

# **The College of Idaho**

## **Department of Campus Safety**

### **Annual Security and Fire Safety Report 2023**

The College of Idaho is a community where approximately 1,350 people work, live, and study on a beautiful, historic campus in Caldwell, Idaho. Living and working in a tranquil environment such as The College of Idaho can cause us to forget that crime and other problems can plague us just as they do in other communities. The purpose of this report is to equip you with the information you need to stay safe while at The College of Idaho.

The Department of Campus Safety is the primary department at The College of Idaho charged with creating a safe and secure environment. This task, however, is not one we can accomplish alone. Crime prevention, risk identification, and problem solving are the responsibilities of everyone. We ask you to join us in these efforts.

Our efforts to maintain a safe and secure environment rely on our ability to develop collaborative relationships with the college community. We believe that through partnering with our community and problem solving, we can make The College of Idaho one of the safest in the nation. We are committed to the philosophy of community policing and procedural justice, and encourage everyone's involvement in keeping our campus safe.

We hope you will find this report informative and helpful, and that your stay at The College of Idaho will be both pleasant and safe. If you have questions or would like further information about safety and security at the C of I, please visit us online at <http://www.collegeofidaho.edu/campussafety> or stop by our offices in Hendren Hall or call 208- 459-5151.

Ben Mosley,  
Director  
Department of  
Campus Safety



## Contents

Section 1: Security Report .....	5
Department Information.....	5
Why a Campus Security Report? .....	5
Annual Report.....	5
Crime Statistics.....	6
Access to Timely Information .....	6
Access to Campus Facilities and Residence Halls .....	7
Special Procedures for Residence Hall Access.....	7
Safety Awareness and Crime Prevention Programs .....	8
Sex Crimes Prevention Act .....	8
Additional Options .....	8
Missing Student Policy and Procedure .....	9
Alcohol.....	9
General Alcohol Policies and Expectations.....	9
Campus/Student Events .....	10
Religious Events .....	11
Crime Definitions from the Uniform Crime Reporting Handbook .....	14
Arson.....	14
Criminal Homicide-Manslaughter by Negligence .....	14
Criminal Homicide-Murder and Non-negligent Manslaughter.....	14
Robbery.....	14
Aggravated Assault .....	15
Burglary .....	15
Motor Vehicle Theft .....	15
Weapon Law Violations.....	15
Drug Abuse Violations .....	15
Liquor Law Violations .....	15
Illegal Drugs .....	16
State Law.....	16
Weapons .....	16
Workplace Violence .....	17

Annual Crime Statistics 2019-2021 .....	19
How do we compile the statistics for this report? .....	19
Section 2: Annual Fire Report.....	29
Fire Statistics by Building and year.....	30
Fire Protection Systems.....	32
Maintaining Emergency Readiness.....	33
Fire Policy for Campus Housing.....	33
Electrical Appliances .....	33
Safety Hazards.....	34
Rental Houses- Fire Safety .....	34
Report Conclusion.....	34
Section 3: SEXUAL MISCONDUCT POLICY .....	35
I.    POLICY STATEMENT .....	35
II.   RESPONSIBLE PARTY .....	35
III.  SCOPE AND AUDIENCE .....	35
IV.   DEFINITIONS .....	36
V.    SPECIFIC RESPONSIBILITIES .....	42
VI.   RESOURCES FOR COMPLAINANTS .....	42
VII.  COMPLAINT PROCEDURES .....	44
A.    Authority.....	44
B.    Rights of the Parties.....	44
C.    Reporting Options .....	46
D.    Reports to Law Enforcement.....	46
E.    Timing of Reporting.....	46
F.    Confidentiality.....	46
G.    Alcohol and Drug Amnesty.....	47
H.    Promptness.....	47
I.    Protection Against Retaliation .....	47
VIII. INVESTIGATIVE & RESOLUTION PROCESS - OVERVIEW .....	47
A.    Notice and/or Formal Complaint.....	47
B.    Initial Assessment.....	48
C.    Supportive and Remedial Response.....	48
D.    Informal Resolution.....	48
E.    Formal Grievance Process.....	48
F.    Emergency Removal or Administrative Leave.....	50
G.    Witnesses .....	50
H.    Ensuring Impartiality.....	50
I.    Resolution Team .....	51
J.    Resolution Timeline.....	51

IX.	NOTICE OF INVESTIGATION.....	51
X.	ADVISORS OF CHOICE.....	53
XI.	SUPPORT MEASURES .....	53
XII.	INFORMAL RESOLUTION .....	54
XIII.	RESPONDENT ACCEPTS RESPONSIBILITY FOR ALLEGED VIOLATIONS.....	54
XIV.	FORMAL GRIEVANCE PROCESS - INVESTIGATION .....	55
XV.	MANDATORY DISMISSAL OF FORMAL COMPLAINT UNDER TITLE IX .....	56
XVI.	PERMISSIVE DISMISSAL OF FORMAL COMPLAINT UNDER TITLE IX.....	56
XVII.	OTHER SEX-BASED CONDUCT – CONDUCT PROCESS.....	57
XVIII.	TITLE IX – LIVE HEARING.....	58
A.	Timing.....	58
B.	Hearing Decision-Maker.....	58
C.	Evidence .....	58
D.	Standard .....	59
E.	Notice of Outcome.....	59
XIX.	SANCTIONS .....	59
XX.	APPEALS.....	60
A.	Grounds for Appeal.....	60
B.	Appeal Considerations .....	62
XXI.	RECORDKEEPING .....	62
XXII.	COMPLAINANT OR RESPONDENT RIGHT TO FILE COMPLAINT.....	63
XXIII.	TRAINING AND EDUCATIONAL PROGRAMMING AND NOTIFICATION OF SERVICES 63	
	APPENDICES .....	65
	Appendix A: Statement of the Rights of the Parties .....	65
	Appendix B: Examples of Unwelcome Conduct.....	67
	Appendix C: Examples of Stalking.....	68
	Appendix D: Support Measures .....	69
	Appendix E: Support Services .....	70
	Appendix F: Resolution Team Training.....	72
	Appendix G: Sanctions .....	73
	Appendix H: Live Hearing – Specific Rules.....	76
	Appendix I: Hearing Procedures and Protocols .....	78

# **Section 1: Security Report**

## ***Department Information***

The Office of Campus Safety reports to the Vice President of Student Affairs and Dean of Students at The College of Idaho. Campus Safety works closely with all departments of the College to ensure that safety policy and procedures are uniformly executed and conveyed in a clear and consistent manner to all the college's students, faculty, and staff.

Our office is located in Hendren Hall on The College of Idaho campus at 2112 Cleveland Blvd. It's open 24 hours a day, 365 days a year. Uniformed officers provide around-the-clock patrol and services to the campus community. Campus Safety officers are unarmed private security officers. They have the same arrest powers as a private citizen as provided by Idaho law.

Campus Safety officers are responsible for a full range of safety services to the community, including all crime report investigations, medical emergencies, fire emergencies, traffic accidents, and enforcement of all college policies including those relating to alcohol use, drug use, and weapons possession.

Campus Safety officers submit case reports on all incidents on campus that are reported to the department. Incidents that are criminal in nature are referred to the Caldwell Police Department at the request of the reporting party and automatically become part of their record-keeping process. Serial numbers of vehicles and other items stolen from campus are reported through the local police authorities to the National Crime Information Center (NCIC).

## ***Why a Campus Security Report?***

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC 1092 (f) as a part of the Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private institutions of postsecondary education participating in federal student aid programs are subject to it. The U.S. Department of Education is the agency charged with enforcement of the Act and violators can be fined up to \$62,689.

The Clery Act, originally enacted by the Congress and signed into law by President George Bush in 1990 as the Crime Awareness and Campus Security Act of 1990, was championed by Howard & Connie Clery after their daughter Jeanne was murdered at Lehigh University in 1986. They also founded the non-profit Security On Campus, Inc. in 1987. Amendments to the Act in 1998 renamed it in memory of Jeanne Clery.

## ***Annual Report***

Colleges and Universities are required to publish an annual report each year containing the last three years of campus crime statistics and certain security

policy statements including sexual assault policies which assure basic victims' rights, the law enforcement authority of campus police and where students should go to report crimes. This report is published on the first of October each year. The report is to be made available automatically to all current students and employees. Prospective students and employees are to be notified of its existence and afforded an opportunity to request a copy. Schools can comply using the Internet so long as the required recipients are notified and provided the exact Internet address where the report can be found and paper copies are available upon request. A copy of the statistics must also be provided to the U.S. Department of Education.

### ***Crime Statistics***

Each school must disclose crime statistics for the campus, unobstructed public areas immediately adjacent to or running through the campus, and certain non-campus facilities including Greek housing and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other school officials who have "significant responsibility for student and campus activities" such as student judicial affairs directors. Professional mental health and religious counselors are exempt from reporting obligations, but may refer patients to a confidential reporting system, which the school has to indicate whether or not it has.

Crimes are reported in the following 7 major categories, with several sub-categories: 1.) Criminal Homicide broken down by a.) Murder and Non-negligent Manslaughter and b.) Negligent manslaughter; 2.) Sex Offenses broken down by a.) Forcible Sex Offenses (includes rape) and b.) Non-forcible Sex Offenses; 3.) Robbery; 4.) Aggravated Assault; 5.) Burglary; 6.) Motor Vehicle Theft; and 7.) Arson.

Schools are also required to report the following three types of incidents if they result in either an arrest or disciplinary referral: 1.) Liquor Law Violations; 2.) Drug Law Violations; and 3.) Illegal Weapons Possession. If both an arrest and referral are made only the arrest is counted.

The statistics are also broken down geographically into the following categories: on campus: student housing, on campus: other, non-campus buildings and property, and public property- such as streets and sidewalks. Schools can use a map to denote these areas. The report must also indicate if any of the reported incidents or crimes were classified as a hate crime.

### ***Access to Timely Information***

Schools are also required to provide timely warnings and a separate more extensive public crime log. It is these requirements which are most likely to affect the day to day lives of students. The timely warning requirement is somewhat subjective and is triggered when the school considers a crime to pose an ongoing threat to students and employees, while the log records all incidents reported to the campus safety department. Timely Warnings will be released at the direction of Campus Safety when there is an ongoing threat to the campus community.

Warnings can be released in a combination of ways to include siren, e-mails, texts and flyers. Campus Safety uses a text and email system which is opt-out only. In order to ensure our community receives these warnings individuals are prompted on the Self-Serve module on the website yearly to update their contact information.

Timely warnings cover a broader source of reports (Campus Safety, other campus officials, and off-campus law enforcement) than the crime log, but are limited to those crime categories required in the annual report. The crime log includes all crimes reported to the Campus Safety Department, not just those required in the annual report; meaning crimes like theft are included in the log. State crime definitions may be used.

Schools that maintain a police or security department are required to disclose in the public crime log "any crime that occurred on campus...or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department." The log is required to include the "nature, date, time, and general location of each crime" as well as its disposition if known. Incidents are to be included within two business days but certain limited information may be withheld to protect victim confidentiality, ensure the integrity of ongoing investigations, or to keep a suspect from fleeing. Only the most limited information necessary may be withheld and even then, it must be released "once the adverse effect...is no longer likely to occur."

The log must be publicly available during normal business hours. This means that in addition to students and employees the general public such as parents or members of the local press may access it. Logs remain open for 60 days.

### ***Access to Campus Facilities and Residence Halls***

Campus Safety controls the remote card access system and personnel also carry keys to all buildings. Campus Safety is responsible for locking and unlocking buildings, including opening buildings for special events. Calls for service are prioritized, but life-endangering calls hold a higher priority than building entry.

### ***Special Procedures for Residence Hall Access***

All residence halls are equipped with an automated card access control system. Unlimited access is available to residential students of their hall and authorized staff via the system. Guests and other visitors may visit residence halls as long as they have been authorized by a member of the community. The exterior doors to student residence halls remain locked 24 hours a day. In addition to the automated card access control system, all exterior doors in the residence halls are equipped with a centrally monitored electronic alarm system. Campus Safety officers respond to alarms that indicates a forced open, or held open, door. Dorm entries, exits, and parking lots are also recorded by a video surveillance system.

## ***Safety Awareness and Crime Prevention Programs***

The Department of Campus Safety and the Department of Residence Life provide resources to the campus for crime prevention and personal safety awareness. We encourage the campus community to be responsible for their own safety and the safety of others. We provide safety and security programming to residential students during each academic term and ongoing poster campaigns throughout the year for non-resident students, staff, and faculty. Additionally, the college's Title IX coordinator also provides training and prevention programming.

## ***Sex Crimes Prevention Act***

Information concerning registered sex offenders may be obtained by contacting the Idaho State Police Headquarters, 700 S. Stratford Dr., Meridian, ID 83642 -- (208) 884-7000) You may also view the sex offender registry with the Idaho State Police at [https://www.isp.idaho.gov/sor\\_id/](https://www.isp.idaho.gov/sor_id/)

## ***Contact Us***

We encourage all victims who are able and elect to report crimes to report crimes. To report crimes or emergencies, community members should promptly call 208- 459-5151, if off campus, or x5151 from any campus extension. For life-threatening emergencies, call 9-911 from any campus extension or press the red button on any blue light or courtesy phone located throughout the campus. Be prepared to advise the dispatcher where the emergency is located. If time permits call 208-459-5151 so that Campus Safety officers can respond.

## ***Additional Options***

If an individual wants to file a confidential report in order to have the incident included in the annual security report statistics they may do so by contacting a campus student Advocate. Although licensed professional mental health and pastoral counselors are exempt from Clery Act requirements, the College encourages them to discuss confidential and/or anonymous reporting options, if in their judgement, they feel it is appropriate.

## ***Anonymous Reporting***

The College offers a way for community members to anonymously report threats or crimes through their website. This form generates an email which is sent to the Director of Campus Safety, Director of Residence Life, and the Dean of Students. This form is not for emergency, but rather is intended as a way for the community to report concerns, threats, or crimes in an anonymous way. In an actual emergency call 911. The form is available here: <https://www.collegeofidaho.edu/incident-report>



## ***Missing Student Policy and Procedure***

The following policy and procedure have been established to assist in locating members of our community who, to the best of our knowledge, are determined to be missing.

- Missing persons should be reported to Campus Safety.
- Once a report has been made, the Department of Campus Safety will immediately start an investigation and attempt to locate the individual. The College may use any of its resources to assist in finding the missing person. These resources may include ID card tracking, keying into residences, review of cameras, checking with peers and faculty, and vehicle registration searches.
- The appropriate law enforcement agencies will be contacted no later than 24 hours after the student is reported missing. If there is any indication of foul play, the local police department will be contacted immediately for assistance.
- Contact will be made with parents, legal guardian, or other confidential contact (which can be designated at the Campus Safety Department) no later than 24 hours after the student is reported missing.

## ***Alcohol***

### ***General Alcohol Policies and Expectations***

As an academic community, The College of Idaho is concerned about how alcohol can potentially interfere with the educational development of our students, interrupt their academic programs, injure their health, adversely affect others in our community, or irreparably prevent them from entering into a successful career. The College of Idaho expects students, faculty, and staff to know and respect all campus alcohol policies and statutes of the state of Idaho that govern the possession and use of alcoholic beverages. Campus alcohol policies include, but are not limited to, those described in the Student Handbook.

