regulations. The Title IX Coordinator is also responsible for the prompt and equitable resolution of all reports, investigations, and informal and formal resolutions under this Policy related to Title IX Sexual Harassment and other forms of discrimination based on sex, gender, gender identity, gender expression, or sexual orientation. The Title IX Coordinator coordinates supportive measures, ensures that the investigative and resolution processes are neutral and impartial, and acts to ensure that employees or external professionals involved in the Title IX processes are free from conflicts of interest and/or potential bias. Concerns of bias or a potential conflict of interest by any other administrator involved in the resolution process should be raised with the Title IX Coordinator. To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact Human Resources at 620-327-8265 or joinus@hesston.edu.

Reports of Prohibited Conduct or questions about this Policy and procedures can be made to the Director of Equity and Accountability/Title IX Coordinator:

Whitney Douglas

Director of Equity and Accountability / Title IX Coordinator

Hesston College 301S. Main St. Hesston, KS 67062

(620) 327-4221 Email: whitney.douglas@hesston.edu or titleix@hesston.edu

Office: Smith Center, Office 112

Concerns about the College's application of Title IX can be made externally to:

Assistant Secretary for Civil Rights

Office for Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

Equal Employment Opportunity Commission (EEOC)

Contact: <http://www.eeoc.gov/contact/>

C. Disability Discrimination and Accommodation

Hesston College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA and ADAAA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the College, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as reading, concentrating, thinking, hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Title IX Coordinator has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any allegation of noncompliance. Grievances of disability status and/or accommodations for both students and employees will be addressed using the Resolution Process for Discrimination and Harassment.

I. Students with Disabilities

Hesston College is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the College.

All accommodations are made on an individual basis. A student requesting any accommodation should first contact the Disability Services Coordinator, who coordinates services for students with disabilities. The Disability Services Coordinator reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student's particular needs and academic programs.

2. Employees with Disabilities

Pursuant to the ADA, Hesston College will provide reasonable accommodation(s) to all qualified employees with known disabilities, when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to the College.

An employee with a disability is responsible for submitting a request for an accommodation to Human Resources and providing necessary documentation. The College will work with the employee and the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

Section 5. Academic Freedom and Freedom of Speech

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discrimination and harassment. The College's prohibition against harassment is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited harassment that are prohibited under Hesston College policy. Where speech or conduct is protected by policy, academic freedom and/or free speech rights, it will not be considered a violation of this Policy, although supportive measures or remedies may be offered to those impacted.

Section 6. Prohibited conduct

This Policy prohibits a broad range of behaviors, which are referred to collectively as Prohibited Conduct. Prohibited Conduct can be committed by or against individuals of any sex, gender, gender identity, gender expression, or sexual orientation, and can occur between individuals of the same or different sex or gender, gender identity, gender expression, or sexual orientation. It can occur between strangers or acquaintances, between individuals involved in a professional relationship, and between people involved in intimate or sexual relationships. Some examples of Prohibited Conduct may be found on the Hesston Title IX page. Prohibited Conduct includes:

A. Discrimination

Discrimination can take two primary forms:

1. Disparate Treatment Discrimination

Disparate treatment discrimination is any unlawful distinction, preference, or detriment to an individual as compared to others that is based on an individual's protected characteristic(s) and that: 1) excludes an individual from participation in; 2) denies the individual benefits of; or 3) otherwise adversely affects a term or condition of an individual's employment, education, living environment, or participation in a College program or activity.

2. Disparate Impact Discrimination

Employment: In the employment context, disparate impact discrimination occurs when there is sufficient evidence that policies, tests, or practices that are neutral on their face disproportionately exclude or adversely impact a group of individuals within the protected

characteristics, where the policies, tests, or practices are not job-related and consistent with business necessity. The College considers the following issues:

1. Does the policy, test, or practice have a disparate impact on the basis of a particular protected characteristic? This typically requires a statistical analysis.
2. Is the policy, test, or practice job-related and consistent with business necessity?
3. If job-related and consistent with business necessity, is there a less discriminatory alternative available?

Student/Educational Program or Activity: In the student or educational context, disparate impact discrimination occurs when there is sufficient evidence that facially neutral policies, tests, or practices, although not adopted with the intent to discriminate, nonetheless have an unjustified effect of discriminating against Students or Third Parties on the basis of protected characteristics. In determining whether a facially neutral policy has an unlawful disparate impact on the basis of protected characteristics, the College engages in the following three-part inquiry:

1. Has the policy, test, or practice resulted in an adverse impact on Students or Third Parties of a particular protected characteristic?
2. Is the policy, test, or practice necessary to meet an important educational goal?
3. If necessary to meet an important educational goal, are there comparably effective alternative policies, tests, or practices available that would meet the stated educational goal with less of a burden or adverse impact on the disproportionately affected protected characteristic, or is the proffered justification a pretext for discrimination?

In addition to the above, discrimination includes failing to provide reasonable accommodations, consistent with state and federal law, to a qualified individual with a disability or to accommodate religious beliefs of students, staff, and faculty.

Examples of potential discrimination under this Policy include, but are not limited to, those that result in the interference with, limitation, or denial of access to:

- An employee's or applicant for employment's access to employment or conditions and benefits of employment (e.g., hiring, advancement, assignment).
- A student's or admission applicant's ability to participate in, access, or benefit from educational programs, services, or activities (e.g., admission, academic standing, grades, assignment, campus housing, athletics).
- An authorized volunteer's ability to participate in a volunteer activity.
- A guest's or visitor's ability to participate in, access, or benefit from the College's programs or activities.

B. Harassment

Harassment is a form of Discrimination that occurs when verbal, physical, written, electronic, or other conduct based on an individual's protected characteristic(s) is so severe, persistent or pervasive, and objectively offensive that it interferes with, limits or denies that individual's ability to participate in or benefit from the College's educational program or activity, or employment access, benefits, or opportunities (hostile environment).

Harassment can also occur when submission to or rejection of unwelcome conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement, assignment); or participation in a College program or activity (e.g., campus housing) (quid pro quo).

Hesston College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. The College may pursue disciplinary actions under this Policy for conduct that rises to the level of a hostile environment. In evaluating

whether a hostile environment exists, the College will evaluate the totality of known circumstances, including, but not limited to:

1. the frequency, nature, and severity of the conduct;
2. whether the conduct was physically threatening;
3. the effect of the conduct on the Complainant's mental or emotional state;
4. whether the conduct was directed at more than one person;
5. whether the conduct arose in the context of other discriminatory conduct;
6. whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or Hesston College's programs or activities;
7. whether the conduct implicates academic freedom or protected speech; and,
8. other relevant factors that may arise from consideration of the reported facts and circumstances.

