OREO JUNIOR COLLEGE
ANNUAL CAMPUS SECURITY AND
FIRE SAFETY REPORT
2020

Report covers 2017, 2018, and 2019
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PREPARING THE ANNUAL SECURITY AND FIRE SAFETY REPORT

OJC’s Clery Coordinator, with assistance from the Clery Compliance Committee, is responsible for preparing, publishing, distributing, and maintaining the Annual Security (AS) and the Annual Fire Safety Report (AFSR) in compliance with 34 § CFR 668.48 – Institutional Security Policy and Crime Statistics. The Clery Coordinator is also responsible for submitting the annual crime statistics published in the Annual Security and Annual Fire Safety Report to the Department of Education. Every year, the Clery Coordinator submits a written email request for crime statistics for the previous year from the La Junta Police Department. The crime statistics requested for inclusion in the Annual Security and Fire Safety Report are for crimes committed on campus and on public property surrounding and immediately adjacent to the campus for the previous year. The Annual Security Report also includes crime statistics for crimes that took place on campus during the previous year that were reported to a Campus Security Authority.

DEFINITION OF ON-CAMPUS LOCATIONS

Under the Clery Act, the on-campus category includes the following:

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

At Otero Junior College, our on-campus locations are defined as those properties, streets, retail operations and facilities owned by the State of Colorado and used by students, staff, faculty, and visitors that are bounded by Colorado Ave., San Juan Ave., 22nd St., and 15th Street as shown below:
DEFINITION OF PUBLIC PROPERTY
Under the Clery Act, public property encompasses the following:

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. This definition includes sidewalks, streets, and other thoroughfare and parking facilities.

DEFINITION OF NON-CAMPUS LOCATIONS
The Clery Act definition of non-campus buildings or property is:

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

At Otero Junior College, our non-campus locations are as follows:

- South Site Residence Hall (1.5 miles south of campus on San Juan)
- 22nd Street Field (2009 Bradish Ave.)
- Tiger Stadium (1817 Smithland Ave.)
- La Junta Rodeo Grounds (27150 Harris Rd.)
- La Junta Golf Club (27696 Harris Rd. La Junta, CO)
- La Junta Police Department Shooting Range: Memorial Training Facility (27510 Target Rd. La Junta, CO)
- La Junta Police Department Driving Instruction Track (30121 1st Ave. Airport La Junta, CO)
- J.E. Canyon Ranch (27331 County Road 157 Branson, CO)
- Fort Lyon (30999 County Rd. 15, Las Animas, CO)
- Hotel rooms rented for students at the same hotel every year for one night.
- Hotel rooms rented for students for short stay-away trips of more than one night.

SECURITY AND ACCESS

OJC’s Security Team has the primary responsibility for monitoring access to OJC facilities and coordinating the locking and unlocking of most campus buildings. Unless otherwise noted, campus buildings are generally open to staff and students during normal posted operating hours and locked at all other times. Some facilities are also accessible to the public during operating hours, such as the Fitness Center, Humanities Center, Student Center, and Learning Commons.

Offices and classrooms within campus buildings are locked during business hours, and faculty and staff have access to designated spaces with electronic keycards. An employee from the Physical Plant programs the electronic keycards based on directions from Directors, Department Chairs, and Administrators. Residence Halls are only accessible by an electronic keycard, and all students residing in the Residence Halls have a Student Photo ID that also serves as their residence hall and room key. Student Services distributes Student Photo ID’s, and an employee from the Physical Plant programs the electronic keycards for access to the residence halls. The Physical Plant has hard keys on hand if needed. In addition, the Physical Plant is also responsible for monitoring facilities and addressing safety hazards, such as lack of lighting or overgrown bushes.

LAW ENFORCEMENT AND JURISDICTION

The OJC Security Department includes trained personnel who are responsible for monitoring safety and security on campus. The OJC Security Department is not a sworn law enforcement agency. The La Junta Police Department is the local law enforcement agency with jurisdiction over the OJC Campus. The OJC Security Department works closely with La Junta Police
Department in relation to criminal activity, emergencies and other security issues on the OJC Campus. Some services provided to the OJC campus by the Security Department include:

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

AUTHORITY TO ARREST

The OJC Security Department does not have the authority to make arrests, as they are not a sworn law enforcement agency, and the College does not have a written memorandum of understanding with local first responders. However, the elements, including, but not limited to, the La Junta Police Department, Rural Fire District, EMS, the Otero County Sheriff’s Department, Colorado State Patrol, State of Colorado and Federal Authorities are charged with maintaining the safety and well-being of residents as well as all people that pass through their jurisdictions. The La Junta Police Department is the local law enforcement agency with jurisdiction over the OJC Campus. A call to 911 will result in police and/or fire protection arriving on the Campus within 2 to 3 minutes of notification.

MONITORING AND REPORTING OF CRIMINAL ACTIVITY

The OJC Security Department works closely with the La Junta Police Department to maintain the safety and well-being of students, faculty, staff, and visitors. Every year, the Clery Coordinator submits a written request to the La Junta Police Department asking that they notify the College immediately if a serious crime is reported to them that may cause an ongoing threat to our campus community. This letter also includes a request for crime statistics from the previous year for crimes that were committed on campus and on public property within and immediately adjacent to school-owned building and property for the previous year. Upon receipt of the crime statistics, the Clery Coordinator reviews all crime statistics received from the La Junta Police Department and compares these statistics with our Daily Crime Log and Clery Crime Log to ensure all crimes have been logged for reporting purposes. At this time, OJC has no officially recognized student organizations with non-campus locations.

CAMPUS SECURITY AUTHORITIES

A “Campus Security Authority” (CSA”) is an individual at the College who, because of their function for the College, has an obligation under the Clery Act to notify the college of alleged Clery Crimes that are reported to them in good faith, or alleged Clery Crimes that they may personally witness. The Clery Coordinator is responsible for designating CSAs as soon as practical after the hiring of an employee or a change in an employee’s job functions, and the
Clery Coordinator coordinates and oversees all CSAs on OJC’s campus. The Clery Coordinator is responsible for:

- Training CSAs and maintaining electronic and hard copy crime report files.
- Reevaluating the CSA status of all employees, including student employees, at the beginning of each semester (August, January, and June).
- Maintaining a current list of CSAs in a shared electronic file.
- Maintaining historic lists of CSAs in a separate electronic file, along with hard copy lists that are kept in the Clery Coordinator’s office.

Each CSA shall complete training with respect to the Clery Act, the College’s Clery Act compliance policies and procedures, and the responsibilities of a CSA. CSA training shall educate CSAs about the history of the Clery Act, Clery Crimes, Clery Geography, how and when to report allegations of Clery crimes, and the College’s timely warning and emergency notification processes.

Based on their job duties, the following OJC employees are considered to be CSAs:

- Assistant Director of Financial Aid
- Associate Vice President of Academic Affairs
- Associate Vice President of Enrollment Management
- Athletic Coaches (Head Coaches & Assistants)
- Club Advisors
- Dean of Students
- Director of Financial Aid
- Director of Human Resources/Title IX Coordinator
- Director of International Relations
- Educational Resource and Accessibility Specialist
- Faculty Advisors
- Director of the Law Enforcement Academy
- Fitness Center Director
- Foundation and Director of Auxiliary Services
- International Relations Assistant
- Learning Commons and Student Engagement Coordinator
• Professional Academic Support Specialist/Advisor
• Registrar
• Residence Hall Assistants
• Security
• Student Engagement and Educational Development Team
• TRiO Academic/Transfer Advisor
• TRiO Career/Financial Coach
• TRiO Director
• Vice President of Academic and Student Affairs

REPORTING INCIDENTS AND EMERGENCIES

Students, staff, faculty, and visitors should call 911 to report any incident, emergency, or disaster that is severe in nature and presents an immediate or ongoing threat to campus community (e.g. act of violence, medical emergency, fire). 911 may be directly dialed from any campus phone without having to dial “9” for an outside line. The reporting party should then call the Student Affairs Campus Emergency number at 6911 to report the incident, emergency or disaster to the Dean of Students, Law Academy Director, and/or Campus Security. Accurate and prompt reporting of all campus crimes is essential to maintaining campus safety and security.

For non-emergency incidents that occur during regular business hours, students, staff, and faculty should contact the Student Affairs Campus Emergency number at 6911. For non-emergency issues that occur after 5pm, students, staff, and faculty should contact the OJC Security Team at (719) 469-2613, or utilize the 6911 emergency number to be connected with Security.

During regular business hours, the Dean of Students and/or the Law Academy Director take the lead on responding to non-emergency incidents. They may contact other appropriate individuals on or off campus to investigate the report. The nature of the report, including the type and location of the incident, dictates which internal and external resources are contacted, and whether or not an emergency notification or timely warning are issued. Reporting parties complete and submit an incident report or crime report within 24 hours of the incident or reported crime.

During evening hours, the OJC Security Team takes the lead on responding to non-emergency incidents. They may contact other appropriate individuals on or off campus to investigate the report. The nature of the report, including the type and location of the incident, dictates which internal and external resources are contacted, and whether or not an emergency notification or timely warning are issued. Reporting parties complete and submit an incident report or crime report within 24 hours of the incident or reported crime.
VOLUNTARY, CONFIDENTIAL REPORTING

Victims or witnesses to crimes can report crimes to any Campus Security Authority (CSA) on a voluntary, confidential basis for inclusion in the annual security report. If the reported crime is severe in nature and presents an ongoing or immediate threat to the facility, staff, or students, the CSA should immediately call 911 and then notify the Dean of Students or the Law Academy Director during regular hours and OJC Campus Security during evening hours. Otero Junior College does not have pastoral or professional counselors on staff.

PROCESS FOR ISSUING EMERGENCY NOTIFICATIONS

Under the Clery Act, the College is required to immediately notify the campus community upon confirmation of a significant emergency or immediate threat to the health and safety of the campus community.

An “immediate” threat includes an imminent or impending threat, such as an approaching forest fire, or a fire currently raging in one of our building. Other examples of significant emergencies or dangerous situations are:

- Outbreak of meningitis, norovirus or other serious illness
- Approaching tornado, hurricane or other extreme weather conditions
- Earthquake
- Gas leak
- Terrorist incident
- Armed intruder
- Bomb threat
- Civil unrest or rioting
- Explosion
- Nearby chemical or hazardous waste spill

In the event of a confirmed emergency or immediate threat on campus, the responding party contacts a member of the OJC Policy Group. After consulting with other Policy Group members and/or members of the OJC Emergency Management Operations Group (if time permits), the Policy Group member will, without delay, and taking into account the safety of the community, determine the content of the emergency notification. This Policy Group member then instructs the Public Information Officer (PIO) or designee to initiate the notification system, unless issuing a notification will compromise efforts to assist a victim or to contain, a respond to or otherwise mitigate emergency.

The entire campus is notified when there is potential for a large segment of the community to be affected by a situation, or when a situation threatens the operation of the campus as a whole. If a particular segment of the campus community is notified, the Policy Group and Emergency Management Operations Group (EMOG) continually assess the situation to determine if additional segments of the campus community should be notified. The content of the notification sent by the PIO includes the following:
• Information about the nature of the emergency and what changes one needs to make immediately as a result
• Evacuation procedures if necessary
• Assurance that an “all-clear” will be sent when the emergency or incident is over.