Individuals must be at least 21 years of age to consume, possess, furnish, or serve alcoholic beverages. It is against the law and College policy to provide alcohol to anyone under the legal drinking age.

Alcohol is only permitted in residence hall rooms where all students are of legal-age. Consumption of alcohol must take place with the door closed. All persons in a room must be 21 in order for open and/or visible containers of alcohol to be present. Alcohol must be stored out of sight and in a sealed container if guests in a room of a legal-aged student are under 21.

Open containers of alcohol are prohibited in all public areas and on campus grounds (including College-owned houses) unless authorized by the Dean of Students or his/her designee in accordance with the Registered Campus Event process. (See Events With Alcohol under the Student Involvement section of the Student Handbook.)

Common source alcohol containers (i.e., kegs, beer balls, trash cans of punch, etc.) are prohibited. Bulk container violations are considered a serious violation and may result in disciplinary action unless approved through the event registration process.

Any member of The College of Idaho community who is not of legal drinking age may not possess alcohol-related paraphernalia (e.g. beer bong, funnel, empty bottles, etc.).

Possession, use, manufacture, or sale of a false identification card for the purpose of dispensing or purchasing alcohol is prohibited and against the law.

Intoxication is not an acceptable justification for irresponsible or inappropriate behavior.

Those of legal age who consume alcoholic beverages are expected to do so in moderation and in a manner that ensures other community members' rights to privacy, work, sleep and study. Loud or disruptive behavior, interference with cleanliness, or drinking habits that are disruptive or injurious to the health or education of individuals will not be tolerated and will result in disciplinary action. Violations may result in the student's suspension from the residence halls or from the College.

In accordance with FERPA (The Family Educational Rights and Privacy Act), the College reserves the right to contact the parent(s) or guardian(s) of students under the age of 21 involved in violation of College alcohol policies. Parent(s) or guardian(s) of students over the age of 21 may be contacted if the student's alcohol use becomes a health/safety concern.

Information and services (e.g. assessment, referral and counseling) are available through the Residence Life office, Wellness Center (counselors and nurse), and Campus Safety office.

### ***Campus/Student Events***

In addition to the General Alcohol Policies and Expectations above, these policies and expectations apply to all College functions that involve students. If an event will not include students, organizers are still expected to reference and utilize policies and expectations as general guidelines.

An official College function is defined as any on or off campus event that is led

by College employees or students, advertised on campus, and held under the auspices of registered campus organizations.

Individuals/groups who host social events where alcohol is served are responsible for ensuring all applicable policies and laws are enforced. Social hosts may also be held responsible for the conduct of their guests and for any damage (direct or indirect) that may occur as a result of the event.

Alcohol may only be served at official College functions by the College's food service provider.

Student events with alcohol may only serve beer and wine and must have non-alcoholic options and food available for the duration of alcohol service.

Advertising the presence of alcohol- via email, web sites, posters, etc., at an on or off campus event is only allowed for officially recognized College events with approval of the Dean of Students or designee.

Student fee funds may not be used to purchase alcohol.

There is a 3 drink no-host maximum per student of legal drinking age for all student sponsored or co-sponsored events.

### ***Religious Events***

The College of Idaho is widely supportive of various religious traditions and the participation of our students in religious celebrations. There is, however, the potential that an appropriate religious celebration will include the use of alcohol. In these cases, the College must affirm its commitment to religious freedom while at the same time meeting its obligations to the law and to the safety of our students. Therefore, when a proposed religious event necessitates the inclusion of alcohol, the College will consult with the officiating clergy to determine the minimum amount of alcohol required for the appropriate celebration. Only that amount of alcohol will be permitted. Responsible ritual use of alcohol is to be communicated and reasonable precautions taken to ensure adherence; intoxication is never the intent. Alternatives need to be provided alongside the alcoholic beverages for minors and others who desire not to partake of alcohol. This policy applies to events both on campus and off campus when they are led by College employees, advertised on campus, and held under the auspices of registered campus organizations.

### ***STUDY AWAY TRIPS***

Study away opportunities are an enriching component of a College of Idaho education, and our faculty-led trips are a great way for students to learn about, and personally experience, a different culture. As cultural norms and laws concerning alcohol differ from country to country, the College believes that faculty and students who participate in a study away trip should adhere to the widely accepted norms and laws of the host country. Although faculty should not feel obligated to enforce the laws of Idaho and the United States when in another country, it is advisable that faculty remain cognizant of our societal norms and that they do not purchase or make alcohol available to underage students.

## ***COLLEGE EMPLOYEES***

No employee of The College of Idaho may host an event for our students, on or off campus that permits, encourages, or creates the conditions for alcohol abuse or consumption by students under the lawful drinking age. College employees are expected to be familiar with and strictly adhere to these alcohol policies. This document outlines The College of Idaho's expectations for College- related alcohol events, but ultimately it is the responsibility of every faculty and staff member to take reasonable precautions to avoid putting students, other employees, guests of the College, themselves, and/or the College at risk. A violation of the alcohol policies for the failure to exercise reasonable care regarding College employees' responsibilities under this policy may lead to reprimand, termination from employment, or other legal action.

## ***OTHER COLLEGE SOCIAL FUNCTIONS***

From time to time, alcoholic beverages may be served at College social functions, which may be defined as "closed events" or "invitational events" at which the majority of guests are expected to be age 21 or over. Examples include faculty socials, Board of Trustee events, alumni and other events. Although the guidelines set forth above for student events should be referenced and followed to the extent practical and reasonable, the event does not require registration as a Campus Event. However, the organizer or host has the responsibility to see that all legal requirements are observed and that the College guidelines, as stated above, are considered, and that all guests act responsibly. Further, events where alcoholic beverages are provided on campus may justify the services of an independent caterer who should be requested to furnish its own liability insurance and provide the CFO/VP for Student Affairs and Dean of Students with written proof of insurance coverage in advance of the event.

## ***IDAHO ALCOHOL STATUTES***

The following is a summary of applicable Idaho statutes. For more information, contact the Student Affairs Office, the Caldwell Police Department or the Idaho Liquor Control Board.

**Minors – Purchase, Consumption or Possession Prohibited (Idaho Code 23-604):** Any person under twenty-one (21) years of age who shall purchase, attempt to purchase, or otherwise consume or possess any alcohol beverage, including any distilled spirits, beer or wine, shall be guilty of an infraction upon a first violation and shall be guilty of a misdemeanor upon a subsequent conviction and shall be punished according to the schedule set out in section 18- 1502, Idaho Code.

**Dispensing to a Person Under the Age of Twenty-One Years (Idaho Code 23-603):** Any person who is eighteen (18) years of age or older who shall sell, give, or furnish, or cause to be sold, given, or furnished alcohol beverage, including any distilled spirits, beer or wine, to a person under the age of twenty-one(21) years shall be guilty of a misdemeanor and upon conviction thereof may be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) per violation, or by imprisonment in the county jail for

a period not to exceed one (1) year, or by both such fine and imprisonment. A second or subsequent violation of this section by the same defendant shall constitute a misdemeanor and upon conviction thereof the defendant shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) per violation, or imprisonment in the county jail for a period not to exceed one (1) year, or by both such fine and imprisonment. Notwithstanding the provisions of section 19-4705.

**Adult in the Presence of a Minor Consuming Alcohol/Encouraging Violations of the Youth Rehabilitation Act (Idaho Code 20-526):** If a person of legal age is in the presence of a juvenile who is drinking an alcoholic beverage and fails to take action, the adult is considered to be "contributing to the delinquency of a minor."

**Driving While Intoxicated (Idaho Code 18-8004):** It is unlawful for any person who is under the influence of alcohol, drugs or other intoxicating substances, or who has an alcohol concentration of 0.08, or more to drive a motor vehicle upon public or private property open to the public. • **Driving While Intoxicated by Under aged Persons/Zero Tolerance Statute (Idaho Code 18-8004- 1d):** It is unlawful for any person under the age of 21 who has an alcohol concentration of at least 0.02, but less than 0.08, to drive a motor vehicle upon public or private property open to the public.

Whenever a person pleads guilty or is found guilty of violating any law pertaining to the possession, use, procurement, attempted procurement or dispensing of any beer, wine, or other alcoholic beverage, and such person was under 21 years of age at the time of such violation, then in addition to the above penalties, the court shall suspend the person's driving privileges for a period of not more than one year.

Second, or subsequent violations shall result in the suspension of the person's driving privileges for a period of not more than two years, and/or the surrender of his license or permit to the court, and the court may also order the person to undergo and complete an alcohol evaluation and to complete an alcohol treatment or education program (Idaho Code 18-1502).

### ***Alcohol and Drug Abuse***

#### **Drug-Free Schools and Community Act Amendments**

The College of Idaho abides by the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226, as a condition of receiving funds or any other form of financial assistance under any federal program, to certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. At a minimum, the University must annually distribute the following to each student and employee:

- Standards of Conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of drugs and alcohol by students and employees on University property or as any part of University activities;
- A description of the applicable legal sanctions under local, State, and Federal law for unlawful possession, use, or distribution of illicit drugs and alcohol; and
- A clear statement that The College will impose sanctions on students and employees (consistent with local, State, and Federal law) and a description of these sanctions, up to

and including expulsion or termination of employment and referral for prosecution for violations of the Standards of Conduct.

## **Crime Definitions from the Uniform Crime Reporting Handbook**

### **Federal Bureau of Investigation Uniform Crime Reporting/National Incident- Based Reporting System Crime Definitions**

Excerpted from the Implementing Regulations of the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" (originally the Campus Security Act) originally published in the *Federal Register* on April 29, 1994 (Vol. 59, No. 82) and November 1, 1999 (Vol 64, No. 210).

The following definitions are to be used for reporting the crimes listed in 34 CFR sec. 668.46 (previously 668.47) in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations and liquor law violations are excerpted from the *Uniform Crime Reporting Handbook*. The definitions of forcible and non-forcible sex offenses are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Handbook.

#### ***Arson***

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

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

The killing of another person through gross negligence.

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

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

#### ***Robbery***

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

### ***Aggravated Assault***

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

### ***Burglary***

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

### ***Motor Vehicle Theft***

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

### ***Weapon Law Violations***

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

### ***Drug Abuse Violations***

Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadones); and dangerous nonnarcotic drugs (barbituates, benzedrine), and any other substances listed under schedules I, II, and III in Idaho code Title 37, Chapter 27.

### ***Liquor Law Violations***

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

## ***Illegal Drugs***

### ***State Law***

In the statutes of the State of Idaho within the "Uniform Controlled Substances" section, marijuana is one of a great number of substances included within the Schedule I and II categories. The code prescribes the imposition of fines up to and including \$10,000 and/or prison sentences of up to five years for a felony conviction of possessing marijuana in an amount greater than three ounces net weight. Lesser amounts may constitute reduced penalties or a misdemeanor. Violations of Section 37 of Idaho Code with respect to a controlled substance, which is classified as a narcotic drug, or a controlled substance in Schedule II, may be subject to fines up to and including \$20,000 and prison sentences up to life imprisonment

Violations of Federal and Idaho state laws regarding drugs are also violations of The College of Idaho Policy and are subject to disciplinary action up to and including suspension or permanent dismissal from the College.

PARENT NOTIFICATION In accordance with FERPA (The Family Educational Rights and Privacy Act), the College reserves the right to contact the parent(s), or guardian(s) of students under the age of 21 involved in violations of College controlled substances policies or in the event of a life-threatening situation.

## ***Weapons***

The College of Idaho is committed to maintaining a safe and secure environment for all of its students and employees. The College aims to reduce the risk of injury or death associated with the intentional or accidental use of weapons. The College of Idaho regulates the possession and use of firearms and explosives on the campus and prohibits the possession of firearms and explosives on or in campus owned property.

This policy includes any device which can expel a projectile, other dangerous weapons including knives, explosives, ammunition, fireworks, or other items which, in the person's intended use, are capable of inflicting serious injury. Because these items pose a clear risk to persons and property on The College of campus, violation of the regulations may result in administrative action from the College or prosecution under the appropriate city, state, or federal law.

No person shall be permitted to carry firearms or other weapons, concealed or not concealed, with or without a concealed weapons permit, while upon properties owned or controlled by the College without permission from the



Director of Campus Safety.

Weapons, ammunition, and/or any other types of explosive material are strictly forbidden inside campus owned housing units.

A student residing in an on-campus residence area who wishes to bring a hunting or target weapon with him/her to school shall check it in with The C of I Campus Safety Department immediately upon arriving at school and may check it out just prior to use.

Firearms storage facilities are available at the Campus Safety office located in Hendren Hall near the Student Services Entrance. Residents must complete a firearms storage request form prior to storing any weapon inside the Department of Campus Safety storage facility.

Weapons stored in vehicles located on campus property must be located in the trunk of the vehicle or behind the seat of the pickup.

The College of Idaho Department of Campus Safety reserves the right to refuse to relinquish any firearm to an individual if, at the time of pick up, the individual is under the influence of any drug or intoxicating substance, or if the officer believes the individual's judgment to be impaired to the extent that the person may pose a threat to themselves or others. The Campus Safety Department is not responsible for items damaged or lost.

### ***EXCEPTIONS***

Events, demonstrations, classes, or other activities sponsored by, or authorized by The College of Idaho when authorized by the Director of Campus Safety, in strict accordance with existing regulations. At no time may the weapons be inside campus owned or operated housing units.

Any law enforcement officer of the State of Idaho or of a federal law enforcement agency in the performance of their duty.

For purposes of this annual security report, private colleges like College of Idaho do not include statistics of weapons policy violations, rather statistics found here are violations of state, federal or local ordinances.

### ***Workplace Violence***

The College of Idaho's goal is to maintain a work environment free from intimidation, threats or violent acts. The College has adopted a zero-tolerance policy regarding violence in the workplace. This includes, but is not limited to, intimidating, threatening or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of weapons, carrying weapons of any kind onto College property,

or any other act, which, in administration's opinion, is inappropriate to the workplace.

Employees who feel they have been subjected to any of the behaviors listed above are required to report the incident immediately to their supervisor or the Office of Human Resources.

Complaints will be fully investigated. Based upon the results, disciplinary action will be taken against the offender, if appropriate. Employees who observe or have knowledge of any violation of this policy should immediately report it to College administration or the Office of Human Resources. Administration will act when unforeseen events transpire and look to employees for support of this policy.

Employees are empowered to contact the law enforcement authorities without first informing administration when they believe a threat to the safety to themselves or others exists.

The College reserves the right to conduct searches and inspections of employees, their personal effects or College-provided materials including, but not limited to, lunch bags, boxes, thermoses, purses, lockers, desks, computer files, cabinets, file drawers, packages, or vehicles, without probable cause. Any illegal and unauthorized articles discovered may be taken into custody and may be turned over to law enforcement representatives. Any College employee who refuses to submit to a search may be subject to disciplinary action up to and including termination.