Examples of conduct that may constitute a hostile environment based on harassment include:

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Conduct that is likely to cause physical or psychological harm or social ostracism to any person within the Hesston College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or hurt, control, or diminish another person, physically or mentally, that is not speech or conduct otherwise protected by the First Amendment.

Hesston College may also address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature, not based on a protected characteristic. Addressing such behaviors will not typically result in the imposition of discipline under Hesston College policy, but may be addressed through remedial actions, education, and/or effective conflict resolution or other informal resolution mechanisms. For assistance with conflict resolution and other informal resolution techniques and approaches, employees should contact Human Resources, and students should contact the Vice President of Student Life.

C. Title IX Sexual Harassment

The Title IX regulations prohibit the below forms of Sexual Harassment:

1. **Quid Pro Quo:** An employee of the College conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.
2. **Title IX Hostile Environment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity.
3. **Sexual Assault:** Sexual assault is having or attempting to have sexual contact with another individual without consent or where the individual cannot consent because of age or temporary or permanent mental incapacity (see below for definition of consent and incapacitation). Sexual contact includes:
 - a. sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, or tongue) or an object, or requiring another to penetrate themselves with a body part or an object, however slight; or
 - b. sexual touching of the private body parts, including, but not limited to, contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body for the purpose of sexual gratification; or
 - c. attempts to commit sexual assault.

4. **Dating Violence:** includes any act of violence committed by a person:
 - . who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
 - a. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i.the length of the relationship;
 - ii.the type of relationship; and
 - iii.the frequency of interaction between the persons involved in the relationship.
5. **Domestic Violence:** includes any act of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under Kansas state law, or by any other person against an adult or minor Complainant who is protected from that person's acts under Kansas state law.
6. **Stalking:** Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress. Course of Conduct means two or more instances including but not limited to unwelcome acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Substantial Emotional Distress means significant mental suffering or anguish. Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

D. Sexual and Gender-Based Harassment

Consistent with Title VII of the Civil Rights Act of 1964 and the recognition that Sexual Harassment may also occur in a wider variety of contexts, Hesston College also defines Sexual and Gender-Based Harassment to include any sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, electronic, or otherwise (sexual harassment); or, any act of intimidation or hostility, whether verbal or non-verbal, graphic, physical, or otherwise based on sex or gender, sexual orientation, gender identity, or gender expression, even if the acts do not involve conduct of a sexual nature (gender-based harassment); when one or more of the following conditions are present:

1. Submission to or rejection of such conduct is either an explicit or implicit term or condition of, or is used as the basis for decisions affecting, an individual's employment or advancement in employment, evaluation of academic work, or advancement in an academic program, or basis for participation in any aspect of a College program or activity (*quid pro quo*); or
2. The conduct is sufficiently severe, pervasive, or persistent that it has the purpose or effect of unreasonably interfering with, limiting or depriving an individual from participating in or benefiting from the College's learning, working, or living programs under both an objective and subjective standard (*hostile environment*).

E. Sexual Exploitation

Sexual Exploitation involves one or more of the following behaviors committed for any purpose, including sexual arousal or gratification, financial gain, or other personal benefit:

1. taking sexual advantage of another person without consent;
2. taking advantage of another's sexuality; or
3. extending the bounds of consensual sexual activity without the knowledge of the other individual.

Examples of Sexual Exploitation include, but are not limited to: observing another individual's nudity or sexual activity, or allowing another to observe the same, without the knowledge and consent of all parties involved; exposing one's genitals in non-consensual circumstances, including unwelcome sexting; streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved; prostituting another individual; knowingly exposing another individual to a sexually-transmitted disease (STD) or infection (STI) or human immunodeficiency virus (HIV) without the individual's knowledge; knowingly failing to use contraception without the other party's knowledge; and inducing incapacitation for the purpose of taking sexual advantage of another person.

F. Retaliation

Retaliation means any adverse action, intimidation, threat, coercion, or discrimination against an individual for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the individual has made a report or formal complaint of Prohibited Conduct, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or hearing under this policy. Retaliation includes such conduct through associates or agents of a Complainant, Respondent, or participant in any investigation or proceeding related to this policy.

Section 7. Understanding Consent and Incapacitation

A. Consent

Consent is the voluntary, informed, and freely given agreement to participate in mutually agreed-upon sexual acts. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Consent cannot be obtained through force, where there is a reasonable belief of the threat of force, or by taking advantage of another person's incapacitation.

It is the responsibility of each party to determine that the other has consented before engaging in the activity. In evaluating whether consent has been freely sought and given, the College will consider the presence of any force, threat of force, or coercion; whether the Complainant had the capacity to give consent; and, whether the communication (through words and/or actions) between the parties would be interpreted by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular sexual act.

Force is the use or threat of physical violence or intimidation to overcome a person's freedom of will to choose whether or not to participate in sexual activity. Coercion is unreasonable pressure for sexual activity. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

In Kansas, a minor cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old may be a crime, and a potential violation of this policy, even if the minor welcomed the sexual activity.

Additional guidance about consent includes:

- Consent to one form of sexual activity does not imply or constitute consent to another form of sexual activity.
- Consent on a prior occasion does not constitute consent on a subsequent occasion.
- Consent to an act with one person does not constitute consent to an act with any other person.
- The existence of a prior or current relationship does not, in itself, constitute consent; even in the context of a relationship, there must be real time and mutual consent to sexual activity.

- Consent can be withdrawn or modified at any time, and sexual contact must cease immediately once consent is withdrawn and clearly communicated.
- Consent cannot be inferred from the absence of a “no.”
- Consent cannot be inferred from silence, passivity, or lack of verbal or physical resistance, and relying on nonverbal communication alone may result in a violation of this Policy.

B. Incapacitation

Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. Incapacitation means a person cannot understand the fact, nature, or extent of the sexual activity because they lack the physical and mental capacity to make informed, reasonable judgments about whether or not to engage in sexual activity.

When alcohol or other drugs are involved, incapacitation is a state of intoxication or impairment that is so severe that it interferes with a person’s capacity to make informed and knowing decisions. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination. The College does not expect students or employees to be medical experts in assessing incapacitation. Individuals should look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. A person’s level of intoxication is not always demonstrated by objective signs; however, some signs that a person may be incapacitated include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, or emotional volatility.

Another effect of excessive alcohol consumption can be memory impairment or an inability to recall entire or partial events (sometimes referred to as “black-out” or “brown-out”). A person may experience this symptom while appearing to be functioning “normally,” including communicating through actions or words that can reasonably and objectively be interpreted as communicating consent to engage in sexual conduct. Total or partial loss of memory alone may not be sufficient, without additional evidence, to prove that a person was incapacitated under this Policy. Whether sexual contact under these circumstances constitutes Prohibited Conduct depends on the presence or absence of the outwardly observable factors indicating that a person is incapacitated, as described above.