This information is disseminated to campus community members through a variety of mechanisms:

**AppArmor**

AppArmor is the notification system the College uses to send emergency messages to our entire campus community. Emergency notifications and timely warnings are sent via e-mail, text (SMS), and a voicemail to mobile or home phones. All students, staff, and faculty are automatically enrolled to receive emergency notifications via their school email, home phone, and work phone as available through the Banner system. To receive mobile phone and text messages (SMS), users must opt-in to this service on their MyOJC dashboard by clicking on the “Update OJC Alert” link in the MyOJC box. The College does not charge for signing up to AppArmor; however, standard text messaging fees may apply to text messages received via this system. The user is responsible for payment of these costs.

**Door-to-Door Notification**

If safe to do so, designated college personnel (such as Public Safety or Facilities staff) go to specific rooms and/or wings of the affected campus area to alert occupants to an emergency.

**Additional Notification Methods**

OJC’s phone system is equipped with an intercom system that allows up to 50 numbers to be contacted via intercom. Messages can be sent out to these phone numbers, which include staff in each building, so that a message can be quickly sent out to every building in the event of an emergency. OJC also utilizes a radio system between the Policy Group and security personnel that can immediately alert staff to a situation on campus needing intervention at the Incident level and immediate communication between members should cell networks be interrupted.

**PROCESS FOR ISSUING TIMELY WARNINGS**

Under the Clery Act, the College is required to issue a timely warning when a Clery crime is reported to a Campus Security Authority or local law enforcement agency that pose a **serious or ongoing threat** to the campus community. Though all harmful behaviors are unacceptable, not all incidents will report in a timely warning – a report **must** represent a serious or going threat to the campus community for a timely warning to be issued. The purpose of the warning is to aid in the prevention of similar crimes by alerting the campus community about the incident and providing information on the actions people can take to diminish their chances of becoming victimized. Crimes that may trigger a timely warning must meet the following criteria:

• Clery-reportable crime (see below)
• Clery geography (on campus, on public property immediately adjacent to campus, or on non-campus locations)
• Reported to a Campus Security Authority or Law Enforcement
• Represents a serious or ongoing threat to the campus community

Clery reportable crimes include:

• Murder and non-negligent manslaughter
• Manslaughter by negligence
• Aggravated assault
• Arson
• Burglary
• Robbery
• Motor vehicle theft
• Rape
• Fondling
• Statutory rape
• Incest
• Dating violence
• Domestic violence
• Stalking
• Hate crimes, including any of the above offenses, as well as incidents of larceny/theft, simple assault, intimidation, and destruction, damage, or vandalism of property
• Arrests and disciplinary referrals

In the event of a serious or ongoing threat to the campus community, the responding party contacts a member of the OJC Policy Group. After consulting with other Policy Group members and/or members of the Emergency Management Operations Group (EMOG), the Policy Group member will determine the content of the timely warning and instruct the PIO or designee to initiate the Timely Warning system. The decision to issue a Timely Warning will be made in light of all the facts surrounding the incident, including, but not limited to:

• The nature of the incident
• The continuing danger to the campus community
• The possible risk of compromising law enforcement efforts

The content of the Timely Warning includes information about the crime that triggered the warning, the location of the crime, as well as information intended to promote safety and aid in the prevention of similar crimes, including a description of the suspect if warranted. Timely Warnings are disseminated to campus community members through AppArmor.

AppArmor

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SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

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

Security and Safety Awareness Campaign
This ongoing program is designed to make the campus community aware of campus crime and provide information on reporting and implementing self-security to reduce overall campus crime. Self-help tips and reporting information is provided through posters, brochures and social media.

Personal Safety on Campus for Students
This program is presented by the Residence Hall Director and community partners at the beginning of each semester to students living in the residence halls, and it is available for other groups upon request. This program covers personal awareness and ways to avoid being the victim of physical or sexual assault.

Faculty and Staff Safety Presentations
A campus safety and security presentation is typically given by the Safety Committee at least once a year during an all-staff meeting. This presentation includes information on crime reporting, prevention, and awareness.

Campus Foot Escort Program
Students, staff and faculty are always encouraged to walk with others when possible and to choose paths that are well illuminated. Upon request, the OJC Security department will provide a free foot escort to all students, faculty, and staff during evening hours. This service is available every day of the fall, spring and summer semesters, except for school holidays. To request a foot escort, contact the OJC Security Team at (719) 469-2613.

Video Surveillance
Video cameras are located in various areas throughout the campus. Besides serving as a deterrent to crime, these cameras have assisted law enforcement in identifying suspects in several cases.

Crime Analysis
The OJC Security department frequently reviews reported crimes to determine if focused patrol activity is needed for repeated offenses in any given area.

ALCOHOL, DRUG AND SUBSTANCE ABUSE POLICIES
By Gubernatorial decree and in compliance with applicable federal and state laws, the illegal possession, use or sale of alcohol, other drugs, or controlled substances when on campus is prohibited. Employees and students, whether full-time or part-time, shall not engage in the unauthorized or unlawful manufacture, distribution, dispensation, possession, use/abuse of
alcohol and/or illicit drugs on college property or use as a part of any college activities. OJC applies and enforces the following Colorado Community College System Board Policies and System Procedures related to alcohol and drugs:


Definitions

a. “Alcohol” shall mean any beverage containing not less than 0.5% ethyl alcohol by weight.

b. “Illicit drugs” shall mean controlled substances listed in Schedules I-V of the Controlled Substances Act, 21 U.S.C. 812, and related federal regulations, 21 C.F.R. 1308.11 – 1308.15 as they may be amended from time to time and Schedules I-V of title 12, article 22, part 3 of the Colorado Revised Statues as it may be amended from time to time. “Illicit drugs” shall include controlled substance analogs as defined by federal and state law.

c. “Property” shall mean any property owned leased, chartered or occupied by the College including motor vehicles, boats and aircraft.

d. “Activities” shall mean any act or event sponsored or participated in by the College including their constituent administrative units and approved student organizations. Without limitation, “activities” shall include all athletic events, faculty, staff and student meetings, conferences, field trips, retreats and all other acts or events for which the College pays expenses, or provides facilities, services, supplies or transportation. “Activities” shall not include incidental work-or study-related activities which employees perform in their personal, off-campus residences or purely social events which are held off-campus and are organized or attended by employees solely in their personal capacities.

Alcohol Policies

OJC alcohol policies apply to OJC Campus and institution-sponsored activities. Administrators, alumni, faculty, guests, staff and students must adhere to all applicable state and local laws and regulations related to the sale and use of alcoholic beverages. The most common laws related to alcohol use and sales are as follows:
• The sale of alcoholic beverages is prohibited except in areas, at times, and on dates licensed by the Colorado State Department of Revenue.
• Persons under 21 years of age cannot legally possess or consume alcoholic beverages of any kind. The furnishing of alcoholic beverages to under-aged persons is prohibited.
• Alcohol cannot be consumed or carried in open containers on any street, sidewalk, alley, automobile, or public area (except as noted herein).
• In addition, persons residing in campus residence halls who are 21 years or older are not permitted to have alcohol in their room or on campus.

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

• Service of alcoholic beverages is planned to stop before the close of the licensed event.
• The burden of proof for showing legal age is on the alcohol consumer. No alcohol will be served unless clear evidence of legal age is presented. It is the responsibility of those in charge of an event to ensure that no one who is under age is served or consumes any alcoholic beverages.
• Alcohol may not be consumed or carried in open containers in common areas or "public" areas of any building or grounds except as follows: for group activities or events where a liquor license (if required) has been obtained and the scheduling officer has approved the event.

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

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

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

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

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

**Alcohol Impairment**
When a person drinks alcohol, it can enter the bloodstream as soon as they begin to drink. The molecular structure of alcohol (or ethanol) is small, so the alcohol can be absorbed or transferred into the blood through the mouth, the walls of the stomach, and the small intestine.

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

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

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

Information source: [http://www.bacchusnetwork.org/](http://www.bacchusnetwork.org/)

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

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

At Otero Junior College, any student who is found to be in violation of the alcohol and/or drug policy will be adjudicated under the Student Code of Conduct. If found responsible for a violation, the student may face sanctions which range from warning to expulsion. In addition to
these disciplinary sanctions, violations may be reported to law enforcement authorities for criminal prosecution.

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

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

Alcohol and Drug Resources for Students and Employees
There are currently no alcohol/drug counseling programs on campus, but the college has referral agreements with Southeast Health Group and the Region Six Alcohol and Drug Abuse Treatment Center. In accordance with the policies described above, education, training, and information on treatment programs are available through OJC Student Services and Human Resources. Referrals for students are made through the Dean of Students in McBride Hall, or the student may contact these agencies directly.

Students are made aware of the College’s drug and alcohol policy during new student orientation, athletic team meetings, residence hall mandatory meetings at the beginning of each semester, and through the Student Handbook. In addition, in August of 2020, a new alcohol awareness training program called Impressions was released to students through the Canopy Training page in their MyOJC portal.

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

1. Create an unreasonable risk to the health, welfare and safety of students and employees and the preservation of property on the OJC campus by careless or malicious use
2. Create a climate of fear and intimidation that would distract and interfere with the reasoned discourse and cooperation required for productive learning and working environments on the OJC campus
3. Be inconsistent with the academic missions of the constituent institutions.
Statement of Policy
Except as expressly provided below, the possession of firearms, explosive or incendiary devices, or other weapons on the OJC campus is prohibited. This prohibition shall extend to all grounds and buildings on the OJC campus, and any grounds or buildings managed and operated by OJC. This policy shall apply to all employees and invitees of the OJC, all students, employees, and all other visitors to the OJC campus. “Weapons” include, but are not limited to, the following:

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

Exceptions
This policy shall not apply to:

1. A peace officer, as described in § 16-2.5-101, C.R.S., when carrying a weapon in conformance with the policy of his/her employing agency as provided in § 16-2.5-101(2).
2. A member of the armed forces of the United States or Colorado National Guard while acting in his/her official capacity and in conformance with general or specific military orders.
3. A law enforcement officer, agent or employee of the United States, when lawfully carrying a weapon in conformance with the policy of his/her employing agency.
4. A person carrying a concealed handgun who holds a valid written permit issued pursuant to § 18-12-201, et seq., C.R.S.
5. A weapon that remains inside a locked motor vehicle while on the OJC campus, provided that the weapon is unloaded. This exception shall not apply to explosive or incendiary devices.
6. A student, employee or invitee of a constituent institution or an employee or invitee of OJC who has a legitimate educational or employment related purpose for the possession of a weapon on the OJC campus and has obtained written permission from the office of the president.

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

OJC POLICY ON DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL MISCONDUCT, AND
STALKING

All members of the OJC community are expected to conduct themselves in a manner that does not infringe upon the rights of others. **OJC has a zero tolerance policy for sex and gender-based misconduct, and we prohibit the crimes of dating violence, domestic violence, sexual assault, and stalking as those terms are defined for purposes of the Clery Act.** When an allegation of misconduct is brought to an appropriate administrator’s attention, and a respondent is found to have violated this policy, serious sanctions will be implemented to reasonably ensure that such actions are never repeated. This procedure has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This procedure is intended to define OJC expectations and to establish a mechanism for determining when those expectations have been violated.