# **Annual Crime Statistics**

## **2020-2022**

### ***How do we compile the statistics for this report?***

The Department of Campus Safety collects the crime statistics disclosed in the charts through a number of methods. Campus Safety officers enter all reports of crime incidents made directly to the department through the Professional Incident Reporting Software System called Report Exec. After an officer enters the report in Report Exec, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The department periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the *FBI Uniform Crime Reporting Handbook* and the *FBI National Incident-Based Reporting System Handbook* (sex offenses only)

2022	Criminal Offenses	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
CRIMINAL HOMICIDE						
MURDER/NONNEGLIGENT MANSLAUGHTER		0	0	0	0	0
NEGLIGENT MANSLAUGHTER		0	0	0	0	0
SEX OFFENSES						
SEX OFFENSE: FONDLING		1	0	1	0	0
SEX OFFENSE: INCEST		0	0	0	0	0
SEX OFFENSE: RAPE		3	0	3	0	0
SEX OFFENSE: STATUTORY RAPE		0	0	0	0	0
ROBBERY		0	0	0	0	0
AGGRAVATED ASSAULT		0	0	0	0	0
BURGLARY		5	3	8	0	0
MOTOR VEHICLE THEFT		0	1	1	0	0
ARSON		0	0	0	0	0
UNFOUNDED CRIMES TOTAL: 0						

2021	Criminal Offenses	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
CRIMINAL HOMICIDE						
MURDER/NONNEGLIGENT MANSLAUGHTER		0	0	0	0	0
NEGLIGENT MANSLAUGHTER		0	0	0	0	0
SEX OFFENSES						
SEX OFFENSE: FONDLING		2	0	2	0	0
SEX OFFENSE: INCEST		0	0	0	0	0
SEX OFFENSE: RAPE		3	0	3	0	0
SEX OFFENSE: STATUTORY RAPE		0	0	0	0	0
ROBBERY		0	0	0	0	0
AGGRAVATED ASSAULT		0	1	1	0	0
BURGLARY		0	0	0	0	0
MOTOR VEHICLE THEFT		0	0	0	0	0
ARSON		0	0	0	0	0
UNFOUNDED CRIMES TOTAL: 0						

2020	Criminal Offenses	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
CRIMINAL HOMICIDE						
MURDER/NONNEGLIGENT MANSLAUGHTER		0	0	0	0	0
NEGLIGENT MANSLAUGHTER		0	0	0	0	0
SEX OFFENSES						
SEX OFFENSE: FONDLING		1	1	2	1	0
SEX OFFENSE: INCEST		0	0	0	0	0
SEX OFFENSE: RAPE		4	0	4	1	0
SEX OFFENSE: STATUTORY RAPE		0	0	0	0	0
ROBBERY		0	0	0	0	1
AGGRAVATED ASSAULT		0	0	0	0	0
BURGLARY		1	0	1	0	0
MOTOR VEHICLE THEFT		0	1	1	0	1
ARSON		0	1	1	0	0
UNFOUNDED CRIMES TOTAL: 0						

2022	Arrest and Judicial Referrals	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
ARRESTS						
LIQUOR LAW VIOLATIONS		0	0	0	0	0
DRUG LAW VIOLATIONS		1	1	2	0	3
ILLEGAL WEAPONS POSSESSION		0	0	0	0	0
JUDICIAL REFERRALS						
LIQUOR LAW VIOLATIONS		3	0	3	0	0
DRUG LAW VIOLATIONS		1	1	2	1	0
ILLEGAL WEAPONS POSSESSION		0	0	0	0	0

2021	Arrest and Judicial Referrals	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
ARRESTS						
LIQUOR LAW VIOLATIONS		0	0	0	0	0
DRUG LAW VIOLATIONS		0	0	0	0	0
ILLEGAL WEAPONS POSSESSION		0	0	0	0	0
JUDICIAL REFERRALS						
LIQUOR LAW VIOLATIONS		12	0	12	1	0
DRUG LAW VIOLATIONS		3	0	3	0	0
ILLEGAL WEAPONS POSSESSION		0	0	0	0	0

2020	Arrest and Judicial Referrals	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
ARRESTS						
LIQUOR LAW VIOLATIONS		0	0	0	0	0
DRUG LAW VIOLATIONS		0	1	1	0	0
ILLEGAL WEAPONS POSSESSION		0	0	0	0	0
JUDICIAL REFERRALS						
LIQUOR LAW VIOLATIONS		1	0	1	0	0
DRUG LAW VIOLATIONS		2	1	3	0	0
ILLEGAL WEAPONS POSSESSION		0	0	0	0	0

## Clery Hate Crime Statistics

### On Campus

2022 Clery Act Reportable Offenses	ON CAMPUS		Category of Hate Crime				National Origin	Gender Identity
	Race	Gender	Religion	Sexuality	Ethnicity	Disability		
MURDER/NONNEGLIGENT	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0
SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0
SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0
SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0
SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0
ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0	0	0
LARCENY	0	0	0	0	0	0	0	0
DESTRUCTION OF PROPERTY	0	0	0	0	0	0	0	0
Totals	0	0	0	0	0	0	0	0

2021 ON CAMPUS		Category of Hate Crime						National Origin	Gender Identity
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability			
MURDER/NONNEGLIGENT	0	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0
SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0	0
SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0	0
SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0	0
SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0	0
ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0	0	0	0
LARCENY	0	0	0	0	0	0	0	0	0
DESTRUCTION OF PROPERTY	0	0	0	0	0	0	0	0	0
Totals	0	0	0	0	0	0	0	0	0

2020 ON CAMPUS		Category of Hate Crime						National Origin	Gender Identity
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability			
MURDER/NONNEGLIGENT	0	0	0	0	0	0	0	0	
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	
SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0	
SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0	
SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0	
SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0	
ROBBERY	0	0	0	0	0	0	0	0	
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	
BURGLARY	0	0	0	0	0	0	0	0	
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	
ARSON	0	0	0	0	0	0	0	0	
ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0	
SIMPLE ASSAULT	0	0	0	0	0	0	0	0	
INTIMIDATION	0	0	0	0	0	0	0	0	
LARCENY	0	0	0	0	0	0	0	0	
DESTRUCTION OF PROPERTY	0	0	0	1	0	0	0	0	
Totals	0	0	0	1	0	0	0	0	

## Non-Campus

2022 NON CAMPUS		Category of Hate Crime						National Origin	Gender Identity
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability			
MURDER/NONNEGLIGENT	0	0	0	0	0	0	0	0	
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	
SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0	
SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0	
SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0	
SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0	
ROBBERY	0	0	0	0	0	0	0	0	
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	
BURGLARY	0	0	0	0	0	0	0	0	
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	
ARSON	0	0	0	0	0	0	0	0	
ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0	
SIMPLE ASSAULT	0	0	0	0	0	0	0	0	
INTIMIDATION	0	0	0	0	0	0	0	0	
LARCENY	0	0	0	0	0	0	0	0	
DESTRUCTION OF PROPERTY	0	0	0	0	0	0	0	0	
Totals	0	0	0	0	0	0	0	0	



2021 NON CAMPUS		Category of Hate Crime						National Origin	Gender Identity
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability			
MURDER/NONNEGLIGENT	0	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0
SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0	0
SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0	0
SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0	0
SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	1	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0	0
ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0	0	0	0
LARCENY	0	0	0	0	0	0	0	0	0
DESTRUCTION OF PROPERTY	0	0	0	0	0	0	0	0	0
Totals	1	0	0	0	0	0	0	0	0

2020 NON CAMPUS		Category of Hate Crime						National Origin	Gender Identity
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability			
MURDER/NONNEGLIGENT	0	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0
SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0	0
SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0	0
SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0	0
SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0	0
ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0	0	0	0
LARCENY	0	0	0	0	0	0	0	0	0
DESTRUCTION OF PROPERTY	0	0	0	0	0	0	0	0	0
Totals	0	0	0	0	0	0	0	0	0

## Public Property

2022	PUBLIC PROPERTY	Category of Hate Crime						National Origin	Gender Identity
		Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity		
	MURDER/NONNEGLIGENT	0	0	0	0	0	0	0	0
	NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0
	SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0
	SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0
	SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0
	SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0
	ROBBERY	0	0	0	0	0	0	0	0
	AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0
	BURGLARY	0	0	0	0	0	0	0	0
	MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0
	ARSON	0	0	0	0	0	0	0	0
	ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0
	SIMPLE ASSAULT	0	0	0	0	0	0	0	0
	INTIMIDATION	0	0	0	0	0	0	0	0
	LARCENY	0	0	0	0	0	0	0	0
	DESTRUCTION OF PROPERTY	0	0	0	0	0	0	0	0
	Totals	0	0	0	0	0	0	0	0

2021	PUBLIC PROPERTY	Category of Hate Crime							National Origin	Gender Identity
		Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability		
	MURDER/NONNEGLIGENT	0	0	0	0	0	0	0	0	
	NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	
	SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0	
	SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0	
	SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0	
	SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0	
	ROBBERY	0	0	0	0	0	0	0	0	
	AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	
	BURGLARY	0	0	0	0	0	0	0	0	
	MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	
	ARSON	0	0	0	0	0	0	0	0	
	ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0	
	SIMPLE ASSAULT	0	0	0	0	0	0	0	0	
	INTIMIDATION	0	0	0	0	0	0	0	0	
	LARCENY	0	0	0	0	0	0	0	0	
	DESTRUCTION OF PROPERTY	0	0	0	0	0	0	0	0	
	Totals	0	0	0	0	0	0	0	0	

2020 Clery Act Reportable Offenses	PUBLIC PROPERTY		Category of Hate Crime					National Origin	Gender Identity
	Race	Gender	Religion	Sexuality	Ethnicity	Disability			
MURDER/NONNEGLIGENT	0	0	0	0	0	0	0	0	
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	
SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0	
SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0	
SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0	
SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0	
ROBBERY	0	0	0	0	0	0	0	0	
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	
BURGLARY	0	0	0	0	0	0	0	0	
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	
ARSON	0	0	0	0	0	0	0	0	
ANY OTHER CRIME INVOLVING	0	0	0	0	0	0	0	0	
SIMPLE ASSAULT	0	0	0	0	0	0	0	0	
INTIMIDATION	0	0	0	0	0	0	0	0	
LARCENY	0	0	0	0	0	0	0	0	
DESTRUCTION OF PROPERTY	0	0	0	0	0	0	0	0	
Totals	0	0	0	0	0	0	0	0	

## VAWA Crimes

2022	VAWA	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
VAWA Crimes						
Dating Violence		0	0	0	0	0
Domestic Violence		0	0	0	0	1
Stalking		1	3	4	0	0

2021	VAWA	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
VAWA Crimes						
Dating Violence		0	0	0	0	0
Domestic Violence		0	0	0	0	0
Stalking		2	3	5	0	0

2020	VAWA	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
VAWA Crimes						
Dating Violence		0	0	0	0	0
Domestic Violence		0	0	0	0	0
Stalking		1	1	2	0	0

## Section 2: Annual Fire Report

The following information indicates current policies and procedures associated with fire safety and prevention. This policy applies to all students, visitors and employees including staff, faculty, and administration on all College of Idaho premises.

In the event of a fire on campus, the first responding Campus Safety officer will take the responsibility as Incident Commander and ensure that a response and evacuation procedure is occurring for any buildings and community members that might be endangered. The Director of Campus Safety, or designate, shall be responsible for declaring a critical emergency situation that requires any widespread evacuation, building closure, or activity cancellation. This responsibility will be relinquished to the commanding officer of the Caldwell City Fire Department upon their arrival. Members of Campus Safety will continue to act as liaison between municipal agencies and College Administration.

Faculty and Teaching Staff need to familiarize themselves with evacuation routes and alarm systems of buildings in which they are teaching and inform students under their supervision of the evacuation procedures for the buildings in which their academic activities occur. In the event of a fire or any other reason, they should lead students to safety in the case of a building evacuation. In case of laboratory situations, immediately initiate shut down procedures and then proceed with evacuation. Under no circumstances will a class be kept in a building under any evacuation because of ***FIRE***.

Administration, non-teaching Staff and Students shall familiarize themselves with the alarm systems and evacuation procedures of all buildings they occupy and immediately respond if necessary. Under no circumstances remain in any building during any ***FIRE*** evacuation.

If any member of the campus community determines that a fire is occurring they should pull a fire alarm and call Campus Safety and start the evacuation procedure for that building. If a member of the community sees evidence that a fire occurred and do not know if it has been reported they should contact Campus Safety.

## Fire Statistics by Building and year

### *Fire Report by Building- 2020*

Residential Facility	Total Fires	Location	Cause	Injuries	Deaths	Estimated Damage	Reference number
Anderson	0	n/a	n/a	n/a	n/a	n/a	
Finney	0	n/a	n/a	n/a	n/a	n/a	
Hayman	0	n/a	n/a	n/a	n/a	n/a	
Ketchup	0	n/a	n/a	n/a	n/a	n/a	
Mustard	0	n/a	n/a	n/a	n/a	n/a	
Owyhee	0	n/a	n/a	n/a	n/a	n/a	
Sawtooth	0	n/a	n/a	n/a	n/a	n/a	
Simplot	0	n/a	n/a	n/a	n/a	n/a	
Voorhees	1	Basement Kitchen	Cooking	0	0	\$500	CR20-183

### *Fire Report by Building- 2021*

Residential Facility	Total Fires	Location	Cause	Injuries	Deaths	Estimated Damage	Reference number
Anderson	0	n/a	n/a	n/a	n/a	n/a	
Finney	0	n/a	n/a	n/a	n/a	n/a	
Hayman	1	Laundry room	Drier	0	0	none	CR21-020
Ketchup	0	n/a	n/a	n/a	n/a	n/a	
Mustard	0	n/a	n/a	n/a	n/a	n/a	
Owyhee	0	n/a	n/a	n/a	n/a	n/a	
Sawtooth	0	n/a	n/a	n/a	n/a	n/a	
Simplot	0	n/a	n/a	n/a	n/a	n/a	
Voorhees	0	n/a	n/a	n/a	n/a	n/a	
1520 E Oak St.	0	n/a	n/a	n/a	n/a	n/a	
1721 E Oak St.	0	n/a	n/a	n/a	n/a	n/a	
1923 Everett St.	0	n/a	n/a	n/a	n/a	n/a	
2205 S Illinois Ave.	0	n/a	n/a	n/a	n/a	n/a	
2214 S Illinois Ave.	0	n/a	n/a	n/a	n/a	n/a	
2218 S Illinois Ave.	0	n/a	n/a	n/a	n/a	n/a	

### ***Fire Report by Building- 2022***

<b>Residential Facility</b>	<b>Total Fires</b>	<b>Location</b>	<b>Cause</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Estimated Damage</b>	<b>Reference number</b>
<b>Anderson</b>	0	n/a	n/a	n/a	n/a	n/a	
<b>Finney</b>	0	n/a	n/a	n/a	n/a	n/a	
<b>Hayman</b>	0	n/a	n/a	n/a	n/a	n/a	
<b>Ketchup</b>	0	n/a	n/a	n/a	n/a	n/a	
<b>Mustard</b>	1	Kitchen	Cooking	0	0	\$500	CR22-239
<b>Owyhee</b>	0	n/a	n/a	n/a	n/a	n/a	
<b>Sawtooth</b>	0	n/a	n/a	n/a	n/a	n/a	
<b>Simplot</b>	0	n/a	n/a	n/a	n/a	n/a	
<b>Voorhees</b>	0	n/a	n/a	n/a	n/a	n/a	
<b>1520 E Oak St.</b>	0	n/a	n/a	n/a	n/a	n/a	
<b>1721 E Oak St.</b>	1	Kitchen	Cooking	0	0	\$2,500	CR22-115
<b>1923 Everett St.</b>	0	n/a	n/a	n/a	n/a	n/a	
<b>2205 S Illinois Ave.</b>	0	n/a	n/a	n/a	n/a	n/a	
<b>2214 S Illinois Ave.</b>	0	n/a	n/a	n/a	n/a	n/a	
<b>2218 S Illinois Ave.</b>	0	n/a	n/a	n/a	n/a	n/a	