An individual’s level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism. It is especially important, therefore, that anyone engaging in sexual activity is aware of both their own and the other person’s level of intoxication and capacity to give consent.

In evaluating consent in cases of reported incapacitation, the College asks two questions: (1) Did the Respondent know that the Complainant was incapacitated? and if not, (2) Would a sober, reasonable person in a similar set of circumstances as the Respondent have known that the Complainant was incapacitated? If the answer to either of these questions is “yes,” the conduct is likely a violation of this policy based on the inability to give consent.

It is important to remember that the use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one’s own or the other individual’s intoxication or incapacitation, the safest course of action is to forgo or cease any sexual activity. Even where there is insufficient evidence to establish incapacitation, a Complainant’s level of impairment may still be a relevant factor in establishing whether consent was sought and freely given.

A Respondent’s voluntary intoxication is not an excuse for or a defense for failing to obtain consent, and it does not diminish the Respondent’s responsibility to determine that the other person has given consent and has the capacity to do so.

Section 8. Considerations in Advance of Reporting

A. Understanding the Difference between Privacy and Confidentiality

Hesston College is committed to protecting the privacy of all individuals involved in a report of Prohibited Conduct under this policy. All employees who are involved in the College's response to harassment and discrimination, including the Title IX Coordinator, investigators and adjudicators, receive specific training and guidance about safeguarding private information, including the protections set forth in Title IX, the Clery Act, and the Family Educational Rights and Privacy Act ("FERPA").

Privacy and confidentiality have distinct meanings under this policy.

Privacy: refers to the discretion that will be exercised by the College in the course of any investigation or disciplinary processes under this Policy. Information related to a report of Prohibited Conduct will be handled discreetly and shared with a limited circle of College employees or designees who need to know in order to assist in the assessment, investigation, and resolution of the report and related issues. The College will make reasonable efforts to investigate and address reports of Prohibited Conduct under this Policy, and information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation. In all such proceedings, the College will maintain the privacy of the parties to the extent reasonably possible.

Confidentiality: refers the level of protection that must be applied to statutory or legally-protected or privileged relationships, including professional mental health counselors, medical professionals, ordained clergy/pastoral counselors and rape crisis counselors (Confidential Resources). Information shared by an individual with a Confidential Resource, on campus or in the community, intended as a confidential communication, cannot be revealed to any other individual without express permission of the individual seeking services, unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor. When a report involves suspected abuse of a minor under the age of 18, these Confidential Resources are required by state law to notify child protective services and/or local law enforcement.

Similarly, an individual's medical and counseling records are confidential and cannot be released without the individual's written permission or unless permitted or required consistent with ethical or legal obligations.

B. Release of Information by the College

Pursuant to the Clery Act, Hesston College must disclose statistics about Clery Act crimes in its daily crime log and Annual Security Report and provide those statistics to the United States Department of Education. If a report of Sexual Assault, Dating Violence, Domestic Violence, or Stalking discloses a serious or continuing threat to the campus community, the College will issue a timely notification to the community to protect the health and safety of the community as required by the Clery Act. In all of these instances, the information is reported in a manner that does not include personally identifying information about persons involved in an incident. In addition, Confidential Resources may submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or student.

The College will not release the name of the Complainant, the Respondent, or witnesses to the general public except as otherwise permitted or required by law. The College will also maintain the confidentiality of any supportive measures provided to a Complainant, to the extent that maintaining such confidentiality would not impair the College's ability to provide the supportive measures. The College may also share non-personally identifying information about reports received in aggregate form, including data about outcomes and sanctions. All Hesston College proceedings are conducted in compliance with the requirements of FERPA, the Clery Act (as amended by VAWA), Title IX, state and local law, and College policy.

C. Reporting Responsibilities of College Employees

I. Confidential Resources

As described above, Confidential Resources are prohibited from sharing information unless required or permitted by law or ethical obligations. Confidential Resources on campus and in the community include:

- Campus Counselor, Jose Gloria, at (620) 327-8238; [book an appointment](#)
- *SafeHope Victim Advocate, (316) 283-0350
- Campus Pastor, Nick Ladd at (620) 327-8291; nick.ladd@hesston.edu
- Campus Pastor for Formation, Michele Hershberger, at (620) 327-8292; michele.hershberger@hesston.edu
- *Local Crisis Hotline: Prairie View, (800) 362-0180
- *Kansas Crisis Helpline; (800) 363-2287
- *National Crisis Hotline; call 988 or text 747747

**24/7 crisis services
available*

The campus counselor is available to help free of charge and may be consulted on an emergency basis during normal business hours. Additionally, financial assistance is available by request to the Title IX Coordinator for covering the cost of therapy services.

2. Responsible Employees

All other Hesston College employees, including faculty, staff, and the board of directors, are considered Responsible Employees and, as such, are expected to share known information about Prohibited Conduct with the Director of Diversity, Equity, and Inclusion/Title IX Coordinator immediately. The College seeks to remove barriers and foster increased reporting in order to ensure equitable access to supportive measures, policies, and procedures for all College community members. Centralized reporting and recordkeeping also enhance the College's ability to identify and track patterns, trends, and impacts on campus climate.

In keeping with these values, employees must report all known information, including the identities of the parties, the date, time, and location, and any details about the reported incident to the Title IX Coordinator. Employees may not promise Confidentiality or withhold information about Prohibited Conduct. Failure or delay in reporting suspected Prohibited Conduct in a timely manner may subject an employee to appropriate discipline, which may include any form of employee discipline, ranging from education and counseling to removal from a position or termination of employment.

Employees are not required to report information disclosed at public awareness events (e.g., "Take Back the Night," candlelight vigils, protests, or other public forums in which students may disclose Prohibited Conduct (collectively, public awareness events); or during an individual's participation as a subject in an Institutional Review Board-approved human subjects research protocol (IRB research). The College may provide information about Title IX and available College and community resources and support at public awareness events. In addition, Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all subjects of IRB research.

3. Campus Security Authorities

Some employees, because of their role on campus, also have reporting responsibilities under the Clery Act. Employees who are considered Campus Security Authorities (CSAs) have a duty to report Sexual Assault, Dating Violence, Domestic Violence, Stalking, and other Clery Act-defined crimes. This reporting helps to provide the community with a clear picture of the extent and nature of campus crime in order to ensure greater community safety and enable campus community members to make important decisions about their own safety. CSAs include student life staff, coaches, athletic directors, residence life staff, international student support staff, and any other official with significant responsibility for student and campus activities.

4. Mandatory Reporting of Suspected Child Abuse

Under Kansas state law, every person has a responsibility to report child abuse. Any member of the Hesston College community who has reasonable cause to suspect abuse, or

neglect of a minor under the age of 18 must make a report to the Director of Diversity, Equity, and Inclusion/Title IX Coordinator, who will facilitate a report to local law enforcement and the Kansas Protection Report Center at 1-800-922-5330. For more information, see the College's Children on Campus and Working with Minors policy.