**Statement of Purpose**

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

Director of Institutional Research and Initiatives/Clery Coordinator
1802 Colorado Ave.
La Junta, CO 81050
719-384-6976

**Basis**

OJC shall investigate complaints pursuant to Board Policy (BP) 19-60 ([https://www.cccs.edu/policies-and-procedures/civil-rights-and-sexual-misconduct-resolution-process/](https://www.cccs.edu/policies-and-procedures/civil-rights-and-sexual-misconduct-resolution-process/)). BP 19-60 provides that individuals affiliated with OJC shall not discriminate or harass on the basis of sex, gender, race, color, age, creed, national or ethnic origin, ancestry, physical or mental disability, familial status, veteran or military status, pregnancy status, religion, genetic information, gender identity, sexual orientation, or any other protected class or category under applicable local, state or federal law (also known as “civil rights laws”), in connection with employment practices or educational programs and activities (including in admissions). BP 19-60 further provides that individuals affiliated with OJC shall not retaliate against any person who opposes discrimination, harassment or retaliation, or participates in any complaint or investigation process.

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

OJC employees have an ethical obligation to report any incidences they are aware of concerning discrimination and/or harassment. If the employee is unsure, s/he may direct their questions to the College’s Director of Human Resources/Title IX Coordinator. Failure to report will be considered a violation of BP 3-70 (https://www.cccs.edu/policies-and-procedures/board-policies/bp-3-70-colorado-community-college-system-code-of-ethics/)

Colorado Community College System Code of Ethics, and may result in discipline, up to and including termination.

It is the policy of the State Board for Community Colleges and Occupational Education that none of its employees or its Board members shall engage in any activity or relationship that places them in a conflict of interest between their official activities and any other interest or obligation. Conflict of interest requires all employees to disqualify themselves from participating in a decision when a personal interest is present; therefore, SP 3-70a, requires all employees involved in an amorous relationship to excuse themselves from any authority or evaluative role with respect to the other person. Please refer to SP 3-70a (https://www.cccs.edu/policies-and-procedures/system-presidents-procedures/sp-3-70a-conflicts-of-interest-relationships/#:~:text=It%20is%20Board%20policy%20that,any%20other%20interest%20or%20obligation) for more information and disclosure requirements.

Procedure

This procedure applies to all OJC employees, including, administrative/professional technical, faculty, adjunct instructors, and classified employees, students, authorized volunteers, guests and visitors. The System Chancellor has delegated to the College President the responsibility to ensure this procedure is implemented at their College.

Policy Statement

Dating violence, domestic violence, sexual assault misconduct and stalking, violate the OJC Policy on Dating Violence, Domestic Violence, Sexual Misconduct, and Stalking and the Student Code of Conduct. OJC prohibits dating violence, domestic violence, sexual misconduct, and stalking on property owned or controlled by the college, at institutionally-sponsored or supervised activities, or at functions of recognized student organizations. Penalties for policy violations by OJC's employees or students are determined by applicable internal policies and procedures. Students may be sanctioned up to and including expulsion. Employees may be sanctioned up to and including termination.

Definitions
• Coercion - In the context of Sexual Misconduct, coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When a person makes it objectively clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

• Complainant - A person who is subject to alleged inappropriate or unlawful civil rights behavior. For purposes of this procedure, a Complainant can be an OJC employee, student, authorized volunteer, guest, or visitor.

• Consent - For sexual activity, consent must be clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions demonstrate permission, based on an objective standard, regarding willingness to engage in (and the conditions of) sexual activity. Further, consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity. Previous sexual activity or prior consent do not imply consent to future sexual acts. The consideration of prior, irrelevant sexual conduct, except relating to a prior relationship or history between the parties if relevant to some material issue in the process, is prohibited.

• Disciplinary Authority - the individual with authority, or delegated authority, to impose discipline upon a Respondent.

• Discrimination - any distinction, preference, advantage, or detriment given to a person based on one or more actual or perceived protected classes.

• Force - The use of physical violence and/or imposing on someone physically to engage in sexual activity. Force also includes threats, intimidation (implied threats) and coercion that overcomes resistance.

• Harassment - A form of discrimination that includes Quid Pro Quo and Hostile Environment.

• Quid Pro Quo - Quid Pro Quo is a type of Sexual Harassment that exists when an employee conditions the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct, such as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

• Hostile Environment – A hostile environment occurs when a person is subjected to verbal or physical conduct based on a protected class that is sufficiently severe, persistent or pervasive, and objectively offensive to alter the conditions of a person’s employment or unreasonably interfere with a person’s ability to participate
in or benefit from CCCS educational programs or activities, from both a subjective and objective viewpoint.

- **Incapacitation** - A state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent. Incapacitation could result from mental or physical disability, sleep, unconsciousness, involuntary physical restraint, being underage, or from the ingestion of drugs or alcohol.

- **Sexual Misconduct** - Sexual activity with someone whom one should know to be—or based on the circumstances should reasonably have known to be—mentally or physically incapacitated, is a form of Sexual Misconduct. Use of alcohol or other drugs will never function as a defense to a violation of this procedure.

- **Investigator** - A person charged to investigate the civil rights complaint by the Title IX/EO Coordinator.

- **Jurisdiction** – Jurisdiction applies to behaviors that take place on a CCCS campus, at CCCS sponsored events, and may also apply to off-campus and online behavior when the Title IX/EO Coordinator determines that the off-campus or online behavior affects a substantial CCCS interest.

- **Respondent** - A person whose alleged conduct is the subject of a complaint. For purposes of this procedure, a Respondent can be a CCCS employee, authorized volunteer, guest, visitor, or student.

- **Retaliation** - Any adverse employment or educational action taken against a person because of the person’s participation, or perceived participation, in a complaint or investigation of discrimination and/or harassment. Retaliation includes acts to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege provided by applicable civil rights laws, policies and procedures.

- **Sexual Misconduct** - A type of prohibited discrimination based on sex and includes, but is not limited to:
  
  - **Sexual Harassment**, which may be in the form of Hostile Environment, Quid Pro Quo, Sexual Assault, Dating Violence, Domestic Violence or Stalking, as those terms are defined herein.

  - **Non-Consensual Sexual Contact/Sexual Assault (or attempts to commit same)**, which is any intentional sexual touching, however slight, with any body part or object, by any individual upon any individual, that is performed without consent. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or
other bodily orifice of another individual, or any other bodily contact in a sexual manner. Sexual assault also includes any nonconsensual sexual act proscribed by federal or state law, including when the victim lacks capacity to consent.

- **Non-Consensual Sexual Intercourse/Rape (or attempts to commit same)**, which is any sexual penetration, no matter how slight, with any body part or object, or oral penetration by a sex organ of another person, without consent.

- **Dating Violence**, which is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. There is no Colorado state law on dating violence; therefore, CCCS abides by the definition used in the Violence Against Women Reauthorization Act (VAWA) of 2013.

- Dating Violence is violence and abuse committed by a person to exert power and control over a current or former dating partner.

- Dating violence often involves a pattern of escalating violence and abuse over a period of time. Dating violence covers a variety of actions, and can include physical abuse, physiological and emotional abuse, and sexual abuse. It can also include “digital abuse”, the use of technology, such as smartphones, the internet, or social media, to intimidate, harass, threaten, or isolate a victim.

- **Domestic Violence**, which includes any act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. Domestic Violence also includes any other crime against a person or property, including an animal or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship. C.R.S. 18-6-800.3. Domestic violence further includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Colorado, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Colorado.

- Domestic violence is a pattern of abusive behavior in a relationship that is used by one partner to maintain power and control over another current or former intimate partner.
• Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, hurts, injures, or wounds someone.

• **Stalking**, which is directly or indirectly through another person, is knowingly:
  
  • Making a credible threat to another person and, in connection with the threat, repeatedly following, approaching, contacting, or placing under surveillance that person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship; or
  
  • Making a credible threat to another person and, in connection with the threat, repeatedly making any form of communication with that person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or
  
  • Repeatedly following, approaching, contacting, placing under surveillance, or making any form of communication with another person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. C.R.S. 18-3-602.

• Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking can include frightening communications, direct or indirect threats, and harassing a victim through the internet.

• Stalking also includes engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

• **Sexual Exploitation**, which occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples include invasion of sexual privacy, prostituting another person, non-consensual recording of sexual activity, going beyond the boundaries of consent, engaging in voyeurism, knowingly transmitting a sexually transmitted infection or disease to another, exposing one’s genitals or inducing another to expose their genitals, possession or viewing of pornography on CCCS property or at CCCS activities, or sexually based bullying.

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

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

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

  o Contact for government inquiries.
  o Point person for all civil rights complaints involving employees as complainant and respondent.
  o Creator and implementer of appropriate procedures.
  o Assurance of 1st Amendment protection.
  o Prevention and remediation of stalking.
  o Prevention and remediation of intimate partner and relationship violence.
  o Prevention and remediation of bullying and cyber bullying.
  o Oversight and coordination of prompt and equitable grievance procedures.
  o Coordinator of the interaction of multiple student and employee grievance processes.
  o Supervisor of investigations.
  o Compliance auditor.
  o Trainer or convener of broad training requirements for OJC employees, boards, investigators and appeals officers.
State Law Definitions
In Colorado, the criminal definitions of sexual assault, domestic violence (which also includes dating violence) and stalking are distinctly different from some of the definitions outlined OJC’s policy. Below are the relevant sections of the Colorado Criminal Code that demonstrate these differences.

Dating Violence - There is no criminal statute or definition regarding dating violence under Colorado law, but according to the U.S. Department of Health and Human Services, dating violence is when one person purposely hurts or scares someone they are dating. Dating violence happens to people of all races, cultures, incomes, and education levels. It can happen on a first date, or when you are deeply in love. It can happen whether you are young or old, and in heterosexual or same-sex relationships. Dating violence includes:

- Physical abuse like hitting, shoving, kicking, biting, or throwing things
- Emotional abuse like yelling, name-calling, bullying, embarrassing, keeping you away from your friends, saying you deserve the abuse, or giving gifts to "make up" for the abuse.
- Sexual abuse like forcing you to do something sexual (such as kissing or touching) or doing something sexual when you cannot agree to it (like when you are very drunk).

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

Sexual Assault (C.R.S. § 18-3-402)

(1) Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:

(a) The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or

(b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or

(c) The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or
(d) At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or

(e) At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the actor is at least ten years older than the victim and is not the spouse of the victim; or

(f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or

(g) The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or

(h) The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.

(2) Sexual assault is a class 4 felony, except as provided in subsections (3), (3.5), (4), and (5) of this section.

(3) If committed under the circumstances of paragraph (e) of subsection (1) of this section, sexual assault is a class 1 misdemeanor and is an extraordinary risk crime that is subject to the modified sentencing range specified in section 18-1.3-501 (3).

(3.5) Sexual assault is a class 3 felony if committed under the circumstances described in paragraph (h) of subsection (1) of this section.