### ***Fire Protection Systems***

<b>Residential Facility</b>	<b>Smoke Detectors Monitored by Fire Alarm System</b>	<b>Single Station Smoke Alarms</b>	<b>Fire Extinguishers</b>	<b>Sprinkler System</b>	<b>Evacuation plans and placards</b>	<b># of Fire Drills Annually</b>
<b>Anderson</b>	Yes	n/a	Yes	No	Yes	2
<b>Finney</b>	Yes	n/a	Yes	Yes	Yes	2
<b>Hayman</b>	Yes	n/a	Yes	Yes	Yes	2
<b>Ketchup</b>	Yes	n/a	Yes	Yes	Yes	2
<b>Mustard</b>	Yes	n/a	Yes	Yes	Yes	2
<b>Owyhee</b>	Yes	n/a	Yes	Yes	Yes	2
<b>Sawtooth</b>	Yes	n/a	Yes	Yes	Yes	2
<b>Simplot</b>	Yes	n/a	Yes	Yes	Yes	2
<b>Voorhees</b>	Yes	n/a	Yes	Yes	Yes	2
<b>1520 E Oak St.</b>	No	Yes	Yes	No	No	0
<b>1721 E Oak St.</b>	No	Yes	Yes	No	No	0
<b>1923 Everett St.</b>	No	Yes	Yes	No	No	0
<b>2205 S Illinois Ave.</b>	No	Yes	Yes	No	No	0
<b>2214 S Illinois Ave.</b>	No	Yes	Yes	No	No	0
<b>2218 S Illinois Ave.</b>	No	Yes	Yes	No	No	0



## ***Maintaining Emergency Readiness***

The Department of Campus Safety will ensure that emergency evacuation procedures are determined and relayed to the community as well as being posted, and that training is completed for certain locations such as laboratories and other places as needed. Any fire concerns from staff, faculty, students, and administrators should be forwarded to the Director of Campus Safety. Campus Safety will conduct quarterly fire evacuation drills, investigate reports of accidents and incidents related to fire and public safety and maintain current and complete lists of training that responders have received. The Director of Learning and Disability Services will provide to Campus Safety detailed information about emergency procedures and any services specific to the needs of disabled members of our community.

## ***Fire Policy for Campus Housing***

All rooms in Anderson Hall have smoke detectors. Finney Hall, Hayman Hall, Simplot Hall, Voorhees Hall, Sawtooth, Owyhee, and both Village apartment buildings (Mustard and Ketchup) have smoke detectors and sprinkler systems. All smoke and sprinkler systems are monitored by a fire alarm system with direct contact to fire dispatch and Campus Safety. Evacuation routes are posted in each building. Fire extinguishers are placed throughout campus residences. Fire extinguishers are checked regularly and extinguishers and water flow systems are serviced annually. The College plans to provide a sprinkler system in the remaining residence hall as remodeling on that building is scheduled.

Fire safety is extremely important in a community living situation. A fire hazard is anything that could cause a fire or prohibit the safe and expedient ability of students to evacuate. Disregard for fire safety by ignoring evacuation procedures; placing false alarms; interfering with proper functioning of fire alarm, electrical systems or sprinklers; tampering with or removing bells, alarms, fire detection equipment, fire hoses, fire doors/door closures, exit signs, extinguishers or firefighting equipment is prohibited. Use of fire or smoke-producing articles such as Bunsen burners, portable stoves, kerosene lamps, candles, pipes and cigarettes unless authorized by college staff is also prohibited. Vandalizing, damaging or unlocking exterior building doors or locks, room doors or locks, security alarm systems, emergency phones, or other portions of a security system are prohibited. Fire Department personnel, college security personnel, and/or Residence Life staff may enter rooms during fire alarms to ensure compliance with evacuation procedures. The College reserves the right to assess living units and/or individuals for the cost of responding to false alarms.

## ***Electrical Appliances***

Electrical appliances such as televisions, stereos, electric blankets, clocks, irons, refrigerators under 4.5 cubic feet and other appliances having self-contained heating units may be used in the residence halls. Open-element appliances such as hot plates, toasters, electric fry pans, halogen lamps, etc., are prohibited and can be confiscated. Popcorn poppers, coffee pots, rice cookers, hot pots and small microwaves are permitted. To keep fire hazards to a minimum, cooking is allowed only in the kitchen facilities provided in each residence hall. If the number of otherwise permitted appliances operating on a single circuit creates a danger of circuitry overload, a residence life staff member may issue instructions for the safe use of the appliance in question or withdraw

permission for use.

### ***Safety Hazards***

Maintaining a safe campus is a community responsibility. No person shall create a safety or health hazard in any residence hall through either their behavior or articles in their possession. Due to the documented effects of second-hand smoke and the proximity of residence windows to the exterior of the residence halls and apartments, smoking is prohibited within 50 feet of the residence halls and apartments. Smoking is prohibited in rental houses. Accessing roofs or fire escapes creates a potentially hazardous situation and is prohibited. Nothing is to be thrown from a window or roof, or hung from the outside of windows, as these also create hazards. Likewise, propping exterior doors and letting unidentified individuals into residence halls undermines the hall's ability to be a safe living environment. Some furnishings, such as weight benches, waterbeds and lofts, create fire and weight hazards; these are also prohibited. Any instrument that is used or is readily capable of causing serious physical injury is considered dangerous and is therefore prohibited. College staff will confiscate prohibited items and individuals involved may be subject to disciplinary action, including expulsion. Examples of prohibited articles include, but are not limited to: bombs, knives, num-chucks, throwing stars, air rifles, pellet guns, pistols, firearms, ammunition, hunting equipment, gun powder, fireworks, explosives, and gasoline. If you have any questions regarding this policy please contact Campus Safety (208-459-5151) or the Office of Residence Life (208-459-5150).

### ***Rental Houses- Fire Safety***

Candles and fireplaces are not allowed to be burned in the rental houses. Smoking, the use of any type of pipe, incense, and any other fire hazard is prohibited. Smoke detectors must always be in good repair and active. Residents are responsible for making sure their detectors are working. Covering or disabling a detector is not allowed and will result in a fine. The Facilities Department provides batteries if requested.

### ***Report Conclusion***

The Office of Campus Safety is committed to working with the college community to resolve all matters of safety in a timely fashion. All members of the Campus Safety department know that for this to happen they must cooperate and work hand-in-hand with faculty, staff, and students. By working together, we can create a safe and secure environment.

## **Section 3: SEXUAL MISCONDUCT POLICY**

### **I. POLICY STATEMENT**

The College of Idaho is committed to maintaining a working, learning, and campus living environment in which all Members of the College Community (defined below) are treated with dignity and respect. The College strives to create an environment that supports, encourages, and rewards career and educational advancement on the basis of ability and performance. Accordingly, the College prohibits discrimination on the basis of sex, sexual orientation, gender, gender identity and pregnancy. The College also prohibits Sexual Harassment (defined below), including but not limited to, Sexual Assault (defined below), relationship violence, and stalking.

The College will promptly and fairly investigate allegations of sexual misconduct and Retaliation (defined below) in accordance with this policy. The Title IX Coordinator has the authority to investigate and address patterns of conduct or issues identified in campus climate surveys.

All Members of the College Community are responsible for following this policy to create a campus environment free from prohibited sex and gender-based discrimination and Sexual Harassment. The College expects all Members of the College Community to avoid any behavior or conduct that could reasonably be interpreted as sex or gender-based discrimination or Sexual Harassment.

### **II. RESPONSIBLE PARTY**

The Title IX Coordinator coordinates the College's response to discrimination based on sex in Education programs or activities and allegations of sexual misconduct, including Sexual Harassment and Sexual Assault.

Jodi Nafzger  
Title IX Coordinator  
Blatchley 201  
2112 Cleveland Blvd.  
Caldwell, Idaho 83605  
[titleix@collegeofidaho.edu](mailto:titleix@collegeofidaho.edu)  
208-459-5139

### **III. SCOPE AND AUDIENCE**

This policy applies to all sex-based conduct that occurs on or off-campus between students, staff, faculty, or other Members of the College Community. Such conduct will follow the procedural steps as outlined below.

- A. Title IX Violations: Upon sexual misconduct allegations that meet the definitions under Title IX of the Education Amendments of 1972 and where a Formal Complaint (defined below) is filed, the College will follow the Formal Grievance Process (defined below) with respect to Title IX as outlined in this policy and in the [2020 Title IX Regulations](#).
- B. Other Sex-Based Conduct: Upon sexual misconduct allegations that do not meet the Title IX definitions or occur outside the jurisdiction of Title IX, the College will investigate such allegations under its own authority and will follow the Formal Grievance Process with respect to sex-based conduct that falls outside of Title IX as outlined in this policy.

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. Title IX states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

As a recipient of federal financial assistance, the College is required to ensure that none of its education programs and activities discriminate on the basis of sex or gender. Sexual Harassment (defined below) and Sexual Assault (defined below), which is a form of Sexual Harassment, are also prohibited under this policy.

Sexual Harassment allegations concerning an employee that implicate Title VII of the Civil Rights Act of 1964 may be investigated pursuant to the Harassment Prevention Policy or the Sexual Misconduct Policy, at the discretion of the Director of Human Resources or the Title IX Coordinator.

#### **IV. DEFINITIONS**

- 1. Advisor – A person who is chosen by a Party or appointed by the College to accompany and advise the Party throughout the Resolution process. During any Live Hearing, each Party must have an Advisor present to ask the questions. If a Party does not have an Advisor during live questioning, the College will appoint one.
- 2. Appeal Decision-Maker – A person who considers a request for appeal from the Hearing Decision-Maker's findings within the College's Formal Grievance Process. The College reserves the right to hire external, neutral experts to serve this function when necessary.
- 3. Coercion – To Force one to act based on fear of harm to one's self or others. Means of Coercion may include, but are not limited to pressure, threats, emotional intimidation, or the use of physical Force.
- 4. Complainant – An individual who reports, or is reported to have experienced, conduct prohibited under this policy regardless of whether the individual makes a report or seeks disciplinary action.
- 5. Confidential Resources – Licensed mental health counselors and staff, campus ministers,

or student advocates, acting in their official capacity, who can provide confidential guidance and resources. A report to a Confidential Resource will be used by the College administration to track trends, to plan educational awareness programming, and to address other community safety concerns. But the student's or employee's name will not be disclosed and no official actions will be taken without the student's or employee's permission (as allowed under law).

6. Consent – Voluntary, informed, and freely-given agreement to engage in a course of conduct which may be withdrawn at any time. Consent is demonstrated through words or actions creating clear permission or willingness to engage in mutually agreed-upon sexual activity. Neither silence, the absence of resistance, nor the existence of a prior consensual sexual relationship are sufficient to indicate Consent.

A person who is incapacitated by alcohol or illegal or prescription drugs, unconscious, or asleep cannot give Consent. Agreement to engage in a course of conduct shall not be considered as freely given and shall not constitute Consent when it is obtained through harassment, Coercion, threats, or other forcible conduct.

An individual under sixteen (16) years of age cannot give Consent for sexual activity. Those individuals who are sixteen (16) or seventeen (17) years of age may only Consent to sexual encounters with partners who are less than three (3) years older.

7. Education Programs or Activities – Locations, events, or circumstances where the College exercises substantial control over both the Respondent and the context in which the Sexual Harassment or discrimination occurs and also includes any building owned or controlled by a student organization (e.g., fraternity and sorority) that is officially recognized by the College.
8. Final Determination – A conclusion by a preponderance of the evidence of whether alleged conduct occurred and if so, whether it constituted a violation under this policy.
9. Finding – A conclusion by a preponderance of the evidence that the conduct did or did not occur as alleged.
10. Force – The use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and Coercion that is intended to overcome resistance or produce Consent.
11. Formal Complaint – A document filed by a Complainant against a Respondent or signed by the Title IX Coordinator alleging Sexual Harassment and requesting that the College conduct an investigation. When filed by a Complainant, the Formal Complaint must have a physical or digital signature. A Formal Complaint must be filed before a formal or Informal Resolution may be sought.
12. Formal Grievance Process – A method of formal resolution designated by the College to address conduct that falls under this policy and which complies with the requirements

of 34 CFR Part 106.45.

13. Good Faith – Intention to be open and honest with no deliberate intention to deceive or defraud.
14. Hearing Decision-Maker (and/or Panel) – Those who have decision-making and sanctioning authority within the College’s Formal Grievance Process. The College reserves the right to hire external, neutral experts to serve this function when necessary.
15. Incapacitation – The physiological and/or cognitive inability, temporarily or permanently, to make informed, rational judgments and decisions including giving Consent. States of Incapacitation may include unconsciousness, sleep, and blackouts. An individual is incapacitated if it is demonstrated that the individual was unaware at the time of the incident where they were, how they got there, or why or how they became engaged in a sexual interaction. A determination of Incapacitation does not turn on technical or medical definitions, but instead focuses on whether a Complainant has the ability to make informed, rational judgments and decisions including giving Consent. Common and obvious warning signs which indicate that a person may be Incapacitated or approaching Incapacitation may include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence.

For purposes of this policy, when alcohol is involved, Incapacitation is a state beyond drunkenness or intoxication, and when drug use is involved, Incapacitation is a state beyond being under the influence or impaired by use of the drug. A person is not incapacitated merely because they have been drinking or using drugs. Alcohol and drug use impact each individual differently, and determining whether an individual is incapacitated requires a case-by-case determination.

A Respondent’s intoxication is never an excuse for or a defense to conduct prohibited under this policy, and it does not diminish their responsibility to determine whether Consent was present.

16. Informal Resolution – Process whereby an allegation is resolved informally, without a hearing. Informal Resolution can include, but is not limited to, facilitated dialogue, mediation, negotiated resolutions, and restorative justice. The Title IX Coordinator, or designee, will make the ultimate determination of whether an informal resolution option is available in a given case.
17. Investigator – The person or persons charged to impartially gather facts about an alleged violation under this policy, compile evidence into an investigation report, and create a file of related evidence.
18. Live Hearing – Every institution must provide live hearings for Title IX grievance proceedings. A trained Hearing Decision-Maker must oversee the hearing and determine which questions and evidence are relevant. The parties’ Advisors must be

allowed to cross-examine witnesses and the other party, with certain restrictions.