Section 9. How to Report Prohibited Conduct

The College encourages all individuals to report Prohibited Conduct or a potential violation of this policy to the Office of Diversity, Equity, and Inclusion, and/or to local law enforcement. A Complainant has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, the College will assist a Complainant in contacting law enforcement at any time. Under limited circumstances posing a threat to the physical health or safety of any College community member, the College may independently notify law enforcement.

An individual may make a report to the College, to law enforcement, to neither, or to both. Campus Title IX processes and law enforcement investigations operate independently of one another.

A. Emergency and/or Medical Assistance

All individuals who experience Prohibited Conduct are encouraged to seek immediate medical treatment and preserve physical evidence, even if they have not decided whether they wish to pursue any campus or law enforcement action. This will help to ensure that a Complainant receives proper care, preserve any available evidence, and enhance their opportunity to pursue a disciplinary or criminal action at a later time. Local hospitals have trained Sexual Assault Nurse Examiners who can conduct a forensic examination. Hesston College's Title IX Coordinator can provide referrals and/or transportation to community resources. Additionally, a SafeHope advocate can accompany you and advocate for you during a Sexual Assault Nurse Exam or a meeting with law enforcement.

Individuals are also encouraged to contact law enforcement as soon as possible following an incident that may pose a threat to safety or physical well-being or that is potentially a criminal act under Kansas law.

Hesston College community members with an immediate safety concern or medical injury should call 911. Community members can also contact the Hesston Police Department at (620) 327-2020.

B. Reporting Prohibited Conduct to the College

Hesston College encourages anyone who has experienced Prohibited Conduct to report it directly to the College. An individual does not need to know whether they wish to request any particular course of action or how to label what happened. An individual who is uncertain what they wish to do in response to an alleged incident of Prohibited Conduct, including how or whether to report the conduct, may contact and consult a [Confidential Resource](#) to address questions and concerns in a confidential setting. Individuals with questions or concerns about the College's processes may also contact the Title IX Coordinator directly to learn more about resources and procedural options.

Any individual may make a report of Prohibited Conduct under this Policy regardless of affiliation with Hesston College and regardless of whether or not the person reporting is the person alleged to be the victim of conduct. Reports can be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. A report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

Hesston College recognizes that deciding whether to make a report of Prohibited Conduct is a personal decision. Making a report is different from filing a formal complaint. When the College receives a report of Prohibited Conduct, the College will offer supportive measures to a Complainant, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. The College will consider the Complainant's wishes with respect to supportive measures and seek to respect a Complainant's autonomy in making the determination regarding how to proceed.

In limited circumstances, the Title IX Coordinator may file a formal complaint initiating an investigation into reported conduct. See Section I I.B.2. for additional information about the circumstances that might require a Title IX Coordinator to file a formal complaint.

The most efficient and effective way to learn about the College's resources and procedural options, to access supportive measures, or to file a formal complaint is by directly contacting the Title IX Coordinator.

I. Time Frame for Reporting

Complainants and witnesses are encouraged to report Prohibited Conduct as soon as possible in order to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the timeframe for reporting. However, the passage of time may impact or limit the College's jurisdiction and/or the ability to gather relevant evidence that may have been lost given the passage of time.

Depending on the relationship of the Respondent to the College, the College may not have the authority to impose disciplinary action; this may occur when a student Respondent has graduated or an employee Respondent is no longer employed by the College. If the Respondent is no longer affiliated with the College (for example, a report is made after a student has left or graduated or an employee no longer works for Hesston College), the College will still provide reasonably available supportive measures to the Complainant, assist the Complainant in identifying external reporting options, and may take other appropriate action to address the reported conduct.

2. Amnesty

The College encourages reporting and seeks to remove barriers to reporting for students who experience or witness Prohibited Conduct. The College understands that students may be hesitant to report Prohibited Conduct to College officials or participate in the resolution processes because they fear that they themselves may be in violation of the Hesston College Student Handbook, Community Standards policies that prohibit underage drinking, personal consumption of illegal drugs, or non-resident after-hours presence in student dormitories. Because it is in the best interests of the College community that Complainants and witnesses come forward to report Prohibited Conduct and share what they know, the College provides amnesty for conduct that would otherwise be a violation of the Student Code of Conduct. The College also extends amnesty to students who offer help to others in need.

In general, the College will not pursue disciplinary action against a student who makes a good faith report to the College as a Complainant or witness for their own personal consumption of alcohol or other drugs (underage or illegal), or violation of open door hours which would otherwise be a violation of the Code of Student Conduct, provided the misconduct did not endanger the health or safety of others. The College may initiate an assessment or educational discussion, or pursue other non-disciplinary options regarding alcohol or other drug use.

3. Anonymous Reporting

Anyone can make an anonymous report using the online reporting form posted at: https://my.hesston.edu/ICS/Employee_Info/Title_IX.jnz?portlet=Employee_Information&screen=FormView&form=f4a1bc8a-396e-4735-9e8a-0b32aaa2fa5e

This form provides an online method to report specific information related to an alleged incident(s) of Prohibited Conduct. This form may be used by anyone. Depending on the nature of the information provided, the College's ability to respond may be limited. Please note that if this form is submitted anonymously, the College has no way of identifying the person who submitted the report, and as such, the College is unable to follow up with the reporter to share actions taken in response to the report.

4. Obligation to Provide Truthful Information

All College community members are expected to provide truthful information in any proceeding under this policy. Submitting or providing deliberately false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions, in accordance with the Code of Student

Conduct and other applicable College procedures. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are erroneous or are not later substantiated.

C. Additional Campus Resources

- Resident Director on-call number: (620) 217-0051 **available 24 hours*
- Student Life Office: (620) 327-8235
- Human Resources Office: (620) 327-8265
- Dean of Faculty Office: (620) 327-8207
- Academic Success Office: (620) 327-8213

Section 10. Supportive Measures and Emergency Removal/Administrative Leave

A. Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent when a report is received. Supportive measures are available before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the College's education program or activities, including employment, without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter Prohibited Conduct.

Supportive measures may include counseling, extensions of deadlines, or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The College will consider a number of factors in determining which supportive measures to take, including the needs of the student or employee seeking supportive measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the Complainant; whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and whether judicial measures have been taken to protect the Complainant (e.g., protective orders). The College will work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority.

The Director of Diversity, Equity, and Inclusion/Title IX Coordinator is responsible for ensuring the implementation of supportive measures and coordinating the College's response with the appropriate offices on campus. The College will maintain the privacy of any supportive measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures. Hesston College will also provide reasonably available supportive measures for third parties, provided that the supportive measures are within the scope of that individual's relationship to the College.