(4) Sexual assault is a class 3 felony if it is attended by any one or more of the following circumstances:

(a) The actor causes submission of the victim through the actual application of physical force or physical violence; or

(b) The actor causes submission of the victim by threat of imminent death, serious bodily injury, extreme pain, or kidnapping, to be inflicted on anyone, and the victim believes that the actor has the present ability to execute these threats; or

(c) The actor causes submission of the victim by threatening to retaliate in the future against the victim, or any other person, and the victim reasonably believes that the actor will execute this threat. As used in this paragraph (c), "to retaliate" includes threats of kidnapping, death, serious bodily injury, or extreme pain; or
(d) The actor has substantially impaired the victim's power to appraise or control the victim's conduct by employing, without the victim's consent, any drug, intoxicant, or other means for the purpose of causing submission.

(e) (Deleted by amendment, L. 2002, p. 1578, § 2, effective July 1, 2002.)

(5) (a) Sexual assault is a class 2 felony if any one or more of the following circumstances exist:

(I) In the commission of the sexual assault, the actor is physically aided or abetted by one or more other persons; or

(II) The victim suffers serious bodily injury; or

(III) The actor is armed with a deadly weapon or an article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon or represents verbally or otherwise that the actor is armed with a deadly weapon and uses the deadly weapon, article, or representation to cause submission of the victim.

(b) (I) If a defendant is convicted of sexual assault pursuant to this subsection (5), the court shall sentence the defendant in accordance with section 18-1.3-401 (8) (e). A person convicted solely of sexual assault pursuant to this subsection (5) shall not be sentenced under the crime of violence provisions of section 18-1.3-406 (2). Any sentence for a conviction under this subsection (5) shall be consecutive to any sentence for a conviction for a crime of violence under section 18-1.3-406.

(II) The provisions of this paragraph (b) shall apply to offenses committed prior to November 1, 1998.

(6) Any person convicted of felony sexual assault committed on or after November 1, 1998, under any of the circumstances described in this section shall be sentenced in accordance with the provisions of part 10 of article 1.3 of this title.

(7) A person who is convicted on or after July 1, 2013, of a sexual assault under this section, upon conviction, shall be advised by the court that the person has no right:

(a) To notification of the termination of parental rights and no standing to object to the termination of parental rights for a child conceived as a result of the commission of that offense;

(b) To allocation of parental responsibilities, including parenting time and decision-making responsibilities for a child conceived as a result of the commission of that offense;

(c) Of inheritance from a child conceived as a result of the commission of that offense; and
(d) To notification of or the right to object to the adoption of a child conceived as a result of the commission of that offense.

**Stalking (C.R.S. § 18-3-602)**

(1) A person commits stalking if directly, or indirectly through another person, the person knowingly:

(a) Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or

(b) Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or

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

(2) For the purposes of this part 6:

(a) Conduct “in connection with” a credible threat means acts that further, advance, promote, or have a continuity of purpose, and may occur before, during, or after the credible threat.

(b) “Credible threat” means a threat, physical action, or repeated conduct that would cause a reasonable person to be in fear for the person's safety or the safety of his or her immediate family or of someone with whom the person has or has had a continuing relationship. The threat need not be directly expressed if the totality of the conduct would cause a reasonable person such fear.

(c) “Immediate family” includes the person's spouse and the person's parent, grandparent, sibling, or child.

(d) “Repeated” or “repeatedly” means on more than one occasion.

(3) A person who commits stalking:
(a) Commits a class 5 felony for a first offense except as otherwise provided in subsection (5) of this section; or

(b) Commits a class 4 felony for a second or subsequent offense, if the offense occurs within seven years after the date of a prior offense for which the person was convicted.

(4) Stalking is an extraordinary risk crime that is subject to the modified presumptive sentencing range specified in section 18-1.3-401(10).

(5) If, at the time of the offense, there was a temporary or permanent protection order, injunction, or condition of bond, probation, or parole or any other court order in effect against the person, prohibiting the behavior described in this section, the person commits a class 4 felony.

(6) Nothing in this section shall be construed to alter or diminish the inherent authority of the court to enforce its orders through civil or criminal contempt proceedings; however, before a criminal contempt proceeding is heard before the court, notice of the proceedings shall be provided to the district attorney for the judicial district of the court where the proceedings are to be heard and the district attorney for the judicial district in which the alleged act of criminal contempt occurred. The district attorney for either district shall be allowed to appear and argue for the imposition of contempt sanctions.

(7) A peace officer shall have a duty to respond as soon as reasonably possible to a report of stalking and to cooperate with the alleged victim in investigating the report.

(8)(a) When a person is arrested for an alleged violation of this section, the fixing of bail for the crime of stalking shall be done in accordance with section 16-4-105(4), C.R.S., and a protection order shall issue in accordance with section 18-1-1001(5).

(b) This subsection (8) shall be known and may be cited as “Vonnie’s law”.

(9) When a violation under this section is committed in connection with a violation of a court order, including but not limited to any protection order or any order that sets forth the conditions of a bond, any sentences imposed pursuant to this section and pursuant to section 18-6-803.5 or any sentence imposed in a contempt proceeding for violation of the court order shall be served consecutively and not concurrently.

Consent (C.R.S. § 18-3-401) - “Consent” for sexual activity means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent. Submission under the influence of fear shall not constitute consent.

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

Civil Rights Grievance and Investigation Procedures for Victims of Dating Violence, Domestic Violence, Sexual Misconduct, and Stalking

Victims of dating violence, domestic violence, sexual misconduct, or stalking on the OJC Campus should follow this procedure to report their concerns. OJC will act on any complaint brought to the attention of the Title IX/EO Coordinator that is made under this procedure. All complaints shall be made as promptly as possible after the occurrence, so that OJC can more effectively address the reported concerns. A delay in reporting may result in the loss of relevant evidence and witness testimony, and may affect the ability of OJC to substantiate the allegations.

Victims of dating violence, domestic violence, alleged or threatened sexual misconduct, or stalking on the OJC Campus have several options that may be pursued individually or in combination with other options:

1. Students who believe they have been the victims of dating violence, domestic violence, sexual misconduct, or stalking on the OJC Campus should first ensure that they are in a place that is safe and that they are receiving any necessary medical treatment.

2. After an incident of domestic violence, dating violence, or sexual misconduct, the victim should consider seeking medical attention as soon as possible at Arkansas Valley Medical Hospital, located at 1100 Carson Ave., La Junta, CO. In Colorado, evidence may be collected even if you choose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence as may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College hearing boards/investigators or police.

3. Students who are victims of dating violence, domestic violence, sexual misconduct, or stalking have access to confidential counseling with staff that are specifically trained in the area of sexual offenses and crisis intervention. Victims of sexual offenses can be seen confidentially through the Southeast Health Group by calling 719-384-5446 for
immediate care or an appointment.

4. Students should report any incident of dating violence, domestic violence, sexual misconduct, or stalking to OJC Security at 719-469-2613, or by dialing ‘6911’ from any campus telephone or cell phone. Students can inform college officials without filing formal charges, and they can make an anonymous report to a campus official without including student identifier. However, the college may have a legal obligation to investigate the incident and take action against the accused. Reports should describe the alleged incident, which may include when and where it occurred, the parties involved, and the desired remedy sought. Any supporting documentation and evidence may be referenced within the body of the complaint.

Students may also report to the Title IX/EO Coordinator, a faculty member, Campus Security Authority, or an administrative official. OJC employees, depending on their roles, have varying reporting responsibilities and may not be able to maintain confidentiality of information reported to them. Any person who reports concerns should not assume that confidentiality or anonymity can be protected in connection with making a report.

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

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

In addition, a person who files a report should also be aware that per the Clery Act, OJC must issue immediate emergency notifications and/or timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. OJC will make every effort to ensure that
a Complainant’s name and other identifying information is not disclosed, while still providing adequate information for community members to make safety decisions in light of the danger.

Note: OJC employees (including student employees), unless deemed a confidential resource by law, have an ethical obligation to promptly report any incidents they are aware of concerning these violations. Reports should be made within 24 hours, unless there is reasonable justification for a delay. Employees unsure of the scope of this requirement may direct their questions to the Title IX/EO Coordinator. Failure to report will be considered a violation of BP 3-70, Colorado Community College System Code of Ethics, and may result in discipline, up to and including termination.

5. Students who are victims of domestic violence, dating violence, sexual assault, or stalking can file charges against an accused assailant through the institution’s appropriate process (see below).

6. Students who are victims of domestic violence, dating violence, sexual misconduct, or stalking can file criminal charges with the police department. (In this case, the victim will likely be interviewed by police investigators and possibly by government attorneys, and if the case goes to trial, will likely be called to testify in court). Although the College strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police. The College Vice President of Student Services will assist any victim with notifying local police if they so desire. La Junta Police Department may also be reached directly by calling 719-384-2525, in person at 601 Colorado Ave. Additional information about the La Junta Police department may be found online at: http://lajuntapd.org/.

7. Students who are victims of domestic violence, dating violence, sexual misconduct, or stalking can file a civil lawsuit or restraining order request against the accused. (In this case, the victim may need a private attorney to assist with these options, and the victim will likely be required to give testimony in court.)

Institutional Process for Charges Filed Against an Accused Assailant

Students who are victims of domestic violence, dating violence, sexual misconduct, or stalking can choose to file charges against an accused assailant through our institutional process. The Title IX/EO Coordinator is ultimately responsible to assure in all cases that the behavior is brought to an end, the College acts to reasonably prevent its recurrence and the effects on the victim and the community are remedied.

Upon receipt of a report, the Title IX/EO Coordinator will review the report to determine whether the complaint alleges sufficient information to support that a violation has occurred (reasonable cause). If the Title IX/EO Coordinator is unable to make this determination in
reviewing the complaint alone, the Title IX/EO Coordinator may, at their discretion, reach out to the Complainant or others, as relevant, for clarification and/or additional information.

If no reasonable cause is found to initiate a formal investigation, the Title IX/EO Coordinator shall inform the Complainant of this decision and discuss other options for addressing the reported concerns.

If there is reasonable cause and the Complainant wishes to proceed, the Title IX/EO Coordinator will initiate an informal resolution or a formal investigation. If the Complainant does not wish to proceed, the Title IX/EO Coordinator will give consideration to the Complainant’s preference, but reserves the right, when necessary to protect the OJC community, to initiate an informal resolution or formal investigation of the complaint. The Title IX/EO Coordinator also reserves the right to initiate an investigation and resolve a complaint without a participating or identifiable Complainant.

The Title IX/EO Coordinator may consider a number of factors when determining whether to initiate an informal resolution or formal investigation without the Complainant’s participation and/or without an identifiable Complainant. These factors may include, but are not limited to, the following:

- Seriousness of the alleged conduct;
- Risk that the Respondent will similarly harm others;
- Previous complaints or allegations involving similar conduct;
- Whether multiple Complainants were involved;
- Whether the conduct was facilitated by incapacitation;
- Whether a weapon or violence was used;
- Whether the Complainant is a minor and/or at-risk;
- Whether the conduct was predatory in nature; and/or
- Any other information deemed relevant by the Title IX/EO Coordinator.

The informal resolution and formal investigation processes are designed to address the reported concerns, end the inappropriate behavior, and prevent its reoccurrence. This may include providing a fair and reliable determination about whether policies or procedures have been violated.