19. Members of the College Community – College employees, students, affiliates, affiliate faculty, volunteers, contractors, vendors, customers, visitors, and participants in a College-sponsored program or activity.
20. No-Contact Order – At the request of either Party, the Title IX Coordinator may institute a mutual No-Contact Order preventing either Party from contacting the other while the resolution process is pending, or longer depending on the outcome.
21. Notice – When an employee, student, or third party informs the Title IX Coordinator, Official with Authority, or Responsible Employee of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
22. Official with Authority – An employee of the College explicitly vested with the responsibility to implement corrective measures for Sexual Harassment, discrimination, and/or Retaliation on the basis of sex on behalf of the College.
23. Party/Parties – Refers to a Complainant(s), Respondent(s), or both Complainant and Respondent collectively.
24. Remedies – Post-Finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College's Education Programs or Activities.
25. Reporter – An individual who reports alleged prohibited conduct but who is not the individual who is alleged to have experienced the prohibited conduct.
26. Respondent – The individual(s) or group alleged to have engaged in conduct prohibited under this policy.
27. Responsible Employee – All employees of the College (other than Confidential Resources), including faculty, staff, and students, have the duty to report sex-based harassment or other types of sexual misconduct to the Title IX Coordinator as soon as practical after learning of the potential violation.
28. Resolution – The result of an Informal Resolution or Formal Grievance Process.
29. Retaliation – This policy prohibits retaliation against a person for: reporting discrimination and harassment; filing a complaint of discrimination or harassment; or participating in the investigation or adjudication of such a complaint. Retaliation includes, but is not limited to, acts or words that constitute intimidation, threats, or coercion intended to pressure any individual to participate, not participate, or provide false or misleading information during any proceeding under this policy. Retaliation may include abuse or violence, other forms of harassment, and/or making false statements

about another person in print or verbally with intent to harm their reputation.

30. Sanction – A consequence imposed by the College on a Respondent who is found to have violated this policy.

31. Sexual Harassment – Conduct on the basis of sex that satisfies one or more of the following:

- a. An employee of the College conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct. This is commonly referred to as a quid pro quo.
- b. Unwelcome conduct determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the College's Education Programs or Activities. A non-inclusive list of examples can be found in Appendix B of this policy.

Where an allegation concerns an employee, it is necessary to analyze Sexual Harassment under Title VII of the Civil Rights Act of 1964 as well, as that legislation prohibits conduct that is so severe, pervasive, or persistent that it creates an environment that (1) would cause a reasonable person substantial emotional distress and undermine the person's ability to work, study, learn, or otherwise participate in College programs or services; and (2) actually does cause the harassed person(s) any of these difficulties.

32. Sexual Assault – Sexual Assault is a form of Sexual Harassment which includes:

- a. Sex Offenses, Forcible – Any sexual act directed against another person, without their Consent, including instances in which the Complainant is not able to give Consent.
  - i. Forcible Rape – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the Complainant.
  - ii. Forcible Sodomy – Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly against the person's will in instances in which the Complainant is incapable of giving Consent because of age or because of temporary or permanent mental or physical Incapacitation.
  - iii. Sexual Assault with an Object – The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually).
  - iv. Forcible Fondling – The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not



forcibly against the person's will in instances in which the Complainant is incapable of giving Consent because of age or because of temporary or permanent mental or physical Incapacitation.

b. Sex Offenses, Non-forcible

- i. Incest – Non-forcible sexual intercourse, between two persons who are related to each other, within the degrees wherein marriage is prohibited by Idaho state law.
- ii. Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of Consent in the state of Idaho.
- iii. Dating Violence – Violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the available evidence with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- iv. Domestic Violence – Violence, on the basis of sex, 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, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Idaho, or by any other person against an adult or youth.
- v. Stalking – Engaging in a course of conduct, on the basis of sex, directed at a specific person, which would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress. For purposes of this definition, course of conduct means two or more acts. A list of examples of Stalking are included in Appendix C of this policy.

33. Support Measures – Non-disciplinary, non-punitive individualized services provided to Complainants or Respondents regardless of whether a Formal Complaint has been filed. These measures are designed to restore or preserve equal access to Education Programs or Activities without unreasonably burdening the other Party.

These measures include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modification of work or class schedules, mutual No-Contact Orders between Parties, change in work, parking, or housing locations, leaves of absence, increased security and monitoring in certain areas of campus, and other similar measures.

34. Working Days – Monday through Friday, excluding weekends, official College holidays, and College closures.
35. Witness – An individual who may have information relevant to a report of prohibited conduct.

## **V. SPECIFIC RESPONSIBILITIES**

### **A. Title IX Coordinator**

1. The Title IX Coordinator is responsible for overseeing the College's Title IX compliance efforts, including but not limited to: (1) the intake, investigation, Resolution, and implementation of Supportive Measures to stop, remediate, and prevent discrimination, Sexual Harassment, and Retaliation prohibited under this policy by or against any Member of the College Community, and (2) identifying and addressing patterns or systemic problems that are identified during the review of these complaints.

The Title IX Coordinator is also responsible for the periodic review and assessment of this policy and any related policies and procedures

Where a complaint involves a College employee, the Title IX Coordinator, or their designee, has responsibility for determining whether that complaint should be investigated under this policy, or whether it should be investigated pursuant to another College policy and/or Title VII of the Civil Rights Act.

### **B. Independence and Conflict of Interest**

1. The Title IX Coordinator and any person involved in the Formal Grievance Process must act with independence and authority free from bias and any conflicts of interest.
2. To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, including pursuant to Section XX of this policy, contact the Vice President of High Impact Practices ([lhanecke@collegeofidaho.edu](mailto:lhanecke@collegeofidaho.edu)) / (208) 459-5009).
3. Concerns of bias, or a potential conflict of interest, misconduct, or discrimination by any other person involved in the Formal Grievance Process should be raised with the Title IX Coordinator.

## **VI. RESOURCES FOR COMPLAINANTS**

IN AN EMERGENCY, CALL CAMPUS SAFETY (208-459-5151) OR 911
---

<p>Preserving evidence for an offense may be helpful when seeking a protection order or prosecuting an offender.  Information for victims of Sexual Assault can be found on the <a href="#">FACES of Hope Victim Center website</a>.</p>		
CAMPUS RESOURCES FOR STUDENTS	Campus Safety	(208) 459-5151 (available 24 hours, 7 days per week)
	Title IX Coordinator – Jodi Nafzger	<a href="mailto:jnafzger@collegeofidaho.edu">jnafzger@collegeofidaho.edu</a> / (208) 459-5139
	Vice President of Student Affairs – Paul Bennion	<a href="mailto:pbennion@collegeofidaho.edu">pbennion@collegeofidaho.edu</a> / (208) 459-5841
	Director Residence Life – Matt Gier	<a href="mailto:mgier@collegeofidaho.edu">mgier@collegeofidaho.edu</a> / (208) 459-5846
CONFIDENTIAL RESOURCES FOR STUDENTS	Advocates	(208) 459-5555 (available 24 hours, 7 days per week)
	Counseling Center	(208) 459-5561
	Campus Minister	(208) 459-5282

CAMPUS RESOURCES FOR EMPLOYEES	Campus Safety	(208) 459-5151 (available 24 hours, 7 days per week)
	Title IX Coordinator – Jodi Nafzger	<a href="mailto:jnafzger@collegeofidaho.edu">jnafzger@collegeofidaho.edu</a> / (208) 459-5139
	Director of Human Resources – Nancy Johnson-Cassulo	<a href="mailto:njohnsoncassulo@collegeofidaho.edu">njohnsoncassulo@collegeofidaho.edu</a> / (208) 459-5680
CONFIDENTIAL RESOURCES FOR EMPLOYEES	IBH Employees Assistance Program	(800) 395-1616 (available 24 hours, 7 days per week)
COMMUNITY RESOURCES	Nampa Family Justice Center	(208) 475-5700
	Women’s and Children’s Alliance	(208) 343-7025
	FACES of Hope	(208) 577-4400
	Idaho Coalition Against Sexual and Domestic Violence	(208) 384-0419
	Idaho Council on Domestic Violence and Victim Assistance	(208) 332-1540

## VII. COMPLAINT PROCEDURES

### ***A. Authority***

1. Title IX mandates the College to investigate alleged violations of this policy when a Formal Complaint has been filed and:
  - i. Complainant is participating or attempting to participate in the Education Programs or Activities of the College;
  - ii. The activity in question took place in the United States;
  - iii. The activity in question took place on the campus or on property owned or controlled by the College, at a College-sponsored event, or in buildings owned or controlled by the College’s recognized student organizations; and
  - iv. Respondent is a student, member of the faculty, staff, or an administrator for the College.
2. The College will investigate allegations of Sexual Harassment and discrimination that occur outside the jurisdiction of Title IX, under its own authority, including conduct that occurs in-person, outside of the United States, or online, pursuant to the Formal Grievance Process as outlined in this policy.
3. If the Respondent is unknown, or is not a member of the College community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options; and/or when criminal conduct is alleged, in contacting local law enforcement if the individual chooses to file a police report.

### ***B. Rights of the Parties***

The rights of the Parties are detailed in Appendix A of this policy.



### ***C. Reporting Options***

Complaints of conduct that may violate this policy should be filed through one of the following:

- Title IX Coordinator at [titleix@collegeofidaho.edu](mailto:titleix@collegeofidaho.edu) / (208) 459-5139
- Campus Safety (208) 459-5151 (available 24 hours, 7 days per week)
- Campus Incident Report: [collegeofidaho.edu/incident-report](http://collegeofidaho.edu/incident-report)

### ***D. Reports to Law Enforcement***

Any individual who believes they have been a victim of a crime is encouraged to report the crime to the appropriate law enforcement agency. Individuals can reach the Caldwell Police Department at [\(208\) 455-3115](tel:2084553115). Reporting to the College does not start a police investigation.

### ***E. Timing of Reporting***

There is no time limitation on providing Notice/Formal Complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide Remedies may be more limited or impossible.

Acting on Notice/Formal Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer Supportive Measures and/or Remedies, and/or engage in informal or formal action, as appropriate. When a Notice/Formal Complaint is affected by a significant time delay, the College will apply the policy in place at the time of the alleged incident(s).

### ***F. Confidentiality***

When a Formal Complaint alleging a violation of this policy is investigated, all Parties to the investigation, including Witnesses, will be notified of the College's expectation of confidentiality. The College will only release information obtained in the course of an investigation on a "need to know" basis to the extent permitted under this policy, any applicable law, and consistent with the College's thorough investigation of the Formal Complaint.

Investigation records are maintained in accordance with FERPA, Idaho law, and any other applicable laws or regulations (collectively "privacy laws"). Any public release of information, including a release to comply with the timely warning provisions of the Clery Act, will not include the name of a Complainant or information that could reasonably lead to a Complainant's identification.

## ***G. Alcohol and Drug Amnesty***

Because the College seeks to encourage individuals to report potential violations of this policy and fully participate in the investigation of potential violations under this policy, individuals will not, on the basis of evidence they provide in the course of an investigation, be charged with drug or alcohol violations under applicable College policies for offenses that occurred contemporaneously with the incident(s) under investigation.

## ***H. Promptness***

The College will act promptly on all allegations once it has received Notice or a Formal Complaint. Estimated timelines are provided in this policy.

## ***I. Protection Against Retaliation***

Title IX and the College prohibit Members of the College Community from retaliating against anyone who has in Good Faith filed a Formal Complaint under, or conducted or cooperated in an investigation of an alleged violation under this policy. The College will take all reasonable steps to prevent Retaliation or to remedy the effects, if it does occur.

Members of the College Community who retaliate against anyone who has participated in an investigation conducted under this policy, including the Investigator, will be subject to appropriate disciplinary action up to and including dismissal from employment for an employee, or Sanctions up to and including expulsion for a student.

Complaints of Retaliation should be promptly reported to the Title IX Coordinator.

The exercise of rights protected under the First Amendment does not constitute Retaliation.

## **VIII. INVESTIGATIVE & RESOLUTION PROCESS - OVERVIEW**

### ***A. Notice and/or Formal Complaint***

Upon Notice to the Title IX Coordinator or upon receipt of a Formal Complaint of an alleged violation under this policy, the College will perform an initial assessment to determine the next steps, which may include:

- i. Offering Supportive Measures because the Complainant does not want to proceed formally; and/or
- ii. Seeking an Informal Resolution, where both Complainant and Respondent agree; and/or
- iii. Investigating fully and going through the Formal Grievance Process including an investigation and a hearing.

The investigation and Formal Grievance Process will determine if this policy was violated. The College will promptly implement effective Remedies for any policy violation.

### ***B. Initial Assessment***

Following receipt of Notice or following receipt of a Formal Complaint of an alleged violation of this policy, the Title IX Coordinator, or designee, will perform an initial assessment. The initial assessment will typically take up to five (5) Working Days. The steps in an initial assessment can include:

- i. If Notice is given, the Title IX Coordinator will seek to determine if the individual impacted wishes to make a Formal Complaint and will assist them as needed;
- ii. If the person impacted does not wish to make a Formal Complaint, the Title IX Coordinator will determine whether, based on a violence risk assessment, the Title IX Coordinator will initiate a Formal Complaint;
- iii. If a Formal Complaint is received, the Title IX Coordinator will assess the Formal Complaint's sufficiency;
- iv. The Title IX Coordinator will reach out to the Complainant to offer Support Measures;
- v. The Title IX Coordinator will work with the Complainant to ensure they are aware of their right to have an Advisor; and/or
- vi. The Title IX Coordinator will work with the Complainant to determine if the Complainant prefers a supportive and remedial response, an Informal Resolution option, or the Formal Grievance Process.

### ***C. Supportive and Remedial Response***

If a supportive and remedial response is preferred, the Title IX Coordinator will work with the Complainant to gain an understanding of what outcome they are seeking and will then work to facilitate implementation of their desired outcome, as appropriate. While no Formal Grievance Process is initiated when a supportive and remedial response is preferred, the Complainant can elect to initiate one later, if desired.

### ***D. Informal Resolution***

If an Informal Resolution option is preferred, the Title IX Coordinator will assess whether the Formal Complaint is suitable for Informal Resolution, which informal mechanism may serve the situation best, and may seek to determine if the Respondent is also willing to engage in Informal Resolution. A Respondent always has the right to decline any Informal Resolution and request a Formal Grievance Process.

### ***E. Formal Grievance Process***

If a Formal Grievance Process is preferred, the Title IX Coordinator will determine if the alleged



misconduct falls under the scope of Title IX and/or this policy. If the alleged misconduct falls under the scope of Title IX and/or this policy, the Title IX Coordinator will initiate the formal investigation and Formal Grievance Process.

If the alleged misconduct does not fall under the scope of Title IX, and the Title IX Coordinator determines that Title IX does not apply, the Formal Complaint under Title IX will be “dismissed.” Such a dismissal does not limit the College’s authority to address the Formal Complaint under this policy or any other applicable College policy. As such, if the alleged misconduct falls under the scope of this policy, the matter will proceed pursuant to the conduct process articulated in Section XVII below. Additionally, the Title IX Coordinator will assess if any other policies may apply to the allegations and will refer the matter accordingly.

## ***F. Emergency Removal or Administrative Leave***

The College may remove a Respondent entirely or partially from its Education Programs or Activities on an emergency basis. Removal may only occur when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any individual justifies removal.

The emergency situation must arise from the alleged conduct that could constitute Sexual Harassment or sexual misconduct under this policy. The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. This also applies to any restrictions that a coach or athletic administrator may place on a student athlete arising from allegations related to Title IX. A non-student employee Respondent may be placed on administrative leave with pay pending the Resolution of the Formal Grievance Process.