B. Emergency Removal

Certain circumstances may warrant removing a student Respondent from an Hesston College educational program or activity. The College may remove a student Respondent on an emergency basis from College property or employment, education, or research programs or activities. Before imposing an emergency removal, the College will undertake an individualized analysis of safety and risk for the campus community to determine whether the Respondent's presence in the program or activity poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct and justifies removal of the Respondent from the College program or activity.

The Title IX Coordinator will promptly provide the Respondent with written notice of any removal and an opportunity to challenge the removal. During any challenge, the Respondent will remain off-campus and must comply with the notice of removal. That notice shall include a statement that the use of any information the Respondent chooses to provide may subsequently be used in implementing any aspect of this Policy, including the investigation and adjudication. The Respondent will have 3 days to submit a

written challenge to the safety and risk analysis to the Director of Diversity, Equity, and Inclusion/Title IX Coordinator.

C. Administrative Leave

Following a report of Prohibited Conduct, the College may place a non-student employee Respondent on administrative leave, with or without pay.

Section II. Overview of Actions and Procedural Options upon Receipt of a Report

A. Preliminary Inquiry

Upon receipt of a report of Prohibited Conduct, the Director of Diversity, Equity, and Inclusion/Title IX Coordinator will engage in a preliminary inquiry to assess and understand the nature of the report, provide outreach to a Complainant, offer supportive measures, and determine whether this Policy applies to the report, and if so, what form of resolution is reasonably available and appropriate. Centralized outreach through the Director of Diversity, Equity, and Inclusion/Title IX Coordinator ensures that all College community members have access to information about the College's resources, policies, and procedural options for resolving the report.

At the conclusion of the preliminary inquiry, the following resolution options are possible:

No Further Action which may involve referral to another College policy	Supportive measures Only regardless of whether a formal complaint is filed	Formal Resolution following a formal complaint by the Complainant or Title IX Coordinator	Informal Resolution following a formal complaint by the Complainant or Title IX Coordinator
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The nature of the reported conduct followed to pursue formal or informal resolution:

- For formal complaints involving any form of discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation in relation to a report of sex discrimination, the resolution procedures can be found at <https://www.hesston.edu/student-life/title-ix>.
- For formal complaints involving any other form of discrimination or harassment based on protected characteristics, the resolution processes can be found at <https://www.hesston.edu/student-life/title-ix>.

B. Overview of Procedural Options

In response to a report of Prohibited Conduct, the report may be resolved by: 1) the imposition of supportive measures only; 2) the filing of a formal complaint by the Complainant; 3) the filing of a formal complaint by the Title IX Coordinator; or, 4) an informal resolution voluntarily and mutually reached after the filing of a formal complaint. A Complainant is always entitled to reasonably available supportive measures, regardless of whether a formal or informal resolution process is initiated.

I. Expectations for the Parties

All resolution processes are conducted in accordance with federal and state law. In all stages of the resolution process, complainants and respondents can expect:

- a prompt, fair, impartial, and equitable investigation and resolution of allegations of Prohibited Conduct conducted by individuals with sufficient training and/or experience related to their role;
- an investigator, decision-maker, and/or facilitator of informal resolution free from conflict of interest or bias for or against complainants or respondents generally or the individual parties related to the report or formal complaint;
- privacy in accordance with this Policy and any legal requirements;
- access to reasonably available supportive measures, without fee or charge;
- freedom from Retaliation for making a good faith report of Prohibited Conduct or participating in any proceeding under this Policy;
- a presumption that the Respondent is not responsible until a determination is made at the conclusion of the resolution process;
- written notice of any meeting or proceeding at which the party's presence is contemplated by this Policy, including the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
- freedom to discuss the allegations under investigation or to gather and present relevant evidence;
- the opportunity to be accompanied by an advisor of choice, including the right to have that advisor accompany the party at any meeting or proceeding and to have the College provide an advisor to conduct cross-examination on the party's behalf at any live hearing;
- an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence;
- notice of reasonably prompt time frames for major stages of the process, with written notice of permissible extensions for good cause;
- written notice of an investigation, including notice of potential Policy violations and the nature of the alleged Prohibited Conduct;
- timely and equal access to any information that will be used informal or formal meeting or proceeding under this Policy, including all information gathered that is directly related to the allegations in the formal complaint, as well as the information contained in the investigation report;
- written notice of the outcome of informal or formal resolution processes, including the determination of a Policy violation, any sanctions, and the rationale; and
- the opportunity to appeal the outcome.

2. Formal Complaint

A formal complaint is a document submitted to the Title IX Coordinator by the Complainant alleging that a Respondent engaged in Prohibited Conduct and requesting an investigation. Filing a formal complaint is a prerequisite to pursuing either Informal or Formal Resolution.

As set forth in the Resolution Processes, the Title IX Coordinator also has the discretion to file a formal complaint. In evaluating the appropriate manner of resolution, including whether the Title IX Coordinator will file a formal complaint in the absence of a formal complaint by the Complainant, the Title IX Coordinator will consider the following factors:

1. whether the Complainant has requested anonymity;
2. whether the Complainant wants to participate in an investigation;
3. the severity and impact of the alleged misconduct and whether the misconduct was committed with a weapon;
4. the respective ages of the parties and whether the Complainant is a minor under the age of 18;
5. whether the Respondent has admitted to the misconduct;

6. whether the Respondent has a history of committing such misconduct or whether there have been other complaints about the same Respondent, or the extent of prior remedial methods taken with the Respondent;
7. whether the Respondent is alleged to have threatened further misconduct;
8. whether the misconduct was committed by multiple perpetrators or whether the report reveals a pattern of misconduct (e.g., at a given location or by a particular group); and
9. the existence of independent evidence that may be available without the participation of the Complainant.

The College will take all reasonable steps to respond to the report consistent with a Complainant's requested course of action, but its ability to do so may be limited based on the considerations outlined above.

3. Formal Resolution

Following the filing of a formal complaint, Hesston College will initiate an investigation and hearing process to determine if there is sufficient evidence, by a preponderance of the evidence, to establish that this policy has been violated. The investigation, hearing, and appeals processes are described in the accompanying Resolution Processes.

4. Informal Resolution

Following the filing of a formal complaint, with the written consent of the Complainant and Respondent, the College may initiate an informal resolution process.

Section 12. Prevention and Education Programs

The College is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming, and returning students and current employees receive ongoing training and related programs.

Individuals involved in the implementation of this Policy receive training as required by the Clery Act and Title IX.

Section 13. Documentation and Records Retention Policies

The College will create and maintain the following records for a period of seven years: records of any actions, including any supportive measures, taken in response to a report or formal complaint; records of investigations, including any determination regarding responsibility and any audio or audiovisual recording or transcript created, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant; any appeal and the result therefrom; any informal resolution and the result therefrom. These records will be maintained in accordance with the privacy protections set forth in Title IX, the Clery Act, FERPA, and state law regarding the privacy of personnel records.