The Title IX/EO Coordinator will also evaluate the complaint to determine if it alleges Sexual Harassment under Title IX and occurred within one of its programs or activities in the United States. In such cases, the specific procedures applicable to Sexual Harassment (e.g., live hearing) will apply. If not, the complaint must be closed for Title IX Sexual Harassment purposes, but it may be addressed under other civil rights procedures outlined herein. Dismissal of a Title IX Sexual Harassment case is subject to the appeal procedures outlined herein. If a complaint involves allegations of Title IX Sexual Harassment within an OJC program or activity in the United States along with other conduct that is not covered by Title IX, the Title IX/EO Coordinator in their discretion will either process the entire complaint under Title IX Sexual
Harassment procedures or will divide the allegations and process them separately under applicable provisions of this procedure.

OJC shall make every effort to complete the resolution or investigation process within approximately 90 days from the date the complaint is filed. If OJC cannot resolve the complaint within this timeline, the Title IX/EO Coordinator may extend the timeline when necessary, to properly resolve the complaint. Written notice will be provided to the parties regarding the extension.

**Interim Actions**

The Title IX/EO Coordinator, in consultation with appropriate administrative personnel, may implement interim actions, including Supportive Measures, intended to protect the safety and security of the campus community, address the effects of the reported behavior, and prevent further violations, while the complaint is under review or investigation. Remedies may include, but are not limited to, placing an employee on administrative leave, interim actions outlined in the SP 4-30 Student Disciplinary Procedure, campus bans/emergency removals, referral to counseling and health services or to the Colorado State Employee Assistance Program (CSEAP), education to the community, altering housing situations, altering work arrangements, providing campus escorts, implementing contact limitations between the parties (e.g., no contact orders), offering adjustments to academic deadlines or course schedules, and/or suspending privileges such as attendance at College activities or participation in College-sponsored organizations. Any campus ban/emergency removal will be implemented only after a determination that the person poses an immediate threat to the physical health or safety of another. The College will provide written notification to students and employees about existing counseling, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and the community. The College will also provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures.

In all cases in which an interim action is imposed, the individual will be given the opportunity to meet with the Title IX/EO Coordinator prior to such action being imposed, or as soon thereafter as reasonably possible, to show cause why the interim action should not be implemented. The Title IX/EO Coordinator shall have sole discretion to implement or stay an interim action, and to determine its conditions and duration. Violation of an interim action may be grounds for disciplinary action, up to and including expulsion, termination, a “Cease Communications” directive, or issuance of a “No Trespass” order, also known as a persona non grata. Following the completion of the investigation or resolution process, interim actions may be continued or made permanent as deemed necessary.

**Rights of Involved Parties**
Throughout the civil rights and sexual misconduct resolution process, Complainants and Respondents shall be entitled to the following:

- To be treated with respect by OJC employees.
- To take advantage of Supportive Measures and other resources, such as counseling, psychological services, and health services.
- To experience a safe living, educational, and work environment.
- To have an advisor of their choice present at any meeting.
- To have access to a Title IX/EO Coordinator, investigator(s), hearing officers/decision-maker(s) for Title IX cases, and/or other individuals assisting with the resolution process who do not have a conflict of interest or bias for or against either party.
- To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- To be free from retaliation.
- To be informed of the outcome/resolution of the complaint, and the sanctions and rationale for the outcome where permissible.
- To have assistance in contacting law enforcement, if desired.
- To request housing, employment, and/or educational modifications, as deemed appropriate and reasonable.
- To request no further contact with the opposite party, as deemed appropriate, allowable and reasonable.

Informal Resolution

The Title IX/EO Coordinator, in consultation with the parties, may determine that an informal resolution is appropriate to resolve the reported concerns. The primary focus during an informal resolution remains the welfare of the parties and the safety of the OJC community, but it does not involve a written investigation report or an opportunity to appeal. An informal resolution may include but is not limited to:

- The provision of interim or long-term remedial measures;
- Referral to other resolution processes;
- Training or educational programming for the parties;
- The Title IX/EO Coordinator or a designee serving as a facilitator to discuss the reported concerns with the Complainant and Respondent (either separately or together) and to identify possible resolutions and/or appropriate future conduct; and/or
- Referral to a Disciplinary Authority to further address the reported behavior, as deemed appropriate.

Notice of the allegations and specific Informal Resolution process will be provided to both parties.

At any time during the informal resolution process, the Title IX/EO Coordinator may elect to initiate a formal investigation as deemed appropriate to resolve the matter. The parties can
elect to cease the informal resolution process at any time before it concludes and proceed with a formal investigation. The informal resolution process is not available in Sexual Harassment cases involving a student Complainant and an employee Respondent.

**Formal Investigation**

If a formal investigation is initiated, the Title IX/EO Coordinator shall provide simultaneous written notice (Notice of Investigation) to the Complainant and Respondent notifying them of the investigation and will assign one or more impartial investigators to conduct an investigation into the complaint. The investigation will include an objective evaluation of all relevant evidence, both inculpatory (incriminating or tending to show responsibility for a violation) and exculpatory (exonerating or tending to negate responsibility for a violation). The investigator(s) may request an interview with the Complainant, the Respondent, and any witnesses, including expert witnesses for Sexual Harassment cases, deemed relevant by the investigator(s). The parties will be provided with sufficient details of the allegations (such as identity of parties, nature of the conduct, and date/location of the incident, if known). All parties and other witness or participants in the investigation process will be provided written notice of the date, time, location, participants and purpose of any interview or meeting with sufficient time to prepare to participate.

Throughout the investigation, all questions will go through the assigned investigators. The Complainant and Respondent may offer any documentation, witnesses, or other materials in support of their position as it relates to the complaint. There will be a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility has been made at the conclusion of the resolution process. Any credibility determinations made by investigators will not be based upon a person’s status as a Complainant, Respondent, or witness.

The Complainant and the Respondent have the opportunity to be advised and accompanied by an advisor of their choice, at their expense, at any stage of the process. In the event of a live hearing, if either party does not have an advisor, the College will provide one to that party at no cost. An advisor may consult and advise their advisee, but may not speak on behalf of their advisee. These procedures are entirely administrative in nature and are not considered legal proceedings. The investigator(s) may end a meeting or remove or dismiss an advisor who becomes disruptive or who does not abide by the restrictions on their participation as explained above.

Should the Complainant or Respondent decide to withdraw from courses or resign employment while a complaint is pending, the process may proceed in that party’s absence and sanctions may still be imposed affecting the party’s ability to return to OJC. Additionally, the Title IX/EO Coordinator may dismiss the formal complaint if the Complainant requests such dismissal in writing, if the Respondent is no longer enrolled/employed at OJC, or other specific circumstances prevent the investigators from gathering evidence sufficient to reach a determination. Notice regarding the dismissal will be provided in writing simultaneously to the
parties.

No unauthorized recording will be allowed, and all parties must request permission to record in advance. OJC, at its discretion, may grant authorization for recording of an interview, and in that case, OJC will also record to ensure there is an accurate record.

Throughout the formal investigation process, the Title IX/EO Coordinator will provide regular written updates on the status of the investigation to the Complainant and the Respondent through the conclusion of the investigation.

Preliminary Investigation Report

Following the fact gathering stage of the formal investigation, the investigator(s) shall issue a simultaneous Preliminary Investigation Report to the Complainant and Respondent (and their advisors, if applicable) for review. The Preliminary Investigation Report will include relevant facts as gathered by the investigators. At this stage, parties may review upon request all evidence collected as part of the investigation, whether or not it will be relied upon in reaching a determination. The Complainant and the Respondent will have ten (10) calendar days to review and respond to the Preliminary Investigation Report with any changes, clarifications, or questions.

Final Investigation Report

At the conclusion of the fact gathering stage and formal investigation, including any relevant information submitted in response to the Preliminary Investigation Report, the investigator(s) shall issue a Final Investigation Report to the Title IX/EO Coordinator detailing the factual findings and summarizing the relevant evidence. This report will not contain any determinations as to whether the conduct is in violation of applicable policies.

Upon receipt of the Final Investigation Report, the Title IX/EO Coordinator shall proceed as follows:

- For cases involving Sexual Harassment within the United States, the Title IX/EO Coordinator shall initiate a live hearing as described below. If a live hearing cannot be held due to refusal of parties to participate, OJC reserves the right to address the conduct through the procedures applicable to non-Sexual Harassment/Title IX cases.
- For other civil rights cases (non-Sexual Harassment or Sexual Harassment outside the United States), the Title IX/EO Coordinator will obtain a written Determination Report from the investigators as to whether or not, based on a preponderance of the evidence, the alleged behavior took place and whether that behavior constitutes a civil rights violation. The determination shall include a summary of all evidence and information used to reach these conclusions.
Live Hearing for Sexual Harassment Cases

Live hearings are subject to the following procedures:

**Scheduling** – A live hearing must be scheduled no earlier than ten (10) days after issuance of the Final Investigation Report. Written notice of the date, time, location, participants and purpose for the hearing will be provided to the parties simultaneously. The parties must notify the Title IX/EO Coordinator if any other witnesses will be presented so they can be notified of the hearing. Written notice of the date, time, location, participants and purpose for the hearing will be provided to all individuals who are invited or expected to participate allowing them reasonably sufficient time to prepare.

**Hearing Officer(s)** – A Hearing Officer is responsible for overseeing the hearing; making determinations as to relevance of evidence/questioning, determining whether evidence will be permitted, and making a final determination regarding the allegations. A Hearing Officer must be a different individual than any investigator or Title IX/EO Coordinator assigned to the case. A Hearing Officer has discretion regarding the details and order that parties will be permitted to present evidence, provided that both parties are given equal opportunities to present relevant evidence, both inculpatory (incriminating or tending to show responsibility for a violation) and exculpatory (exonerating or tending to negate responsibility for a violation), and cross-examine witnesses. The Hearing Officer may issue a document to the parties in advance outlining the hearing process that will be followed on the day of the hearing.

**Advisors** – At the hearing, the Complainant and Respondent must be accompanied by an advisor. If the party does not provide their own, OJC will provide an advisor at no charge. The advisor is responsible for questioning the witnesses; the Complainant and Respondent are not permitted to ask questions directly.

**Questioning and Cross-Examining Witnesses** – Each party’s advisor may question the other party and any witnesses with relevant questions and follow-up questions, including those challenging credibility. Questioning will be done directly, orally and live. At the request of a party or at the discretion of OJC, the parties may be located in separate rooms using technology for live viewing of other participants. After each question is stated, the Hearing Officer will decide whether it is relevant and permissible before the party/witness provides an answer. If it is excluded, the reason for exclusion will be provided. Evidence of the Complainant’s prior sexual predisposition or behavior is not relevant except to prove that someone other than the Respondent committed the alleged conduct or to prove consent.

**Recording/Transcript** – OJC shall record the hearing and make it available to all parties. Alternatively, OJC, in its discretion, may elect to transcribe the proceedings as the method of record keeping.