In all cases in which an emergency removal is imposed, the Respondent will be given written notice of the action and the option to request to meet with the Title IX Coordinator as soon as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. Any objections to the emergency removal must be raised within three (3) Working Days of receiving the notice or it will be deemed waived. Subsequent to the show cause meeting with the Title IX Coordinator, there is no appeal process for emergency removal decisions pending the outcome of the Formal Grievance Process.

## ***G. Witnesses***

If a formal investigation is initiated and/or if a matter proceeds to a hearing, Witnesses (as distinguished from the Parties), who are employees of the College, are expected to cooperate with and participate in the College's investigation and Resolution process. Failure of such Witnesses to cooperate with and/or participate in the investigation or Resolution process may warrant discipline or corrective action. Though not preferred, Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s).

## ***H. Ensuring Impartiality***

Any individual materially involved in the administration of the Resolution process – including the Title IX Coordinator, Investigator(s), and Decision-Maker(s) – must be free from conflicts of interest and biases.

The Parties may, at any time during the Resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern has merit. If so, the individual with the conflict or bias will be removed from the process.

The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by a preponderance of evidence under the Formal Grievance Process.

### ***I. Resolution Team***

The College relies on College employees to carry out the Resolution process. The College reserves the right to hire external consultants to carry out the Formal Grievance Process. All Resolution team members are trained annually (see Appendix F of this policy) and can serve in any of the following roles at the discretion of the Title IX Coordinator.

1. Investigator
2. Facilitator in Informal Resolution
3. Conduct Officer
4. Hearing Facilitator
5. Hearing Decision-Maker
6. Appeal Decision-Maker
7. Advisors

### ***J. Resolution Timeline***

The College will make a Good Faith effort to complete the Resolution process within 60-90 Working Days, which can be extended as necessary for appropriate cause by the Title IX Coordinator. Additional time will be necessary to administer the appeal process. The Title IX Coordinator will provide Notice and rationale for any extensions or delays to the Parties as appropriate, as well as an estimate of how much additional time will be needed to complete the Formal Grievance Process.

The College may undertake a short delay in its investigation if circumstances require. Such circumstances include, but are not limited to, a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or Witnesses, and/or accommodations for disabilities or health conditions.

The College will communicate, in writing, the reason for and anticipated duration of the delay to the Parties and provide the Parties with status updates, if necessary. The College will promptly resume its investigation and Resolution process as soon as feasible.

## **IX. NOTICE OF INVESTIGATION**

Upon the filing of a Formal Complaint, the Title IX Coordinator will notify the Respondent of the nature of the allegations by issuing a notice of investigation via email upon commencement of the Formal Grievance Process. A copy of the notice of the investigation will also be simultaneously sent via email to the Complainant. The notice will include the allegations of Sexual Harassment including, if known at the time of the notice:

1. A summary of the allegations of conduct prohibited under this policy including the date, location, and a description of the conduct alleged to violate this policy;
2. The name of the Reporter and/or the Complainant;
3. A clear statement on whether a mutual No-Contact Order is being implemented at that time;
4. The prohibition on Retaliation for individuals who report in Good Faith or who cooperate during an investigation;
5. Information regarding the investigation and grievance process, including timelines;
6. Information regarding investigation timelines;
7. Notice of the Respondent's rights under this policy, including the right to an Advisor of the Respondent's choice at all stages of the Formal Grievance Process;
8. Notice that Respondent is presumed not responsible, and that the determination of responsibility will be reached at the end of the Formal Grievance Process;
9. That the College Student Code of Conduct and this policy prohibit knowingly making false statements, or knowingly submitting false information during the Formal Grievance Process;
10. The right to inspect and review evidence gathered in the course of the investigation;
11. Information regarding Support Measures;
12. Information about potential Sanctions and/or responsive actions that could result;
13. Information about the privacy of the Formal Grievance Process;
14. Information on how a Party may request disability accommodations during the Formal Grievance Process;
15. The name of the Investigator;
16. Information on how to report any suspected conflicts of interest that the Investigator(s) may have; and
17. Instructions to preserve any evidence that is related to the allegations.

The notice will be made in writing and sent via email to help ensure an efficient investigation. The notice will be considered received on the date that it is sent via email.

Respondent has five (5) Working Days from receipt of the notice to contact the Title IX Coordinator to schedule a meeting to discuss the allegations set forth in the notice. Both parties will be provided a reasonable amount of time before being interviewed to secure an Advisor and prepare for the interview.

If a student Respondent does not respond within seven (7) Working Days of receiving the notice, the Investigator may proceed with the investigation without input from the Respondent. If an employee Respondent does not respond within seven (7) Working Days of receiving the notice, the College may initiate disciplinary action.

If, in the course of an investigation, it is determined that there are additional allegations that should be investigated which were not included in the initial notice of investigation, the College will provide an amended notice of investigation in writing to both Parties.

## **X. ADVISORS OF CHOICE**

Both Complainant and Respondent have the right to be accompanied by an Advisor of their choice when attending any meeting, interview, or proceeding that takes place pursuant to this policy. Choosing an Advisor who is also a Witness or other Party involved in the investigation or adjudication process is allowed, but creates the potential for bias and conflicts of interests. During the investigation, an Advisor may take notes and quietly confer with the Party being advised, but may not speak on behalf of the Party or in any way disrupt any meeting or proceeding. Each Advisor is required to adhere to these requirements or they will be asked to leave the meeting or proceeding. A Party who chooses an Advisor who is also a Witness can anticipate that issues of potential bias will be explored by the Hearing Decision-Maker(s).

Complainant or Respondent may choose to retain an attorney or other paid professional to act as an Advisor. However, each Party will be solely responsible for paying any fees charged by the Advisor. All Advisors are required to adhere to the requirements above regardless of their professional qualifications.

The Title IX Coordinator will appoint an Advisor for any Party that does not have an Advisor at the hearing stage. All Advisors appointed by the Title IX Coordinator will be trained by the College regarding the Formal Grievance Process.

During the hearing, if a Party's Advisor of choice refuses to comply with the College's established rules of decorum for the hearing, the College may require the Party to use a different Advisor. If a College-provided Advisor refuses to comply with the rules of decorum, the College may provide that Party with a different Advisor to conduct cross-examination on behalf of that Party.

## **XI. SUPPORT MEASURES**

Both Complainant and Respondent will promptly be offered appropriate and reasonable Support Measures upon Notice of the alleged Sexual Harassment, and/or Retaliation, including confidential counseling for students and/or employees. The Title IX Coordinator will assist both Parties to ensure they have access to all available resources. These Support Measures are non-disciplinary, non-punitive, individualized services offered without charge to the Parties to restore or preserve access to the College's Education Programs or Activities.

The College will maintain a Party's privacy while providing Support Measures, provided it does not impair the College's ability to provide the measures. The College will act to ensure that Support Measures have the least academic impact possible and do not unreasonably burden

either Party.

Support Measures may include interim measures, including mutual No-Contact Orders between the Parties which may be applied when the Notice of investigation is issued, or at any time thereafter during the course of the investigation. A violation of a No-Contact Order should be immediately reported to the Investigator to determine whether it will result in an additional charge of Retaliation under this policy. In that event, the Retaliation charge may, at the discretion of the Title IX Coordinator, be added to an ongoing investigation, or it may result in a new complaint under this policy being initiated. The violation of a No-Contact Order may be considered when determining Sanctions or disciplinary action.

Support Measures may also necessitate an emergency removal. For additional information about support services and a list of examples, see Appendix D.

## **XII. INFORMAL RESOLUTION**

If both Parties wish to resolve the matter through an Informal Resolution after the Formal Complaint is filed, the Title IX Coordinator, or designee, will explain to the Parties that an Informal Resolution is not mandatory and that they are not obligated to participate in the informal process. If an Informal Resolution is reached, it will become binding once both Parties have voluntarily signed the agreement.

Types of Informal Resolutions can include but are not limited to facilitated dialogue, mediation, negotiated resolutions, and restorative justice. The Title IX Coordinator, or designee, will make the ultimate determination of whether an Informal Resolution option is available in a given case.

Any Party participating in Informal Resolution can stop the process at any time before the Informal Resolution is signed and can begin or resume the Formal Grievance Process. The Title IX Coordinator maintains records of any Resolution that is reached. Failure to abide by the Resolution agreement freely entered into may result in appropriate responsive, disciplinary, or corrective actions.

Results of Informal Resolutions are not appealable after both Parties have signed the Resolution.

## **XIII. RESPONDENT ACCEPTS RESPONSIBILITY FOR ALLEGED VIOLATIONS**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the Formal Grievance Process will be paused.

If an Informal Resolution is appropriate, the Title IX Coordinator will determine whether all

Parties and the College are able to agree on responsibility, Sanctions, and/or Remedies. If so, the Title IX Coordinator will implement the accepted Finding that the Respondent is in violation of College policy and will implement agreed-upon Sanctions and/or Remedies in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all Parties indicate their written assent to all agreed upon terms of Resolution. When the Parties cannot agree on all terms of Resolution, the Formal Grievance Process will resume at the same point where it was paused

#### **XIV. FORMAL GRIEVANCE PROCESS - INVESTIGATION**

After both Parties have received copies of the notice of allegations, the Title IX Coordinator, or designee, will appoint at least one Investigator. The Investigator(s) will then set up interviews with both the Complainant and Respondent after providing both Parties with enough time to prepare for the investigation process. The College will make a Good Faith effort to complete investigations in a timely fashion and will communicate with the Parties to update them on the progress and timing of the investigation.

The Investigator(s) serves in a non-advocacy role as a neutral finder of fact. In the course of the investigation, each Party will have the opportunity to provide information, including Witnesses and evidence (e.g., text messages, emails, written documents, photographs, social media posts), relevant to the allegations set forth in the notice. The Investigator(s) may need to meet with Complainant and Respondent more than once for each Party to have an adequate opportunity to respond to new information obtained in the course of the investigation. The Investigator(s) must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally-recognized privilege (such as physician-patient or attorney-client), unless the person holding such privilege has waived it.

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they demonstrate a pattern; 2) the character of the Parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

The Investigator(s) will prepare an investigation summary, which will include relevant information from each interview and other evidence gathered in the course of the investigation. Information regarding the Parties' medical, physical, or mental health that are not relevant to the complaint will not be included in the investigation summary.

Investigator(s) will record and create a transcript of interviews with Parties and Witnesses to ensure accuracy. Investigator(s) will provide a summary of the interviews as part of the

investigation summary. Parties and Witnesses are not permitted to make their own audio or video recordings of interviews.

Both Complainant and Respondent will be sent simultaneously via email a written copy of the investigation summary, which will be considered received on the date that it is sent. Each Party will be given ten (10) Working Days to submit a written response to the investigation summary to the Investigator.

After receiving the response from both Parties, the Investigator(s), at their discretion, may elect to respond in writing to the Parties' responses and/or to share the responses between the Parties for additional responses. The Investigator(s) will incorporate relevant elements of the Parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report.

The final report is then shared with all Parties and their Advisors via email at least ten (10) Working Days prior to the hearing. The Parties will be provided with a file of any directly-related evidence that was not included in the report.

Any effort by either Party to distribute, reproduce, alter, post, or circulate the investigative summary may result in a policy violation and Sanctions pursuant to the processes outlined in this policy.

#### **XV. MANDATORY DISMISSAL OF FORMAL COMPLAINT UNDER TITLE IX**

Upon completion of the investigation, if the Title IX Coordinator determines that the allegations, if true, would not constitute a Title IX policy violation, or otherwise are outside of the authority of Title IX, the College must dismiss the Formal Complaint for purposes of Title IX.

If the allegations must be dismissed under Title IX, the College will simultaneously issue both Parties an amended notice of investigation in writing that explains that the College is dismissing the allegation under Title IX, and will indicate whether it is pursuing the conduct process as articulated in Section XVII below based on a violation of this policy or whether it is referring this matter for review under any other College policy.

Where an employee is involved, the Title IX Coordinator will consider whether the allegations would constitute a violation of another College policy and will direct that the allegations be investigated pursuant to that policy.

#### **XVI. PERMISSIVE DISMISSAL OF FORMAL COMPLAINT UNDER TITLE IX**

The College may dismiss a Formal Complaint, or any allegations therein if:

1. At any time during the investigation or hearing a Complainant notifies the Title IX



- Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations therein;
2. The Respondent is no longer enrolled at, or employed by, the College; or
  3. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint and the allegations therein.

If a Formal Complaint, or any allegations therein are dismissed, the College will promptly send written notice of the dismissal to all Parties simultaneously. This dismissal decision is appealable by any Party under the procedures for appeal.

## **XVII. OTHER SEX-BASED CONDUCT – CONDUCT PROCESS**

If after initial assessment by the Title IX Coordinator followed by an investigation, or after completion of an investigation and a mandatory dismissal pursuant to Title IX, a violation of this policy is still indicated, the Title IX coordinator may refer the matter to a hearing according to the following conduct process:

1. Notice of Hearing – A Notice of Hearing letter is sent to the individuals involved requesting they appear before a conduct officer. If Respondent fails to appear, a hearing takes place without the Respondent in accordance with campus policy regarding Failure to Appear and Finding Without Response (below).
2. Hearing – During the hearing, the Complainant and Respondent will have an opportunity to make a statement.
3. Conclusion – In cases where a hearing has taken place, the conduct officer makes a decision based upon preponderance of evidence (more likely than not) and a Notice of Findings letter is sent, indicating Sanctions, if any.
4. Failure to Appear and Conclusion Without Response – Respondents are required to appear for conduct proceedings when requested to do so by an Investigator or conduct officer. The failure of any Respondent to appear for a conduct proceeding could be grounds for disciplinary action. If a Respondent fails to appear for a conduct proceeding, the conduct officer may move forward with reviewing the available evidence and make a determination.
5. Interim Action Pending Investigation – The Vice President of Student Affairs (or designee) has the discretion to temporarily suspend a student from the College and/or from the residence halls or reassign a resident to another facility and restrict the student from specific facilities pending an investigation and conclusion whenever in the Dean's judgment the continued presence of a student constitutes a danger to the student or the safety of persons or property, or the seriousness of the allegations warrants such action. The Director of Human Resources (or designee) has the discretion to temporarily suspend or reassign an employee pending the outcome of these proceedings whenever in the Director's judgment the continued presence of the employee constitutes a danger to persons or property, or the seriousness of the allegations warrants such action.

6. Sanctions – Sanctions depend upon the severity of the misconduct, previous conduct violations, the attitude of the individual(s) involved, and the impact upon the College and greater community. (For more information, see Section XIX Sanctions below.)
7. Appeal – Both complainant and respondent have the right to appeal the hearing officers' decision. (For more information, see Section XX Appeals below.)

## **XVIII. TITLE IX – LIVE HEARING**

If following a Title IX investigation, the Title IX Coordinator determines that the matter must proceed to a Live Hearing, and if the matter is not or cannot be resolved via Informal Resolution, the matter will move to a Live Hearing.

### ***A. Timing***

The Live Hearing will take place at least ten (10) Working Days after the final investigation report is transmitted to the Parties and the Hearing Decision-Maker unless all Parties and the Hearing Decision-Maker agree to an expedited timeline.