Section 14. Review of Policy

The policy reflects the College's good faith efforts to implement the legal requirements under the Title IX regulations issued in May 2020, to synthesize those regulations with other Federal law, including the Clery Act, and with state law applicable to students and employees. The College reserves the right to modify this Policy and the accompanying procedures as necessary to comply with Federal or state law, and such modifications may be made before or during an ongoing resolution process. Given the rapidly evolving nature of the legal requirements applicable to Prohibited Conduct and the desire to provide accessible, effective, and legally compliant policies and procedures, the College will review this policy on at least an annual basis. The review will take into consideration evolving legal requirements, evaluate the support and resources available to the parties, and assess the effectiveness of the resolution process. The review will include the opportunity for individuals affected by the policy to provide feedback and will incorporate an aggregate view of reports, resolution, and climate.

Footnotes:

¹ This Policy applies to all reports of Prohibited Conduct that are received by the College on or after the effective date of this Policy, regardless of when the Prohibited Conduct occurred. The Policy uses the term Complainant to refer to the individual who reportedly experienced Prohibited Conduct and Respondent to refer to the individual who reportedly committed the Prohibited Conduct.\

² For the purpose of this Policy, Hesston defines “student” as any individual who is registered or enrolled for credit-bearing coursework in the academic program. Hesston defines “employee” as any individual who has accepted an offer of employment and is paid a salary by the College. This Policy also applies to applicants for admission or employment.

FERPA

The outcome of an investigation involving students is part of the education record of the students involved, and is generally protected from release to third parties under a federal law called the Family Educational Rights and Privacy Act (FERPA), subject to narrow exceptions. Hesston College will abide by FERPA and only disclose the outcome of an investigation involving student(s) as permitted by the law.

EDUCATION AND PREVENTION

Educational Training Programs at Hesston College provide resources for education and training about, and prevention of sexual assault, harassment, and other forms of sexual misconduct. Members of the Hesston College community are urged to take advantage of the following on-campus prevention and educational resources, and the college is required to do so as described below:

- New Student Orientation, required for all new students, and available to all members wishing to attend;
- Title IX training in First Year Experience; completion of SafeColleges training module required for First Year students
- Discussion within Resident Halls with resident assistants and resident directors
- Residence hall and campus bulletin boards;
- Alcohol and drug policy distributed annually to faculty, staff, and students.

Background Checks

Hesston College believes in ensuring the safety of its students throughout their time on campus. One way to strengthen this safety is through background checks of all new employees and volunteers. Hesston College complies with federal laws under the Fair Credit Reporting Act (FCRA), as well as applicable state laws on background checks.

Employment offers to candidates will be contingent on the successful completion of a background check. Candidates will be provided the background check process following acceptance of this contingent offer, and may not begin employment until the successful completion of a background check. Candidates must complete all information requested in order to run a successful background check; failure to do so will mean the removal of the contingent offer. This background check consent will be on file and active during the hiring process and through the duration of employment if hired.

The background investigation will include a review of criminal history and national/state sex offender registry. Criminal history includes a review of criminal convictions and probation. For those receiving college credit cards, additional credit checks may occur prior to receiving the credit card.

Upon review, should there be any concerns raised in the information received on a background investigation, the candidate will receive an opportunity to explain the concerns. The following factors will be considered:

- Nature of the crime and its relationship to the position
- Time since the conviction
- Number (if more than one) of convictions
- Whether hiring, transferring or promoting the candidate would pose an unreasonable risk to the students, employees, or institution.

If employment decisions occur based on the results of a background check, there may be certain additional Fair Credit Reporting Act (FCRA) requirements completed by Human Resources in conjunction with the employment screening service.

Training

Alcohol and Drug Use Policy

It is the policy of Hesston College to maintain for students an environment that is free from illegal drugs and alcohol. The possession or the use of alcohol or the unlawful manufacture, distribution, dispensing, possession or use of any illegal drugs or unlawfully obtained controlled substances by students, in whatever setting owned or operated by Hesston College (including personal vehicles used in the conduct of official business) is prohibited. Violation of the spirit and/or substance of this policy may result in discharge.

Students shall receive annual distribution in writing of:

- Standards of conduct that clearly prohibit the possession, use or distribution of illegal drugs or alcohol on Hesston College's property or as part of any of its activities;
- A description of the applicable legal sanctions under local, state or federal law for the unlawful possession, use or distribution of illegal drugs and alcohol;
- A description of any drug or alcohol counseling, treatment, rehabilitation or reentry program that is available; and
- A clear statement that the institution will impose disciplinary sanctions on students (consistent with local, state and federal laws) and a description of those sanctions, up to and including expulsion and referral for violations of the standards of conduct outlined in the first item of this section. A disciplinary sanction may include the completion of an appropriate rehabilitation program. This may include, but is not limited to, an online class, monetary fine, meeting with a mentor, substance abuse evaluation, etc.

Students who violate the terms of this policy may be reported to the appropriate law enforcement officials and may be subject to the following sanctions:

1. Placement on Community Accountability and Support (CAS) status;
2. Temporary suspension from classes and activities;
3. Suspension for a semester from classes and activities;
4. Expulsion;
5. Fine

Students subject to these penalties will be afforded all due process rights to which they are entitled by law or under current policies affecting student discipline. In addition to the above sanctions, a student may be required to meet with a counselor or complete an evaluation. In lieu of suspension or expulsion, a student may be required to complete a drug or alcohol abuse education or treatment program as a condition of continued enrollment. The cost of completing such a program will be the responsibility of the student.

This program will be reviewed biennially by the vice president of Student Life to determine the program's effectiveness, to implement changes where necessary and to ensure that the required disciplinary sanctions are being enforced consistently.

Emergency Policies and Procedures

Fire

Posters and other flammable materials should be placed with discretion. The college prohibits all types of burning in its residence facilities. This includes, but is not limited to the burning of candles, oil lamps, incense and smoking. All campus housing is equipped with fire extinguishers, fire alarms and smoke detectors. State Law requires that everyone vacate the building when the alarm sounds. Anyone who refuses to leave will be fined \$50. Tampering with fire protection equipment (alarms, extinguishers and smoke detectors) is a federal offense and may result in a \$100 fine and suspension or dismissal from school.

EMERGENCIES: HOW TO RESPOND

The following guidelines apply to emergency conditions on campus. It is not possible to establish procedures for every conceivable type of emergency, but these guidelines can be used for any similar emergency or hazardous situation. Please review them frequently so you will be prepared in an emergency.