**Determination Report** – Following the hearing, the Hearing Officer will issue a Determination Report to the Title IX/EO Coordinator as to whether or not, based on a preponderance of the
evidence, the alleged behavior took place and whether that behavior constitutes a civil rights violation. In reaching this determination, the Hearing Officer must consider all relevant evidence, except for any privileged information (unless waived) or medical records (unless specific, written consent is obtained). If a party or witness does not submit to cross-examination during the live hearing, the Hearing Officer cannot rely on any of their statements in their determination, and may not draw any inferences based solely on a party or witness failing to submit to cross-examination. The Determination Report shall include a summary of the allegations; a summary of the procedural steps in the case; findings of fact supporting the determination, conclusions regarding violation of applicable policies with supporting rationale; any disciplinary steps or remedial measures imposed; and the parties’ appeal rights.

Notice of Findings

Once a Determination Report is received (either from the investigator(s) or the Hearing Officer following a live hearing), the Title IX/EO Coordinator shall provide written notice (Notice of Findings) simultaneously to the Complainant and Respondent (and their advisors, if applicable) notifying them of the findings. A copy of the Final Investigation Report and Determination Report, if applicable, shall be attached to the Notice of Findings. The Complainant and Respondent shall be simultaneously advised of their right to appeal, subject to the grounds below, by filing a written appeal with the Title IX/EO Coordinator within ten (10) calendar days of service of the decision.

The College will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section of Title 18, United States code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense.

Appeals for Formal Investigations

In the event of an appeal, the Title IX/EO Coordinator shall perform an initial review to determine if the appeal meets the limited grounds listed below and is timely (filed within ten [10] calendar days, as noted above). If the appeal is found to meet these criteria, the Title IX/EO Coordinator shall forward the appeal to a designated appellate officer, who shall give written notice to the opposing party and provide a suitable time frame for the opposing party to submit a written response to the appeal. The appeal and any responses shall be reviewed by the appellate officer. The party requesting an appeal must show error, as the original finding is presumed to have been decided reasonably and appropriately. The only grounds for appeal are as follows:

1. A procedural error occurred that significantly impacted the outcome of the decision (e.g., substantiated bias, conflict of interest, or material deviation from established procedures). The written appeal shall specify the procedural error and how it impacted the outcome of the decision.
2. The findings are not supported by substantial evidence in the investigation report or the report does not articulate a rational connection between the facts found and the decision made. The written appeal shall specify the finding(s) not supported by substantial evidence or for which the report does not articulate a rational connection between the facts found and the decision made; or

3. To consider new evidence, unavailable during the original investigation, that could substantially impact the original finding(s). Any new evidence and its impact must be included in the written appeal.

If the appellate officer determines a procedural error occurred that significantly impacted the outcome of the decision, the appellate officer shall return the complaint to the Title IX/EO Coordinator with instructions to convene a new investigation or the appellate officer shall otherwise cure the procedural error.

If the appellate officer determines the findings were not supported by substantial evidence in the investigation report, the report does not articulate a rational connection between the facts found and the decision made, or new evidence substantially impacts the original finding(s), the appellate officer shall conduct or request appropriate additional steps (such as requesting additional investigation by the investigators) and/or modify the findings accordingly. Written notice of the outcome of the appeal shall be provided simultaneously to the parties.

Sanctions

Once the appeal process has been exhausted, if the Respondent is found not in violation of policies or procedures outlined herein, the complaint shall be closed with no further disciplinary action. If additional concerns, outside the scope of this procedure, are identified during the course of the investigation, the findings may be shared with appropriate administrative personnel to further address, as deemed appropriate.

If the Respondent is found in violation of policies or procedures outlined herein, the findings shall be provided to the Disciplinary Authority to proceed in accordance with applicable policies:

- For faculty, disciplinary action will be in compliance with BP 3-20, Due Process for Faculty: [https://www.cccs.edu/policies-and-procedures/board-policies/bp-3-20-due-process-for-faculty/](https://www.cccs.edu/policies-and-procedures/board-policies/bp-3-20-due-process-for-faculty/)
- For classified employees, disciplinary action will be taken pursuant to the applicable State Personnel Rules and Regulations: [https://www.colorado.gov/spb](https://www.colorado.gov/spb)
- For students, disciplinary action will be taken pursuant to BP and SP 4-30, Student Discipline: [https://www.cccs.edu/policies-and-procedures/board-policies/bp-4-30-student-discipline/](https://www.cccs.edu/policies-and-procedures/board-policies/bp-4-30-student-discipline/)
- Instructors and Administrative, Professional-Technical (APT) employees are at-will under
Disciplinary Authorities may consider a number of factors when determining a sanction. These factors may include, but are not limited to, the following:

- The nature, severity of, and circumstances surrounding the violation;
- An individual’s disciplinary history;
- Previous complaints or allegations involving similar conduct; and/or
- Any other information deemed relevant by the Disciplinary Authority.

The following sanctions may be imposed:

- **For Students**: warning, probation, fines, restitution, denial of privileges, assignment to perform services for the benefit of the CCCS community, re-assignment to another class section (including the option for an on-line section), suspension, expulsion, a “Cease Communications” directive, or a “No Trespass” directive.

- **For OJC Employees**: warning, corrective action, probation, restitution, denial of privileges, suspension, demotion, reduction of pay, termination of employment, a “Cease Communications” directive, or a “No Trespass” directive.

- **For Authorized Volunteers, Guests, or Visitors**: warning, probation, denial of privileges, removal from OJC property, a “Cease Communications” directive, or a “No Trespass” directive.

In addition to sanctions, other action may be taken as deemed appropriate to bring an end to the violation, to prevent future reoccurrence, and to remedy the effects of the violation.

**Student Privacy**

The outcome of an OJC investigation is an educational record of a student Respondent, and is subject to privacy protections under the federal Family Educational Rights and Privacy Act (FERPA). However, CCCS observes the legal requirements to disclose the records as follows:

- Complainants in non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and/or relationship violence incidents have an absolute right to be informed in writing of the outcome, essential findings, and sanctions without condition or limitation.
- OJC may release publicly the name, nature of the violation, and the sanction imposed for any individual who is found to have committed a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault,
destruction/damage/vandalism of property, and kidnapping/abduction. OJC will release this information to the Complainant in any of these offenses regardless of the outcome.

- OJC reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, and/or change in student status or conduct situation, particularly alcohol and other drug violations. OJC may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, OJC will contact the appropriate next of kin to inform them of situations in which there is a significant and articulable health and/or safety risk. OJC also reserves the right to designate which OJC officials have a need to know about individual conduct complaints pursuant to FERPA.

**Outside Reporting**

In addition to reporting to CCCS, any person has the right to file a police report. Complainants requiring assistance with this should contact the Title IX/EO Coordinator. Student Complainants also have the right to make inquiries and/or file a complaint with:

Office for Civil Rights (OCR)
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: (303) 844-5695
Facsimile: (303) 844-4303
Email: OCR.Denver@ed.gov

Employee Complainants also have the right to make inquiries and/or file a complaint with:
Colorado Department of Regulatory Agencies (DORA)
Colorado Civil Rights Division (CCRD)
1560 Broadway
Suite 825
Denver, CO 80202
Telephone: (303) 894-2997
Facsimile: (303) 894-7570
Email: dora_CCRD@state.co.us
Web: [https://www.colorado.gov/pacific/dora/civil-rights](https://www.colorado.gov/pacific/dora/civil-rights)

Or

United States Equal Employment Opportunity Commission (EEOC)
303 E. 17th Avenue
Suite 410
Denver, CO 80203
Assistance for Victims: Rights & Options

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

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

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

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

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

Protection from abuse orders may be available through an Emergency Protection Order, C.R.S. 13-14-103.
Any county or district court shall have the authority to enter an emergency protection order, which may include:

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

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

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

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

Financial Aid Services - If a student victim would like information regarding financial aid
services, please contact Kelsey Barbee, Director of Financial Aid at 719-384-6985 or by email at
kelsey.barbee@ojc.edu. The College can assist students with information such as how to apply
for a withdrawal from classes or about options for addressing concerns about loan repayment
terms and conditions.

Resources for victims of Domestic Violence, Dating Violence, Sexual Misconduct & Stalking
On-Campus

<table>
<thead>
<tr>
<th>Department</th>
<th>Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Services</td>
<td>McBride Hall Room 132</td>
<td>719-384-6800</td>
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</tbody>
</table>

Community Resources

<table>
<thead>
<tr>
<th>Agency</th>
<th>Address</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Local Police</td>
<td>601 Colorado Ave.</td>
<td>719-384-2525</td>
</tr>
<tr>
<td>AVRMC</td>
<td>1100 Carson Ave.</td>
<td>719-384-5412</td>
</tr>
<tr>
<td>Southeast Health Group</td>
<td>711 Barnes Ave.</td>
<td>1-800-511-5446</td>
</tr>
<tr>
<td>Arkansas Valley Resource Center</td>
<td>415 Colorado Ave.</td>
<td>719-384-7764</td>
</tr>
<tr>
<td>Otero County Courthouse</td>
<td>13 W. 3rd St. #207</td>
<td>719-384-3166</td>
</tr>
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Other resources available to persons who report being the victim of sexual assault, domestic
violence, dating violence, or stalking, include:

- Colorado Coalition Against Sexual Assault: [https://www.ccasa.org/](https://www.ccasa.org/)
- Colorado State Employee Assistance Program: [https://www.colorado.gov/c-seap](https://www.colorado.gov/c-seap)
- Rape, Abuse and Incest National Network: [http://www.rainn.org](http://www.rainn.org)
- Men Can Stop Rape: [https://mcsr.org/home](https://mcsr.org/home)
Procedural Summary
The chart below provides an overview of the procedures the College will follow for reports of sexual assault, stalking, dating violence, and domestic violence, as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

<table>
<thead>
<tr>
<th>Incident Being Reported:</th>
<th>Procedure Institution Will Follow:</th>
<th>Evidentiary Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault</td>
<td>1. Depending on when reported (immediate vs. delayed report), institution will provide complainant with access to medical care</td>
<td>Sexual assault cases are referred to the Title IX Coordinator and are adjudicated by the institution’s Sexual Misconduct and Civil Rights Grievance and Investigation Procedures using the <em>preponderance of the evidence</em> standard.</td>
</tr>
<tr>
<td></td>
<td>2. Institution will assess immediate safety needs of complainant</td>
<td></td>
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<tr>
<td></td>
<td>3. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</td>
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<td></td>
<td>4. Institution will provide written information to complainant on how to preserve evidence</td>
<td></td>
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<td></td>
<td>5. Institution will provide complainant with referrals to on and off campus mental health providers</td>
<td></td>
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<td></td>
<td>6. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, “No Contact” directive between both parties</td>
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<td></td>
<td>7. Institution will provide a “No</td>
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<tr>
<td></td>
<td>trespass” (PNG) directive to accused party if deemed appropriate</td>
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<tr>
<td>8.</td>
<td>Institution will provide written instructions on how to apply for Protective Order</td>
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<tr>
<td>9.</td>
<td>Institution will provide a copy of the Sexual Misconduct and Civil Rights Grievance and Investigation Procedures to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</td>
<td></td>
</tr>
</tbody>
</table>
on and off campus mental health providers

12. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, “No Contact” directive between both parties

13. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate

14. Institution will provide written instructions on how to apply for Protective Order

15. Institution will provide a copy of the Sexual Misconduct and Civil Rights Grievance and Investigation Procedures to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution

16. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is

17. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation
<table>
<thead>
<tr>
<th>Incident Being Reported:</th>
<th>Procedure Institution Will Follow:</th>
<th>Evidentiary Standard</th>
</tr>
</thead>
</table>
| Stalking               | 1. Institution will assess immediate safety needs of complainant  
                           2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department  
                           3. Institution will provide written instructions on how to apply for Protective Order  
                           4. Institution will provide written information to complainant on how to preserve evidence  
                           5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate  
                           6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate | Stalking cases are referred to the Chief Conduct Officer and adjudicated using the preponderance of the evidence standard. If the stalking is sexually based, it may fall under the institution’s Sexual Misconduct Procedure and if so, would be referred to the Title IX Coordinator and adjudicated under the institution’s Sexual Misconduct and Civil Rights Grievance and Investigation Procedures using the preponderance of the evidence standard. |
<table>
<thead>
<tr>
<th><strong>Dating Violence</strong></th>
<th>1. Institution will assess immediate safety needs of complainant</th>
<th>Dating Violence cases are referred to the Chief Conduct Officer and adjudicated using the <em>preponderance of the evidence</em> standard. If the dating violence incident is sexually based, it may fall under the institution’s Sexual Misconduct Procedure and if so, would be referred to the Title IX Coordinator and adjudicated under the institution’s Sexual Misconduct and Civil Rights Grievance and Investigation Procedures using the <em>preponderance of the evidence</em> standard.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Institution will provide written instructions on how to apply for Protective Order</td>
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<td></td>
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<tr>
<td>4. Institution will provide written information to complainant on how to preserve evidence</td>
<td></td>
<td></td>
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<tr>
<td>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Domestic Violence</strong></td>
<td>1. Institution will assess immediate safety needs of complainant</td>
<td>Domestic Violence Cases are referred to the Chief Conduct Officer and adjudicated using the <em>preponderance of the evidence</em> standard. If the act of domestic violence is sexually based, it may fall under the institution’s Sexual Misconduct Procedure and if so, would be referred to the Title IX Coordinator and adjudicated under the institution’s Sexual Misconduct and Civil Rights Grievance and Investigation Procedures.</td>
</tr>
<tr>
<td>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</td>
<td></td>
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</tr>
<tr>
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<td>4. Institution will provide written information to complainant on how to preserve evidence</td>
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</tr>
<tr>
<td>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</td>
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<td></td>
</tr>
<tr>
<td>6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Procedures

term protective measures to protect the complainant, if appropriate

6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate using the preponderance of the evidence standard.

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

Dating Violence, Domestic Violence, Sexual Misconduct, and Stalking Prevention Programs on the OJC Campus

OJC engages in comprehensive educational programming to promote awareness of and to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees.

Primary Prevention Programs include programming, initiatives and strategies intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful
relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in health and safe directions.

Awareness Programs include community-wide or audience-specific programming, initiatives and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety and reduce perpetration.

The College’s primary prevention programs and awareness programs include the following elements:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking pursuant to Colorado law;
- Defines what behavior and actions constitute consent to sexual activity in the State of Colorado;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks; and
- Provides information on the procedures the college will adhere to after a sex offense occurs.

Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student’s first semester. These programs and others offered throughout the year include strong messages regarding not just awareness, but also bystander intervention and risk reduction.

Bystander Intervention

“Bystander intervention” means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Examples of bystander strategies include:

- Interrupt the behavior
- Publicly support the victim
- Show disapproval through comments, facial expressions or body language
- Use humor to diffuse the situation
• Encourage communication and open dialogue
• Gather a group of people as back-up
• Offer to leave the situation with the victim
• Invite yourself to tag along to avoid isolation of the victim with the perpetrator
• Ask questions or make suggestions on appropriate behaviors to the perpetrator as a friend; Use the situation as an educational opportunity
• Call someone for help

Bystander intervention is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions.

Risk Reduction

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

“Risk reduction” means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Risk reduction strategies include:

• Trust your gut
• Have a code word
• Lie or make an excuse to create an exit
• Plan an escape route in advance
• Become familiar with safe places
• Create a support network
• Change your routine to avoid someone
• Make an escape to-go bag and plan a route/destination
• Know what you’re drinking and don’t leave a drink unattended
• Be aware of sudden changes in the way your body feels
• Share your travel plans and routes with people (e.g., share your location on your phone with a trusted person to make sure you get home safe)

The College has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students and employees. This is done through new employee orientation, Fall and Spring Faculty orientation, residence hall safety meetings each semester for all students residing on campus.

The College offered the following primary prevention and awareness programs for all incoming students in 2019:
<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Which Topics Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residence Hall Safety Meetings</td>
<td>Start of each semester: August, January</td>
<td>Residence Halls</td>
<td>Sexual Assault, Dating Violence, Domestic Violence, Stalking</td>
</tr>
<tr>
<td>Sexual Assault Prevention with S.A.N.E. &amp; Pueblo Rape Crisis Services</td>
<td>November 2019</td>
<td>Rizzuto Banquet Room</td>
<td>Sexual Assault, Dating Violence, Domestic Violence, Stalking</td>
</tr>
</tbody>
</table>

The College offered the following primary prevention and awareness programs for all employees in 2019:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Which Topics Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mosaic: Prevent Sexual Violence Together</td>
<td>Various</td>
<td>Online</td>
<td>Sexual violence, intimate partner violence, stalking</td>
</tr>
</tbody>
</table>

SEX OFFENDER REGISTRATION INFORMATION

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

State and federal law require the release of information supplied by the Colorado Crime Information Center (CCIC) on registered sex offenders. The release of such information does not violate the Family Educational Rights to Privacy Act (FERPA). In the event the OJC Student Services staff is unavailable to provide the requested information immediately, the name and phone number of the individual making the request will be taken and he/she will be notified when the report is available. All requests will be processed and made available for review within 72 hours of the request. For further information on Sex Offender Registration Information, please visit the Colorado Bureau of Investigation's Convicted Sex Offender Site at [http://sor.state.co.us/](http://sor.state.co.us/)
MISSING STUDENT POLICY STATEMENT

If anyone has reason to believe that an OJC student is missing, that information must be reported to the OJC Security Department immediately at 719-469-2613 or to the La Junta Police Department at 719-384-2525. OJC Security Department will work with local law enforcement to investigate the matter and determine whether the student is actually missing and for how long. In the event a student is reported missing OJC, every effort will be made to locate the person as soon as possible. A report will be completed and the missing student will be entered into NCIC as a missing person. For students who reside in OJC campus housing, the following additional steps will be taken:

1. Students will be given the option of identifying a contact person whom OJC shall notify within 24 hours of the determination that the student has been missing. This information will be kept confidential by OJC (accessible only by authorized OJC officials) and only disclosed to local law enforcement in the event the student goes missing.

2. If a student is reported missing, OJC Security Department will determine whether the student has been missing for 24 hours.

3. Within 24 hours of the determination that the student is missing, the following will be notified:
   
   a. For any missing student, regardless of age, the contact person provided by the student for missing person reports will be notified. The contact person registered is strictly for missing person purposes. Missing person contact information is registered and confidential, accessible only to authorized campus officials, and may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation. Students can register a contact or contact person by visiting or calling the Dead of Students at (719) 384-6859.

   b. Local law enforcement

   c. If the missing student is under 18 years of age (and not emancipated), OJC must notify a custodial parent or guardian.

CLERY ACT CRIME DEFINITIONS AND STATISTICS

The Clery Act requires our institution to include four general categories of crime statistics:

- **Criminal Offenses** —Criminal Homicide, including Murder and Non-Negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.

- **Hate Crimes** —Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/ Vandalism of Property that were motivated by bias
• **Violence Against Women Act (VAWA) Offenses**—Any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes)

• **Arrests and Referrals for Disciplinary Action for Weapons**—Carrying, Possessing, etc., Law Violations, Drug Abuse Violations and Liquor Law Violations.

The following definitions are crimes utilized for the purposes of collecting and reporting statistics in this report and are in accordance with the FBI Uniform Crime Reporting program, the Violence Against Women Act, and the Clery Act.

**Types of Criminal Offenses**

1. **Criminal Homicide** - These offenses are separated into two categories: Murder and Non-Negligent Manslaughter, and Manslaughter by Negligence:
   
   a. **Murder and Non-Negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another.

   b. **Manslaughter by Negligence** is defined as the killing of another person through gross negligence.

2. **Sexual Assault (Sex Offenses)**. Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

   a. **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

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

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

   d. **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent. Count one offense per victim. The statutory age of consent differs by state and can get complicated. In Colorado,
3. **Robbery.** Robbery is 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. The essential elements of a robbery include:
   a. Committed in the presence of a victim (usually the owner or person having custody of the property).
   b. Victim is directly confronted by the perpetrator.
   c. Victim is threatened with force or put in fear that force will be used.
   d. Involves a Theft or Larceny.

4. **Aggravated Assault.** Aggravated Assault is 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.

5. **Burglary.** Burglary is the unlawful entry of a structure to commit a felony or a theft.

6. **Motor Vehicle Theft.** Motor Vehicle Theft is the theft or attempted theft of a motor vehicle.

7. **Arson.** Arson is 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.

**Hate Crimes**
A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported:

1. **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

2. **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

3. **Sexual Orientation.** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person’s physical, romantic, and/or emotional attraction to members of the same
and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

4. **Gender.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

5. **Gender Identity.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

6. **Ethnicity.** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to a grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

7. **National Origin.** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

8. **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias:

- Murder and Non-Negligent Manslaughter
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft
- Simple Assault
- Intimidation
• Destruction/Damage/Vandalism of Property

The first seven offenses were previously defined and discussed. In addition to those offenses, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in our Clery Act statistics only if they are Hate Crimes:

1. **Larceny-Theft** is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

2. **Simple Assault** is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

3. **Intimidation** is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack. A person is assumed to be placed in “reasonable fear” if he or she reports threatening words or other conduct to law enforcement personnel. To be the victim of Intimidation, one doesn’t have to be the intended target of the offender. For example, a person who reports seeing anti-gay threats on a bathroom wall to law enforcement is considered a victim. (For the Intimidation to be considered a Hate Crime there would have to be other supporting evidence of bias as well.) Include in this category cyber-intimidation if the victim is threatened via electronic means while on your Clery Act geography.

4. **Destruction/Damage/Vandalism of Property** is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**VAWA Offenses**

The third category of crime statistics we must disclose are those added to the Clery Act by the Violence Against Women Act. These are Dating Violence, Domestic Violence, Sexual Assault and Stalking. Sexual assault is included by the FBI as a Criminal Offense and was discussed in the Criminal Offense section. Domestic Violence, Dating Violence and Stalking are considered crimes for the purposes of Clery Act reporting and are defined and discussed in this section.

1. **Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—

   o Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
2. **Domestic Violence** is defined as a felony or misdemeanor crime of violence committed—

- By a current or former spouse or intimate partner of the victim
- By a person with whom the victim shares a child in common
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred
- By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

3. **Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition—

- **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.

- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

**Arrests and Disciplinary Referrals for Violation of Weapons, Drug Abuse and Liquor Laws**

The fourth category of crime statistics we must disclose is the number of arrests and the number of persons referred for disciplinary action for the following law violations: (1) Weapons: Carrying, Possessing, Etc.; (2) Drug Abuse Violations; and (3) Liquor Law Violations.