### ***B. Hearing Decision-Maker***

The College will designate Hearing Decision-Maker(s) to chair the hearing. The College may choose to use a three (3)-member panel or a single Hearing Decision-Maker for the hearing, at the discretion of the Title IX Coordinator. When a panel is used, one of the three (3) members will be appointed to chair the hearing and act as the Hearing Decision-Maker by the Title IX Coordinator. The Hearing Decision-Maker will rule on the relevance of questions raised during the Live Hearing by the Parties. The Hearing Decision-Maker(s) must not have had any previous involvement with the investigation.

The Title IX Coordinator may not serve as a Hearing Decision-Maker in the matter, but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Hearing Decision-Maker.

### ***C. Evidence***

Any evidence that the Hearing Decision-Maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless the incident(s) demonstrate a pattern; 2) the character of the Parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate Sanction upon a determination of responsibility. This information is only considered at the Sanction stage of the process.

### ***D. Standard***

Live Hearings shall utilize the preponderance of the evidence standard for determining whether a policy has been violated. Additional procedures and protocols for the Live Hearing can be found in Appendix H of this policy.

### ***E. Notice of Outcome***

The Title IX Coordinator will work with the Hearing Decision-Maker to prepare a notice of outcome. Upon receipt of the final notice of outcome, the Title IX Coordinator will then share it simultaneously via email within five (5) Working Days of receipt with the Parties and their Advisors. Once emailed to the Parties' College-issued email or otherwise approved account, notice of the outcome will be presumptively delivered.

The notice of outcome will identify the specific policy(ies) reported to have been violated, including the relevant policy section(s), and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the Parties, interviews with Parties and Witnesses, site visits, methods used to obtain evidence, and hearings held.

The notice of outcome will specify the Finding on each alleged policy violation; the Findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any Sanctions issued which the College is permitted to share according to state or federal law; and any Remedies provided to the Complainant designed to ensure access to the College's Education Programs or Activities, to the extent the College is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The notice of outcome will also include information on appeal rights and associated timelines.

If an appeal is not filed by the deadline, the results of the Formal Grievance Process are considered final.

## **XIX. SANCTIONS**

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

1. The nature, severity of, and circumstances surrounding the violation(s);
2. The Respondent's disciplinary history;
3. Previous allegations or allegations involving similar conduct;
4. The need for Sanctions/responsive actions to bring an end to Sexual Harassment and/or Retaliation;
5. The need for Sanctions/responsive actions to prevent the future recurrence of Sexual Harassment and/or Retaliation;
6. The need to remedy the effects of the Sexual Harassment and/or Retaliation on the Complainant and the community;
7. The impact on the Parties; and
8. Any other information deemed relevant by the decision-maker(s)

Sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal, or upon the expiration of the appeal request window. The Sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or Sanctions imposed by external authorities. For a list of possible student and employee Sanctions, see Appendix G in this policy.

## **XX. APPEALS**

Any Party may file a request for appeal. The request must be submitted in writing to the Title IX Coordinator within five (5) Working Days of the delivery of the notice of outcome.

There will be a single Appeal Decision-Maker. The Appeal Decision-Maker will not have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. The request for appeal will be forwarded to the Appeal Decision-Maker for consideration to determine if the request meets the grounds for appeal (a review for standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the requirements for an appeal to be considered, including timeliness.

### ***A. Grounds for Appeal***

Appeals are limited to the following grounds:

- i. Procedural irregularity that affected the outcome of the matter;
- ii. New evidence that was not reasonably available at the time the determination of responsibility or dismissal was made that could affect the outcome of the matter; and
- iii. The Title IX Coordinator, Investigator(s), or Hearing Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the

specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the request for appeal do not meet the grounds in this section, the request will be denied by the Appeal Decision-Maker and the Parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the request for appeal meet the grounds in this section, then the Appeal Decision-Maker will notify simultaneously via email, attaching a copy of the request for appeal, the Party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s), and/or the original Hearing Decision-Maker(s).

The Appeal Decision-Maker will determine whether an appeal meets the grounds of this section within five (5) Working Days after the receipt of the appeal.

The non-appealing Party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s), and/or the original Hearing Decision-Maker(s) will then be given five (5) Working Days to submit a response to the approved portion of the appeal. The Appeal Decision-Maker will ensure all Parties and their Advisors receive a copy of any response to the appeal submitted by the non-appealing party(ies)

The non-appealing Party (if any) may also choose to raise a new ground for appeal at this time, which will be reviewed for standing by the Appeal Decision-Maker and either denied or approved. If approved, it will be forwarded to the Party who initially requested an appeal, the Investigator(s), and/or the original Hearing Decision-Maker(s) who will submit their responses within five (5) Working Days. The Appeal Decision-Maker will ensure all Parties and their Advisors receive a copy of any response to the appeal submitted by the non-appealing party(ies)

Neither Party may submit any new requests for appeal after this time period. The Appeal Decision-Maker will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses. The Appeal Decision-Maker will render a decision within no more than ten (10) Working Days after receiving all appeal materials, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

The notice of appeal outcome will be sent to all Parties simultaneously via email, including the decision on each approved ground and rationale for each decision. The notice of appeal outcome will specify the Finding on each ground for appeal, any specific instructions for remand or reconsideration, and the rationale supporting the essential Findings to the extent the College is permitted to share under state or federal law.

Notification will be made in writing and emailed to the Parties' College-issued email addresses or otherwise approved accounts. Once emailed, notice of appeal outcome will be presumptively delivered.

## ***B. Appeal Considerations***

Appeal Decision-Makers should show deference to the judgment of the Hearing Decision-Makers, making changes to the Finding only when there is clear error and to the Sanction(s)/responsive action(s) only if there is a compelling justification to do so.

Appeals are not intended to provide for a full, complete (de novo) re-hearing of the allegation(s). In most cases, appeals shall be limited to a review of the decision, any written material considered in the decision, the recording of the live hearing (if one was held), any written materials submitted with the appeal, and any response to the appeal submitted by the non-appealing party(ies). Where an appeal is based on new evidence, the new evidence may be considered only to determine whether the information was reasonably available at the time of the decision and whether the new evidence could affect the outcome of the matter.

The Appeal Decision-Makers may consult with the Title IX Coordinator on questions of procedure, rationale, or clarification, if needed; and/or the Vice President of High Impact Practices, if the appeal concerns bias or conflict of interest by the Title IX Coordinator as articulated in Section XX(A)(iii) of this policy.

Once an appeal is decided, the outcome is final and any further appeals of that decision are not permitted. The Hearing Decision-Maker's Finding, after reconsideration (remand) due to an appeal, is not subject to an appeal.

In rare cases where a procedural or substantive error cannot be cured by the original Hearing Decision-Maker(s) (as in cases of bias), the Appeal Decision-Maker may order a new hearing with a new Hearing Decision-Maker(s). The results of a new hearing can be appealed once for any of the three available appeal grounds.

For cases in which the appeal results in Respondent's reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some lost opportunities may be irreparable in the short term.

### **XXI. RECORDKEEPING**

The following will be maintained by the College for a period of at least seven (7) years and/or in accordance with state or federal law:

1. Each investigative summary including any determination of responsibility and any audio or audiovisual recording or transcript required under federal regulation;  
Any disciplinary Sanctions imposed on the Respondent
2. Any Remedies provided to the Complainant designed to restore or preserve equal access to the College's Education Programs or Activities;  
Any appeal and its result

3. Any Informal Resolution and its result;
4. Any materials used to train the Title IX Coordinator, Investigators, decision-makers, and any person who facilitates an Informal Resolution process. The College will make these training materials publicly available on the College's website; and
5. Any actions, including any Support Measures, taken in response to a report or Formal Complaint of Sexual Harassment, including: the basis for all conclusions that the response was not deliberately indifferent; and any measures designed to restore or preserve equal access to the College's Education Programs or Activities

## **XXII. COMPLAINANT OR RESPONDENT RIGHT TO FILE COMPLAINT**

If a student Complainant or Respondent believes the College has failed to investigate the alleged policy violation in accordance with law or policy, a complaint may be filed with:

Office for Civil Rights  
U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174-1099  
(206) 607-1600  
<https://www.ed.gov/ocr>

An employee Complainant or Respondent may file a complaint with either of the following:

Idaho Human Rights Commission  
317 West Main Street Boise, ID 83702  
(208) 334-2873  
Toll Free: (888) 249-7025  
<https://humanrights.idaho.gov>

Equal Employment Opportunity Commission  
1-800-669-4000  
[www.eeoc.gov](http://www.eeoc.gov)

## **XXIII. TRAINING AND EDUCATIONAL PROGRAMMING AND NOTIFICATION OF SERVICES**

The College will provide primary prevention and awareness programming to all incoming students and new employees and will provide ongoing prevention and awareness campaigns throughout the year. Programming will, at a minimum, include the following:

- i. Information on all aspects of this policy and its application at the College;
- ii. A statement of the College's prohibition of domestic violence, dating violence, Sexual Assault and stalking, Consent, and definitions of each, as they are defined under Idaho law and in College policy;
- iii. Bystander intervention training covering safe and positive options for intervention that may be carried out by a bystander to prevent harm when there is a risk of domestic violence, dating violence, Sexual Assault, or Stalking occurring. Programs

- will also offer information on risk reduction including how to recognize warning signs of abusive behavior and how to avoid potential attacks; and
- iv. Information for victims of sex offenses, domestic violence, dating violence, and/or stalking, including services and assistance available to victims, how to report an offense, the importance of preserving evidence, and the rights of victims.

**ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL**  
**USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS PERMITTED THROUGH A**  
**LIMITED LICENSE TO THE COLLEGE OF IDAHO**  
**ALL OTHER RIGHTS RESERVED.**  
**©2020.**



## APPENDICES

### Appendix A: Statement of the Rights of the Parties

The Parties each have the right to:

1. Be treated with respect and dignity.
2. An equitable investigation and resolution of all credible allegations of prohibited Sexual Harassment made in Good Faith to College officials.
3. Timely written notice of all alleged violations, including the identity of the Parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
4. Timely, written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
5. Be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
6. Not to have any personally identifiable information released to the public without their consent, except to the extent permitted by law.
7. Have the College policies and procedures followed without material deviation.
8. Be free from pressure to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
9. To report Sexual Harassment to both on-campus and off-campus authorities.
10. Be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by College authorities in notifying such authorities, if the Party so chooses. This includes the right not to be pressured to report.
11. Have allegations of violations of this policy responded to promptly.
12. Be informed of available interim actions and Support Measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
13. To request a mutual No-Contact Order when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the Party or others.
14. Be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, Sexual Harassment, and/or Retaliation, if such changes are reasonably available. No Formal Complaint or investigation needs to occur before this option is available.
15. Have the College maintain such actions for as long as necessary and for Support Measures to remain private so long as this does not impair the College's ability to provide the Support Measures.
16. Ask the Investigator(s) and Hearing Decision-Maker(s) to identify and question relevant Witnesses.
17. Provide the Investigator(s)/Hearing Decision-Maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Hearing Decision-Maker, may be asked of any Party or Witness.
18. Access relevant and directly-related evidence obtained and to respond to that evidence.

19. Provide the Investigator(s) with their account of the alleged misconduct and have that account be conveyed to the Hearing Decision-Maker(s).
20. Receive a copy of the investigation report, including all facts, policy, and all relevant and directly-related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) Working Days to review the report prior to the hearing.
21. Respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
22. Be informed of the names of all Witnesses whose information will be used to make a Finding, in advance of that Finding, when relevant.
23. Regular updates on the status of the investigation and/or resolution.
24. Have reports of alleged policy violations addressed by Investigator(s), the Title IX Coordinator, and Hearing Decision-Maker(s) who have received relevant annual training.
25. Preservation of privacy, to the extent possible and permitted by law.
26. Meetings, interviews, and/or hearings that are closed to the public.
27. Petition that any College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
28. Have an Advisor of their choice to accompany and assist the Party in all meetings and/or interviews associated with the resolution process.
29. Have the College compel the participation of faculty and staff Witnesses in the investigation.
30. Be present, including via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
31. Have an impact statement be considered by the Hearing Decision-Maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
32. Be promptly informed in a written notice of outcome letter of the Finding(s) and Sanction(s) of the resolution process and a detailed rationale (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the Parties.
33. Be informed in writing when a decision by the College is considered final and any changes to the Sanction(s) that occur before the decision is finalized.
34. Be informed of the opportunity to appeal the Finding(s) and Sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.
35. A fundamentally fair resolution as defined in this policy and its procedures.

## **Appendix B: Examples of Unwelcome Conduct**

Unwelcome conduct may include but is not limited to:

1. Attempting to coerce an unwilling person into a sexual relationship;
2. Repeatedly subjecting a person to unwelcome sexual attention, unwanted comments, or communications or jokes of a sexual nature or about their sexual experiences or orientation;
3. Punishing a refusal to comply with a sexual request;
4. Conditioning a benefit on submitting to sexual advances;
5. Threatening sexual violence;
6. Bullying someone on the basis of sex or gender. This includes bullying someone for exhibiting what is perceived as a stereotypical characteristic for their sex, or for failing to conform to stereotypical notions of masculinity and femininity. This may include repeated use of degrading words, gestures, or sounds to describe a person; or
7. Sexual Exploitation on the basis of sex and/or gender. Examples of sexual exploitation include, but are not limited to:
  - a. Invasion of sexual privacy;
  - b. Prostituting a member of the College community;
  - c. Nonconsensual recording of a sexual activity, in any form or format;
  - d. Duplication, distribution, or publication of a consensually made recording of a sexual activity without the consent of all Parties involved in the recorded sexual act;
  - e. Going beyond the boundaries of Consent, including letting someone else watch a consensual sex act while hiding or without the other person's knowledge;
  - f. Knowingly viewing, photographing, or filming another person without that person's knowledge and consent, while the person being viewed, photographed, or filmed is in a place where there is a reasonable expectation of privacy;
  - g. Knowingly transmitting a sexually transmitted infection to a Member of the College Community; or
  - h. Exposing one's genitals or inducing another to expose their genitals in nonconsensual circumstances.
8. Sexual Assault as detailed in Section IV(31) of this policy.

## **Appendix C: Examples of Stalking**

Stalking behaviors may include, but are not limited to:

1. Nonconsensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of images or information on websites, written letters or notes, gifts, or any other communications that are undesired and/or place another person in fear;
2. Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other location(s) frequented by the person being targeted;
3. Surveillance and other types of observation, whether by physical proximity or electronic means;
4. Trespassing;
5. Vandalism;
6. Nonconsensual touching;
7. Direct physical and/or verbal threats against a person being targeted or that person's friends, family members, or animals;
8. Gathering of information about a person from that person's family, friends, co-workers, or classmates;
9. Manipulating and controlling behaviors such as threats to harm oneself or threats to harm someone close to the target of the behaviors; or
10. Defamation or slander of the person being targeted.