Fire—If you discover a fire, call the fire department at 911 (or 9-911 from a campus phone) before doing anything else. Pull a fire alarm. If the fire is small and you have the training, use a proper fire extinguisher to combat the fire. Help rescue anyone in need of assistance. Contain the fire by closing, but not locking, as many doors as possible. Evacuate the area. Once outside, move to a clear area at least 500 feet away from the affected building(s). Keep streets, fire lanes, hydrants and walkways clear for emergency vehicles and crews. **If you are notified of a fire** in your building, evacuate the area. For Hesston College students living in the residence halls, please contact your RA or RD for detailed information about fire evacuation plans in your particular residence hall. If you are above the ground floor and fire or dense smoke has restricted your exit routes: remain in your room; place something at the base of your door to prevent the entrance of smoke; call 911 (9-911 from a campus phone) and let them know your situation; open any windows and signal your need for help.

Bomb Threats—Notify the police and residence staff immediately if you receive a bomb threat. You will be notified as to whether or not the building will be evacuated.

Medical Emergencies—For any situation requiring emergency medical assistance on campus, call the Rescue Squad at 911 (or 9-911 if using a campus phone). Notify your resident director immediately.

Physical Facilities—If you observe what you consider to be a hazardous condition in your dorm, notify your resident assistant or resident director.

Medical assistance

- NMC Health Family Medicine, 620-327-2440
- Partners in Family Care, 620-327-2314
- Visit or call the NMC Health Immediate Care, 316-281-9700, 118 E 12th St, Newton, KS 67114
- Visit or call the emergency room at NMC Health, 316-283-2700, 600 Medical Center Drive, Newton, KS 67114

File a report with the police

- Hesston Police Department, 620-327-2020
- non-emergency number, Deb Roth 620-327-8236

Counseling Services

- Campus Counselor, Justen Schroeder 620-327-8238
- Central Kansas Counseling, Hesston 620-869-9986
- Prairie View Inc., Newton 316-284-6400

Fire safety systems in campus housing

Erb Hall: This building has an electronic fire protection system that utilizes photo type smoke detectors, heat detectors, ductwork smoke detectors and manual pull stations, connected to one of two main panels depending on which part of the building they are located in (east or central/west). The panels are a Faraday MPC 2000 for the east part of the building and a Faraday MPC 7000 for central/west. These systems are interconnected such that each will trigger the other in the event of an alarm. The panels activate audible warning devices (horns and sounder bases) and visual warning devices (strobes). In addition, magnetic door hold-opens are released in the event of a fire alarm, allowing fire rated doors to swing shut, preventing the spread of fire. This entire system has a backup (battery) power supply. An alarm triggered from any part of the building by any device will activate the horns, sounder bases and strobes in the entire building. Fire extinguishers are located throughout the building as are emergency lights/exit lights with backup battery power.

Kauffman Court: This building utilizes a Faraday MPC 2000 fire panel with manual pull stations located throughout the building as well as photo detector smoke detectors located in the resident director apartments. The fire panel activates horns and strobes and has a backup (battery) power supply. An alarm triggered from any device connected to the fire panel will activate the horns and strobes in the entire building. There are also stand-alone smoke detectors in each of the dorm rooms as well as in each of the common areas (hallways, lounges). Fire extinguishers and lighted exit signs with a battery backup are located throughout the building.

Fire Drills and Fire Safety Training

The college conducts one fire drill early in the fall semester each year for both student housing facilities. The Student Life staff coordinates and executes this drill. Hesston College provides training and education for students through mod (dorm) meetings, fire drills, and posted fire safety procedures.

Tornado

The City of Hesston sounds a continuous alarm blast in the case of a tornado warning. All students are to leave their rooms and go to the nearest windowless area. Basements, hallways and restrooms can provide shelter. Windows must be avoided because of the danger of flying glass. Every Monday morning at 10 a.m. if the weather is clear, the Hesston siren sounds a practice tornado alarm.

Violent Intruder

A violent intruder on college property involves one or more individuals intent on causing physical harm and/or death to students, faculty and staff. There is a sense of security in having a plan when confronted by a violent intruder event. Therefore, Hesston College has approved the following ALICE policies and procedures to protect the campus community. This is not a

sequential model and provides options based on the immediate and ongoing situation. Quickly determine the most reasonable way to protect your own life.

- **Alert** – Initial awareness of an event. This could be the sound of gunfire, screams, loud noises, text, phone call, etc. Students may be notified by RDs, the Blackboard Connect notification system via phones and email and carillon bell system.
- **Lockdown** – Individuals may be faced with a situation that does not allow for them to evacuate. A lockdown may be their best option. This is an active lockdown. Lock and barricade the door with anything available.
- **Inform** – Pass on real information. Location, what is going on, description of the assailants. Dial 911 when it is safe to do so.
- **Counter** – There are many ways to counter without fighting or using violence. Distractions such as yelling as you move or throwing things at the intruder's face can disrupt their focus. Consider countering if the intruder comes into the room before you can barricade the door, OR if the barricade is breached. Always remember that Countering is defensive and not offensive; it's a last resort.
- **Evacuate** – Look for safe routes away from the danger. Focus on movement and distance. Make yourself a difficult target: stay low; move quickly; use cover; don't run in a straight line.

The college will conduct training of new employees and emergency drills for all of the above; however, all students may not get to drill each component of ALICE.

Appendix A: The Jeanne Clery Disclosure of Crime Statistics

Crime Categories

The crime definitions are listed in order of seriousness. When counting multiple offenses, the “hierarchy” rule requires that you count only the most serious offense committed during a single incident. The exclusion to this is arson. Arson is always counted as an offense regardless of the nature of any other offenses that were committed during the same incident.

The Clery Act does not differentiate between attempted and completed crimes. For example, an incident involving an attempted forcible rape is counted as a forcible sex offense. The only exception to this rule applies to attempts or assaults to murder wherein the victim does not die. These incidents should be classified as aggravated assaults rather than murders.

Murder/Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another. NOTE: deaths caused by negligence, attempts to kill, assault to kill, suicides, accidental deaths, and justifiable homicides are EXCLUDED.