1. **Weapons:** Carrying, Possessing, Etc., is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.
2. *Drug Abuse Violations* are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

3. *Liquor Law Violations* are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

**DAILY CRIME LOG**

Persons wishing to view the daily crime log for the last 60 days may do so by contacting the Dean of Students in person at:

1802 Colorado Ave.
La Junta, CO 81050
McBride Room 132
Office: (719) 384-6859

The daily crime log for entries older than 60 days will be made available within two business days of a request for public inspection.
# OTERO JUNIOR COLLEGE STATISTICAL REPORT

## Criminal Offenses Reporting Table

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On-Campus Property</th>
<th>On-Campus Student Housing Facilities</th>
<th>Noncampus Property</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/Non-Negligent Manslaughter</td>
<td>2017</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2018</td>
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</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>Manslaughter by Negligence</td>
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</tr>
<tr>
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</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Rape</td>
<td>2017</td>
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<tr>
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<td>2019</td>
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<tr>
<td>Fondling</td>
<td>2017</td>
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<th>Year</th>
<th>On-Campus Property</th>
<th>On-Campus Student Housing Facilities</th>
<th>Noncampus Property</th>
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**Hate Crimes**

There were no reported Hate Crimes for the years 2012, 2013 or 2014.
<table>
<thead>
<tr>
<th>CRIMINAL OFFENSES</th>
<th>ON CAMPUS</th>
<th>ON CAMPUS RESIDENTIAL</th>
<th>PUBLIC PROPERTY</th>
<th>NON CAMPUS</th>
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<tr>
<td>Statutory Rape</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
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<tr>
<td>Aggravated Assault</td>
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<tr>
<td>Domestic Violence</td>
<td>0</td>
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FIRE SAFETY REPORT AND STATISTICS
Because OJC has on-campus housing, the following information is provided related to fire safety in those buildings.

Residence Hall Building/Fire Safety Policies
- Hot plates, crock pots, portable electric heaters, or unapproved electrical appliances are not allowed in the rooms.
- Any electrical appliances that you bring to use in your room must have a surge protector between the outlet and the appliance.
- Smoking is not permitted in the residence halls.
- Unattended open flames (candles) are not allowed.
- Misuse of a fire extinguisher or any safety equipment or emergency doors will result in the offender: (1) cleaning up the mess; (2) having the equipment put in working condition; (3) paying for the damage; (4) being placed on conduct probation; and (5) possibly being removed from housing.
- Emergency exits are only to be used in case of fire or other emergencies. Violations will result in fines.
- Storm Security: Each resident will go to the specified location according to their housing evacuation and safety plan, away from windows and glass.

Fire Safety Systems
A fire safety system is any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. Each residence hall at OJC has the following fire safety systems in place:
- Sprinkler System
- Smoke Detectors
- Fire Extinguisher Devices
- Evacuation Placards
- Fire Alarm
- Fire Alarm Strobe Light
- Scheduled Fire/Evacuation Drills

Fire Safety System Tests
In 2019, the following Fire Safety Systems were tested:
Preparing for Emergencies

Emergencies can happen at any time. Each classroom, office, or work area is equipped with a Standard Response Protocol (SRP) Classroom Poster, which lists the most common types of responses to an emergency. All faculty, staff, and students should take personal responsibility for themselves and prepare for emergencies before they happen.

- Review the Standard Response Protocol.
- Review the Emergency Evacuation Plan maps and Tornado Plan maps in the main hallways on campus.
- Identify primary and secondary evacuation routes from the building.
- Know the locations of designated shelter areas on campus.
- Know the location of fire extinguishers and Automated External Defibrillators (AEDs).
- All students, staff, and faculty are automatically enrolled to receive emergency notifications via their school email, home phone, and work phone as available. To receive mobile phone and text message (SMS) notifications and alerts, users must opt-in to this service on their MyOJC dashboard by clicking on the “Update OJC Alert” link in the MyOJC box.

Fire Drills

A fire drill is a supervised practice of a mandatory evacuation of a building for a fire. OJC holds at least one fire drill per semester in each residence hall. Residents must participate. Failure to do so will result in disciplinary action. During a fire drill and in the event of an actual fire, each resident is to evacuate the residence hall as soon as the alarm is sounded by using the nearest safe exit. Exits are marked with lit “Exit” signs. Fire exits and specific evacuation paths are shown on evacuation placards posted in the halls. Students are expected to be familiar with the nearest exits to their room. The number of fire drills for each residence hall that occurred in 2019 is noted below.

Residence Hall Fire Drills: 2017-2018-2019

<table>
<thead>
<tr>
<th>Residence Hall</th>
<th>Sprinkler System Tested by Licensed Professional</th>
<th>Smoke Detectors Tested by Licensed Professional</th>
<th>Fire Extinguisher Devices Tested by Licensed Professional</th>
<th>Evacuation and Placards Displayed</th>
<th>Fire Alarm Tested by Licensed Professional</th>
<th>Fire Alarm Strobe Light Tested by Licensed Professional</th>
<th>Number of Fire/Evacuation Drills in 2019</th>
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</table>
- January 19, 2017 Wunsch Hall 6:30 pm
- January 19, 2017 Conley A-F 7:00 pm
- January 19, 2017 Coaches’ House 7:00 pm
- September 6, 2017 Wunsch Hall 7:00 pm
- September 6, 2017 Conley A-F 7:00 pm
- September 6, 2017 Coaches’ House 7:00 pm

**2018**

- January 18, 2018 Wunsch Hall 6:30 pm
- January 18, 2018 Conley A-F 7:00 pm
- January 18, 2018 Coaches’ House 7:00 pm
- September 7, 2018 Wunsch Hall 7:00 pm
- September 7, 2018 Conley A-F 7:00 pm
- September 7, 2018 Coaches’ House 7:00 pm

**2019**

- March 12, 2019 Wunsch Hall 04:00pm
- March 27, 2019 South Site 04:20pm
- March 28, 2019 Conley Complex 05:20pm
- October 31, 2019 South Site 7:00pm
- October 31, 2019 Wunsch Hall 7:00pm
- October 31, 2019 Conley Complex 7:00pm

All residence hall staff are required to attend the drills and participate in in-person training each semester.

All residence hall students receive orientation and training on fire safety in their Residence Hall meetings at the beginning of the fall and spring semester.

**Reporting Fires**

In the event of a suspected fire, students and employees should first get to a safe place. If an alarm has not been sounded, a fire alarm should be engaged by pushing in and then pulling down on the fire alarm to engage the alarm system.

Students, staff, faculty, and visitors should call **911** to report any incident, emergency, or disaster that is severe in nature and presents an immediate or ongoing threat to campus community (e.g. act of violence, medical emergency, fire). **911** may be directly dialed from any campus phone without having to dial “9” for an outside line. The reporting party should then call the Student Affairs Campus Emergency number at **6911** to report the incident, emergency or disaster to the Dean of Students, Law Academy Director, and/or Campus Security.

For non-emergency incidents that occur during **regular business hours**, students, staff, and faculty should contact the Student Affairs Campus Emergency number at **6911**. For non-emergency issues that occur **after 5pm**, students, staff, and faculty should contact the OJC
Security Team at (719) 469-2613, or utilize the 6911 emergency number to be connected with Security.

During regular business hours, the Dean of Students and/or the Law Academy Director take the lead on responding to non-emergency incidents. They may contact other appropriate individuals on or off campus to investigate the report. The nature of the report, including the type and location of the incident, dictates which internal and external resources are contacted, and whether or not an emergency notification or timely warning are issued.

During evening hours, the OJC Security Team takes the lead on responding to non-emergency incidents. They may contact other appropriate individuals on or off campus to investigate the report. The nature of the report, including the type and location of the incident, dictates which internal and external resources are contacted, and whether or not an emergency notification or timely warning are issued.

Confidential Reporting

Victims or witnesses to crimes can report crimes to any Campus Security Authority (CSA) on a voluntary, confidential basis for inclusion in the annual security report. If the reported crime is severe in nature and presents an ongoing or immediate threat to the facility, staff, or students, the CSA should immediately call 911 and then notify the Dean of Students or the Law Academy Director during regular hours and OJC Campus Security during evening hours.

Building Evacuation Procedures

When a building fire alarm sounds, or when directed by a College official to evacuate, the building should be evacuated immediately by students, employees and guests by following the evacuation paths and using the nearest fire exit. Resident hall staff are expected to assist with alerting occupants of the emergency and directing individuals to evacuate through fire exits, if they can safely do so. Resident hall staff should also gather outside the building and direct occupants not to re-enter until the building has been safely cleared. Designated Public Safety, Security, and Facilities personnel, along with Building Captains, may also remain behind for the purpose of assisting other occupants or emergency responders. In the event of an emergency:

- Stay calm!
- Treat fire alarms as actual emergencies and not drills.
- Leave the building immediately in a calm, orderly manner through the nearest available exit.
- If there is no one behind you, close doors as you leave.
- Listen for and follow instructions from Building Captains.
- Do NOT use elevators!
• Do NOT remain in inner courtyards! Move (and remain) at least 150 feet away from the building, and if possible to the upwind side.
• Assist individuals with functional impairments who may need help evacuating.
• If you encounter smoke:
  o Find another exit if possible.
  o Stay low under the smoke, and keep your mouth covered.
• Stay together in a group with your class or work section if possible. Instructors must account for all students. Supervisors must account for all employees in their work sections.
• Once outside, stay clear of emergency vehicles and personnel.
• WAIT to be contacted. Do not return to the building or move to another side of the building unless told to do so by emergency personnel.

For the purposes of including fire incidents in OJC’s annual fire safety report, once the matter is no longer an emergency, students and employees should report all fire incidents to one of the following:

• OJC Campus Security – 719-469-2613
• OJC Emergency Line – 719-384-6911
• OJC Student Services Office – 719-384-6800
• OJC Physical Plant Office – 719-384-6818

Fire Safety Definitions
For the purposes of this fire safety report, the following definitions apply:

Fire – Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. Below is a chart of fires in each OJC residence hall for the previous three calendar years.

Cause – The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

Fire Related Injury – Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire.

Fire Related Death – Any instance in which a person is killed as a result of a fire, including death resulting from natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or dies within one year of injuries sustained as a result of the fire.

Value of Property Damage – Estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water and overhaul; however, it does not include indirect loss, such as business interruption.
OJC Residence Hall Fire Reports

Resident Hall Addresses:

Wunsch Hall: 211 W 22nd St.
Conley Complex: 2010 San Juan Ave.
OJC Coaches’ House: 1922 San Juan Ave.
South Site: Units 116-123 Prairie View Court

<table>
<thead>
<tr>
<th>Incident</th>
<th>2017 Wunsch Hall, Conley Complex, Coaches’ House, South Site Housing</th>
<th>2018 Wunsch Hall, Conley Complex, Coaches’ House, South Site Housing</th>
<th>2019 Wunsch Hall, Conley Complex, Coaches’ House, South Site Housing</th>
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<td>Property Loss</td>
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Fire Safety Improvements

OJC currently has not identified any plan for fire safety improvements.