## **Appendix D: Support Measures**

Support Measures may include, but are not limited to:

1. Referral to counseling, medical, and/or other healthcare services;
2. Referral to the Employee Assistance Program;
3. Referral to community-based service providers;
4. Visa and immigration assistance;
5. Student financial aid counseling;
6. Education to the community or community subgroup(s);
7. Altering campus housing assignment(s);
8. Altering work arrangements for employees or student employees;
9. Safety planning;
10. Providing campus safety escorts;
11. Providing transportation accommodations;
12. Implementing contact limitations (No-Contact Orders) between the Parties;
13. Academic support, extensions of deadlines, or other course/program-related adjustments;
14. Timely warnings;
15. Class schedule modifications, withdrawals, or leaves of absence;
16. Increased security and monitoring of certain campus areas; and/or
17. Any other actions deemed appropriate by the Title IX Coordinator

## **Appendix E: Support Services**

### **West Valley Medical Center**

1717 Arlington Ave, Caldwell, ID 83605

208-459-4641

Emergency medical care

### **Nampa Family Justice Center**

1305 3rd St S, Nampa, ID 83651

208-475-5700

Crisis Intervention, Case Management, Civil Protection Order Assistance, Safety Planning, Onsite Trauma-Informed Counseling, Offsite Trauma-Informed Counseling, Weekly Support Groups and Classes

### **Idaho Legal Aid Hotline**

(208) 746-7541

(low-income resource)

Family Law, Agricultural and Migrant Farmworkers, Domestic Violence, Native American, Housing

### **Idaho 24-hour Domestic Violence Hotline**

800-669-3176

### **National 24-hour Domestic Violence Hotline**

800-799-7233

### **Advocates Against Family Violence (Caldwell)**

(208) 459- 4779 (24-hr hotline)

Emergency Services, Victim and Family Counseling, Safety Planning, Applying for Legal Aid, Civil Protection Order, Custody/Divorce, Victim Impact Statement, Crime Victims Compensation, Legal Proceedings

### **Hope's Door Shelter**

(208) 459- 6279

Emergency Housing

### **Idaho Coalition Against Sexual & Domestic Violence**

208-384-0419

[www.idvsa.org](http://www.idvsa.org)

Domestic Violence, Sexual Assault, Stalking, Legal Aid, Workshops, Capacity Building Training

### **Women's and Children's Alliance**

24-Hour Domestic Abuse Hotline: 208.343.7025

24-Hour Sexual Assault Hotline: 208.345.7273 (RAPE)

Safe Shelter, Court Advocacy, Case Management, Rape Crisis Advocacy, Therapy & Support Groups, Financial Empowerment

**Sane Solutions - Terry Reilly**

(208) 467-4431

**Casa de Esperanza**

*24-hr bilingual domestic violence helpline: 651-772-1611*

**RAINN - Rape, Abuse and Incest National Network**

*hotline (1.800.656.HOPE)*

<https://hotline.rainn.org/online>

## **Appendix F: Resolution Team Training**

Resolution team members involved in the investigation and resolution process receive annual training. This training includes, but is not limited to:

- a. The scope of the College's Sexual Misconduct Policy;
- b. How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability;
- c. Implicit bias; disparate treatment and impact;
- d. Reporting, confidentiality, and privacy requirements;
- e. Applicable laws, regulations, and federal regulatory guidance;
- f. Impartiality and objectivity;
- g. How to generate clear, concise, evidence-based rationales;
- h. The definitions of all offenses;
- i. How to apply definitions used by the College with respect to Consent (or the absence or negation of Consent) consistently, impartially, and in accordance with policy;
- j. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes;
- k. How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- l. Any technology to be used at a Live Hearing;
- m. Issues of relevance of questions and evidence;
- n. Issues of relevance to create an investigation report that fairly summarizes relevant evidence; and
- o. How to determine appropriate sanctions in reference to all forms of Sexual Harassment, Discrimination, and/or Retaliation allegations.

Specific training is also provided for Appeal Decision-Makers, intake personnel, Advisors, and Hearing Decision-Makers. All team members are required to attend these trainings annually. The materials used to train all members of the team will be posted on the College's website.



## **Appendix G: Sanctions**

### **A. Student Sanctions**

Sanctions that may be imposed upon students or student organizations singly, or in combination, could include but are not limited to:

- i. **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- ii. **Required Mentorship:** A mandate to meet with a mentor and complete a subsequent reflective essay.
- iii. **Required Counseling:** A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects.
- iv. **Probation:** A written reprimand for violation of College policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any College policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas on campus, no-contact orders, and/or other measures deemed appropriate.
- v. **Suspension:** Termination of student status for a definite period of time not to exceed two (2) years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at College.
- vi. **Removal from Housing**
- vii. **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College-sponsored events.
- viii. **Withholding Degree:** The College may withhold a student's degree/diploma for a specified period of time and/or deny a student participation in commencement activities if the student is found responsible for an alleged violation.
- ix. **Organizational Sanctions:** Deactivation, loss of recognition, loss of some or all privileges (including College registration) for a specified period of time.
- x. **Other Actions:** In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate such as community service and other educational projects meant to address the harm to the College community.

In cases where suspension or expulsion is recommended by the Decision-Maker, a summary of Findings and a recommendation will be provided to the Vice President of Student Affairs, or designee, who will decide what kind of disciplinary action is warranted.

## **B. Employee Sanctions**

Responsive actions for an employee who has engaged in Sexual Harassment and/or Retaliation could include, but are not limited to:

- i. Warning – verbal or written
- ii. Performance improvement/management process
- iii. Required counseling
- iv. Required training or education
- v. Mediation
- vi. Probation
- vii. Loss of oversight or supervisory responsibility
- viii. Demotion
- ix. Suspension with pay
- x. Suspension without pay
- xi. Termination
- xii. Other Actions: In addition to, or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

In cases where the Respondent is a College employee and the Investigator determines a policy violation occurred, a summary of Findings will be provided to the Director of Human Resources, or designee, and the Respondent's hiring authority, who will together, in consultation with the decision-maker, determine whether disciplinary action is warranted. If disciplinary action is proposed, Human Resources will assist the hiring authority in initiating the applicable process.

## **C. Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term Remedies or Support Measures with respect to the Parties and/or the College community that are intended to stop the Sexual Harassment and/or Retaliation, remedy the effects, and prevent reoccurrence.

These Remedies/actions may include, but are not limited to:

- a. Referral to counseling and/or health services;
- b. Referral to the Employee Assistance Program;
- c. Education to the individual and/or the community;
- d. Permanent alteration of a housing assignment;
- e. Permanent alteration of work arrangements for an employee;
- f. Provision of campus safety escorts;
- g. Climate surveys;
- h. Policy modification and/or training;
- i. Provision of transportation accommodations;

- j. Implementation of long-term contact limitations between the Parties; and/or
- k. Implementation of adjustments to academic deadlines, course schedules, etc.

**D. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions**

All Respondents are expected to comply with the assigned Sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-Maker(s), (including the Appeal Decision-Maker).

Failure to abide by the Sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional Sanction(s)/action(s), including suspension, expulsion, and/or dismissal in employment from the College and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

## **Appendix H: Live Hearing – Specific Rules**

### **A. Advisors in Hearings/College-Appointed Advisor**

Under U.S. Department of Education regulations applicable to Title IX, live questioning of both Parties is required during the hearing, but must be conducted by the Parties' Advisors. A Party cannot serve as their own Advisor. If a Party does not have an Advisor for a hearing, the College will appoint a trained Advisor for the limited purpose of conducting questioning on that Party's behalf.

If the Party's Advisor will not conduct live questioning, the College will appoint an Advisor who will do so, regardless of the participation or non-participation of the Party during the hearing.

### **B. Sharing Information, Privacy, and Expectations**

The College expects that the Parties may wish to have the College share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations. These restrictions could include but are not limited to removing an Advisor from the investigative process or hearing. If an Advisor is removed, the College will appoint a new Advisor, or the Party may choose a new one.

The Parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. If either Party elects to change Advisors, the Party must notify the Title IX Coordinator at least two (2) Working Days prior to the next meeting, hearing, etc. The Title IX Coordinator reserves the right to reschedule a hearing when necessary due to any unforeseen circumstances.

### **C. Notice of Hearing**

No less than ten (10) Working Days prior to the hearing, the Title IX Coordinator, or the Hearing Decision-Maker, will send a notice of the hearing to the Parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

1. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result;
2. The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other College activities;

3. Any technology that will be used to facilitate the hearing;
4. Information about the option for the Live Hearing to occur with the Parties in separate rooms using technology that enables the Hearing Decision-Maker(s) and Parties to see and hear a Party or Witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) Working Days prior to the hearing;
5. A list of all individuals attending the hearing, along with an invitation to object to any Hearing Decision-Maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) Working Days prior to the hearing;
6. Information on how the hearing will be recorded and how Parties can access the recording after the hearing and a reminder that no person other than the hearing administrator may record the hearing;
7. A statement that if any Party or Witness does not appear at the scheduled hearing, the hearing may be held in their absence;
8. Notice that for compelling reasons, the Hearing Decision-Maker may reschedule the hearing;
9. Notification that the Parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present to ask any questions on their behalf. The Party must notify the Title IX Coordinator if they do not have an Advisor, and the College will appoint one. Each Party must have an Advisor present. There are no exceptions;
10. A copy of all the materials provided to the Hearing Decision-Maker(s) about the matter, unless they have been provided already;
11. An invitation to each Party to submit an impact statement to the Title IX Coordinator, if requested by the Hearing Decision-Maker. The Hearing Decision-Maker will review the impact statements prior to determining Sanctions; and
12. An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) Working Days prior to the hearing.

## **Appendix I: Hearing Procedures and Protocols**

### **A. Pre-Hearing Preparation**

Any individual scheduled to participate in the hearing must have first been interviewed by the Investigator(s) [or have proffered a written statement or answered written questions], unless all Parties and the Hearing Decision-Maker assent to the Witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the Parties and Hearing Decision-Maker do not assent to the admission of evidence newly offered at the hearing, the Hearing Decision-Maker will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The Parties will be given a list of the names of the Hearing Decision-Maker(s) at least five (5) Working Days in advance of the hearing. All objections to any Hearing Decision-Maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible but in no event and no later than three (3) Working Days prior to the hearing. Hearing Decision-Makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Hearing Decision-Maker(s) a list of the names of all Parties, Witnesses, and Advisors at least five (5) Working Days in advance of the hearing. Any Hearing Decision-Maker who believes they cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the Parties, Witnesses, and Advisors in advance of the hearing. If a Hearing Decision-Maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) Working Day period preceding the hearing, the Parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Hearing Decision-Maker at the pre-hearing meeting or at the hearing and will be exchanged between each Party by the Hearing Decision-Maker.

Parties and Advisors are not permitted to disseminate any of the evidence subject to inspection and review or to use such evidence for any purpose unrelated to this policy's grievance process, including Retaliation. This includes copying, taking photographs, etc. of the evidence and of the investigative report. If a Party or Advisor violates this provision, they will be subject to appropriate disciplinary action, up to and including dismissal from employment and/or sanctions pursuant to the Student Code of Conduct. If the Advisor is not a member of the College Community and violates this provision, the College may remove the Advisor from this process.

### **B. Pre-Hearing Meetings**

The Hearing Decision-Maker may choose to convene a pre-hearing meeting(s) with the Parties and their Advisors to invite them to submit the questions or topics the Parties wish to ask or discuss at the hearing. This ensures the Hearing Decision-Maker can rule on their relevance in advance to avoid any improper evidentiary

introduction into the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors at the hearing from asking for a reconsideration based on any new information or testimony offered at the hearing. The Hearing Decision-Maker must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

At each pre-hearing meeting with a Party and their Advisor, the Hearing Decision-Maker will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Hearing Decision-Maker may rule on these arguments pre-hearing and will exchange those rulings between the Parties prior to the hearing to assist in preparation for the hearing.

The pre-hearing meeting(s) will be recorded.

### **C. Hearing Procedures**

At the hearing, the Hearing Decision-Maker(s) has the authority to hear and make determinations on all allegations of Sexual Harassment and/or Retaliation.

Participants at the hearing will include the Hearing Decision-Maker, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the Parties, Advisors to the Parties, any called Witnesses, and anyone providing authorized accommodations or assistive services.

The Hearing Decision-Maker will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Hearing Decision-Maker will allow Witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Hearing Decision-Maker(s) and the Parties and will then be excused.

### **D. Joint Hearings**

In hearings involving more than one Respondent, or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

The Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

### **E. Order of the Hearing – Introductions and Explanation of Procedure**

The Hearing Decision-Maker will explain the procedures and introduce the participants.

At the hearing, recording, Witness logistics, Party logistics, curation of documents, separation of the Parties, and other administrative elements of the hearing process are managed by a hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various Parties/Witnesses as they wait; flow of Parties/Witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

#### **F. Investigator Presents the Final Investigation Report**

The Investigator(s) will present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Hearing Decision-Maker(s) and the Parties (through their Advisors). The Investigator(s) will be present or otherwise on-call for the duration of the hearing process, but not during deliberations.

Neither the Parties nor the Hearing Decision-Maker(s) may ask the Investigator(s) their opinions on credibility, recommended findings, or determinations; and the Investigators, Advisors, and Parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Hearing Decision-Maker will direct that it be disregarded.

#### **G. Testimony and Questioning**

Once the Investigator(s) present their report and are questioned, the Parties and Witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Hearing Decision-Maker. The Parties/Witnesses will submit to questioning by the Hearing Decision-Maker(s) and then by the Parties' Advisors ("cross-examination").

All questions are subject to a relevance determination by the Hearing Decision-Maker. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Hearing Decision-Maker upon request or agreed to by the Parties and the Hearing Decision-Maker), the proceeding will pause to allow the Hearing Decision-Maker to consider it, and the Hearing Decision-Maker will determine whether the question will be permitted, disallowed, or rephrased.

The Hearing Decision-Maker will then state their decision on the question for the record and advise the Party/Witness to whom the question was directed, accordingly. The Hearing Decision-Maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Hearing Decision-Maker will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Hearing Decision-Maker has final say on all questions and determinations of relevance, subject to any appeal. The Hearing Decision-Maker may ask Advisors to frame



why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Hearing Decision-Maker has ruled on a question. The Hearing Decision-Maker may also rule to remand the case back to the investigator if new evidence is presented at the hearing.

If the Parties raise an issue of bias or conflict of interest of an Investigator or Hearing Decision-Maker at the hearing, the Hearing Decision-Maker may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Hearing Decision-Maker should not permit irrelevant questions that probe for bias.

## **H. Recording Hearings**

Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The Parties may not record the proceedings and no other unauthorized recordings are permitted.

The Hearing Decision-Maker(s), the Parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

## **I. Deliberation, Decision-making, and Standard of Proof**

The Hearing Decision-Maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the Finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Hearing Decision-Maker, but is there only to facilitate the process procedurally, not to address the substance of the allegations.

If the Hearing Decision-Maker(s) find(s) that a policy violation has occurred, they will then review the statements and any pertinent conduct history provided by the Vice President of Student Affairs or Director of Human Resources and will determine the appropriate sanction(s) in consultation with the Title IX Coordinator, Vice President of Student Affairs, or Director of Human Resources.

The Hearing Decision-Maker will then prepare a written deliberation statement and deliver it to the Title IX Coordinator detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions.

This report must be submitted to the Title IX Coordinator within ten (10) Working Days of the conclusion of the hearing, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the Parties.