Negligent Manslaughter: the killing of another person through gross negligence. Rape: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Robbery: the taking or attempting to take anything from value of the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary the injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

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

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

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

Arson: the willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

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

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

Location Definitions

On Campus: (1) any building or property owned or controlled by an institution within the same reasonable contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's education purposes, including residence halls; and (2) any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Residential Facilities: (On-Campus Student Housing Facility) Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Non-Campus: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

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

Crime Statistics/Report

Offense	Location	2021	2022	2023	2024
Murder & Non-negligent Manslaughter	On-campus	0	0	0	0
	Residential Facilities	0	0	0	0
	Non-Campus	0	0	0	0
	Public Property	0	0	0	0
Negligent Manslaughter	On-campus	0	0	0	0
	Residential Facilities	0	0	0	0
	Non-Campus	0	0	0	0
	Public Property	0	0	0	0
Rape	On-Campus	0	2	0	0
	Residential Facilities	0	2	0	0
	Non-Campus	0	0	0	0
	Public Property	0	0	0	0
Fondling	On-Campus	0	5	0	5
	Residential Facilities	0	4	0	0
	Non-Campus	0	0	1	0
	Public Property	0	0	0	0
Incest	On-Campus	0	0	0	0
	Residential Facilities	0	0	0	0
	Non-Campus	0	0	0	0
	Public Property	0	0	0	0
Statutory Rape	On-Campus	0	0	0	0
	Residential Facilities	0	0	0	0
	Non-Campus	0	0	0	0
	Public Property	0	1	0	0
Robbery	On-Campus				

	Residential Facilities	0	0	0	0
	Non-Campus	0	0	0	0
	Public Property	0	0	0	0
		0	0	0	0
Aggravated Assault	On-Campus	0	0	0	0
	Residential Facilities	0	0	0	0
	Non-Campus	0	0	0	0
	Public Property	0	0	0	0
Burglary	On-Campus	1	0	0	0
	Residential Facilities	1	0	0	0
	Non-Campus	0	0	0	0
	Public Property	0	0	0	0
Motor Vehicle Theft	On-Campus	0	0	0	0
	Residential Facilities	0	0	0	0
	Non-Campus	0	0	0	0
	Public Property	0	0	0	0
Arson	On-Campus	0	0	0	0
	Residential Facilities	0	0	0	0
	Non-Campus	0	0	0	0
	Public Property	0	0	0	0
Arrests	Location	2021	2022	2023	2024
Weapons Law Violations	On-Campus	0	0	0	0
	Residential Facilities	0	0	0	0
	Non-Campus	0	0	0	0
	Public Property	0	0	0	0
Drug Abuse Violations	On-Campus	0	0	1	1
	Residential Facilities	0	0	1	1
	Non-Campus	0	0	0	0
	Public Property	0	1	0	0
Liquor Law Violations	On-Campus	0	0	0	0
	Residential Facilities	0	0	0	0
	Non-Campus	0	0	0	0
	Public Property	0	0	1	0
Disciplinary Referrals	Location	2021	2022	2023	2024

Weapons Law Violations	On-Campus	0	0	0	0
	Residential Facilities	0	0	0	0
	Non-Campus	0	0	0	0
	Public Property	0	0	0	0
Drug Abuse Violations	On-Campus	0	4	6	0
	Residential Facilities	0	4	6	0
	Non-Campus	0	0	0	0
	Public Property	0	0	0	0
Liquor Law Violations	On-Campus	14	15	20	7
	Residential Facilities	14	15	20	7
	Non-Campus	0	0	0	0
	Public Property	0	0	0	0
Total Unfounded Crimes		0	0	0	0

Hate Crimes

The Clery Act requires an institution to separately report all hate crimes statistics on any of the previously mentioned offense or any other crime involving bodily injury which is reported to local police agencies or to campus security. Hate crimes are defined as a criminal offense that manifests evidence the victim was intentionally selected because of the perpetrator's bias against the victim. For the purpose of Clery, the categories of bias include the victims actual or perceived race, religion, sexual orientation, gender, gender identity, disability, ethnicity or national origin.

2021 Hate Crime Statistics

Offense	Location	2021 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0
Rape	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0
Fondling	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0

	Public Property	0	0	0	0	0	0	0	0	0
Incest	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0

	Public Property	0	0	0	0	0	0	0	0	0
Statutory Rape	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0
Robbery	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0
Aggravated Assault	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0

	Public Property									
Burglary	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Motor Vehicle Thefts	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Arson	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Simple Assault	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Larceny-Theft	On-campus	0	0	0	0	0	0	0	0	0

	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0
Intimidation	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0
Destruction/damage/ vandalism of property	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0

2022 Hate Crime Statistics

Offense	Location	2022 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non- negligent Manslaughter	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0

	Public Property	0	0	0	0	0	0	0	0	0
Rape	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0
	Public Property									
Fondling	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0
	Public Property									
Incest	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0
	Public Property									
Statutory Rape	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0
	Public Property									

Robbery	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Aggravated Assault	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Burglary	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Motor Vehicle Thefts	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Arson	On-campus	0	0	0	0	0	0	0	0	0

	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Simple Assault	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Larceny-Theft	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Intimidation	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Destruction/damage/ vandalism of property	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									

	Public Property	0	0	0	0	0	0	0	0	0
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2023 Hate Crime Statistics

Offense	Location	2023 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Rape	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Fondling	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Incest	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0

	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus									
	Public Property									
Statutory Rape	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									

Robbery	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Aggravated Assault	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Burglary	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0

	Public Property									
Motor Vehicle Thefts	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Arson	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Simple Assault	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Larceny-Theft	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Intimidation	On-campus	0	0	0	0	0	0	0	0	0

	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Destruction/damage/ vandalism of property	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									

2024 Hate Crime Statistics

Offense	Location	2024 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Rape	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public									

	Property									
Fondling	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Incest	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Statutory Rape	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Robbery	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Aggravated Assault	On-campus	0	0	0	0	0	0	0	0	0

	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Burglary	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Motor Vehicle Thefts	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Arson	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Simple Assault	On-campus	0	0	0	0	0	0	0	0	0
	Residential Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									

	Public Property									
Larceny-Theft	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Intimidation	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									
Destruction/damage/ vandalism of property	On-campus	0	0	0	0	0	0	0	0	0
	Residential	0	0	0	0	0	0	0	0	0
	Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0
	Public Property									

VAWA Statistics

Offense	Location	2021	2022	2023	2024
Domestic Violence	On-campus	0	0	0	0
	Residential Facilities	0	0	0	0
	Non-Campus	0	0	0	0
	Public Property	0	0	0	0
Dating Violence	On-campus	0	0	0	0
	Residential Facilities	0	0	0	0
	Non-Campus	0	0	0	0
	Public Property	0	0	0	0
Stalking	On-campus	0	0	1	3
	Residential Facilities	0	0	0	3
	Non-Campus	0	0	0	0
	Public Property	0	0	0	0

Appendix B: Fire Safety Report

Name of Facility		2021	2022	2023	2024
Kauffman Court	Fires	0	0	1	0
	Injuries	0	0	0	0
	Deaths	0	0	0	0
Erb East	Fires	0	0	3	0
	Injuries	0	0	0	0
	Deaths	0	0	0	0
Erb Central/West	Fires	0	0	0	0
	Injuries	0	0	0	0
	Deaths	0	0	0	0
Main Street House	Fires	0	0	0	0
	Injuries	0	0	0	0
	Deaths	0	0	0	0